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Presidential Documents

Title 3—

The President

Proclamation 4936 of April 27, 1982

Jewish Heritage Week

By the President of the United States of America

A Proclamation

The freedoms we enjoy as Americans have evolved in great measure from the richness and strength of our Judeo-Christian heritage. The diverse cultural and religious traditions which our forefathers brought to America's shores are deeply embedded in our democratic values and ideals.

American Jewry has made significant and lasting contributions to every facet of American life and has brought dignity and distinction to every field of American endeavor. Our Jewish citizens have contributed greatly to our economic and moral growth as a Nation and have fought bravely throughout the world in defense of our freedoms.

This Spring, as in the past, American Jewry remembers its struggles, celebrates its achievements, and renews its dedication to the challenges that remain. From the observance of Passover, which recalls that historic passage from bondage to freedom and rekindles the hope for all who are oppressed, through the remembrance of the Warsaw Ghetto uprising and the memorial commemorating the victims and survivors of the Holocaust, Jews all over the world pay tribute to their past and give hope to the future. It is the time of celebration of Israel's Independence Day, Jerusalem Day, and Solidarity Day for Soviet Jews. It is a period when Jewish people in the United States renew their common heritage with Jews throughout the world and with all people of goodwill.

In recognition of the significance of this time of year to American Jewry, in tribute to the significant contributions made by the Jewish community to our society, and in appreciation and understanding of the cultural diversity of the American people, the Congress of the United States, by joint resolution, has requested the President to proclaim April 25 through May 2, 1982, as Jewish Heritage Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 25, 1982, as Jewish Heritage Week.

I call upon the people of the United States, Federal and local government officials, and interested organizations to observe that week with appropriate ceremonies, activities, and reflection.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th. 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. 82-11818
Filed 4-27-82; 4:34 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4937 of April 27, 1982

Father's Day, 1982

By the President of the United States of America

A Proclamation

Each year this Nation sets aside a day on which to honor fathers for all that they do for the well-being of their children and families.

Fathers are family founders. As traditional breadwinners, protectors of wives and children and models for character development and behavior, they contribute to the Nation's strength.

Now that many wives and mothers are enlarging their family responsibilities by working outside their homes, fathers are also adding to their family roles by assisting with child care and household tasks. Fathers thus help provide the continuity and stability that ensure the quality of family life. Children are the particular beneficiaries of their extra effort, for children need the love and attention of both parents.

It is good for us to take this day to express our gratitude to fathers for their love, support and guidance and for the many other contributions they make to our lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with the joint resolution of the Congress (36 U.S.C. 142a), do hereby proclaim Sunday, June 20, 1982, as Father's Day. I invite the States and communities and the people of the United States to observe that day with appropriate ceremonies and urge the people to offer public and private expressions of the day to the abiding love and gratitude which they bear for their fathers. I direct government officials to display the flag of the United States on all Federal Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th 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. 82-11819
Filed 4-27-82; 4:35 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12361 of April 27, 1982

Multinational Force and Observers Reports

By the authority vested in me as President of the United States of America by the Multinational Force and Observers Participation Resolution (Public Law 97–132, 95 Stat. 1693) and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. *Delegation of Functions.* The reporting function conferred upon the President by Section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425) is delegated to the Secretary of State.

Sec. 2. *Interagency Coordination.* In the exercise of the function conferred on the Secretary of State by Section 1 of this Order, the Secretary of State shall consult with the Director of the Office of Management and Budget, the Secretary of Defense, the Director of the United States Arms Control and Disarmament Agency, the Assistant to the President for National Security Affairs, and the heads of other Executive agencies as appropriate.

Ronald Reagan

THE WHITE HOUSE,
April 27, 1982.

[FR Doc. 82–11820
Filed 4–27–82; 4:36 pm]
Billing code 3195–01–M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

[Amt. No. 4]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Barley Crop Insurance Regulations (7 CFR Part 419), effective with the 1983 and succeeding crop years by (1) adding a section 11 to the Appendix to the Policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses, (2) prescribing the interest to be charged when premium payments are not made within a certain time, (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact, (4) changing the cancellation dates to more nearly reflect spring planting of barley in areas of Alaska, Iowa, and Maine, (5) changing the end of the insurance period in Alaska due to a shorter barley growing season in that State, and making certain other technical changes. The intended effect of this interim rule is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, provide correct cancellation dates for Alaska, Iowa, and Maine—a corrected end of insurance period for Alaska, and make the regulations easier to read and more administratively effective.

DATES:

Effective Date: April 29, 1982.

Comment Date: Written comments, data, and opinions on this interim rule must be submitted by not later than June 28, 1982, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 419) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0563–0001, 0563–0003, and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants immediate implementation of this rule without allowing for the normal 60-day comment period because the Barley Crop Insurance Regulations (7 CFR Part 419) provide that any amendments to the regulations must be placed on file 15 days prior to the cancellation date in order to allow policyholders sufficient time to decide on their insurance plans.

Barley crop insurance was added to areas of Alaska, Iowa, and Maine during the 1982 crop year after the cancellation date provided in the current regulations.

These changes more nearly reflect the normal planting of spring barley in these areas.

In addition to changing the cancellation dates, an earlier date for the end of the insurance period in Alaska than in the balance of the country is effective with the publication of this interim rule, due to the shorter period of the barley growing season in Alaska.

The earliest cancellation date reflected in this rule is April 30: therefore, under the provisions of the Barley Crop Insurance Regulations, any amendments must be placed on file by April 15 in order to be effective for the 1983 crop year. It has been determined that there would not be sufficient time to permit a comment period and still conform with the requirements of the regulations with respect to placing the amended regulations on file 15 days prior to the cancellation date.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest.

However, comments are solicited for 60 days after the publication of this document, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Merritt W. Sprague, Manager, FCIC, has also determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

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

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to

the sunset review date established for these regulations.

In reviewing these regulations, it was determined that the following changes should be made:

1. Restore section 11 to the Appendix to the crop insurance Policy to provide that if the insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire only for the smaller of the amount of indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Amend section (d) of 7 CFR 419.7(d) Terms and Conditions to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½ percent simple interest per month or part thereof, starting with the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Add to paragraph 7 of 7 CFR 419.7(d) Terms and Conditions to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of unharvested crop intact for 15 days after the date of the notice.

4. Change the end of the insurance period in Alaska due to the shorter growing season in that State.

5. Change the cancellation dates for Alaska, Iowa, and Maine to more nearly reflect the spring planting of barley in those States.

In addition to these changes, FCIC hereby makes minor language changes to include: Correcting the table of contents, and redesignating Appendix B as Appendix A to list the counties where barley crop insurance is offered.

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 419

Crop insurance, Barley.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Barley Crop Insurance Regulations (7 CFR Part 419), appearing at 44 FR 35195–35201, Tuesday, June 19, 1979, effective with the 1983 and succeeding crop years, in the following instances:

PART 419—BARLEY CROP INSURANCE

1. The authority citation for 7 CFR Part 419 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. The Table of Contents is revised to read as follows:

Secs.
419.1 Availability of barley crop insurance.
419.2 Premium rates, production guarantee, coverage levels, and prices at which indemnities shall be computed.
419.3 Reserved.
419.4 Creditors.
419.5 Good faith reliance on misrepresentation.
419.6 The contract.
419.7 The application and policy.
Appendix A, Counties designated for Barley Crop Insurance.

3. Paragraph 5(d) of the Terms and Conditions section of the policy as found in 7 CFR 419.7(d) is revised to read as follows:

§ 419.7 The application and policy.

* * * * *

(d) * * *

Barley Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the month in which the acreage report date for the crop occurs (see section 3): *Provided,* That such interest will not be charged if the full amount of the premium is received by the Corporation within 30 days from the date of the first premium billing.

* * * * *

4. Section 6 of the Barley Crop Insurance Policy: Terms and Conditions as found in 7 CFR 419.7(d) is revised to read as follows:

* * * * *

(d) * * *

Terms and Conditions

* * * * *

6. *Insurance period.* Insurance on insured acreage shall attach at the time the barley is seeded and shall cease upon the earliest of (a) final adjustment of a loss, (b) combining, threshing, or removal of the barley from the field, (c) October 31 of the calendar year in which barley is normally harvested in all States except Alaska (where insurance ceases September 10), or (d) total destruction of the insured barley crop.

* * * * *

5. Paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 419.7(d) is amended by revising item 7(c), redesignating 7(d) and (e) as 7(e) and (f), and adding a new 7(d) as follows:

* * * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.*

* * * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the barley on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested barley (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 Days* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire barley crop on the unit is destroyed, as determined by the Corportation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

6. Subsection 12(c) of the Barley Crop Insurance Policy: Terms and Conditions as found in 7 CFR 419.7(d) is revised to read as follows:

* * * * *

(d) * * *

Terms and Conditions

* * * * *

12. Life of contract: Cancellation and termination.

* * * * *

(c) Following are the cancellation and termination dates:

State and county	Cancellation date	Termination date for indebtedness
Kansas, New Mexico, Oklahoma and Texas	Apr. 30	Sept. 15.
Idaho:		
Idaho County and all counties lying north thereof, Canyon County and Owyhee County.	June 30	Nov. 30.
All other Idaho counties	Dec. 31	Mar. 31.
Oregon:		
Klamath County	Dec. 31	Mar. 31.

State and county	Cancellation date	Termination date for indebtedness
All other Oregon counties	June 30	Nov. 30.
Washington	June 30	Nov. 30.
California:		
Humboldt, Trinity, Shasta, Plumas, Lassen, Modoc, Siskiyou and Del Norte Counties.	Dec. 31	Mar. 31
All other California counties	June 30	Oct. 10.
Colorado:		
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas, and all counties lying south and east thereof.	Apr. 30	Sept. 15.
All other Colorado counties	Dec. 31	Mar. 31.
Alaska, Iowa, Maine, Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.	Dec. 31	Mar. 31.
All other States	June 30	Oct. 10.

* * * * *

7. The Appendix to the Barley Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 419.7 is hereby amended by adding Section 11 to read as follows:

* * * * *

Barley Crop Insurance Policy

* * * * *

Appendix to the Barley Crop Insurance Policy (Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

8. Appendix B to 7 CFR Part 419 is redesignated as Appendix A, and revised to read as follows:

Appendix A

Counties Designated for Barley Crop Insurance—7 CFR Part 419

In accordance with the provisions of 7 CFR 419.1, the following counties are designated for barley crop insurance:

Alabama

(All counties)

Alaska

(All counties)

Arizona

Cochise
Graham
Maricopa
Mohave
Navajo
Pima
Pinal
Yuma

Arkansas

(All counties)

California

Alameda
Amador
Butte
Colusa
Contra Costa
Fresno
Glenn
Imperial
Kern
Kings
Lake
Lassen
Los Angeles
Madera
Mendocino
Merced
Modoc
Monterey
Orange
Plumas
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffatt
Montezuma
Montrose
Morgan
Otero
Ouray
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

Litchfield

Delaware

(All counties)

Georgia

Baker
Banks
Bibb
Brooks
Burke
Carroll
Cherokee
Coffee
Coweta
Crawford
Crisp
Dooly
Elbert
Emanuel
Forsyth
Franklin
Fulton
Glascock
Gordon
Gwinnett
Habersham
Hall
Haralson
Hart
Heard
Henry
Houston
Jackson
Jefferson
Jenkins
Johnson
Lamar
Lee
Lincoln
McDuffie
Macon
Madison
Marion
Meriwether
Mitchell
Morgan
Murray
Newton
Oglethorpe
Peach
Pike
Pulaski
Rabun
Richmond
Schley
Spalding
Sumter
Taylor
Upson
Walker
Walton
Warren
Washington
Webster
Wheeler
White
Wilcox
Wilkes
Wilkinson

Idaho

(All counties except Shoshone)

Illinois

(All counties)

Indiana

(All counties)

Iowa

(All counties)

Kansas

(All counties)

Kentucky

(All counties except the following)

Bell
Elliott
Harland
Lawrence
Leslie
Letcher
Martin
Perry
Pike

Louisiana

(All parishes)

Maine

Aroostook
Penobscot

Maryland

(All counties)

Massachusetts

Berkshire
Franklin

Michigan

(All counties)

Mississippi

(All counties)

Missouri

(All counties)

Montana

(All counties)

Nebraska

Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawes
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Franklin
Frontier
Gage
Garden
Garfield
Greeley
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Keith
Keyapaha
Kimball
Knox
Lancaster
Lincoln
Logan
Madison
Merrick
Morrill
Nance
Nuckolls
Pawnee
Perkins
Pierce
Platte
Redwillow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thurston
Valley
Washington
Wayne
Webster
York

Nevada

(All counties)

New Jersey

(All counties except the following)

Bergen
Essex
Hudson
Passaic
Union

New Mexico

(All counties except the following)

Grant
Harding
Lincoln
McKinley
Sandoval
Santa Fe

New York

Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Columbia
Cortland
Delaware
Dutchess
Erie
Essex
Franklin
Genesee
Herkimer
Jefferson
Lewis
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Oswego
Otsego
St. Lawrence
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Washington
Wayne
Wyoming
Yates

North Carolina

(All counties except the following)

Ashe
Avery
Cherokee
Clay
Dare
Graham
Haywood
Jackson
Macon
Mitchell
Swain
Transylvania
Watauga
Yancey

North Dakota

(All counties)

Ohio

(All counties)

Oklahoma

Alfalfa
Atoka
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Cleveland
Coal
Comanche
Cotton
Custer
Delaware
Dewey
Ellis
Garfield
Garvin
Grady
Greer
Harmon
Harper
Jackson
Kay
Kingfisher
Kiowa
Lincoln
Logan
McClain
McCurtain
Major
Marshall
Murray
Muskogee
Noble
Nowata
Okfuskee
Oklahoma
Osage
Pawnee
Payne
Pittsburg
Pottawatomie
Roger Mills
Rogers
Stephens
Texas
Tillman
Wagoner
Washington
Washita
Woods
Woodward

Oregon

(All counties except the following)

Clatsop
Coos
Curry
Hood River
Lincoln
Tillamook

Pennsylvania

(All counties except the following)

Forest
Lackawanna
Philadelphia
Pike
Wayne

South Carolina

(All counties except the following)

Barnwell
Beaufort
Charleston
Fairfield
Georgetown
Hampton
Horry
Jasper
McCormick
Marion
Williamsburg

South Dakota

(All counties except the following)

Armstrong
Washabaugh
Washington

Tennessee

(All counties)

Texas

Archer
Armstrong
Atascosa
Bailey
Bandera
Baylor
Bell
Bexar
Blanco
Borden
Bosque
Briscoe
Brown
Burnet
Callahan
Carson
Castro
Clay
Coke
Coleman
Collin
Collingsworth
Comal
Comanche
Concho
Cooke
Coryell
Cottle
Crosby
Culberson
Dallam
Dallas
Deaf Smith
Denton
Dickens
Donley
Eastland
Ector
Ellis
El Paso
Erath
Falls
Fannin
Fisher
Floyd
Frio
Gillespie
Glasscock
Gray
Grimes
Guadalupe
Hale
Hamilton
Hansford
Hardeman
Hartley
Haskell
Hill
Hood
Howard
Hudspeth
Hutchinson
Irion
Jack
Johnson
Jones
Kaufman
Kendall
Kerr
Kimble
Knox
Lamar
Lamb
Lampasas
La Salle
Lee
Lipscomb
Lubbock
Lynn
McCulloch
Mason
Medina
Menard
Milam
Mills
Mitchell
Montague
Moore
Morris
Nolan
Ochiltree
Oldham
Palo Pinto
Parker
Parmer
Pecos
Potter
Randall
Reeves
Runnels
San Saba
Schleicher
Scurry
Shackelford
Shelby
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Taylor
Terry
Throckmorton
Tom Green
Uvalde
Ward
Wheeler
Wichita
Wilbarger
Wise
Yoakum
Young

Utah

(All counties except Daggett)

Vermont

(All counties)

Virginia

(All counties except Arlington)

Washington

(All counties except Jefferson)

West Virginia

Barbour
Berkeley

Brooke	Monroe
Cabell	Morgan
Fayette	Nicholas
Grant	Ohio
Greenbrier	Pendleton
Hampshire	Pleasants
Hancock	Pocahontas
Hardy	Preston
Harrison	Putnam
Jackson	Randolph
Jefferson	Ritchie
Marshall	Summers
Mason	Tucker
Mineral	Wood

Wisconsin

(All counties)

Wyoming

(All counties except Sublette and Teton)

Approved by the Board of Directors on February 4, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 21, 1982.

Approved by:

Merritt W. Sprague,

Acting Manager.

[FR Doc. 82-11660 Filed 4-28-82; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 427

[Amdt. No. 4]

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Oat Crop Insurance Regulations (7 CFR Part 427), effective with the 1983 and succeeding crop years by (1) adding a Section 11 to the Appendix to the Policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses, (2) prescribing the interest to be charged when premium payments are not made within a certain time, (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact, and making certain other technical changes. The intended effect of this interim rule is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, and make the regulations easier to read and more administratively effective.

DATES: Effective Date: April 29, 1982. Comment Date: Written comments, data, and opinions on this interim rule must be submitted by not later than June 28, 1982, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

The Impact Statement describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 427) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0563-0001, 0563-0003, and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants immediate implementation of this rule without allowing for the normal 60-day comment period because the Oat Crop Insurance Regulations (7 CFR Part 427) provide that any amendments to the regulations must be placed on file 15 days prior to the cancellation date in order to allow policyholders sufficient time to decide on their insurance plans.

The earliest cancellation date reflected in this rule is April 30; therefore, under the provisions of the Oat Crop Insurance Regulations, any amendments must be placed on file by April 15 in order to be effective for the 1983 crop year. It has been determined that there would not be sufficient time to permit a comment period and still conform with the requirements of the regulations with respect to placing the amended regulations on file 15 days prior to the cancellation date.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest.

However, comments are solicited for 60 days after the publication of this document, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Merritt W. Sprague, Manager, FCIC, has also determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

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

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date established for these regulations.

In reviewing these regulations, it was determined that the following changes should be made:

1. Restore section 11 to the Appendix to the crop insurance Policy to provide that if the insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire only for the smaller of the amount of indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Amend paragraph (d) of 7 CFR 427.7(d) Terms and Conditions to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½ percent simple interest per month or part thereof, starting with the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Add to paragraph 7 of 7 CFR 427.7(d) Terms and Conditions to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss

is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of unharvested crop intact for 15 days after the date of the notice.

In addition to these changes, FCIC hereby makes minor language changes to include: Correcting the table of contents, and redesignating Appendix B as Appendix A to list the counties where oat crop insurance is offered.

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 427

Crop insurance, Oats.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Oat Crop Insurance Regulations (7 CFR Part 427), appearing at 44 FR 60701–60709, October 22, 1979, effective with the 1983 and succeeding crop years, in the following instances:

PART 427—OAT CROP INSURANCE

1. The authority citation for 7 CFR Part 427 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Secs.
427.1 Availability of oat crop insurance.
427.2 Premium rates, production guarantee, coverage levels, and prices at which indemnities shall be computed.
427.3 Reserved.
427.4 Creditors.
427.5 Good faith reliance on misrepresentation.
427.6 The contract.
427.7 The application and policy.

Appendix A, Counties designated for Oat Crop Insurance.

3. Paragraph 5(d) of the Terms and Conditions section of the Policy as found in 7 CFR 427.7(d) is revised to read as follows:

§ 427.7 The application and policy.

* * * * *

(d) * * *

Oat Crop Insurance Policy

Terms and Conditions

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the month in which the acreage report date for the crop occurs (see Section 3): *Provided,* That such interest will not be charged if the full amount of the premium is received by the Corporation within 30 days from the date of the first premium billing.

4. Paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 427.7(d) is amended by revising 7(c), redesignating 7 (d) and (e) as 7 (e) and (f), and adding a new 7(d) as follows:

* * * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.*

* * * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the oats on any unit are damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested oats (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire oat crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

5. The Appendix to the Oat Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 427.7 is hereby amended by adding Section 11 to read as follows:

* * * * *

Oat Crop Insurance Policy

* * * * *

Appendix to the Oat Crop Insurance Policy—(Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

6. Appendix B to 7 CFR Part 427 is redesignated as Appendix A and revised to read as follows:

Appendix A

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties are designated for oat crop insurance:

Alabama

Baldwin

Arkansas

Arkansas

California

Modoc
Siskiyou

Colorado

Alamosa

Idaho

Kootenai

Illinois

Boone
Bureau
Carroll
De Kalb
Henry
Jo Daviess
Kane
Knox
LaSalle
Lee
McHenry
Mercer
Ogle
Stephenson
Warren
Whiteside
Will
Winnebago

Iowa

(All counties)

Kansas

Dickinson
Marion

Michigan

Allegan
Alpena
Barry
Calhoun
Clinton
Eaton
Genesee
Huron
Ionia
Isabella
Jackson
Kent
Lapeer
Lenawee
Montcalm
St. Clair
Sanilac
Shiawassee
Tuscola
Washtenaw

Minnesota

(All counties except the following)

Aitkin
Carlton
Cook
Itasca
Koochiching
Lake
Ramsey
St. Louis

Montana

Hill
Judith Basin
Phillips
Richland
Roosevelt
Valley

Nebraska

Antelope
Boone
Boyd
Burt
Butler
Cedar
Colfax
Cuming
Dakota
Dawes
Dixon
Gage
Holt
Knox
Madison
Pierce

Platte	Thurston
Saunders	Washington
Sheridan	Wayne
Stanton	

New York

Allegany	Oneida
Cattaraugus	Onondaga
Cayuga	Ontario
Erie	Orleans
Genesee	Otsego
Herkimer	Seneca
Jefferson	Steuben
Livingston	Tompkins
Madison	Wayne
Monroe	Wyoming
Montgomery	Yates
Niagara	

North Carolina

Rowan

North Dakota

(All counties)

Ohio

Allen	Lorain
Ashland	Mahoning
Ashtabula	Medina
Auglaize	Mercer
Carroll	Paulding
Columbiana	Portage
Coshocton	Putnam
Crawford	Richland
Darke	Seneca
Defiance	Shelby
Hardin	Stark
Holmes	Trumbull
Huron	Van Wert
Knox	Wayne
Logan	Wood

Oregon

Klamath	Polk
Marion	Yamhill

Pennsylvania

Armstrong	Juniata
Bedford	Lawrence
Berks	Lebanon
Bradford	Lehigh
Butler	Lycoming
Cambria	Mercer
Centre	Northumberland
Chester	Perry
Clarion	Schuylkill
Columbia	Snyder
Crawford	Somerset
Cumberland	Tioga
Dauphin	Union
Erie	Washington
Franklin	Westmoreland
Indiana	York

South Carolina

Sumter

South Dakota

(All counties except the following)

Custer	Shannon
Fall River	Washabaugh
Jones	Washington

Texas

Archer	Cooke
Bell	Coryell
Bexar	Dallas
Bosque	Denton
Brown	Erath
Coleman	Falls
Collin	Gillespie
Concho	Hamilton
Hill	McLennan
Hunt	Medina
Johnson	Runnels
Kaufman	San Saba
Lamar	Tarrant
Limestone	Taylor
McCulloch	Uvalde

Washington

Spokane	Stevens

Wisconsin

(All counties except the following)

Ashland	Menominee
Bayfield	Milwaukee
Douglas	Oneida
Florence	Price
Forest	Sawyer
Iron	Vilas
Lincoln	

Wyoming

Cook

Approved by the Board of Directors on February 4, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Acting Manager.

Dated: April 21, 1982.

[FR Doc. 82-11679 Filed 4-28-82; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 688]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 30–May 6, 1982. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 30, 1982.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1981–82 which was recommended by the committee following discussion at a public meeting on February 5, 1982. The committee met again publicly on April 27, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges has improved.

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

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

List of subjects in 7 CFR Part 908: Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Oranges (Valencia).

1. Section 908.988 is added as follows:

§ 908.988 Valencia Orange Regulation 688.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 30, 1982, through May 6, 1982, are established as follows:

(a) District 1: 294,000 cartons;

(b) District 2: 306,000 cartons;

(c) District 3: Unlimited cartons.

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

Dated: April 28, 1982.

D. S. Kuryloski,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-11872 Filed 4-28-82; 11:22 am]

BILLING CODE 3410-02-M

7 CFR Part 1004

[Milk Order No. 4]

Milk in the Middle Atlantic Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions affecting the regulatory status of milk plants under the Middle Atlantic milk order. The suspension removes for April through August 1982 the requirement that a distributing plant dispose of not less than 30 percent of its receipts as Class I milk in order to be a pool plant. The action was requested by a cooperative association which represents producers supplying milk to the fluid market and was supported by a federation of cooperatives. In all, associations representing over 85 percent of the producers on the Middle Atlantic market support the suspension. The action is needed to ensure that dairy farmers who historically have been associated with the Middle Atlantic market will continue to share in the market's Class I milk sales.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued March 25, 1982; published March 31, 1982 (47 FR 13532).

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

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension in time to include April 1982 in the suspension period. The initial request for this action was received on March 16, 1982. A notice of proposed suspension was issued on March 25, 1982, inviting interested parties to comment on the proposed action by April 7, 1982.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers regularly supplying a portion of the market's fluid needs will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

Notice of proposed rulemaking was published in the Federal Register on March 31, 1982 (47 FR 13532), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After considering all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of April through August 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1004.7(a), the words "not less than 40 percent in the months of September through February, and 30 percent in the months of March through August,".

Statement of Consideration

This action makes inoperative for April through August 1982 the provision requiring a distributing plant to dispose of 30 percent of its receipts as Class I milk in order to remain pooled. The suspension was requested by Dairymen, Inc., Middle Atlantic Division, a cooperative association which is a handler under the order. Capitol Milk Producers Cooperative, Inc., a cooperative association which operates a pool distributing plant under the order, supported the request for suspension.

The suspension is necessary because of increased deliveries of producer milk in the Middle Atlantic market at the same time Class I use is declining. Producer milk pooled in the Middle Atlantic order during the first three months of 1982 exceeded production for the same period in 1981 by 1.6 percent, while Class I sales declined by more than 4 percent. If the distributing plant pooling standard is not suspended for the months of April through August 1982, during which average daily production is expected to increase over January through March levels while Class I use remains constant or declines, Dairymen, Inc., expects to encounter difficulties in associating enough of its members' milk with pool distributing plants to maintain the pool status of its members without jeopardizing the pool status of the distributing plants. The disassociation from the Middle Atlantic pool of cooperative members with a long history of association with the fluid market could be expected to disrupt the orderly marketing of milk in the Middle Atlantic marketing area.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. A federation of cooperatives which includes the Middle Atlantic Division of Dairymen, Inc., and Capitol Milk Producers Cooperative, Inc., and represents over 85 percent of the producers in the Middle Atlantic market supported the suspension. The federation stated that the loss of pool status for any member producers would disrupt the orderly marketing of milk in the Middle Atlantic marketing area. One dairy farmer objected to the suspension on the basis that it would reduce the incentive for handlers to promote Class I milk sales. The purpose of the Class I pooling standard is to aid in identifying that milk to be pooled under the order, rather than an incentive for sales promotion. No other views in opposition to the suspension were received.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. This action will eliminate the possibility that producers who are regular suppliers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise could be excluded

from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through August 1982.

Effective date: April 29, 1982.

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

Signed at Washington, D.C. on: April 26, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-11668 Filed 4-28-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 82-5]

Eligibility of Securities for Purchase, Dealing in Underwriting and Holding by National Banks; Rulings Issued by the Comptroller

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of rulings.

SUMMARY: The Comptroller is publishing investment securities rulings issued during the period beginning in September, 1980 and ending in January, 1982, that are considered to be of significant public interest. The rulings were issued to advise banks on the application of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in or underwrite.

EFFECTIVE DATE: The rulings became effective when originally issued in letter form. The date of issuance is indicated in parentheses at the end of each ruling.

FOR FURTHER INFORMATION CONTACT: Radcliffe Park, Assistant Director, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219. (202) 447–1880.

SUPPLEMENTARY INFORMATION: On December 26, 1979, the Comptroller discontinued the codification of individual investment securities rulings in 12 CFR Part 1, 44 FR 76263. However, the Comptroller determined that certain individual rulings issued during the year beginning in December, 1978, but not theretofore published in the **Federal Register** were sufficiently significant to warrant their publication, 45 FR 8934 (February 11, 1980). He has made the same determination with respect to rulings issued during calendar year 1980, 46 FR 16240 (March 12, 1981) and those issued during the period September 1980 through January 1982.

The rulings in question were issued in response to specific requests from banks or bank counsel made in accordance with 12 CFR 1.9 relating to the application of federal banking law and regulations to securities which the bank holds, or desire to purchase, deal in, or underwrite.

List of Subjects in 12 CFR Part 1

National banks, Investment securities.

These rulings are numbered in sequence to those published earlier in order to facilitate future references.

Sec.

497 Michigan State Aid and Tax Anticipation Notes.
498 Municipal Assistance Corporation for the City of New York (Second General Bond Resolution).
499 Triborough Bridge and Tunnel Authority, Convention Project.
500 Tennessee Local Development Authority Notes.
501 City of Palm Springs Public Facilities Corporation.
502 City of Milpitas Library Project Certificates of Participation.
503 Dormitory Authority of the State of New York (Society of the New York Hospital).
504 New York State Medical Care Facilities Finance Agency Insured Mortgage Hospital Revenue Bonds (Catholic Medical Center of Brooklyn and Queens).
505 New Jersey Building Authority, State Building Revenue Bonds, 1981 Series.

497 Michigan State Aid and Tax Anticipation Notes

(a) *Request.* Ruling on the eligibility of "State Aid Notes" and "Tax Anticipation Notes," issued by political subdivisions of the State of Michigan, for underwriting, dealing in, and unlimited purchase by national banks under paragraph Seventh of 12 U.S.C. 24. The issue specifically presented is the effect the recently adopted constitutional tax limitations will have on the eligibility of the Notes.

(b)(1) *Opinion.* Both State Aid Notes and Tax Anticipation Notes are short-term obligations which enable the issuing political subdivision to match the flow of its current receipts with the flow of its current disbursements. In the case of a State Aid Note, a school district may borrow based upon the revenues it anticipates to be apportioned from State Aid Funds. Tax Anticipation Notes again allow, as a general rule, political subdivisions to borrow a certain portion of its anticipated tax revenues, as calculated on the basis of the revenues received in the prior year. It is normally expected that these notes will be repaid in the succeeding fiscal year.

(2) In November 1978, the Constitution of the State of Michigan was amended to limit the growth in future State revenues and the growth in revenues from property taxes levied by political subdivisions. The amendment also required voter approval for any changes in these limitations as well as for the issuance of general obligation bonds payable from unlimited taxes. Consequently, State Aid Notes and Tax Anticipation Notes which have not been explicitly approved by the voters, are no longer supported, directly or indirectly, by the unlimited taxing power of the State or its political subdivision, and such notes are currently described as "General Obligation Limited Tax Notes," payable from a specific fund or from any other available funds of the political subdivision before its other obligations. In any event, in the absence of sufficient revenues for the repayment of the notes in the succeeding fiscal year, the political subdivision remains liable for the entire borrowing, and payments must be made as soon as there are available revenues.

(3) In the past, this Office has not interpreted the term "general obligation," as it appears in paragraph Seventh of 12 U.S.C. 24, to require unlimited taxing powers in support of the obligation. It has, however, interpreted that term to imply financial integrity and ability to raise through general powers of taxation revenues which are sufficient for the timely repayment of principal and interest of the obligation. In order to determine whether such readiness and ability exist, it is necessary to compare the total estimated available revenues to the required debt service and other expenditures. As a general proposition, this same principle applies to anticipation notes supported by limited taxing powers.

(4) In case of anticipation notes, it is particularly relevant to analyze the issuer's projected cash flow throughout the year in order to determine whether

its financial resources are sufficient for the timely repayment of the notes. Obviously, this analysis should appropriately anticipate the impact of the tax limitation measures on the issuer's financial position.

(c) *Ruling.* Accordingly, a national bank contemplating the underwriting, dealing in, or purchasing without limit State Aid Notes and Tax Anticipation Notes which are issued by political subdivisions of Michigan and supported by limited taxing powers, should review the relevant financial and other data in order to determine whether sufficient revenues will be available for their timely repayment. *See,* 12 CFR 1.3(g) (1980). As the Comptroller's regulation indicates, the bank should be guided by prudent banking judgment in making that determination. 12 CFR 1.4, 1.8 (1980). (Letter dated September 29, 1980.)

498 Municipal Assistance Corporation for the City of New York (Second General Bond Resolution)

(a) *Request.* Ruling on the eligibility of the $100,000,000 Municipal Assistance Corporation for the City of New York Series 27 Bonds (Second General Bond Resolution) with Warrants to purchase until January 18, 1983, $100,000,000 Series 28 Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. The Series 27 Bonds will be sold by the underwriters, during the underwriting or such shorter period as may be determined by the underwriters, only in units including for each $5,000 principal amount of Series 27 Bonds a Warrant to purchase at par and accrued interest $5,000 principal amount of Series 28 Bonds.

(b)(1) *Opinion.* The Series 27 Bonds without the Warrants would have the same legal basis and would be eligible for purchase, dealing in, underwriting and unlimited holding by national banks for the same reasons as the Corporation's 1977 Series 8 Bonds (Second General Bond Resolution) which were the subject of the Comptroller's ruling of August 29, 1977. (12 CFR 1.464 (1979).)

(c) *Ruling.* It is our conclusion that the sale of the Warrants with the Bonds is an incorporation of related contractual benefits of the same character as sinking fund provisions and debt service reserves. Accordingly, the $100,000,000 Municipal Assistance Corporation for the City of New York 1977 Series 27 Bonds (Second General Bond Resolution) with Warrants to purchase Series 28 Bonds are general Obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated February 4, 1981.)

499 Triborough Bridge and Tunnel Authority, Convention Center Project

(a) *Request.* Ruling on the eligibility of the $100,000,000 Triborough Bridge and Tunnel Authority, Convention Center Project Bonds, Series A, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The Authority is issuing these bonds to finance the construction of a convention center in Manhattan located generally between Thirty-Third and Thirty-Ninth Streets and Eleventh and Twelfth Avenues. The Center has been designed to attract trade shows, public and private meetings and conventions. It will be constructed by a development corporation owned equally by the New York State Urban Development Corporation and the Authority. The development corporation will lease the Center project to the Authority which in turn will sublease it to the State at rentals sufficient to pay the debt service on all obligations issued by the Authority for the project.

(2) The statute authorizing the sublease to the State provides:

> Such sublease shall (a) provide for rental payments equal to the amount needed to pay debt service on said notes, bonds or other obligations as the same become due, (b) provide that the obligations of the state to make such rental payments shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys made available to the state, and that no liability on account thereof shall be incurred by the state beyond the moneys available for the purpose thereof.

(3) The bonds are direct and general obligations of the Authority and have a first lien on all rental payments to be received from the State. In addition they are supported by a debt service reserve fund which the Authority is required to maintain in an amount equal to the greatest amount of aggregate bond service for the current or any future calendar year.

(4) It is contended that there is no essential legal difference between the statutory provisions quoted above and statutory direction for an appropriation. It is also contended, however, that the State has undertaken, with minor exceptions, to cease issuing refillable reserve or moral obligation bonds. It is our opinion that the State in providing for the issuance of these bonds has fulfilled its undertaking and that the provisions of the statute authorizing the sublease to the State make it clear that the sublease creates neither a general obligation nor any obligation except to the extent that appropriations are made from time to time by the State legislature for such purpose. The bonds thus depend on the revenues actually received by the Authority from the State under the sublease and upon the other revenues of the Authority.

(c) *Ruling.* It is our conclusion that the $100,000,000 Triborough Bridge and Tunnel Authority, Convention Center Project Bonds, Series A, are not a general obligation of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are not eligible for dealing in, underwriting or unlimited holding by national banks. They are, however, eligible for purchase and holding subject to the ten percent limitations of paragraph Seventh. (Letter dated March 3, 1981.)

500 Tennessee Local Development Authority Notes

(a) *Request.* Ruling on the eligibility of a proposed Tennessee Local Development Authority Note issue in the approximate amount of $60,000,000 for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The Tennessee Local Development Authority is a public corporation, an instrumentality of the State of Tennessee, created by the Tennessee Local Development Authority Act of 1978. The Act declares that "The Authority shall be a public agency and an instrumentality of the State and shall be deemed to be acting in all respects for the benefit of the people of the State in the performance of essential public functions and to be serving a public purpose in improving and otherwise promoting the health, welfare, and property of the people of the state."

(2) The purpose of the Note issue is to allow municipalities and other local government units in Tennessee to finance the cost of facilities for sewage treatment, solid waste disposal, and waterworks. This financing is implemented by loans made by the Authority to municipalities and other local government units in Tennessee. Revenues from these projects are pledged to repay such loans, and in addition, municipalities and other local government units borrowing from the Authority are obligated by statute to levy ad valorem taxes, if necessary, to generate sufficient funds to pay the principal and interest of the loans obtained from the Authority. The Authority is authorized by mandamus or

other court action to require the municipalities and other local government units in Tennessee to levy taxes to meet their obligations to repay principal and interest on the loans to the Authority.

(3) In addition, in the event a municipality or other local governmental unit in Tennessee fails to make its required loan repayment, the Authority is empowered on behalf of the State of Tennessee to withhold from such municipality or other local government unit in Tennessee a sufficient amount of state-shared taxes to meet the required payment. By statute the amount of loan (including debt service) the Authority may make to any municipality or other local government unit in Tennessee is limited to the unobligated amount of state-shared taxes received by such municipality or other local government unit in Tennessee for the preceding year.

(c) *Ruling.* It is our conclusion that the proposed Tennessee Local Development Authority Note issue in the approximate amount of $60,000,000 will, when duly issued, be a general obligation of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated June 24, 1981.)

501 City of Palm Springs Public Facilities Corporation

(a) *Request.* Ruling on the eligibility of the $18,000,000 City of Palm Springs Public Facilities Corporation 1981 Leasehold Mortgage Bonds (Sewage Treatment Plant Improvements) for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* Palm Springs Public Facilities Corporation, a California non-profit corporation, was created for the purpose of financing the acquisition, construction and improvement of additions to the City of Palm Springs wastewater treatment facilities, water system and public buildings. The Corporation is issuing these bonds to finance the expansion of the City's wastewater treatment plant from 6.56 million gallons per day (mgd) capacity to 10.9 mgd. The added capacity will serve an additional 12,800 residential units. The facilities to be financed will be constructed on property which the City will lease to the Corporation. The leased property and the completed facilities will be subleased to and operated by the City.

(2) The City has promised in the lease rental agreement to pay annual rentals to the Corporation in amounts sufficient to meet annual principal and interest payments on these bonds as well as other necessary expenses. The City expects to receive funds sufficient to meet these rental payment obligations from sewer system revenues. It has, however, also promised in the lease rental agreement to take such action as may be necessary to include and maintain all rental payments due thereunder in each fiscal year in its budget and to make the necessary appropriations for all such payments. The City possesses general powers of taxation and has promised to make sufficient funds available to provide for all required payments. The City has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $18,000,000 City of Palm Springs Public Facilities Corporation 1981 Leasehold Mortgage Bonds (Sewer Treatment Plant Improvements) are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated September 1, 1981.)

502 City of Milpitas Library Project Certificates of Participation

(a) *Request.* Ruling on the eligibility of the $2,590,000 Milpitas Library Project Certificates of Participation, Series 1981, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The Imperial Municipal Services Corporation ("Imperial"), a California for-profit corporation, will enter into a lease-purchase agreement with the City of Milpitas ("City") under which Imperial will acquire and construct public library facilities, and lease these facilities to the City. The City will sublease the facilities to the County of Santa Clara ("County").

(2) The County will operate the facilities as a public library in the county library system and for no other purpose. The County has agreed to pay rental under the sublease, in semiannual installments in each fiscal year equal to the amount of debt service on the certificates during each fiscal year, but not to exceed $120,000 for a fiscal year. In the event the County defaults in its payment of rent, and default continues for 30 days, the City may reenter and take possession of the facilities and continue the use as a public library. The sublease may be terminated by the County if all or a substantial part of the City served by the facilities withdraws from the county library system for any reason. *Provided, however,* That the City has agreed not to withdraw from the system without one year's prior notice to the County.

(3) The Certificates of Participation represent a proportionate interest in payments to be made by the City to Imperial under the lease-purchase agreement. The obligation of the City is payable from rental payments to be made by the City from yearly appropriations of the City from funds lawfully available therefor, from the pledge of payments received from the County under the sublease, and from tax increment revenues of the Milpitas Redevelopment Agency.

(4) The library cost and repayment of the Certificates is a debt of the Agency. An agreement between the City and the Agency calls upon the excess revenues of the Agency to repay any shortfall of the City relative to the library debt.

(5) Imperial has assigned its right to receive lease payments under the lease-purchase agreement to an escrow agent for the benefit of the holders of the Certificates. The City has covenanted to take such action as may be necessary to include all lease payments and all payments of rentals required to be made by the City under the lease in its annual budget, and to make the necessary annual appropriations for all such lease payments. During the term of the lease-purchase agreement, the City will furnish to the escrow agent copies of each proposed and final budget of the City within 20 days after the filing and adoption thereof. The official statement represents that the covenants on the part of the City are deemed to be, and shall be construed to be, duties imposed by law, and it shall be the duty of each and every public official of the City to take such action and to do such things as are required by law in the performance of the official duty of such officials to enable the City to carry out and perform the covenants and agreements in the lease-purchase agreement.

(6) The City promised in the lease-purchase agreement to pay annual lease rental agreements in an amount sufficient to meet the annual interest and principal payments on the Certificates of Participation. The City has also pledged the sublease payments from the County to meet the lease payments. The City, which possesses general powers of taxation, has thus committed its faith and credit to make the lease payments.

(c) *Ruling.* It is our conclusion that the $2,590,000 Certificate of Participation of the Milpitas Library Project, Series 1981, are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and

are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated September 22, 1981.)

503 Dormitory Authority of the State of New York (Society of the New York Hospital)

(a) *Request.* Ruling on the eligibility of the $112,105,000 Dormitory Authority of the State of New York Revenue Bonds, the Society of the New York Hospital Issue, Series A ("Bonds") for underwriting, dealing in, and purchase by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The bonds are issued by the Dormitory Authority of the State of New York ("Authority"), a public benefit corporation, pursuant to the Dormitory Authority Act and the Resolution of the Authority authorizing the bonds. The bonds will be special obligations of the Authority. Their principal and interest are payable solely from payments to be made under an agreement between the Society of the New York Hospital ("Hospital") and the Authority, and the moneys and securities held by the Authority under the Resolution. The bonds will also be secured by a pledge of the gross receipts of the Hospital and by mortgage on the Hospital's property.

(2) The bonds are issued for the purpose of construction and renovation of facilities of the Hospital. Specifically, it is designed to finance (1) the construction of a nine-level structure connecting the Hospital's existing facilities; (2) the construction and equipping of a radiation therapy facility within the Hospital's premises; and (3) the renovation and equipping of selected areas of the Hospital's existing facilities.

(3) The Hospital supports extensive teaching and research programs. Since 1927, the Hospital and the Cornell University Medical College ("CUMC") have had a formal affiliation agreement which provides for joint use of the two institutions and for cooperation in patient care, medical education, and scientific research. The Hospital is the primary teaching facility for the medical students of CUMC. All physicians and dentists on the hospital's staff have faculty appointments at CUMC. The Hospital has also informal affiliation and clinical interchange with the adjoining Rockfeller University Hospital ("RUH"). RUH patients are frequently referred to the Hospital, and many of the professional and graduate staff of the Hospital have appointments on the RUH clinical staff. At the graduate level, selected residents and graduate fellows from various departments of the Hospital rotate through RUH. At the undergraduate level, there is a combined M.D-Ph.D. program between CUMC and RUH for which the Hospital provides the clinical teaching base.

(4) The Hospital also offers 25 residency training programs for Board certification. As of July 1, 1981, 425 interns and residents and 129 clinical fellows were on the Hospital staff. Through various educational affiliations with other hospitals, the Hospital receives additional residents and fellows for training in medical specialty areas.

(c) *Ruling.* The proposed construction and renovation project would enable the Hospital to participate more effectively in university-level training and research programs. Consequently, it is our conclusion that the bonds are issued by an agency of a State for university purposes and are, under paragraph Seventh of 12 U.S.C. 24, eligible for underwriting, dealing in, and purchase by national banks within the ten percent limitation with respect to the aggregate holdings of obligations of the Authority. (Letter dated November 3, 1981.)

504 New York State Medical Facilities Finance Agency Insured Mortgage Hospital Revenue Bonds (Catholic Medical Center of Brooklyn and Queens)

(a) *Request.* Ruling on the eligibility of the $120,000,000 New York State Medical Care Facilities Finance Agency, Insured Mortgage Hospital Revenue Bonds, 1981 Series A ("bonds"), for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* New York State Medical Care Facilities Finance Agency ("Agency"), is an agency of the State of New York. It is issuing the bonds for the purpose of financing mortgage loans for new construction and renovation of the Catholic Medical Center of Brooklyn and Queens. The bonds will be payable primarily from, and secured by a pledge of, all mortgage payments received pursuant to mortgage loan agreements. The mortgage loans will be insured under the Federal Housing Act (12 U.S.C. 1715z–7). In addition, the Agency has created a Mortgage Reserve Fund, as described in further detail below, for the repayment of the bonds.

(2) Under Section 242 of the National Housing Act, a mortgagee may request the benefits of the FHA insurance after the mortgagor has defaulted and if such default continues for 30 days. The statute defines a default as a failure to make any payment due under the mortgage or to perform any other mortgage covenant. At the end of the 30 days, the mortgagee may request insurance after filing the proper notices with the FHA, and after assigning the mortgage to the FHA in accordance with the statute and the applicable regulations, as issued by the Department of Housing and Urban Development. *See* 12 U.S.C. 1713(g). The Agency has convenanted to comply with the statute and regulations as necessary to enforce its rights with regard to the FHA insurance.

(3) In the event a mortgage loan is assigned to the FHA, the insurance benefits under Section 242 would be the sum of (a) the unpaid principal amount of the mortgage plus (b) certain eligible payments made by the mortgagee, such as taxes, special assessment, etc., less an amount equal to 1% of the unpaid amount of such principal obligation and certain amounts realized by the Agency. Such insurance would not cover any accrued and defaulted interest on the mortgage loan. 12 U.S.C. 1713(g).

(4) The FHA has the option of paying insurance benefits in cash or in HUD debentures. 12 U.S.C. 1735d. However, the FHA's current practice is to pay Section 242 insurance claims in debentures. Such debentures are issued in the name of FHA's General Insurance Fund as obligor and are backed by the full faith and credit of the United States. 12 U.S.C. 1713(i). The debentures are dated as of the date of the mortgagor's default, mature 20 years from the date of issue, and are redeemable at the FHA's option on any interest day upon 3 month's prior notice.

(5) The Mortgage Reserve Fund, which is created by the Agency, would equal at least the sum of amounts computed for all series of outstanding bonds which shall not be less than the amount by which the outstanding principal amount of bonds is greater than 99% of the unpaid principal balance of the mortgage loans less one month's interest on such loans.

(6) Because of the FHA insurance, the bonds in question are in your opinion eligible as indirect "obligations of the United States" for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. We cannot agree with your conclusion. While the debentures, in which the insurance benefits are payable, may be obligations of the U.S. Government, such obligations are issued only after request for the insurance payments has been made and after the FHA has determined that all the relevant conditions have been satisfied.

(7) Moreover, we are not able to discern any such correlation between the terms and the amounts of the FHA insurance payments and the bonds

which would indicate that the principal and interest of the bonds are indirectly guaranteed or insured by the U.S. Government.

(c) *Ruling.* Consequently, it is our conclusion that the bonds are not eligible, as "obligations of the United States", for purchase, dealing in, underwriting, and unlimited holding by national banks for purposes of paragraph Seventh of 12 U.S.C. 24. (Letter dated November 6, 1981.)

505 New Jersey Building Authority, State Building Revenue Bonds, 1981 Series.

(a) *Request.* Ruling on the eligibility of the $134,129,040 New Jersey Building Authority, State Building Revenue Bonds, 1981 Series, for purchase, dealing in, underwriting and unlimited holding by national banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The New Jersey Building Authority ("Authority"), a public body corporate and politic and an instrumentality of the State of New Jersey, established pursuant to and existing under the New Jersey Building Authority Act ("Act"), Ch. 120 of the New Jersey Laws of 1981, as amended, was established to obtain the capital resources necessary to acquire, construct, reconstruct, rehabilitate or improve office buildings and related facilities necessary or convenient to the operation of any New Jersey State agency. The Authority is issuing the bonds to construct a project ("Project") consisting of a number of office buildings and other structures, with additions, enlargements, improvements, expansions, repairs, restorations or reconstructions of those buildings in various townships throughout New Jersey.

(2) The completed Project will be leased by the Authority to the State of New Jersey. The term of the lease will equal or exceed the term of the bonds, and the annual lease rentals will be equal to the debt service on all bonds issued for the Project. During the term of the lease, the State shall be responsible for, and pay all costs of operating and maintaining the Project, making all necessary repairs and replacements, as well as paying for all utility charges. The lease agreement provides that the cost and expense of the performance by the State of its obligations under the lease including, without limitation, the payment of rentals, is subject to and dependent upon appropriations being made from time to time by the New Jersey State Legislature for such purpose. Should the State Legislature fail to appropriate monies to make the necessary lease payments, the Authority has the right to terminate the lease and exclude the State from possession of the Project.

(3) We have examined the lease agreement and the Act, and find that these bonds are not general obligations of a state or a political subdivision thereof as required under paragraph Seventh of 12 U.S.C. 24. The Authority has no power to levy taxes. The Act provides that bonds or notes of the Authority issued under the provisions of the Act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the Authority, and shall not create or constitute an indebtedness, liability or obligation of the State or any political subdivision thereof, or be or constitute a pledge of the faith and credit of the State or any political subdivision, but all such bonds and notes, unless funded or refunded by bonds or notes of the Authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the Act. Act section 11(f).

(4) Furthermore, the bonds are not the general obligation of the State of New Jersey as that term is used in 12 CFR 1.3(g) (1981). The rental payments under the lease are subject to appropriations being made from time to time by the State Legislature for that purpose. We have uncovered neither a full faith and credit obligation, nor a statutory duty imposed by law upon the State Legislature to appropriate the monies necessary to pay the rentals under the lease.

(c) *Ruling.* It is therefore our conclusion that the $134,129,040 New Jersey Building Authority, State Building Revenue Bonds, 1981 Series, of the New Jersey Building Authority, are not general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and are not eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated January 26, 1982.)

Dated: April 19, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-11734 Filed 4-28-82; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563d

[No. 82-267]

Securities of Insured Institutions

Dated: April 15, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its regulations to confirm the Board's adoption of all rules, regulations and forms of the Securities and Exchange Commission related to the Board's administration and enforcement of Sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the Securities Exchange Act of 1934 ("1934 Act") in regard to insured institutions the securities of which are registered with the Board under the 1934 Act. In addition, the Board is adopting new § 563d.200.30 to delegate certain actions that may be taken by the Board under the 1934 Act to the General Counsel or his designee.

EFFECTIVE DATE: April 21, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas J. Haggerty, Senior Attorney, Office of General Counsel (202-377-6911), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Regulations Under the Securities Exchange Act of 1934

On November 5, 1974, the Board adopted § 563d.1 of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 563d.1; 39 FR 40011, November 13, 1974) to provide interim requirements under the Securities Exchange Act of 1934 ("1934 Act") with respect to insured institutions the securities of which are registered with the Board under the 1934 Act. Section 563d.1 was adopted pursuant to the requirements of Pub. L. 93-495, effective October 28, 1974, which amended Section 12(i) of the 1934 Act (15 U.S.C. 78/(i)) to vest in the Board the powers, functions, and duties previously vested in the Securities and Exchange Commission ("SEC") to administer and enforce Sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the 1934 Act with respect to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. As amended, Section 12(i) of the 1934 Act required that the Board publish its regulations within 120 days after October 28, 1974, and required that the regulations be substantially similar to the regulations issued by the SEC under the applicable 1934 Act sections unless the Board found that implementation of substantially similar regulations with respect to insured institutions was not necessary or

appropriate in the public interest or for the protection of investors.

Section 563d.1 was adopted by the Board on an interim basis until the Board could consider whether to adopt detailed regulations. The Board, however, has not adopted a separate scheme of regulations under the 1934 Act because the incorporation of SEC regulations has proven to be convenient to insured institutions the securities of which are registered with the Board.

The amendment to § 563d.1 hereby adopted makes clear that the regulation is a permanent regulation, and that section 563d.1 incorporates as Board regulations all SEC rules, regulations and forms applicable as a result of the registration by an institution of its securities with the Board under the 1934 Act, and not only those regulations adopted by the SEC under the specifically enumerated sections of the 1934 Act set forth in Section 12(i). This unlimited incorporation was the intent of the Board at the time of its adoption of § 563d.1 as an interim rule and conforms to the practice of the Board since 1974. The SEC rules involved are those that are related to the Board's administration and enforcement of its 1934 Act responsibilities. For example, § 240.3b–6 of the SEC's regulations (17 CFR 240.3b–6) provides a safe harbor for certain forward-looking statements in 1934 Act filings and other documents in order to encourage meaningful disclosure in 1934 Act reports, and § 240.24b–2 of the SEC's regulations (17 CFR 240.24b2) establishes procedures for obtaining confidential treatment of certain information required to be made in 1934 Act filings, as contemplated by Section 24 of the 1934 Act. Also, the SEC antifraud regulations under Sections 10 and 14(e) of the 1934 Act are incorporated as regulations of the Board to the extent necessary for the Board's administration and enforcement of the sections enumerated in Section 12(i) of the 1934 Act. Finally, revised § 563d.1 corrects the Board's address and alters the regulation to specify, as has been the Board's practice, that no filing fees are required.

Delegations of Authority

The Board also is adopting new § 563d.200.30, in which certain authority of the Board under the 1934 Act is delegated to the General Counsel or his designee. This delegation is consistent with delegations made by the SEC to its staff (17 CFR 200.30, *et seq.*), and in most instances restates delegations previously granted by the Board to its staff pursuant to prior Board resolutions.

List of Subjects in 12 CFR Part 563d

Savings and loan associations; Securities

Implementation; Effect on Competition

The Board finds that the amendment to § 563d.1 consists of technical or clarifying changes which conform § 563d.1 to the statutory requirements of Section 12(i) of the 1934 Act, and that it imposes no significant additional regulatory burden. The Board also finds that new § 563d.200.30 imposes no additional regulatory burden and that it is a rule of organization, procedure or practice which is a benefit to registrants since it promotes the prompt and efficient exercise of Board authority under the 1934 Act. Therefore, the Board finds that implementation of these changes without delay is in the public interest, and has determined that observance of the notice and public procedures provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and the delayed effective date provisions of 12 CFR 508.14 and 5 U.S.C. 553(d), is unnecessary. Also, as required by Section 23(a) of the 1934 Act, the Board has specifically considered the impact that these actions taken pursuant to the 1934 Act would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the 1934 Act.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563d, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563d—SECURITIES OF INSURED INSTITUTIONS

1. Revise § 563d.1 to read as follows:

§ 563.1 Requirements under certain sections of the Securities Exchange Act of 1934.

In respect to any securities issued by insured institutions, the powers, functions, and duties vested in the Securities and Exchange Commission (the "Commission") to administer and enforce Sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Securities Exchange Act of 1934 are vested in the Board effective October 28, 1974. The rules, regulations and forms, including any adopted or amended by the Commission subsequent to October 28, 1974, prescribed by the Commission pursuant to those sections or applicable in connection with obligations imposed by those sections, shall apply to securities issued by insured institutions, except as otherwise provided in this part. The term "Commission" as used in those rules and regulations shall with respect to securities issued by insured institutions be deemed to refer to the Board unless the context otherwise requires. On and after October 28, 1974, all filings with respect to securities issued by insured institutions required by those rules and regulations to be made with the Commission shall be made with the Board by submitting such filings to the Division of Securities and Corporate Analysis, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. No filing fees specified by the Commission's rules shall be paid to the Board. A filing with respect to securities issued by insured institutions made with the Commission between October 28, 1974, and November 12, 1974, shall be deemed to have been filed with the Board.

2. Add § 563d.200–30 to read as follows:

§ 563d.200–30 Delegation of authority to General Counsel.

The General Counsel or such person or persons as he may designate from time to time shall have delegated authority under the Securities Exchange Act of 1934 (the "Act") to perform the following actions:

(a) To determine to be effective applications for registration of securities on a national securities exchange prior to 30 days after receipt of a certification pursuant to Section 12(d) of the Act, 15 U.S.C. 78*l*(d);

(b) To accelerate, at the request of the issuer, the effective date of registration statements filed pursuant to Section 12(g) of the Act, 15 U.S.C. 78*l*(g);

(c) To accelerate, at the request of the issuer, the termination of registration of any class of equity securities as provided in Section 12(g)(4) of the Act, 15 U.S.C. 78*l*(g)(4), or as provided in 17 CFR 240.12g 3–2(a)(2);

(d) To approve the withdrawal or striking from listing and registration of securities registered on any national securities exchange pursuant to Section 12(d) of the Act, 15 U.S.C. 78*l*(d), and 17 CFR 240.12d2–1 and 240.12d2–2;

(e) To grant for a period not to exceed 60 days or deny applications filed pursuant to Section 12(g)(1) of the Act, 15 U.S.C. 78*l*(g)(1), for extensions of time within which to file registration statements;

(f) To authorize the use of forms of proxies, proxy statements, or other soliciting material within periods of time less than that prescribed in 17 CFR 240.14a–6, 17 CFR 240.14a–8(d) and 17

CFR 240.14a–11; to authorize the filing of information statements within periods of time less than that prescribed in 17 CFR 240.14c–5(a); and to authorize the filing of information pursuant to 17 CFR 240.14f–1, within periods of time less than prescribed in those sections;

(g) To grant or deny applications for confidential treatment filed pursuant to Section 24(b) of the Act, 15 U.S.C 78x(b) and 17 CFR 240.24b–2, and to revoke a grant of any such application for confidential treatment; and

(h) Pursuant to instructions regarding financial statement requirements applicable to forms adopted under the Act:

(1) To extend the time for filing or to permit the omission of one or more financial statements therein required or the filing in substitution therefor of appropriate statements of comparable character; and

(2) To require the filing of other financial statements in addition to, or in substitution for, the statements therein required.

The provisions of 17 CFR 201.26 shall be applicable with regard to the delegations specified in this section.

(Secs. 3(b), 12, 13, 14 and 23 of the Securities Exchange Act of 1934, (15 U.S.C. 78c(b), *l*, m, n and w; 15 U.S.C. 78d–1); and Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–11216 Filed 4–28–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–ANE–09, Amdt. 39–4371]

Rolls-Royce, Ltd., DART 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, and 535 Series Turboprop Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the suspect fuel manifold assembly connection flexible hose assemblies on all Rolls-Royce DART 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, and 535 series turboprop engines. The AD is needed to prevent possible failure of the hose resulting in release of fuel within the nacelle, loss of engine power, and risk of fire.

DATES: Effective April 30, 1982.

Comments must be received on or before May 30, 1982.

Compliance required by May 31, 1982.

ADDRESSES: The applicable engine service bulletin may be obtained from Service Manager of DART engines, Rolls-Royce, Ltd., East Kilbride, Glasgow, Scotland.

Comments are to be sent to and copies of the service bulletin may be requested from—

FAA Rules Docket, Office of the Regional Counsel, ATTN: 82–NE–09, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7330.

SUPPLEMENTARY INFORMATION: There have been reports of service failures of Mod 1587 Aeroquip fuel hose, P/N RK38451A, due to a manufacturing defect leading to stress corrosion fracture of the wire braiding. Failure of this hose results in the release of fuel within the nacelle, loss of engine power, and risk of fire. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires removal from service of suspect fuel hoses on Rolls-Royce DART 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, and 535 series turboprop engines.

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

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedures, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Lists Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Safety.

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

Rolls-Royce, Ltd.: Applies to all Rolls-Royce, Ltd., DART 506, 510, 511, 514, 525, 526, 527, 528, 529, 531, 532, and 535 series turboprop engines.

Compliance is required by May 31, 1982.

To prevent possible failure of the engine fuel manifold assembly connection flexible hose which could result in release of fuel within the nacelle and consequent loss of engine power and risk of fire, accomplish the following:

Remove from service engine fuel manifold assembly No. 7 to No. 6 bulkhead connection hose, P/N RK38451A, Mod 1587, with identification tag bearing a manufacture/3,000 psi test date of "8.9.76".

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Division, FAA, New England Region, may adjust the compliance date specified in the AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the issuance for that operator.

Note.—Rolls-Royce, Ltd., DART Engine Alert Service Bulletin No. Da73–A75, dated February 16, 1982, refers to this subject.

This amendment becomes effective April 30, 1982.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 69(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

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

Issued in Burlington, Mass., on April 15, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-11678 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone, Atlanta, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule alters the Atlanta, Georgia, Control Zone by redesignating two extensions east of the airport. The extensions were predicated on the Rex VORTAC which has been decommissioned. This redesignation is necessary to provide controlled airspace for Instrument Flight Rule (IFR) operations.

DATES: Effective Date: 0901 GMT, July 8, 1982. Comments on the rule must be received before June 20, 1982.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, ATTN: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In the Atlanta, Georgia, control zone described in § 71.171 (46 FR 455) two extensions are predicated on radials from the Rex VORTAC which has been decommissioned. It is necessary to redesignate the extensions to provide controlled airspace for IFR operations. This redesignation reduces the amount of controlled airspace by approximately eight square miles.

This amendment represents a change in the technical description of the control zone and imposes no greater constraints on the public than presently exist.

Request for Comments on the Rule

Although this action is in the form of a Final Rule and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations redesignates control zone extensions east of the airport and deletes reference to a decommissioned navigational aid. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for making the rule effective without prior notice and public procedure hereon.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 455) is further amended, effective 0901 GMT, July 8, 1982, by adding the following:

Atlanta, Georgia

By amending § 71.171 in the description of the Atlanta, Georgia, Control Zone by deleting the words "* * * within 2 miles each side of the Rex VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC * * *" and substituting for them the words "* * * within 2 miles each side of Atlanta ILS Runway 26 Localizer east course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 27L Localizer east course, extending from the 5-mile radius zone to the LOM * * *"

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

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

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on April 19, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-11467 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Refrigerators, Refrigerator-Freezers, Freezers, and Water Heaters

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. The Commission publishes the ranges annually in the Federal Register if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy costs for refrigerators, refrigerator-freezers, freezers and water heaters have not changed this year by as much as 15%. Therefore, the ranges published last year for these products remain in effect until new ranges are published.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-724-1491, or Lucerne D. Winfrey, 202-724-1453, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes

[1] Pub. L. 94-163, 89 Stat. 871, 42 U.S.C. 6201 (1975).

dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not concluding furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[4] If an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new ranges. Otherwise, the Commission must publish a statement that the prior ranges remain in effect for the next year.

The annual reports for refrigerators, refrigerator-freezers, freezers and water heaters have been received and analyzed and it has been determined that neither the upper or lower limits of the ranges for these product categories have changed by 15% or more.

In consideration of the foregoing, the present ranges for refrigerators, refrigerator-freezers, freezers and water heaters will remain in effect for the next year.

As a consequence of this, all cost figures for refrigerators, refrigerator-freezers, freezers and water heaters required to be disclosed along with ranges for these products must be based on the same representative average unit costs for energy that were used in establishing the existing ranges. That is, the representative average costs per unit for energy that are to be used in calculating the estimated annual operating cost for refrigerators, refrigerator-freezers, freezers and water heaters remain the same as were published in § 305.9 of the Commission's final Appliance Labeling Rule: 4.97 cents per KWH for electricity; 84.1 cents per gallon for oil; 36.7 cents per therm for natural gas; and 54.5 cents per gallon for propane gas. This will require recalculation (but not resubmission) for any models submitted to the Commission based on the 1981 representative average unit costs for energy published by DOE on December 1, 1980 [5] and by the Commission on January 13, 1981.[6]

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

(Sec. 324 of the Energy Policy and Conservation Act, 42 U.S.C. 6294 (1975), as amended by the National Energy Conservation Policy Act, 42 U.S.C. 6291 (1978); section 553 of the Administrative Procedure Act, 5 U.S.C. 551)

Carol M. Thomas,

Secretary.

[FR Doc. 82-11731 Filed 4-28-82; 8:45 am]

BILLING CODE 6750-01-M

[2] 44 FR 66466, 16 CFR part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers, freezers and water heaters are due by August 1.

[5] 45 FR 79575 (December 1, 1980).

[6] 46 FR 2974 (January 13, 1981).

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Unvented Gas-Fired Space Heaters; Statement of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of enforcement policy.

SUMMARY: The Commission announces that when testing unvented gas-fired space heaters for compliance with the Commission's safety standard requiring oxygen depletion safety shutoff systems (ODS) for these heaters, the Commission will conduct tests over a relatively narrow range of temperatures and pressures near to standard sea-level conditions and, therefore, that the Commission will not apply the standard's correction factor that was intended to convert the test results to standards temperature and pressure. This policy decision is based on information supplied by a representative of an ODS manufacturer regarding the difficulty experienced with the application of the "correction factor". The Commission announces this policy because it appears that the correction factor is inappropriate for the intended purpose.

DATES: The statement of policy set forth herein is effective immediately.

Written comments on this statement of policy should be submitted by June 1, 1982, in order to ensure that they are considered.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Gomilla, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: On September 29, 1980, the Commission issued a final rule requiring the use of oxygen depletion safety shutoff systems (ODS) on unvented gas-fired space heaters (45 FR 61880). The standard prescribes a test in which the ODS is required to shut off the gas supply to the heater when the oxygen content of the surrounding atmosphere is reduced to not less than 18 percent. The standard is intended to reduce the unreasonable risk of injury associated with unvented gas-fired space heaters due to carbon monoxide poisoning and applies to all such heaters manufactured after December 31, 1981 (46 FR 29696; June 3, 1981).

The standard provides that the concentration of oxygen in the

surrounding atmosphere at the time of shutoff shall be not less than 18% when corrected to 70 degrees Fahrenheit (21°C) at a barometric pressure equivalent to 30 inches of mercury (101 kPa). A formula intended to accomplish this conversion is given at § 1212.6(a)(4).

On December 18, 1981, the representatives of an ODS manufacturer wrote to the Commission's staff concerning difficulties that had been experienced with the application of this correction factor to tests conducted at lower than standard barometric pressures (higher altitudes). After examining the data submitted by this manufacturer, the Commission's staff concluded that the correction factor specified in § 1212.6(a)(4) was not appropriate.

Therefore, the Commission decided to conduct all the testing that it performs for the purpose of determining if a heater meets the standard only when the barometric pressure is between 28.5 and 30.5 inches of mercury and the temperature between 65 and 85°F. Also, the Commission decided that the oxygen concentration measurements obtained in such tests will be used without any correction factor for the purpose of enforcing the standard. The Commission's staff concludes that this policy should result in no significant reduction in the level of safety provided by the standard, since within the range of pressures and temperatures specified above, the percentage of oxygen in the air does not vary significantly.

This interim procedure will be followed until the Commission's staff has had the opportunity to investigate the problem and recommend to the Commission any necessary changes to the standard.

In order that other persons concerned with the operation of ODS systems on unvented gas-fired space heaters may be notified of this problem and of the Commission's policy toward enforcing the standard, the text of the Commission's letter to the manufacturer's representative who originally brought this matter to the attention of the Commission's staff is set forth below.

Your letter of December 18, 1981 regarding the correction factor provided in § 1212.6(a)(4) of the Commission's Safety Standard Requiring Oxygen Depletion Safety Shut-off Systems (ODS) for Unvented Gas-Fired Space Heaters was referred to the Directorate for Compliance and Administrative Litigation.

As you know, the correction factor is a mathematical formula intended to convert the oxygen concentration at shut-off to the standard conditions of 70°F and 30 inches of mercury. As reported in your letter, the oxygen concentration calculated by using the correction factor is different from that empirically determined for your ODS at pressures and temperatures other than standard conditions, as shown by the test data you provided.

We have examined the data provided in your letter of December 18, 1981 and the December 30, 1981 letter from ——— and have discussed the matter with the Commission's engineering staff and experts at the National Bureau of Standards. Based upon this review, we believe that the correction factor may be inappropriate.

The engineering staff plans to investigate this problem in the near future and will recommend to the Commission, as necessary any changes in the standard determined to be appropriate.

In the interim, we will limit all Commission testing to barometric pressures of 28.5 to 30.5 inches of mercury and temperatures of 65 to 85°F. The oxygen concentration measurements obtained in our tests will be used without correction factors for the purpose of enforcing the standard. Based upon available information, we believe that, within this limited range of barometric pressures and temperatures, the safety objective of the standard can be met without the use of the correction factor stated in the standard.

We hope that above information is helpful. If you have any questions about the staff's interim procedures, please contact Ms. Elizabeth Gomilla (301–492–6400) of this office.

Sincerely,

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Administrative Litigation.

The Commission is informed by the American Gas Association Laboratories (AGAL) that under some test conditions some heater designs do not comply with the CPSC standard using the correction factor but that these designs would be acceptable if this Statement of Enforcement Policy is issued. Since many state or local jurisdictions require AGAL certification as a prerequisite to the installation of these appliances, and since some manufacturers will not manufacture gas-fired appliances without AGAL certification, any delay in the adoption of a Commission policy addressing the correction factor would cause serious adverse economic effects on some manufacturers of unvented gas-fired space heaters. Accordingly, the Commission finds for good cause that notice and public procedure on this policy are impracticable and not in the public interest. Also the Commission finds that this situation constitutes good cause for waiving the delayed effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553(d). Therefore, the policy set forth above is effective immediately.

However, the Commission will consider comments from interested members of the public that are received by May 28, 1982, in deciding whether any changes in this enforcement policy are appropriate and in determining whether any changes to the standard should be proposed.

Dated April 21, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82–11521 Filed 4–28–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 89

[CGD 80–157]

Implementation of the Inland Navigation Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

SUMMARY: The Coast Guard published the regulations for Certificates of Alternative Compliance under the Inland Navigation Rules on April 1, 1982 (47 CFR 13800). Section 89.5(a)(7)(i) of the regulations stated that an applicant had to supply a copy of the vessel's plans which showed the required installation of navigational equipment under the 72 COLREGS. The regulations should have required the installation of navigational equipment required by the Inland Rules, instead of the COLREGS.

FOR FURTHER INFORMATION CONTACT: LCDR Kent Kirkpatrick, Office of Navigation, Room 1606, U.S. Coast Guard, 2100 Second St., SW., Washington, D.C. 20593, (202) 245–0108.

List of Subjects in 33 CFR Part 89

Navigation (water).

PART 89—IMPLEMENTATION OF THE INLAND NAVIGATION RULES

In consideration of the foregoing, § 89.5(a)(7)(i) of Title 33 Code of Federal Regulations, is amended to read as follows:

§ 89.5 Application for a certificate of alternative compliance.

(a) * * *

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows

(i) The required installation of the equipment under the Inland Rules.

* * * * *

(Sec. 3, Pub. L. 96–591, 33 U.S.C. 2071; 47 CFR 1.46(n)(14))

Dated: April 20, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-11692 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD-09-80-01]

Special Anchorage Area, Lake Winnebago, Oshkosh, WI

March 22, 1982.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard at the request of the City of Oshkosh, Wisconsin, is amending the Anchorage Regulations by establishing a Special Anchorage Area at Millers Bay in Lake Winnebago, Oshkosh, Wisconsin. The area will be for the use of the general public. It is needed because of the large increase of pleasure craft utilizing this area.

Establishment of the Special Anchorage Area will eliminate the necessity for displaying anchor lights on vessels of less than 65 feet in length while anchored within the area.

EFFECTIVE DATE: This amendment becomes effective on June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Ninth Coast Guard District (mps), 1240 East Ninth Street, Cleveland, OH 44199. Phone: (216) 522-3918, FTS 293-7064.

SUPPLEMENTARY INFORMATION: On September 15, 1980, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (45 FR 60929). Interested persons were requested to submit comments and no comments were received.

Drafting Information: The principal persons involved in drafting this rule are ENS Steven J. Boyle, Port Safety Branch; and LT M. Eric Reeves, Project Attorney, Ninth District Legal Office.

Summary of Final Evaluation: An environmental review of the final rule has been performed by the Ninth Coast Guard District Planning Staff who determined that the proposed action will have no significant impact.

This regulation is to be considered non-significant in accordance with guidelines set forth in the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT order 2100.5 of 22 May 1980).

An economic evaluation of the area has not been conducted since its impact is expected to be minimal. Moreover, this proposal is not a major rule as defined by Executive Order 12291 of February 17, 1981. This regulation, once enacted, will not affect the economy to any measurable degree, result in any increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity or innovation.

Likewise, it is hereby certified that this regulation will not have any significant economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601, et seq.). This certification is made in accordance with section 605 of Title 5 of the United States Code.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended by adding § 110.79b to read as follows:

§ 110.79b Millers Bay, Lake Winnebago, Oshkosh, WI

The area adjacent to Menominee Park in Millers Bay within the following boundaries: beginning at latitude 44° 01' 47" N., longitude 88° 31' 05" W.; thence to latitude 44° 01' 46" N., longitude 88° 31' 00" W.; thence to latitude 44° 01' 34" N., longitude 88° 31' 04" W.; thence to latitude 44° 01' 36" N., longitude 88° 31' 08" W.; thence to point of beginning.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-(1)(g))

Dated: March 22, 1982.

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 82-11687 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 13-82-04]

Columbia River Regatta Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a restricted zone in the Columbia River, Oregon, South of the navigation channel, East of the I-5 bridge and West of Lemon Island on May 1, 1982 from 12:30 p.m. PDT until 4:00 p.m. PDT. This action is required to permit the conducting of an approved marine event. This limited restriction on general navigation is imposed in order to promote safety for the spectators and participants in the area of this event.

EFFECTIVE DATE: This final rule will be effective from 11:00 p.m. PDT until 4:00 p.m. PDT on May 1, 1982.

FOR FURTHER INFORMATION CONTACT: LCDR B. W. Mills, Boating Safety Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION: The 1982 Columbia River Yachting Association Opening Day Boat Parade, under the sponsorship of the Columbia River Yachting Association will be held on the Columbia River East of the Interstate Bridge to the vicinity of the 42nd Street boat ramp on May 1, 1982 between 12:30 (1230) and 4:00 (1600) PDT.

Under the authority vested in the District Commander by Title 46 U.S.C. 454 and Title 33 CFR Part 100, Special Local Regulations to ensure safety of life on the Columbia River during this marine event are promulgated herewith. The waters involved will be patrolled by vessels of the U.S. Coast Guard and the U.S. Coast Guard Auxiliary. Safety Patrol Officers on these vessels will enforce these special local regulations and any other applicable Federal statutes and regulations. No provisions of the following special local regulations shall reduce the effectiveness of any applicable law in the State of Oregon. This final rule is issued without publication of a notice of proposed rulemaking and is effective in less than 30 days from the date of publication because of the limited time available prior to the occurrence of the event. An economic evaluation of the event has not been conducted since its impact is expected to be minimal. Since commercial and other marine traffic will have ample room on the Washington side of the Columbia River to maneuver around the regatta site, only a slight speed reduction while passing the one-half mile area of the parade is anticipated. The District Commander herewith certifies, in accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), that these rules will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal persons involved in drafting this proposal are LCDR B. W. Mills, USCG, Project Officer, CCGD 13 Boating Safety Office, and LCDR R. R. Clark, USCG, Project Attorney, CCGD 13 Legal Office.

List of Subjects in 33 CFR Part 100:

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Proposed Regulations

In consideration of the foregoing, Part 100 of Title 33 of the Code of Federal Regulations is amended by adding § 100.1308 to read as follows:

§ 100.1308 Columbia River Regatta Regulations.

(a) Special regulations for the 1982 Columbia River Yachting Association Opening Day Boat Parade shall begin at approximately 12:30 p.m. PDT and end no later than 4:00 p.m. PDT, May 1, 1982.

(b) The area of the Columbia River South of the Navigation Channel (Tomahawk Bar Channel, Airport Bar Channel and Alternate Barge Channel) East of the I-Bridge (Mile 106.65) and West of the westerly end of Lemon Island (Mile 111.5) is restricted. Only vessels participating in the parade are permitted unless escorted by authorized patrol vessel.

(c) The patrol vessels for this event will be under the direction of a designated Coast Guard Patrol Commander. He is empowered to enforce these special regulations as well as all applicable laws and regulations of the United States which pertain to navigation and safety of life on the navigable waters of the United States.

(d) The Patrol Commander is further empowered to forbid movement by any vessel on the parade course or in the water immediately adjoining the parade course prior to, during, and after the parade for such time as he determines to be reasonable for the protection of life and property. During the parade, vessels may be escorted through the restricted area when authorized by and under the supervision of the Patrol Commander.

(e) A succession of sharp short signals by whistle or horn from the patrol vessels will serve as a signal to stop. Vessels receiving such a signal will immediately stop and shall comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the parade area, the assessment of a civil penalty, or both.

(f) Any individual or organization which violates any of the provisions of these special local regulations shall be subject to the penalties provided in Title 46 U.S.C. 457, which provides for a penalty of up to $500.00 for the owner or operator of the vessel and $250.00 for any other person.

(Sec. 1, 35 Stat. 69, as amended, (46 U.S.C. 454); sec. 6(b)(1), 80 Stat. 938; (49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 20, 1982.

C. F. DeWolf,

Rear Admiral, Coast Guard, Commander 13th Coast Guard District.

[FR Doc. 82-11748 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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46 CFR Part 69

[CGD 81-032]

Optional Simplified Admeasurement Method for Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule implements the Tonnage Measurement Simplification Act of 1980 (Pub. L. 96-594) which provides vessel owners with an optional simplified admeasurement method for self-propelled vessels of less than 24 meters (79.0 feet) in length and non-self-propelled vessels of any size, which are not engaged or intended to engage in international voyages by sea. The Coast Guard presently admeasures all commercial vessels under a formal, labor intensive and time-consuming process. This Rule enables vessel owners to submit the necessary vessel dimensions to the Coast Guard (or authorized admeasurement authority), resulting in quicker admeasurement response. These regulations may be employed by the vessel owner as an option to the formal systems found in 46 CFR 69.03 through 69.15.

DATES: This rule is effective April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James V. Higgins, Office of Merchant Marine Safety, Admeasurement Branch (G-MMT-6), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2192, between 7 a.m. and 3:30 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published on January 14, 1982 (47 FR 2131). In response to this Notice the Coast Guard received three comments.

The Coast Guard has determined that good cause exists for making this rule effective upon publication. This regulation implements the Tonnage Measurement Simplification Act of 1980 (Pub L. 96-594). The effective date of this Act was December 1, 1981. Since this method is optional, and since further delay in the implementation of this regulation would frustrate the purpose of the Act, this regulation is made effective immediately.

OMB Control Number: 213-0183

Drafting Information

The principal persons involved in drafting this proposal are Mr. James V. Higgins, Project Manager, Office of Merchant Marine Safety, and LT. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

The first two commentors praised the regulation, indicating that it would save both the consumer and Coast Guard, time and money.

The third commentor questioned the accuracy of the admeasurement simplification formula. When they applied the coefficients to certain small ship-shaped vessels in their fleet, they obtained gross and net tonnages higher than those derived by the formal method of admeasurement. These formally-measured vessels had tonnage deductions applied that are not available under this optional system. Such tonnage precision is not possible under a universally-applied formula. It is for this reason that the statute provides, as reflected in this final rule, an option to the formal method. Therefore, there is no distinct need to alter the coefficients. This commentor was satisifed with the tonnages for barges obtained by formula measurement.

After the Notice of Proposed Rule Making was published the Coast Guard entered into a Memorandum of Understanding with the American Bureau of Shipping (ABS) by which ABS may perform certain admeasurement functions. Certificates of admeasurement issued by ABS will be recognized by the Coast Guard. This Final Rule reflects this procedure. Vessel owners have the option of submitting the application for simplified admeasurement to ABS in lieu of the Coast Guard.

Regulatory Evaluation

These regulations have been evaluated under Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated 22 May 1980, and have been determined to be neither significant nor major.

This rule enables vessel owners to provide to the United States Coast Guard the required dimensions necessary to complete the admeasurement of commercial vessels. The Coast Guard considered using professional admeasurers to obtain the required dimensions but determined that it would not be cost effective to either

vessel owners or the government. Although professional admeasurers may produce more precise measurements and accurate tonnages, it was determined that tonnages assigned to vessels subject to this subpart generally are not critical. However, if the vessel owner determines the tonnage assignment to be critical, the regulation provides the option for formal admeasurement. The Coast Guard believes that this optional simplified admeasurement method will be as effective for commercial vessel owners as 46 CFR 69.17 has been for owners of pleasure vessels.

It is expected that 4,000 to 5,000 vessels will be measured each year under this simplified method. The Coast Guard estimates its program savings will exceed $200,000 per annum. Although there is no direct cost to an owner for simplified admeasurement, indirect costs based on time spent in ascertaining the vessel dimensions and submitting this information approximates $40 per transaction. Direct savings to the owner may be seen in the acceleration of the admeasurement/documentation process and in the elimination of direct reimbursable costs (salary, travel, per diem) for on-site admeasurement services. The benefits to both the public and the government far outweigh the indirect costs to the individual vessel owner.

The regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. As discussed above, the final regulations permit the optional use of a simplified admeasurement method calculated to save time and costs, both to the public and to the government. The use of this methodology is permissive, not mandatory. The systems currently employed in 46 CFR 69.03 through 69.15 will continue to be available for optional usage.

List of Subjects in 46 CFR Part 69

Vessels, Measurement standards.

PART 69—MEASUREMENT OF VESSELS

In consideration of the foregoing, 46 CFR Part 69 is amended as follows:

1. The authority citation to Part 69 is revised to read as follows:

(Secs. 2, 3, 23, Stat. 118, as amended, 119, as amended, R.S. 4148, as amended, 4150, as amended, 4153, as amended, sec. 12, 79 Stat. 893, sec. 6(b)(1), 80 stat. 937; 46 U.S.C. 2, 3, 71, as amended, 74, 83h, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b) (35 FR 4959))

2. In Part 69, Subpart 69.19 is added to read as follows:

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

Sec.

69.19-1 Purpose of the subpart.
69.19-3 (Scope) Vessels eligible for optional simplified admeasurement.
69.19-5 Definition of terms used in this subpart.
69.19-7 Explanation of dimensions and measurements for single hull vessels.
69.19-9 Explanation of dimensions and measurements for catamaran (multi-hulled) vessels.
69.19-11 Application for admeasurement under this subpart.
69.19-13 Calculation of gross and net tonnages.
69.19-15 Readmeasurement of vessels admeasured under this subpart.
69.19-17 Assignment of like tonnages to like vessels.

Subpart 69.19—Optional Simplified Admeasurement Method for Commercial Vessels

§ 69.19-1 Purpose of this subpart.

These regulations are a result of the Tonnage Measurement Simplification Act of 1980 which provides vessel owners with the option, in lieu of the formal systems employed in 46 CFR 69.03 through 69.15, to have a simplified admeasurement method applied to self-propelled vessels, if they are less than 24 meters (79.0 feet) in length and are not engaged or intended to engage in international voyages by sea. It also provides a simplified admeasurement method to be applied to non-self-propelled vessels of all sizes which are not engaged or intended to engage in international voyages by sea.

§ 69.19-3 (Scope) Vessels eligible for optional simplified admeasurement.

The regulations in this subpart apply to:

(a) Self-propelled commercial vessels of less than 24 meters (79 feet) overall length which are not engaged or intended to engage in international voyages by sea; and

(b) Barges of any length which are not engaged or intended to engage in international voyages by sea.

§ 69.19-5 Definition of terms used in this subpart.

"*Barge*" means any vessel without means of propulsion.

"*Barge-shaped Vessel, Self-propelled*" means any vessel which is propelled by any type of engine or motor located within the hull, and has a blunt or square-shaped bow as seen in plan view.

"*Catamaran vessel*" means any vessel which has two or more hulls.

"*International voyage by sea*" means a sea voyage of any U.S. vessel from a port in the United States to a port outside the United States, or from a port outside the United States to the United States.

"*Sailing Vessel*" means any vessel, whether or not equipped with an auxiliary motor, which has the fine lines of a sailing craft and is in fact propelled by sail or capable of being propelled by sail, other than a mere steadying sail.

"*Ship-shaped Vessel, Self-propelled*" means any vessel which is propelled by any type of engine or motor located within the hull, and has a sharp bow as seen in plan view.

§ 69.19-7 Explanation of dimensions and measurements for single hull vessels.

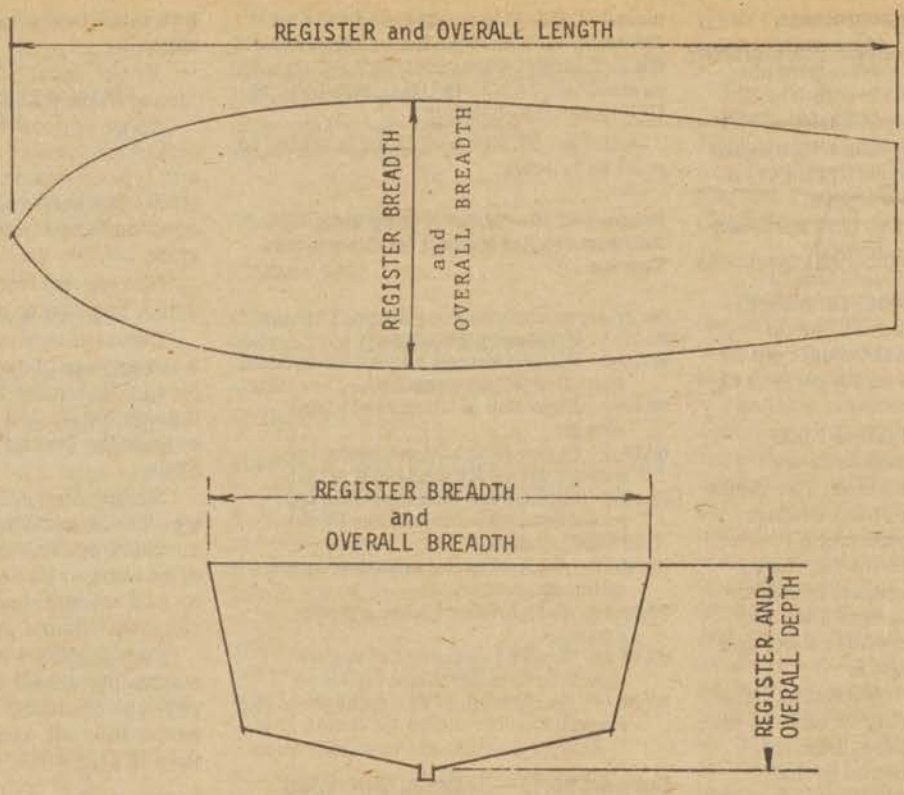
(a) The "*Register length,*" "*Register breadth,*" and "*Register depth,*" are defined in this subpart as the vessel's overall length (L), overall breadth (B), and overall depth (D). The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure no. 1)

(b) "*Overall length*" is the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments.

(c) "*Overall breadth*" is the horizontal distance, excluding rubrails, from the outside of the hull (outside planking or plating) on one side to the outside of the hull on the other, taken at the widest part of the hull.

(d) "*Overall depth*" is the vertical distance taken at or near midships (midpoint of the length) from a line drawn horizontally through the uppermost edges of the sides of the hull (excluding the caprail, trunks, cabins, or deckhouses) to the outboard face of the bottom skin of the hull.

(1) "*Overall depth*" of a sailing vessel constructed of a plastic material, the keel of which is covered by the skin will be limited to 75% of the overall depth.



DETAILS OF REGISTER AND OVERALL DIMENSIONS

Figure 1.

§ 69.19-9 Explanation of dimensions and measurements for catamaran (multi-hulled) vessels.

(a)(1) Register Length of a catamaran (multi-hulled) vessel in this subpart is the overall length of the vessel's longest hull. The dimensions as measured are rounded off to the nearest tenth of a foot.

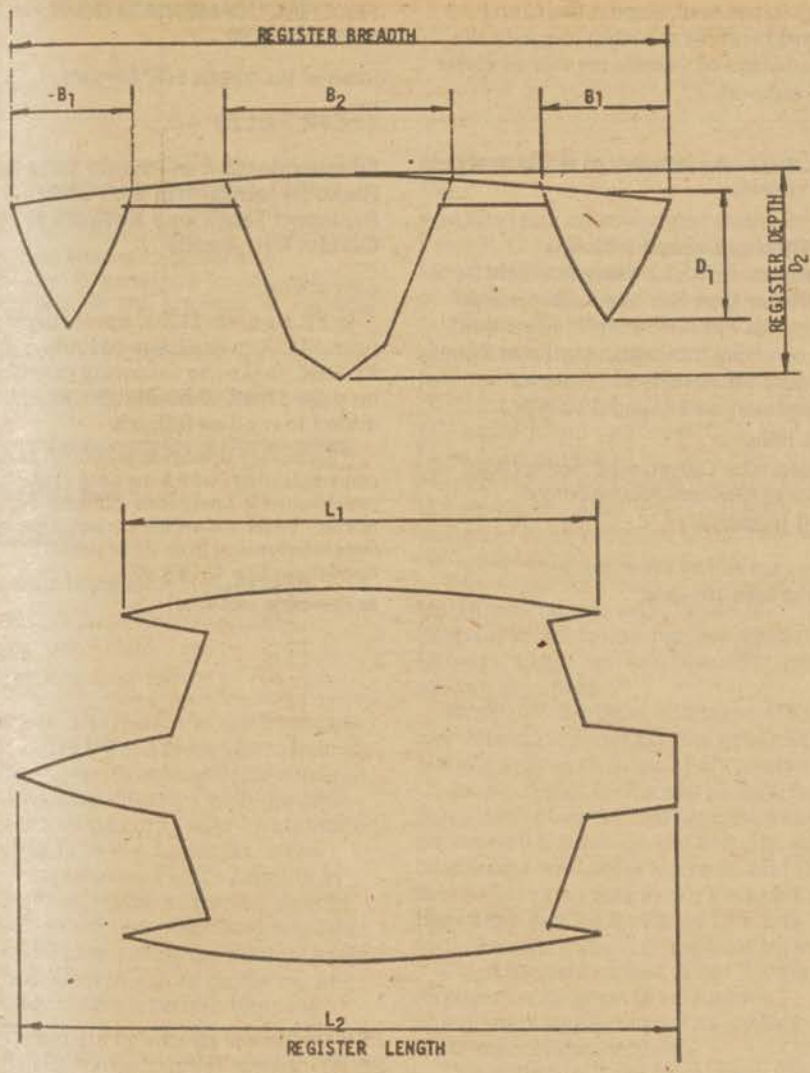
(2) An overall length is required for each hull for tonnage computation purposes in accordance with criteria for single hull vessels in § 69.19–7(a). (See figure no. 2)

(b)(1) Register breadth of a catamaran (multi-hulled) vessel in this subpart is the total breadth of the vessel at its widest point (excluding rubrails, etc.). This breadth is measured transversely from the outer side of the outboard hull on one side to the outer side on the outboard hull on the opposite side. The dimensions as measured are rounded off to the nearest tenth of a foot.

(2) Overall breadths for each hull of multi-hulled vessels must be separately measured in accordance with criteria for single-hulled vessels in § 69.19–7(c). Where the inboard sheer of the outer hull is obscured by the deck, the line of the inboard side of that hull is projected to a point on the deck and the breadth is taken between that point and the outboard sheer at the widest part of the hull. If both sheer lines are obscured, then the lines of both hull sides will be projected to the deck and a breadth will be taken between those points. The dimensions as measured are rounded off to the nearest tenth of a foot. (See figure no. 2)

(c)(1) Register Depth of a catamaran (multi-hulled) vessel will be the overall depth of the deepest hull (excluding trunks, cabins, or deckhouses). The dimensions as measured will be rounded off to the nearest tenth of a foot.

(2) An "Overall depth" must be measured for each hull. This dimension is the vertical distance taken at or near midships of that hull from a line drawn horizontally through the uppermost edges of the hull or at the sheer on the deck to the outboard face of the bottom skin of the hull (excluding the caprail, trunks, cabins, or deckhouses). (See figure no. 2)



DETAILS OF REGISTER DIMENSIONS
Figure 2.

§ 69.19–11 Application for admeasurement under this subpart.

(a) An owner, master or agent of a vessel which meets the requirements of § 69.19–3 of this subpart may apply by letter to the nearest Coast Guard Marine Inspection Office, Marine Safety Office, or an organization approved for the admeasurement of vessels. Names of approved admeasurement organizations may be obtained from any Marine Inspection Office or Marine Safety Office. The letter application must include the following information:

(1) Vessel name;

(2) Means of propulsion (oil, gas, steam, etc.), and specify inboard, outboard or none;

(3) Name and location of builder;

(4) Date of build;

(5) Type of vessel (towboat, barge, trawler, etc.);

(6) Vessel hull number, serial number, or model number, if any;

(7) Official number, state or Coast Guard number, if any;

(8) Overall length, overall breadth, and overall depth (Dimensions will be stated on the application in feet and inches or in feet and decimal fractions of feet to the nearest tenth of a foot);

(9) Sketches of the hull (not necessarily to scale) in plan, profile, and cross section views, showing the required dimensions;

(10) Location of the vessel documentation office where the vessel will be documented; and

(11) Name and address of owner.

(b) The letter must contain a statement that the information and dimensions are true and accurate. The letter must be signed by the owner, master or agent.

Note.—Under the provisions of 18 U.S.C. 1001, any person making a false or fraudulent statement in an application may be fined up to $10,000 or imprisoned for up to five years, or both.

(c) After the application has been processed, a notice of approval or disapproval of the application will be forwarded to the owner, master or agent.

(Approved by the Office of Management and Budget under OMB control number 2130–183)

§ 69.19–13 Calculation of gross and net tonnages.

(a) The following formulae will be used to calculate gross and net tonnages of all vessels measured under this subpart:

Vessel type	Formulae for gross tonnage (GT)	Formulae for net tonnage (NT)
(1) Sailing Vessel, internally powered.	(LBD)/100×.50=GT	GT×.90=NT.
(2) Ship-shaped, self-propelled.	(LBD)/100×.70=GT	GT×.80=NT.
(3) Barge-shaped, self-propelled.	(LBD)/100×.83=GT	GT×.80=NT.
(4) Catamaran [1]:		
(i) Sail, with internal power.	$\frac{\text{(Sum of hulls)}\times.50=\text{GT.}}{100}$	GT×.90=NT.
(ii) Internally powered, no sail.	$\frac{\text{(Sum of hulls)}\times.70=\text{GT.}}{100}$	GT×.80=NT.
(5) Barges	(LBD)/100×.84=GT	GT=NT.

[1] To compute the gross tonnage of a catamaran, the block volumes (LxBxD) of all hulls are added together, the sum of which is divided by 100 and then multiplied by the proper coefficient.

(b) Where the volume of the deckhouse is disproportionate to the volume of the hull, as in the case of certain houseboats, the volume of the deckhouse, calculated by the use of appropriate geometric formulae, expressed in tons of 100 cubic feet, shall be added to the gross tonnage of the hull as previously calculated.

(c) Vessels which employ outboard power units or which have no internal power for propulsion will have the same gross tonnage and net tonnage.

§ 69.19–15 Readmeasurement of vessels admeasured under this subpart.

(a) A vessel admeasured under this subpart may be readmeasured under the formal admeasurement systems in Subparts 69.03 through 69.15 upon application by the owner, master or agent.

(b) Admeasurement under this subpart will not support an application for a registry and a vessel must be admeasured or readmeasured under the formal systems of Subparts 69.03 through 69.15 if a registry is required.

(c) A vessel shall be readmeasured if it is physically altered so that its gross or net tonnage is affected.

(d) A vessel admeasured under this subpart which is subsequently to be documented as a pleasure vessel may be readmeasured under Subpart 69.17 or under Subparts 69.03 through 69.15.

(e) A vessel admeasured under the formal measurement systems (Subparts 69.03 through 69.15) which meets the requirements of § 69.19–3 may be readmeasured under this subpart at the request of the owner, master or agent.

(f) A vessel previously admeasured under Subparts 69.03 through 69.15 is not required to be readmeasured under this subpart to obtain another document.

(g) In cases of dispute the Coast Guard reserves the right to verify the dimensions of vessels measured under this subpart.

§ 69.19–17 Assignment of like tonnages to like vessels.

When one vessel which is representative of a designated class, model, or type has been admeasured under the optional simplified method, the resulting tonnages may be assigned to identical vessels of the same designated class, model or type.

L. N. Hein,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

April 19, 1982.

[FR Doc. 82–11684 Filed 4–28–82; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20846; FCC 82–130]

47 CFR Part 90

Interconnection of Private Land Mobile Radio Systems With the Public Switched Telephone Network in Certain MHz Bands

Correction

In FR Doc. 82–11053, appearing at page 17512, in the issue of Friday, April 23, 1982, make the following correction; on page 17518, Footnote 25 should be added to read as follows:

[25] Secondary operation is defined as radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from those primary operations. See 47 CFR 90.7.

BILLING CODE 1505–01–M

Proposed Rules

Federal Register
Vol. 47, No. 83
Thursday, April 29, 1982

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 423

[Amdt. No. 2]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Flax Crop Insurance Regulations (7 CFR Part 423), effective with the 1983 and succeeding crop years by (1) adding a section 11 to the Appendix to the Policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses, (2) prescribing the interest to be charged when premium payments are not made within a certain time, (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact, and making certain other technical changes. The intended effect of this proposed rule is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, and make the regulations easier to read and more administratively effective.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than June 28, 1982, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

The Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from Peter F. Cole.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 423) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0563–0001, 0563–0003, and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981), and has been classified as "not significant."

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

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

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to the sunset review date established for these regulations.

In reviewing these regulations, it was determined that the following changes should be made:

1. Restore section 11 to the Appendix to the crop insurance Policy to provide that if the insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire only for the smaller of the amount of indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Amend section (d) of 7 CFR 423.7(d) Terms and Conditions to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½ percent simple interest per month or part thereof, starting with the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Add to paragraph 7 of 7 CFR 423.7(d) Terms and Conditions to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of unharvested crop intact for 15 days after the date of the notice.

In addition to these changes, FCIC hereby makes minor language changes to include: Correcting the table of contents, and redesignating Appendix B as Appendix A to list the counties where flax crop insurance is offered.

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 423

Crop insurance, Flax.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Flax Crop Insurance Regulations (7 CFR Part 423), appearing at 44 FR 67343–67349, Monday, November 26, 1979, effective with the 1983 and succeeding crop years, in the following instances:

PART 423—FLAX CROP INSURANCE

1. The authority citation for 7 CFR Part 423 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Sec.
423.1 Availability of flax crop insurance.
423.2 Premium rates, production guarantee, coverage levels, and prices at which indemnities shall be computed.
423.3 Reserved.
423.4 Creditors.
423.5 Good faith reliance on misrepresentation.
423.6 The contract.
423.7 The application and policy.

Appendix A, Counties designated for Flax Crop Insurance.

3. Paragraph 5(d) of the Terms and Conditions section of the Policy as found in 7 CFR 423.7(d) is revised to read as follows:

§ 423.7 The application and policy.

* * * * *

Flax Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the month in which the acreage report date for the crop occurs (see Section 3): *Provided,* That such interest will not be charged if the full amount of the premium is received by the Corporation within 30 days from the date of the first premium billing.

4. In paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 423.7(d) item 7(c) is revised, 7 (d) and (e) are redesignated as 7 (e) and (f), and a new 7(d) is added to read as follows:

* * * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.*

* * * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the flax on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested flax (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire flax crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

5. The Appendix to the Flax Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 423.7 is hereby amended by adding section 11 to read as follows:

* * * * *

Appendix to the Flax Crop Insurance Policy—(Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Appendix B Redesignated As Appendix A

6. Appendix B to 7 CFR Part 423 is redesignated as Appendix A.

Approved by the Board of Directors on February 4, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 21, 1982.

Approved by:

Merritt W. Sprague,

Acting Manager.

[FR Doc. 82–11683 Filed 4–28–82; 8:45 am]

BILLING CODE 3410–08–M

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7 CFR Part 429

[Amdt. No. 1]

Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Rye Crop Insurance Regulations (7 CFR Part 429), effective with the 1983 and succeeding crop years by (1) adding a Section 11 to the Appendix to the Policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses, (2) prescribing the interest to be charged when premium payments are not made within a certain time, (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact, and making certain other technical changes. The intended effect of this proposed rule is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, and make the regulations easier to read and more administratively effective.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than June 28, 1982, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

The Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from Peter F. Cole.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 429) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0563–0001, 0563–0003, and 0563–0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981), and has been classified as "not significant."

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

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

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date established for these regulations.

In reviewing these regulations, it was determined that the following changes should be made:

1. Restore section 11 to the Appendix to the crop insurance Policy to provide that if the insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire only for the smaller of the amount of indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Amend section (d) of 7 CFR 429.7(d) Terms and Conditions to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½ percent simple interest per month or part thereof, starting with the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Add to paragraph 7 of 7 CFR 429.7(d) Terms and Conditions to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of unharvested crop intact for 15 days after the date of the notice.

4. The removal and reservation of 7 CFR 429.3. This subsection required FCIC to annually post in each county a listing of indemnities paid in that county. That provision was required by the Federal Crop Insurance Act. The 1980 amendments to the Act (Pub. L. [96-365, September 26, 1980] deleted this provision and FCIC is no longer required to post such lists.

In addition to these changes, FCIC hereby makes minor language changes to include: Correcting the table of contents, and redesignating Appendix B as Appendix A to list the counties where rye crop insurance is offered.

All written comments made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 429

Crop insurance, Rye.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal crop Insurance Corporation hereby amends the Rye Crop Insurance Regulations (7 CFR Part 429), appearing at 44 FR 60809-60715, Monday, October 22, 1979, effective with the 1983 and succeeding crop years, in the following instances:

PART 429—RYE CROP INSURANCE

1. The authority citation for 7 CFR Part 429 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Sec.
429.1 Availability of rye crop insurance.
429.2 Premium rates, production guarantee, coverage levels, and prices at which indemnities shall be computed.
429.3 Reserved.
429.4 Creditors.
429.5 Good faith reliance on misrepresentation.
429.6 The contract.
429.7 The application and policy.

Appendix A. Counties designated for Rye Crop Insurance.

§ 429.3 [Reserved]

3. 7 CFR 429.3 is removed and reserved.

4. Paragraph 5(d) of the Terms and Conditions section of the Policy as found in 7 CFR 429.7(d) is revised to read as follows:

§ 429.7 The application and policy.

* * * * *

(d) * * *

Rye Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1-1/2%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the month in which the acreage report date for the crop occurs (see section 3): *Provided,* That such interest will not be charged if the full amount of the premium is received by the Corporation within 30 days from the date of the first premium billing.

5. In Paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 429.7(d), item 7(c) is revised, 7 (d) and (e) are redesignated as 7 (e) and (f), and a new 7(d) is added to read as follows:

* * * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.*

* * * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the rye on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested rye (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than 30 days after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire rye crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

6. The Appendix to the Rye Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 429.7 is amended by adding Section 11 to read as follows:

* * * * *

Appendix to the Rye Crop Insurance Policy—(Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corportation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Appendix B Redesignated as Appendix A

7. Appendix B to 7 CFR Part 429 is redesignated as Appendix A and revised to read as follows:

Appendix A

Counties Designated for Rye Crop Insurance—7 CFR Part 429

In accordance with the provisions of 7 CFR 429.1, the following counties are designated for rye crop insurance:

Georgia

Jefferson

Nebraska

Antelope
Sheridan

North Dakota

Barnes
Bottineau
Cass
Dickey
Foster
Hettinger
Kidder
LaMoure
McHenry
McLean
Pierce
Ransom
Richland
Sargent
Stutsman
Ward
Wells

South Carolina

Chesterfield

South Dakota

Beadle
Brown
Clark
Codington
Day
Deuel
Edmunds
Faulk
Grant
Hamlin
Kingsbury
McPherson
Marshall
Roberts
Spink

Approved by the Board of Directors on February 4, 1982.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: April 21, 1982.
Approved by:

Merritt W. Sprague,
Acting Manager.

[FR Doc. 82-11682 Filed 4-28-82; 8:45 am]
BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-24-AD]

Airworthiness Directive; Boeing Model 727 Airplanes Using Decoto Leading Edge Actuators, P/N 10-61792-1, -2, -4, -5, -6, -7 or -8

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This document further extends the comment period for a Notice of Proposed Rulemaking issued on July 13, 1981 (46 FR 35933). That NPRM would require repetitive inspection or removal of the Decoto leading edge actuators listed above.

DATES: The comment period for this NPRM is hereby further extended from March 31, 1982, to May 31, 1982.

ADDRESS: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-NW-24-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANM-130S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rulemaking (NPRM), Docket No. 81-NW-24-AD, was published in the **Federal Register** on July 13, 1981 (46 FR 35933). This proposed rule would require repetitive inspection or replacement of the Decoto leading edge actuators listed above.

The original comment period was extended from September 18, 1981 to November 30, 1981, because the Boeing service bulletin listed in the NPRM was not available early enough to allow for review prior to the end of the comment period. Just prior to November 30, 1981, the Boeing Company stated that they had begun additional laboratory testing of the actuator. The purpose of the testing is to determine if an alternate method of detecting the serviceability of the piston could be found, which might preclude the necessity of fleetwide removal and replacement of the actuator pistons upon accumulation of a certain number of landings. In addition, testing is in progress to determine if machining a new radius in the affected area of the piston would increase service life. The Boeing Company estimated that this testing would be complete approximately mid-February 1982.

Boeing submitted data which show that the likelihood of a piston developing fatigue cracks of any consequence prior to the accumulation of 30,000 landings is small, and that no 727 airplane using Decoto actuators will accumulate 30,000 landings prior to August 1982. For these reasons the comment period for this NPRM was extended until March 31, 1982.

On March 26, 1982, The Boeing Company stated that the test program has been accelerated to a point which is consistent with the required test surveillance. However, due to the nature of fatigue testing the completion dates are not predictable. The FAA witnessed a portion of these tests, and noted that the laboratory testing is approximately 90% complete, and that the airplane ground test has been completed. Boeing stated that the test data are presently being reviewed to establish leakage test procedures and test intervals. The modified actuator test data are being analyzed to establish an extension in fatigue life.

Boeing anticipates that the data analysis can be completed in the next 30 days and presented to all affected parties for their evaluation, which Boeing estimates will require an additional 30 days to complete.

Since no 727 airplane using Decoto actuators will accumulate 30,000 landings prior to August, 1982, as described above, the comment period for this NPRM may be extended until May 31, 1982 without compromising safety.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—Since this action merely extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Exective Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington on April 14, 1982.

Wayne J. Barlow,
Acting Director, Northwest Mountain Region.

[FR Doc. 82-11486 Filed 4-28-82; 8:45 am]
BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6397, 34-18672, 35-22467, 39-715, IC-12386 and IA-800; File No. S7-929]

Regulatory Flexibility Agenda and Listing of Existing Rules Scheduled for Review in 1982 for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Regulatory Flexibility Agenda and List of Rules Scheduled for Review in 1982 for

Purposes of the Regulatory Flexibility Act.

SUMMARY: The Securities and Exchange Commission is today publishing, pursuant to Chapter Six of the Administrative Procedure Act, a regulatory flexibility agenda and a listing of rules which are scheduled for review in 1982. The agenda is intended to provide advance notice of certain rulemaking actions to be anticipatd during the next six months, which may have a significant economic impact on a substantial number of small entities. Also pursuant to Chapter Six of the Administrative Procedure Act, the Commission is publishing a list of rules which are to be reviewed in 1982. The Commission is seeking public comment on the various subject areas, on particular items of the agenda and on the identified rules scheduled for review.

DATE: Comments are due by June 30, 1982.

ADDRESS: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-929 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Additional names of persons to contact with regard to specific agenda items are listed at the end of each item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)) requires each agency during April and October of each year to publish in the Federal Register a regulatory flexibility agenda containing (i) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; (ii) a summary of the nature of any such rule, the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any such rule for which a general notice of proposed rulemaking has been issued; and (iii) the name and telephone number of an agency official knowledgeable concerning the rule.[1]

Pursuant to a separate requirement of the RFA,[2] the Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may have a significant economic impact upon a substantial number of small entities.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of the publication of their adoption as final rules. The RFA further requires publication each year of a list of rules which have a significant economic impact on a substantial number of small entities and which are to be reviewed during the succeeding twelve months.[4] The list is to include a brief description of each rule and a statement of the need for and legal basis for each.

In reviewing existing rules to minimize any such significant economic impact on a substantial number of small entities, consistent with the stated objectives of applicable statutes, the Commission is required to consider the following factors:

(1) The continued need for the rule;

(2) The nature of complaints or comments received from the public concerning the rule;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local government rules; and

(5) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.[5]

I. Regulatory Flexibility Agenda

The agenda which follows relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6] As provided by the RFA, the publication of this regulatory flexibility agenda does not preclude the Commission from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein.[7] Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the Commission's preliminary judgment that the rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further development and analysis.

The following agenda lists the particular rulemaking initiatives which the Commission expects to consider during the next six months. If adopted, these actions may have a significant economic impact on a substantial number of small entities.

A. Disclosure Rules

1. Expanded Availability of Form S-18 Registration Statement

Form S-18 is a simplified registration form, adopted pursuant to Sections 6, 7, 8 and 19(a) of the Securities Act of 1933.[8] This form is available to most corporations issuing initial public offerings of $5 million or less and is intended to provide an effective means for small issuers to raise limited amounts of capital through a registered public offering. In March 1982 the Commission published for comment certain amendments to Form S-18 that would, if adopted, expand the availability of the form to limited partnerships and other noncorporate issuers and to issuers that engage, or intend to engage, in oil and gas related operations.[9] In addition, the proposed changes revise the disclosure requirements of the form by cross-references to the appropriate disclosure provisions in Regulation S-K. The Commission anticipates adopting the amendments in the second calendar quarter of 1982. Agency contact: Daniel J. Abdun-Nabi, Office of Small Business, Division of Corporation Finance, (202) 272-2644.

2. Revision of Rules Governing General Exemptions From the Registration Requirements of the Securities Act—Regulation A

Regulation A provides an exemption from the registration provisions of the Securities Act pursuant to Section 3(b) of that Act. The exemption is designed to facilitate offerings of up to $1.5 million by small businesses. The Commission proposes to review the existing rules under Regulation A and revise them in light of current needs and recent developments in the federal securities laws and the regulations thereunder. The Commission expects to consider the proposals during the third calendar quarter of 1982. Agency contact: Daniel J. Abdun-Nabi, Office of

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] See Securities Act Release No. 6362 (June 24, 1981) (46 FR 33267).

[4] 5 U.S.C. 610(c).

[5] 5 U.S.C. 610(b).

[6] See Securities Act Release No. 6380 (January 28, 1982) (47 FR 5215).

[7] 5 U.S.C. 602(d).

[8] 15 U.S.C. 77a *et seq.* ("Securities Act").

[9] Securities Act Release No. 6368 (March 3, 1982) (47 FR 11288).

Small Business, Division of Corporation Finance, (202) 272–2644.

3. Proposed Amendments to Item 402 of Regulation S–K, Management Remuneration and Transactions

The Commission intends to consider whether to propose revisions to Item 402 of Regulation S–K regarding management remuneration and transactions. Item 402 requires the disclosure of the total amount of compensation received by the five most highly compensated executive officers or directors of a registrant as well as the total amount of compensation received by all officers and directors of a registrant as a group. The purpose of the proposed revisions would be to simplify and improve disclosure and to reduce compliance burdens on registrants, while assuring that investors receive meaningful information regarding the compensation received by the executive officers and directors of a particular registrant. The revisions to Item 402 would be proposed pursuant to the Commission's authority under Sections 6, 7, 8 and 19(a) of the Securities Act and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934.[10] The Commission anticipates considering the proposals during the second calendar quarter of 1982. Agency contact: Susan P. Davis or Arthur H. Miller, Office of Disclosure Policy, Division of Corporation Finance (202) 272–2589.

4. Proposed Amendments to Item 6(b) of Schedule 14A and Item 402(f) of Regulation S–K

Pursuant to Sections 6, 7, 8 and 19(a) of the Securities Act and Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act, the Commission may adopt revisions to Item 6(b) of Schedule 14A and Item 402(f) of Regulation S–K. The proposed amendments, which relate to the disclosure of business and other relationships between a director, or nominee for director and the issuer, are intended to improve disclosure and to reduce compliance burdens on registrants. The Commission intends to eliminate any duplicative disclosure required by Item 6(b), which seeks information relevant to the ability of directors to render independent judgments, and Item 402(f), which relates to conflict-of-interest transactions. The proposal was published as Securities Exchange Act Release No. 17517 (February 12, 1981) (45 FR 12011) and the Commission anticipates taking appropriate action sometime during the second calendar quarter of 1982. Agency contact: Susan P. Davis or Robert Pincus, Office of Disclosure Policy, Division of Corporation Finance (202) 272–2589.

5. Proposed Revision of Form S–14 and Other Forms and Rules Relating to Disclosure in Connection With Business Combination Transactions

As a part of its review of proxy rules, regulations and schedules, the Commission intends to revise the disclosure requirements under the Securities Act relating to mergers, acquisitions, and other business combinations, focusing primarily on Form S–14 (17 CFR 239.23). Form S–14 is used for the registration of securities in business combination transactions under Rule 145. Pursuant to Sections 6, 7, 10 and 19(a) of the Securities Act and Sections 12, 13, 14 and 23(a) of the Exchange Act, the Commission intends to revise the existing disclosure requirements of Form S–14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers in keeping with the protection of investors. The Commission anticipates considering the proposals during the fourth calendar quarter of 1982. Agency contact: Catherine C. McCoy or Robert Pincus, Office of Disclosure Policy, Division of Corporation Finance (202) 272–2589.

6. Revision of Guide 60 and Related Disclosure Provisions

Pursuant to Sections 7, 10, and 19(a) of the Securities Act and Sections 13, 15(d) and 23(a) of the Exchange Act, the Commission may adopt revisions of Guide 60, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships," and of related financial statement regulations. The proposed amendments were published for public comment in Securities Act Release No. 6354 (October 7, 1981) (46 FR 50553). The proposed amendments are intended to standardize and streamline disclosure for public real estate programs in registration statements and periodic reports. The proposals would simplify and standardize disclosure regarding the prior performance of the general partner and affiliates and would reduce the requirement for financial statements of significant properties acquired by a real estate program from three to one year if certain conditions are met by the issuer. Because of the changes to financial statement disclosure, coordinating changes are proposed to Regulation S–X and Form 8–K. The proposals represent a significant cooperative effort between the staff of the Commission and a subcommittee of the North American Securities Administrators Association. The Commission anticipates adopting the amendments in the second calendar quarter of 1982. Agency contact: William L. Larsen, Office of Disclosure Policy, Division of Corporation Finance, (202) 272–2604.

B. Securities Markets and Securities Industry Rules

1. Rules 10b–10 and 15c2–12

The Commission intends to consider whether to propose an amendment to the confirmation rule, Rule 10b–10, to grant a limited exemption from the rule for certain "account management plans" offered by broker-dealers and also an amendment to require the disclosure of certain yield and call information for transactions in debt securities. The "account management plan" proposal is intended to eliminate a regulatory burden that no longer appears to be necessary. The yield and call disclosure provision is intended to assure that investors receive important information in connection with debt securities transactions. The amendments to Rule 10b–10 would be adopted pursuant to the Commission's authority under Sections 3, 10, 11, 15, 17 and 23 of the Exchange Act. The Commission anticipates considering the proposals during the second calendar quarter of 1982. Agency contact: Ardith Eymann, Division of Market Regulation, (202) 272–2844.

2. Rule 15b7–1

The Commission plans to consider during the seond calendar quarter of 1982 whether to repropose for further public comment proposed Rule 15b7–1. Section 15(b)(7) of the Exchange Act states that the Commission shall, by rule, adopt minimum qualification standards for broker-dealers. In implementing this section in 1977, the Commission proposed Rule 15b7–1 for comment in Securities Exchange Act Release No. 13679 (June 27, 1977) (42 FR 34328). The proposed rule would establish uniform minimum qualification standards for all registered brokers and dealers (including SECO brokers and dealers) and their associated persons. The Commission will consider whether to repropose a more limited rule applicable only to non-member broker-dealers. Agency contact: Kathleen McGann, Division of Market Regulation, (202) 272–2855.

3. Rule 15b10–10

The Commission plans to consider during the second calendar quarter of 1982 whether to propose amendments to Rule 15b10–10, which currently prohibits SECO broker-dealers from engaging in

[10] 15 U.S.C. 78a *et seq.* ("Exchange Act").

reciprocal sales practices with respect to investment company securities. The amendments to Rule 15b10–10 would be proposed pursuant to Sections 15 and 23 of the Securities Exchange Act. The Commission will consider whether the rule should be liberalized to permit SECO broker-dealers, under certain conditions, to solicit brokerage commissions in connection with the sale of shares of an investment company which follows a practice, disclosed in its prospectus, of considering sales of shares as a factor in the selection of broker-dealers to execute portfolio transactions. Agency contact: Kathleen McGann, Division of Market Regulation, (202) 272–2855.

4. The Commission also plans to consider during the third calendar quarter of 1982 adopting a new rule similar to one proposed by the NASD to regulate the sale of direct participation programs. The Commission will examine the need for special suitability standards, disclosure of certain tax consequences and compensation and expense standards to ensure investor protection and to assure comparability of regulation between NASD and SECO broker dealers. This new rule would be proposed pursuant to Sections 15, 17(a) and 23(a) of the Exchange Act. Agency contact: Sarah B. Ackerson, Division of Market Regulation, (202) 272–2857.

5. Rules 15c3–1 and 15c3–3

The Commission intends to consider during the second calendar quarter of 1982 whether to adopt proposed amendments to Rule 15c3–1 affecting the minimum net capital requirements of broker-dealers. As discussed in Securities Exchange Act Release Nos. 18418, 18419, and 18420 (January 13, 1982), (47 FR 3521, 3531, and 3534) (January 25, 1982), the amendments to Rule 15c3–1 would (1) increase the percentage deductions ("haircuts") from the market value of certain debt securities in the proprietary or other accounts of broker-dealers; (2) modify the current treatment of municipal securities that have no ready market; (3) change the haircuts for redeemable securities of registered investment companies which invest solely in debt instruments; (4) clarify the treatment of repurchase, reverse-repurchase and matched repurchase agreements; (5) modify the method of computing deductions of certain securities, including nonconvertible debt obligations and Government securities, to account for reduced market risks inherent in certain hedging strategies; and (6) modify the treatment of fails to deliver contracts, among other things, to reduce in stages the time period before a deduction must be taken in computing net capital. The proposed amendments to Rule 15c3–3 would exempt from the possession or control requirement of the rule securities that are borrowed from financial institutions and other persons pursuant to a written agreement that provides, among other things, for the full collateralization of the borrowed securities. The Commission will also consider whether to adopt a proposed modification to a published interpretation of Rule 15c3–3 to permit broker-dealers to exclude from the Reserve Formula certain fail to deliver contracts which allocate to fail to receive contracts. These amendments would be adopted pursuant to Sections 15(c)(3), 17(a) and 23(c) of the Exchange Act. Agency contact: Michael A. Macchiaroli, Division of Market Regulation, (202) 272–2372.

6. Rule 17a–5

The Commission intends to consider during the second calendar quarter of 1982 whether to propose to engage in rulemaking to reconsider whether existing exemptions from the requirement that brokers and dealers file audited reports pursuant to Rule 17a–5 adequately reflect current costs to broker-dealers and benefits to the public. Currently, most broker-dealers file an annual report with audited financial statements pursuant to Rule 17a–5. Some broker-dealers, however, are exempt from that requirement, and the Commission may consider whether to create new exemptions or to eliminate any of the existing exemptions, except those for specialists and floor brokers, in order to assure the integrity of required reports. The amendments would be proposed pursuant to the Commission's rulemaking authority under Sections 15, 17 and 23 of the Exchange Act. Agency contact: Michael Macchiaroli, Division of Market Regulation, (202) 272–2372.

7. Rule 17a–5

During the calendar quarter of 1982 the Commission intends to consider whether to repropose for further public comment amendments to Parts II and IIA of the Financial and Operational Combined Uniform Single Report ("FOCUS Report") which is required to be filed by brokers and dealers pursuant to Rule 17a–5. Part II of the FOCUS Report is filed quarterly by brokers and dealers who clear transactions or carry customer accounts; a shorter Part IIA of the FOCUS Report is filed quarterly by brokers and dealers who neither clear transactions nor carry customers accounts. The amendments are designed to revise and clarify operational and financial reporting requirements. The amendments were first published for public comment in Securities Exchange Act Release No. 17138 (Sept. 9, 1980) (45 FR 62092) pursuant to Sections 15, 17 and 23 of the Securities Exchange Act. Agency contact: James Moody, Division of Market Regulation, (202) 272–2370.

8. Rules 17Ad–9 Through 17Ad–14

The Commission plans to consider whether to engage in further rulemaking in order to facilitate the establishment of a national system for the clearance and settlement of securities transactions under Section 17A of the Exchange Act. Rules 17Ad–9 through 17Ad–14 are intended to ensure the prompt and accurate clearance and settlement of those transactions. The rules would be proposed pursuant to the Commission's rulemaking authority under Sections 17A and 23(a) of the Exchange Act. The proposed rules would require registered transfer agents to maintain and report certain information necessary to ensure enhanced accuracy and promptness in transfer agent activities. Agency contact: Harry Melamed, Division of Market Regulation, (202) 272–2897.

C. Investment Management Rules

1. Rule 3a–4

In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479), the Commission proposed for public comment Rule 3a–4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Investment Company Act of 1940.[11] The principal objective of the rule would be to provide a "safe harbor" for any investment manager which provides its clients with treatment based on the individual needs and goals of each client. Under such circumstances, regulation of investment management services under the Investment Company Act would appear to be unnecessary. The authority of the Commission to promulgate this rule is in Sections 6(c) and 38(a) if the Investment Company Act. The comment period for the proposal expired in January 1981, and final action is expected by September 30, 1982. Agency contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2028.

2. Proposed Rule 22d–6

The Commission is considering whether to propose a Rule 22d–6, which would exempt certain persons from the

[11] 15 U.S.C. 80a *et seq.* ("Investment Company Act")

provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies be sold to the public only at a current offering price described in the prospectus. The rule would permit an investment company and its underwriters to decide the pricing system for the securities being offered without first obtaining Commission approval therefor or a specific exemption from Section 22(d) of the Investment Company Act. The authority for the Commission to propose any such rule is in Sections 6(c) and 38(a) of that Act. The final action is expected by June 30, 1982. Agency contact: Barbara G. Fraser, Division of Investment Management, (202) 272–2028.

3. Amendment of Rule 17g–1

In Investment Company Act Release No. 11193 (June 2, 1980) 45 FR 38407), the Commission proposed for public comment an amendment to Rule 17g–1 under the Investment Company Act which would clarify the scope of the rule by explicity requiring bonding of officers and employees of an investment company's depositor, trustee, investment adviser or other manager, and of any affiliated person of such persons, who, because they have access to the securities or funds of the investment company, function as officers and employees of the investment company. The authority of the Commission to promulgate such rule is in Sections 17(g) and 38(a) of the Investment Company Act. The period for public comment expired in July 1980, and final action is expected by September 30, 1982. Agency contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2028.

4. Rule 2a–7

In Investment Company Act Release No. 12206 (February 1, 1982) (47 FR 5428), the Commission proposed for public comment Rule 2a–7 under the Investment Company Act, which would exempt certain investment companies known as money funds from the provisions of Section 2(a)(41) of the Investment Company Act and Rules 2a–4 and 22c–1 thereunder for the purpose of calculating their current net asset values per share. The rule would permit an investment company, subject to certain conditions, to calculate its price per share using either (1) the amortized cost method of valuation to value its portfolio securities for purposes of computing its current net asset value; or (2) the penny-rounding method to calculate its current net asset value per share rounded to the nearest one cent on a share value of one dollar. The authority for the Commission to propose any such rule is in Sections 6(c), 22(c) and 38(a) of the Investment Company Act. Final action is expected by June 30, 1982. Agency contact: Cathy G. Douglas, Division of Investment Management, (202) 272–2024.

5. Rule 6c–6

In Investment Company Act Release No. 11970 (October 2, 1981) (46 FR 49580) the Commission proposed for public comment Rule 6c–6, which would provide registered separate accounts and certain other persons with exemptive relief from certain provisions of the Investment Company Act and the rules thereunder to the extent necessary to permit them to organize new portfolio investment companies and to substitute shares of those companies for shares of existing portfolio investment companies. Rule 6c–6 was proposed in response to the Commission's belief that many separate accounts might need to modify their methods of operations as a result of Revenue Ruling 225 issued by the Internal Revenue Service on September 25, 1981. Rule 6c–6(T) was adopted by the Commission on a temporary basis on the same day it was proposed. The authority of the Commission to promulgate such rule and adopt Rule 6c–6(T) is in Sections 6(c) and 38(a) of the Investment Company Act. The period for public comment expired December 2, 1981. The approximate date for completing action is June 30, 1982. Agency contact: S. Elliott Cohan, Division of Investment Management, (202) 272–2060.

6. Automatic Effectiveness Rule for Certain Unit Investment Trust Registration Statements

In Securities Act Release No. 6356 (October 20, 1981), the Commission proposed a rule, 475b, under the Securities Act under which registration statements filed by certain unit investment trusts would be permitted to become effective automatically, without staff review, on a date and at a time designated by the registrant, if the registrant complied with certain conditions and made certain representations. Unlike management companies, unit investment trusts sell units in a portfolio of securities that is fixed at inception. Certain unit investment trusts issue units in series, and often there is no difference between a newly-registered series and precedng series other than the specific composition of the portfolio. Automatic effectiveness pursuant to the rule would be available only in this circumstance. The rule is necessary because of the large number of these fillings, which take up an increasingly large proportion of diminishing staff resources, and because of their routine nature, which makes detailed staff review unnecessary. The authority for the Commission to propose Rule 475b is in Sections 7, 8 and 19(a) of the Securities Act. Final action is expected by April 22, 1982. Agency contact: Kathleen A. Jackson, Division of Investment Management, (202) 272–2115.

7. Automatic Effectiveness Rule of Post-Effective Amendments Filed by Insurance Company Separate Accounts

In Securities Act Release No. 6376 (January 11, 1982), the Commission proposed a new rule under the Securities Act providing for automatic effectiveness of post-effective amendments to registration statements filed by insurance company separate accounts. Proposed Rule 466 is based on current Rule 485 under the Securities Act (formerly Rule 465) permitting automatic effectiveness for post-effective amendments filed by registrants other than insurance companies. The rationale for the proposed rule is the same as that for Rule 485, i.e., that certain routine filings do not need staff review before effectiveness and that registrants should take greater responsibility for compliance of their filings with the federal securities laws. The authority for the Commission to adopt this new rule is in Sections 7, 8 and 19(a) of the Securities Act. Final action is expected by May 27, 1982. Agency contact: Aviva Grossman, Division of Investment Management, (202) 272–2098.

8. Proposed Prospectus Simplification

The Commission is considering whether to propose amendments to Form N–1, the registration statement form under the Investment Company Act and the Securities Act for open-end management investment companies, intended to achieve a simplified prospectus for investment companies. The goals of such simplification would be to make disclosure easier for investors to understand and to reduce the costs and burdens of preparing and distributing prospectuses. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. The legal basis for the proposal lies in the Commission's authority to prescribe the

information required to be contained in registration statements and prospectuses of investment companies under Sction 8 of the Investment Company Act and Sections 7 and 10 of the Securities Act. Final action is expected by August 1, 1982. Agency contact: Kathleen A. Jackson, Division of Investment Management, (202) 272–2115.

9. Proposed Amendments to Regulation E

The Commission may consider whether to amend Regulation E under the Securities Act, which provides a conditional exemption from registration under that Act for securities of small business investment companies. One amendment under consideration would increase the maximum offering pride of securities that may be offered under Regulation E, without registration under the Securities Act, to $1,500,000 and increase the maximum amount of an offering for which an offering circular is not required to $100,000. These changes would parallel amendments made to Regulation A in Securities Act Release No. 5977 (September 11, 1978) (43 FR 41383). The authority for the Commission to adopt such changes is in Sections 3(c) and 19(a) of the Securities Act. The approximate date for completing action is June 30, 1982. Agency contact: Aviva Grossman, Division of Investment Management, (202) 272–2098.

10. Proposed Amendment of Rule 482

The Commission is considering whether to propose amendments to Rule 482 (formerly Rule 434d) under the Securities Act concerning advertising by investment companies. In particular, the Commission will consider whether to permit registered investment companies to use a broader spectrum of advertising media than is permitted by the rule in its current form and thus to enable investment companies to use less costly forms of advertising. The legal basis for the proposal lies in the Commission's authority under Sections 2(10), 10 and 19(a) of the Securities Act. Final action is expected by July 25, 1982. Agency contact: Kathleen A. Jackson, Division of Investment Management, (202) 272–2115.

11. Amendments to Form N–1R

The Commission is considering whether to propose amendments to Form N–1R, the form for the annual report to the Commission of management investment companies under the Investment Company Act and the Exchange Act. The amendments would restructure some of the items in the form in order to facilitate computerization of those items. The amendments may also involve the deletion of certain items to eliminate duplicative, obsolete or unnecessary requirements and the addition of items pertaining to categorization of investment companies. The legal basis for the proposal lies in the Commission's authority under Sections 13, 15(d) and 23(a) of the Exchange Act and Sections 30 and 38(a) of the Investment Company Act. Final action is expected by September 10, 1982. Agency contact: Kathleen A. Jackson, Division of Investment Management, (202) 272–2115.

12. Rule 204–2

The Commission may propose to revise Rule 204–2 which sets forth the books and records which investment advisers subject to registration with the Commission must make and keep and make available to reasonable examination by the Commission's representatives. The staff has completed a comprehensive review of Rule 204–2, the first such review since the rule was adopted in 1962, and expects during the last half of the calendar year to recommend that the Commission propose revisions to the rule. These revisions would reflect changes in the nature of the investment advisory industry since adoption of the rule and the experience of the Commission staff in conducting its inspection program. The Commission's legal basis for Rule 204–2 is Section 204 of the Investment Advisers Act which empowers the Commission to prescribe the books and records which investment advisers subject to registration must make, keep, and make available for inspection by the Commission's representatives. The approximate date for completing action is October 1982. Agency contact: Arthur Dinerman or Mary S. Champagne, Division of Investment Management, (202) 272–2079.

II. Rules to be Reviewed in 1982

As required by the RFA, the following is a list of rules the Commission plans to review in 1982.[12]

Rule Description

17 CFR 210.3–07; 210.3–08—Regulation S–X, of which there rules are a part, governs the form and content of financial statements filed with the Commission. These particular rules relate to requirements for (i) financial statements of businesses required, and (ii) pro forma financial statements under certain circumstances. The rules were considered necessary and were adopted to provide investors with additional useful financial information when consolidated financial statements were considered insufficient. *Legal Authority:* The rules in Regulation S–X have been adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act; Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act and Sections 8, 30, 31(c) and 38(a) of the Investment Company Act.

17 CFR 210.5A–01; 210.5A–02; 210.6–01; 210.6–34; 210.8–01 210.8–03; 210.9–01; 210.9–05—Articles 5A, 6, 8 and 9 of Regulation S–X specify the specialized form and content of financial statements required of companies in the development stage, management investment companies, unit investment trusts, face amount certificate investment companies, employee stock purchase, savings and similar plans, committees issuing certificates of deposit, and banks and bank holding companies. These rules were adopted to assure that investors in these entities are provided with useful financial information. *Legal Authority:* The rules in Regulation S–X have been adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act, Sections 12, 13, 14, 15(d) and 23(a) of the Exchange Act and Sections 8, 30, 31(c) and 38(a) of the Investment Company Act.

17 CFR 230.145—Rule 145 provides that the submission to a vote of security holders of a proposal for certain reclassifications of securities, mergers, consolidations or transfers of assets is deemed by the Commission to involve an "offer," "offer to sell," "offer for sale," or "sale" of the securities to be issued in the transaction. The effect of the rule is to require registration of the securities to be issued in connection with such transaction, unless exemption from registration is available. Rule 145 is designed to make available the protection provided by registration under the Securities Act to persons who are offered securities in a business combination of the type described in the rule. *Legal Authority:* Sections 6, 7, 10 and 19(a) of the Securities Act.

17 CFR 230.147—Rule 147, known as the intrastate offering rule, provides a safe harbor for offerings conducted in reliance on the exemption from the registration requirements of the Securities Act provided in Sections 3(a)(11). The rule was adopted to relieve

[12] 5 U.S.C. 610(c). As the Commission indicated in the release publishing its ten-year review plan, it is conducting a review of its rules which is broader in scope than that required by the RFA. Thus, inclusion of a rule in this listing and brief description of rules to be reviewed in 1982 does not imply that the rule has already been determined to have a significant economic impact on a substantial number of small entities.

uncertainty and to provide explicit standards for the availability of the exemption. *Legal Authority:* Sections 3(a)(11) and 19(a) of the Securities Act.

17 CFR 230.251; 230.264—Regulation A provides an exemption from the registration provisions of the Securities Act. The regulation is designed to enable small businesses to raise up to $1.5 million with minimum expense through the use of an offering circular and unaudited financial statements. *Legal Authority:* Sections 3(b) and 19(a) of the Securities Act.

17 CFR 230.300; 230.346—Regulation B contains rules governing the exemption from registration under the Securities Act of fractional undivided interests in oil and gas rights, such as landowner's royalty interests, oil or gas payments, overriding royalty interests, participating interest or working interests. The regulation is designed to facilitate raising limited amounts of capital for development of small oil and gas tracts. *Legal Authority:* Sections 3(b) and 19(a) of the Securities Act.

17 CFR 239.23—Form S–14 is a specialized registration form that may be used by companies for registration under the Securities Act of securities to be issued in a transaction specified in Rule 145(a). *Legal Authority:* Sections 6, 7, 10 and 19(a) of the Securities Act.

17 CFR 239.28—Form S–18 is a simplified registration form available to most corporations issuing initial public offerings of $5 million or less. Form S–18 is necessary to reduce the costs of first-time public offerings and thereby assist the ability of small companies to raise capital. *Legal Authority:* Sections 6, 7, 8, 10 and 19(a) of the Securities Act.

17 CFR 239.101—Forms 1–G (Report of Sales of Oil or Gas Interests Pursuant to Regulation B) and 3–G (Report of Results of Offering) provide the reporting format for information required to be filed pursuant to Regulation B. *Legal Authority:* Sections 3(b) and 19(a) of the Securities Act.

17 CFR 240.3a40–1—Rule 3a40–1 designates those rules which are financial responsibility rules for the purposes of the Securities Investor Protection Act of 1970 ("SIPA"). The need for this designation, and thus the rule, is to clarify the circumstances in which the Securities Investor Protection Corporation ("SIPC"), pursuant to Section 5 of the SIPA, may seek a protective decree on behalf of customers. The rule also defines the authority of self-regulatory organizations to examine SIPC members, pursuant to Section 13 of the SIPA, for compliance with the financial responsibility rules. *Legal Authority:* Sections 3, 15(c)(3), 17(a), and 23(a) of the Exchange Act.

17 CFR 240.6a–1; 249.1; 249.1a—Under Sections 6 and 19 of the Exchange Act, the Commission must make certain findings before it can grant an application for registration or for exemption from registration as a national securities exchange. Rule 6a–1 and Forms 1 and 1–A are designed to provide the Commission with information which is necessary to enable it to make the required findings. *Legal Authority:* Sections 5, 6, 17 and 23 of the Exchange Act.

17 CFR 240.6a–2; 249.1a—Under Sections 6 and 19 of the Exchange Act, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the Act and must have rules designed to protect investors and the public interest. Rule 6a–2 and Form 1–A are designed to enable the Commission to carry out its oversight functions and to assure that exchanges continue to be in compliance with the Exchange Act. *Legal Authority:* Sections 5, 6, 17 and 23 of the Exchange Act.

17 CFR 240.6a–3—Under Sections 6 and 19 of the Exchange Act, a registered or exempted exchange must be organized and have the capacity to carry out the purposes of the Act and must have rules to protect investors and the public interest. Rule 6a–3 is designed to enable the Commission to carry out its oversight functions and to assure that exchanges continue to be in compliance with the Exchange Act. *Legal Authority:* Sections 5, 6, 17 and 23 of the Exchange Act.

17 CFR 240.10b–8—Rule 10b–8 applies to any person participating in a distribution of securities being offered through rights issued on a pro rata basis to holders of a security. In order to prevent manipulative or deceptive acts and practices, its provisions regulate the price at which a participant may sell the underlying security, as well as stipulate the conditions under which and the prices at which bids for and purchases of rights may be made. *Legal Authority:* Sections 3(b), 9(a)(6), 10(b) and 12(a) of the Exchange Act.

17 CFR 240.14a–1; 240.14a–12; 240.14a–101; 240.14a–102—Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act; opposition solicitations with respect to the election of directors; and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. *Legal Authority:* Sections 14(a) and 23(a) of the Exchange Act.

17 CFR 240.14c–1; 240.14c–7; 240.14c–101—Regulation 14C consists of seven rules and Schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act, and annual reports to security holders accompanying or preceding such information statements. The rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings. *Legal Authority:* Sections 14(c) and 23(a) of the Exchange Act.

17 CFR 240.15b–1; 249.501; 249.510—Rule 15b1—1 provides that an application for registration as a broker or dealer must be filed on Form BD. The information required to be disclosed on Form BD is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors. *Legal Authority:* Sections 15(b), 17(a) and 23(a) of the Exchange Act.

17 CFR 240.15b1–3—Rule 15b1–3 permits an unregistered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue the business of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration as a broker-dealer has been approved by the Commission. *Legal Authority:* Sections 15(b) and 23(a) of the Exchange Act.

17 CFR 240.15b1–4—Rule 15b1–4 permits a court appointed or qualified fiduciary who succeeds to the business of a registered broker-dealer to immediately assume responsibility for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume operational responsibility for the broker-dealer until his registration with the Commission has become effective. *Legal Authority:* Sections 15(b)(2)(A) and 23(a) of the Exchange Act.

17 CFR 240.15b1–5—Rule 15b1–5 requires non-resident broker-dealers to submit forms stating that they consent to the service of process with respect to causes of action arising under the federal securities laws. This consent to service of process is necessary to assure that the Commission, the investing public and members of the securities industry are able to obtain service of process for non-resident broker-dealers. *Legal Authority:* Sections 15(b) and 23(a) of the Exchange Act.

17 CFR 240.15b2–1—Rule 15b2–1 permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering certain brokerage firms. *Legal Authority:* Sections 15(b)(2)(A) and 23(a) of the Exchange Act.

17 CFR 240.15b3–1—Rule 15b3–1 is needed in order to maintain the accuracy of broker-dealer applications that are filed with the Commission on Form BD. Form BD provides general information about the broker-dealer that is useful to the Commission and public investors. *Legal Authority:* Section 15(b), 17(a) and 23(a) of the Exchange Act.

17 CFR 240.15b5–1—Rule 15b5–1 extends the effective date of the cancellation or revocation of a broker's or dealer's registration for six months for purposes of applying certain sections of the SIPA to customer claims arising prior to the date of revocation or cancellation. This six-month extension is needed to allow SIPC to protect customers who assert claims against a broker-dealer after the broker's or dealer's registration has been terminated. *Legal Authority:* Sections 15(b) and 23(a) of the Exchange Act.

17 CFR 240.15b6–1; 249.501a—Rule 15b6–1 provides that a notice of withdrawal from registration as a broker-dealer is filed on Form BDW. Form BDW is needed by the Commission to determine whether it is in the public interest to permit a broker-dealer to withdraw its registration and to provide certain information to the public. *Legal Authority:* Sections 15(b), 17(a) and 23(a) of the Exchange Act.

17 CFR 240.15b8–1—Rule 15b8–1 requires all associated persons of a SECO broker-dealer to be qualified by passing a qualification examination. The rule also provides that a SECO broker dealer shall file a Form U–4 with the Commission for each associated person engaged in securities activities. Rule 15b8–1 is designated to ensure that all associated persons of SECO broker-dealers meet certain minimum qualification standards. *Legal Authority:* Sections 15(b)(7) and 23(a) of the Exchange Act.

17 CFR 240.15b10–10—Rule 15b10–10 prohibits broker-dealers who are not members of a registered national securities association from distributing or selling shares of an open-end investment company on the basis of brokerage commissions received, demanded, or promised. Non-member broker-dealers are also prohibited from executing fund portfolio transactions on the basis of their sales of fund shares. The rule is comparable to subsection (k) under Section 26 of Article III of the Rules of Fair Practice of the National Association of Securities Dealers, which is intended to regulate the reciprocal brokerage practices of investment company managers. Rule 15b10–10 ensures that member and non-member broker-dealers are subject to similar rules concerning reciprocal brokerage practices. *Legal Authority:* Sections 15(b) and 23(a) of the Exchange Act.

17 CFR 240.15c2–11—Rule 15c2–11 generally provides that it shall be a fraudulent, manipulative and deceptive practice for a broker or dealer to publish any quotation for a security unless it has specified financial and other information concerning the issuer and the security. The rule is needed to protect investors who otherwise might be induced to purchase the security on the basis of inadequate information. *Legal Authority:* Sections 15(c)(2), 17(a), and 23(a) of the Exchange Act.

17CFR 240.17Ac2–1; 249b.100—Rule 17Ac2–1 requires a transfer agent for which the Commission is the appropriate regulatory agency to file an application for registration with the Commission on Form TA–1 and to update certain information on the form when that information becomes inaccurate, misleading or incomplete. This rule and form prescribe the procedures to be followed by those persons applying for registration as transfer agents with the Commission. The information on the form is needed to determine, among other things, whether the Commission should allow an application for registration to become effective or should deny, accelerate or postpone registration. *Legal Authority:* Sections 2, 17, 17A and 23(a) of the Exchange Act.

17 CFR 240.17Ac3–1; 240b.101—Rule 17Ac3–1 and Form TA–W provide necessary procedures to be followed by a transfer agent desiring to withdraw from registration with the Commission. The information on Form TA–W is used by the Commission to determine (1) whether the application for withdrawal should be granted; and (2) whether terms or conditions should attach to the withdrawal. *Legal Authority:* Sections 2, 17, 17A and 23(a) of the Exchange Act.

17 CFR 240.17f–2—Rule 17f–2 requires that securities professionals be fingerprinted. This requirement serves (1) to identify security risk personnel; (2) to allow all employers to make fully informed employment decisions; and (3) to deter possible wrongdoers from seeking employment in the securities industry. *Legal Authority:* Sections 17(a), 17(f) and 23(a) of the Exchange Act.

17 CFR 240.19h–1—Rule 19h–1 requires that any self-regulatory organization that takes any action to condition or limit membership, participation or association with a member or access to services based on a statutory disqualification, as defined in Section 3(a)(39) of the Exchange Act, where the self-regulatory organization and the parties involved agree on the conditions or limitations, provide the Commission with notice and certain information related to the action. This rule is needed to provide a routine mechanism for the Commission to review such actions taken by self-regulatory organizations. Amendments to Rule 19h–1 have recently been adopted in Securities Exchange Act Release No. 18278 (November 2, 1981). *Legal Authority:* Sections 2, 15, 15A, 17, 17A, 19 and 23(a) of the Exchange Act.

17 CFR 270.2a–5—Rule 2a–5 exempts from the definition of interested person of another person in Section 2(a)(19) of the Investment Company Act, with respect to an investment company, or any investment adviser of or any principal underwriter for such investment company, any person who comes within the definition solely because such person is a broker or dealer or an affiliated person of such a broker or dealer, provided that such broker or dealer does not directly or indirectly act as a broker except in distributing shares of one or more registered investment companies other than such investment company and the investment company has agreed not to engage in any securities transactions with or through such broker or dealer while that person is its director. Rule 2a–5 recognizes that in such circumstances the broker or dealer can act independently with respect to the investment company's investment adviser or principal underwriter. *Legal Authority:* Sections 6(c) and 38(a) of the Investment Company Act.

17 CFR 270.5b–1—Rule 5b–1 defines the term "total assets" and is needed to simplify the computations which a

management investment company must make in order to determine whether it is properly classified as "diversified" or "non-diversified" under the Investment Company Act. *Legal Authority:* Sections 5(b) and 38(a) of the Investment Company Act.

17 CFR 270.5b–2—Since the term "security" is defined in the Investment Company Act to include a guarantee of a security, the securities of "any one issuer" include guarantees of securities of other companies by such issuer. This situation presents difficult problems for the investment company in the valuation of guarantees and guaranteed securities in determining whether its investments meet the diversification standards of the Investment Company Act. Rule 5b–2 is needed to alleviate this difficulty and provides, in effect, that diversified investment companies may invest in guaranteed securities on the basis that the guarantor is not the issuer of the securities, provided that the aggregate value of its investment in the direct issues of a company and the issues guaranteed by such company does not exceed 10% of the value of the total assets of the investment company. *Legal Authority:* Sections 5(b) and 38(a) of the Investment Company Act.

17 CFR 270.6b–1—Section 6(b) of the Investment Company Act provides that the Commission may exempt employees securities companies, upon application, from the provisions of the Act to the extent such exemption is consistent with the protection of investors. Rule 6b–1 affords any employee's securities company which files an application for permanent exemption under Section 6(b) of the Investment Company Act a temporary exemption pending final determination of the application. The rule is needed to avoid temporarily subjecting applicants to the provisions of the Investment Company Act while their applications for permanent exemption are pending consideration by the Commission. *Legal Authority:* Sections 6(b), 6(c) and 38(a) of the Investment Company Act.

17 CFR 270.15a–1—Section 15(a) of the Investment Company Act provides that it is unlawful for any person to serve or act as investment advisor of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of such company. Rule 15a–1 exempts from that requirement investment advisory contracts with an adviser who is not an affiliated person of the company or of its principal underwriter and who will receive only minimal compensation, since such contracts would be of little or no interest to shareholders. *Legal Authority:* Sections 6(c) and 38(a) of the Investment Company Act.

17 CFR 270.15a–2—Sections 15(a) and 15(b) of the Investment Company Act provide that the continuance of an investment company's investment advisory contract and underwriting contract which have continued in effect more than two years from the date of execution must be approved at least annually by the board of directors or by the vote of a majority of the outstanding voting securities of the company. Rule 15a–2 clarifies the time periods during which such approval may be obtained. *Legal Authority:* Section 38(a) of the Investment Company Act.

17 CFR 270.15a–3—Section 15(a) of the Investment Company Act provide that it is unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of the company. Rule 15a–3 exempts investment advisers to registered separate accounts which are exempt from the capitalization requirements of Section 14(a) of the Investment Company Act, because such accounts normally do not have security holders eligible to vote on the initial advisory contract. *Legal Authority:* Sections 6(c) and 38(a) of the Investment Company Act of 1940.

17 CFR 270.15a–4—Rule 15a–4 provides, under certain conditions, that a person may act as investment adviser to an investment company pursuant to a written contract that has not been approved by investment company shareholders during the 120-day period after termination of the previous contract. When the termination of the previous contract may not be reasonably foreseeable, the rule provides a sufficient period of time during which a successor adviser's services may be secured. *Legal Authority:* Sections 6(c) and 38(a) of the Investment Company Act.

17 CFR 270.17g–1—Section 17(g) of the Investment Company Act authorizes the Commission to require fidelity bonding of officers and employees having access to investment company securities. Rule 17g–1 defines such bonding requirements. *Legal Authority:* Sections 17(g) and 38(a) of the Investment Company Act.

17 CFR 270.22d–1; 270.22d–5—Section 22(d) of the Investment Company Act of 1940 requires that the redeemable securities of a registered investment company be sold only at a current offering price described in the prospectus. Rules 22d–1 through 22d–5 exempt from that requirement certain variations in the sales load charges with respect to certain categories of persons and transactions which appear not to discriminate unfairly among investors or disrupt the company's distribution system. *Legal Authority:* Sections 6(c) and 38(a) of the Investment Company Act of 1940.

17 CFR 274.11a–1—Form N–2 is an integrated registration statement form by which closed-end management investment companies register as investment companies under the investment Company Act, register their securities under the Securities Act, or both, and update their Investment Company Act registration statements annually pursuant to Rule 8b–16 under the Investment Company Act. The registration of securities under the Securities act by a closed-end management investment company is a necessary step in the public offering of such securities by the company. Similarly, an investment company must register under the Investment Company Act in order to conduct any business in interstate commerce. The integrated form is necessary to minimize the burden of compliance with the two acts. *Legal Authority:* Sections 5, 7 and 10 of the Securities Act and Section 7 and 8 of the Investment Company Act.

17 CFR 275.204–2—Rule 204–2 prescribes the books and records an investment adviser must maintain and preserve pertaining to its advisory activities. The rule is needed to facilitate periodic review of these records by Commission personnel, which is a major element of the Commission's investment adviser regulatory program. *Legal Authority:* Section 204 of the Investment Advisers Act.[13]

17 CFR 275.206(4)–2—Rule 206(4)–2 generally provides that it shall constitute a fraudulent, deceptive or manipulative act, practice or course of business for any investment adviser who has custody or possession of any client funds or securities to take any action with respect to such funds or securities unless certain procedures described in the rule are followed. The rule is necessary to protect investment advisory clients whose funds or securities are in the custody or possession of their investment advisers. *Legal Authority:* Section 206(4) of the Investment Advisers Act.

17 CFR 275.206(4)–3—Rule 206(4)–3 generally provides that it is unlawful for any investment adviser required to be

[13] 15 U.S.C. 80b–1 *et sec.* ("Investment advisers Act").

registered with the Commission to pay a cash fee to a solicitor with respect to solicitation activities unless the conditions prescribed in the rule are met. The rule is necessary to protect clients and prospective clients of such advisers in circumstances where a person who refers a client or prospective client to the adviser receives a cash payment for the referral. *Legal Authority:* Section 206(4) of the Investment Advisers Act.

III. Public Comment

The Commission invites public comment on its agenda and on the rules scheduled for review in 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 20, 1982.

[FR Doc. 82-11653 Filed 4-28-82; 8:45 am]

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17 CFR Part 240

[Release No. 34-18645; File No. S7-928]

Amendments Granting Additional Exemptions From the Fingerprinting Requirement

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: In order to simplify the process of claiming exemptions from the fingerprinting requirement of the Securities Exchange Act of 1934 (the "Act"), the Commission is publishing for comment proposed revisions and amendments to its rule that permits members of national securities exchanges, brokers, dealers, registered transfer agents and registered clearing agencies (collectively, "subject organizations") to claim exemptions for certain personnel. The amendments would eliminate the requirement that a subject organization must submit to the Commission for formal review and retention a "Notice Pursuant to Rule 17f-2" (the "Notice") when claiming exemptions from the fingerprinting requirement. In addition, the amendments would eliminate the need to make written requests to the Commission for certain exemptions by incorporating commonly requested exemptions and by permitting a subject organization to claim those exemptions in its Notice if it can meet the criteria stated in the proposed rule. Finally, an exemption from the requirement to prepare a Notice would be available under the proposal to any registered transfer agent that performs transfer agent functions only on behalf of itself as an issuer and that receives fewer than 500 items for transfer and fewer than 500 items for processing during any six consecutive months.

DATE: Comments must be received on or before May 31, 1982.

ADDRESSES: Comment letters should refer to File No. S7-928 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be made available for public inspection and copying at the Commission's Public Reference Room, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Thomas V. Sjoblom, Branch Chief, (202) 272-2913, or Ester Saverson, Jr., Staff Attorney, (202) 272-2374, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In order to simplify the process of claiming exemptions from the fingerprinting requirement of Section 17(f)(2) of the Act and to make that process less costly and more efficient, the Commission is proposing for comment certain revisions and amendments to Rule 17f-2 (17 CFR 240.17f-2).

I. Introduction

Section 17(f)(2) of the Act provides, in part, that "(e) very member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency, shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing."[1] The fingerprinting requirement of Section 17(f)(2) of the Act was primarily imposed to facilitate the identification of security risk personnel[2] so that the incidence of securities thefts might be reduced.[3] In order to permit some flexibility in the administration of the fingerprinting requirement, however, section 17(f)(2) also provides that the "Commission, by rule, may exempt from the provisions of (Section 17(f)(2) of the Act) upon specified terms, conditions, and periods, any class of partners, directors, officers, or employees of any such member, broker, dealer, transfer agent, or clearing agency, if the Commission finds that such action is not inconsistent with the public interest or the protection of investors."

Pursuant to that grant of authority, the Commission adopted Rule 17f-2, which became effective on July 1, 1976.[4] Generally, Rule 17f-2 provides an exemption from the fingerprinting requirement in Section 17(f)(2) of the Act for any person who is not engaged in the sale of securities, does not have access to the handling or processing of the securities, monies or the related original books and records, and does not have any direct supervisory responsibility over persons engaged in those activities.[5] Subject organizations may claim exemptions for persons who meet those conditions by submitting to the Commission for formal review and retention a "Notice Pursuant to Rule 17f-2" ("Notice") under paragraph (e) of the rule. Exemptions may be requested for other persons by specific application to the Commission for exemptive relief under paragraph (g) of Rule 17f-2.[6]

In the Commission's experience, the process by which exemptions must be claimed has proved cumbersome, and some of the wording in current Rule 17f-2 has proved to be ambiguous. Accordingly, to alleviate this confusion and to simplify the manner in which exemptions may be claimed, the Commission is proposing for comment certain revisions and amendments that are designed to clarify the conditions necessary for claiming existing exemptions and to incorporate in the rule other commonly requested

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[1] 15 U.S.C. 78q(f)(2).

[2] In order to accomplish this objective, prior to or within a reasonable time after each person commences employment with a subject organization, fingerprint cards for that person must be submitted by the subject organization to the Federal Bureau of Investigation ("FBI") for identification and appropriate processing. If an individual has a record of criminal history information, certain information is sent by the FBI to the subject organization *(see* 28 CFR 20.30 *et seq.*, and 50.12), which may then determine whether to hire or retain that person or, in an appropriate case, to reassign that person to a less sensitive position.

[3] A significant effort relied upon by the Commission to reduce the amount of trafficking in stolen securities is the Lost and Stolen Securities Program, which is administered pursuant to section 17(f)(1) of the Act and Rule 17f-1 thereunder. *See* Rule 17f-1 (17 CFR 240.17f-1). The fingerprinting requiremnt is a supplement to that program. *See generally* H. Conf. R. No. 94-229, 94th Cong., 1st Sess., reprinted in (1975) U.S. Code Cong. & Ad. News at 334-35.

[4] *See* Securities Exchange Act Release No. 12214 (March 16, 1976) (41 FR 13594) (hereinafter cited as "Release No. 34-12214").

[5] *See* Rule 17f-2(a) (1)-(3) (17 CFR 240.17f-2(a) (1)-(3)).

[6] Paragraph (g) of Rule 17f-2 provides that:

(T)he Commission, upon specified terms, conditions, and periods, may grant exemptions to any class of partners, directors, officers, or employees of any member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency, if the Commission finds that such action is not inconsistent with the public interest or the protection of investors. (17 CFR 240.17f-2(g)).

exemptions.[7] In addition, the proposed revisions will specify clearly the subject matter content required in Notices.[8] Finally, the proposed rule would eliminate the burdens imposed on both the securities industry and the Commission's staff by the requirement that Notices be submitted to the Commission for formal review and retention. Thus, the proposed amendments would simply require that the Notice be maintained on the organization's premises to enable subject organizations to monitor their use of exemptions and to facilitate the periodic review of the Notice by representatives of the appropriate regulatory agency (the "ARA")[9] or designated examining authority.

II. Synopsis of the Proposed Rule

The proposed amendments to the rule establish a scheme for exemptive relief and for complying with section 17(f)(2) of the Act that will be easy to utilize. That scheme may briefly be described as follows: Proposed § 240.17f–2(a)(1) establishes four permissive exemptions[10] and sets forth the conditions necessary for claiming each of those exemptions.[11] These exemptions are self-operative in the sense that no formal filing of any documents with, or review by, any regulatory agency need occur before these exemptions may be claimed. Instead, a subject organization will simply be required to prepare a Notice containing the information specified in proposed § 240.17f–2(e).

Proposed § 240.17f–2 (b) and (c) do not establish exemptions. Instead, these subsections provide two alternative means for satisfying the fingerprinting requirement of section 17(f)(2) of the Act. Thus, persons fingerprinted pursuant to any other federal or state law and persons submitting fingerprint cards pursuant to the plans of self-regulatory organizations will satisfy section 17(f)(2) of the Act, provided that the conditions stated in subsections (b) and (c) are met.

Proposed § 240.17f–2(d) provides that the fingerprint cards, other substitute records prepared by a subject organization and any information received from the FBI must be maintained by that subject organization. In addition, pursuant to proposed § 240.17f–2(e)(2) and other applicable recordkeeping rules, the Notice claiming exemptions must be maintained at both the subject organization's principal office and the branch or satellite office actually employing the persons for whom exemptions are claimed.

A more lengthy discussion of the proposed revisions and amendments to Rule 17f–2 follows and is included to assist all interested persons in their further understanding of the exemptive scheme established by the proposed rule, the new amendments to the rule and the nature of the Notice requirement. This release also includes a discussion of the proposed revisions that will clarify existing provisions of the rule. For the exact wording of these revisions and amendments, however, the reader's attention is directed to the text of proposed Rule 17f–2.

A. New amendments to Rule 17F–2

1. *Paragraphs (a)(1)(iii) and (a)(1)(iv): Incorporation of Certain Exemptions Previously Granted Only Under Current Rule 17f–2(g).*

New paragraphs (a)(1)(iii) and (a)(1)(iv) incorporate certain exemptions previously granted by the Commission only upon specific application for exemptive relief under current paragraph (g) of Rule 17f–2. These new subparagraphs contain conditions considered appropriate by the Commission when granting exemptive relief to partners, directors, officers and employees of registered broker-dealers engaged in certain limited securities activities and to persons who cannot produce legible fingerprints. These conditions, which are discussed below, have been perceived to be the minimum safeguards that should be required when the actual processing of fingerprint cards by the FBI does not occur.

a. *Registered Broker-Dealers Engaged in a Limited Securities Business.* Paragraph (a)(1)(iii) permits certain registered broker-dealers to claim exemptions for persons who do not regularly have access to the keeping, handling or processing of the securities, monies, or related original books and records (*see* paragraph (a)(1)(i)(B)) when the broker-dealer can meet the four conditions stated in paragraphs (a)(1)(iii)(A)–(D). First, paragraph (a)(1)(iii)(A) limits the availability of this exemption to registered brokers and dealers engaged exclusively in the sale of the following securities that ordinarily are not evidenced by certificates: shares of registered open-end management investment companies, variable contracts, or interests in limited partnerships, unit investment trusts and real estate investment trusts. The phrase "securities ordinarily * * * not evidenced by certificates" in paragraph (a)(1)(iii)(A) refers to *all* the securities mentioned in that paragraph. For example, mutual funds, through their "open account systems," discourage the issuance of certificates to avert their loss or destruction. Exemptions would seem appropriate when the securities will ordinarily be sold in uncertificated form because the possibility of loss is greatly reduced. Because the Commission recognizes that investors may on occasion request certificates, however, the availability of the exemption will not thereby be defeated for that reason alone.

Second, paragraph (a)(1)(iii)(B) requires a broker-dealer relying on this exemption for any of its partners, directors, officers or employees to be current in its obligation to update Item 10 of Form BD disclosing the existence of certain statutory disqualifications.[12] Because partners, directors, officers and employees may on occasion handle or have access to securities, monies or the related original books and records, it would appear appropriate to impose some requirement to inquire into and review the histories of those persons. Item 10 of Form BD requires the broker-dealer to ascertain, among other things, whether there exists certain criminal histories for its partners, directors,

[7] For example, since the time that Rule 17f–2 was originally adopted, the staff has received many requests for exemptive relief under Rule 17f–2(g) from persons who have difficulty producing legible fingerprints and from registered broker-dealers engaged in very limited securities activities. In response to those requests, the Commission has identified and articulated a number of conditions believed necessary to grant exemptive relief in those cases consistent with the requirements of the Act. These conditions would be incorporated into amendments to the rule. *See* proposed paragraphs (a)(1)(iii) and (a)(1)(iv) discussed *infra*.

[8] A suggested format for the Notice, included in this release, will also serve to assist organizations in preparing their Notices.

[9] *See* section 3(a)(34) of the Act.

[10] Subject organizations are not required to claim these exemptions; they may subject all partners, directors, officers and employees to the fingerprinting requirement of the Act. The Commission continues to encourage this practice. *See* Release No. 34–12214.

[11] In the event that other circumstances exist for which an exemption might be appropriate, relief can be requested under proposed § 240.17f–2(a)(2), "Other Exemptions by Application to the Commission," as in the past under current paragraph (g). *See* note 6 *supra*.

[12] Item 10 of Form BD, the form used to register with the Commission as a broker-dealer, basically requires the disclosure of, among other things, instances of false and misleading statements or omissions of material fact willfully made in registration statements or reports filed with the Commission; convictions for certain felonies and misdemeanors; injunctions against acting as a broker-dealer; violations of the federal securities laws; orders barring or suspending a person from association with a broker or dealer; denial of registration (license) to act as a broker-dealer; and denial of membership in a self-regulatory organization. These disclosures must be made for all partners, directors, officers, employees and associated persons. *See* Form BD, Item 10 (17 CFR 249.501). *See also* sections 3(a)(39), 15(b)(4) and 15(b)(6) of the Act.

officers and employees. The fingerprinting process can assist the broker-dealer in that inquiry by revealing the existence of criminal histories of serious offenses. if the broker-dealer does not utilize the statutory scheme of submitting fingerprint cards for those persons to the FBI for processing to ascertain that information, the broker-dealer should, as a condition to the availability of the exemption, be required to confirm that it is in compliance with the disclosure requirement of Item 10 of Form BD and be current in its obligation to update Item 10 of Form BD. Thus, the requirement that the firm be current in its obligation to disclose the existence of certain statutory disqualifications helps to ensure that the purpose of Section 17(f)(2) of the Act (*i.e.*, identifying security risk personnel) is met when fingerprint cards are not processed through the FBI.

Third, paragraph (a)(1)(iii)(C) requires some form of insurance or bonding before the exemption in paragraph (a)(1)(iii) may be claimed. If the fingerprints of partners, directors, officers and employees are not processed through the FBI to determine a person's background, the broker-dealer must have in place safeguards that will provide adequate protection against losses caused by these persons.

For the most part, registered broker-dealers already have some fidelity bonding protection.[13] Sometimes, however, registered broker-dealers, especially insurance companies, employ outside sales representatives who may not be covered under the broker-dealer's insurance or fidelity bond. In order to claim an exemption from the fingerprinting requirement in such cases, the proposed amendment would require that the broker-dealer provide some form of insurance or bonding that would protect the broker-dealer against customer losses caused by the acts of these outside sales representatives.

Finally, registered broker-dealers that sell variable contracts are subject to the condition stated in paragraph (a)(1)(iii)(D). Traditionally, variable contracts have been sold by insurance companies that are primarily regulated by state insurance agencies. The condition that the broker-dealer be subject to the jurisdiction of a state insurance regulator helps to ensure the safeguarding of funds and securities and the adequacy of the books and records regarding the sale of variable contracts.

[13] *See e.g.*, NYSE Rule 319; NASD Manual (CCH) 2182, 2182A; SECO Rule 15b10–11 (17 CFR 240.15b10–11).

A registered broker or dealer meeting the four conditions enumerated in (a)(1)(iii)(A)–(D) may claim an exemption for every partner, director, officer and employee that satisfies (a)(1)(i)(B), including persons involved in the sale of securities, if those persons do not regularly have access to the keeping, handling or processing of any securities, monies or the related original books and records. While the condition stated in paragraph (a)(1)(i)(B) cannot be met when persons "regularly" have access to securities, monies or the related original books and records, the Commission ordinarily will consider the condition as having been satisfied, even though the persons for whom exemptions are claimed may have limited access to funds when opening new customer accounts. Thus, an insurance company subsidiary registered as a broker-dealer may claim an exemption for sales representatives that sell mutual fund shares or variable annuities, even though these sales representatives may handle customers' checks, drafts or money orders when opening new accounts, provided that the checks, drafts or money orders are made payable and promptly forwarded to the principal office of the broker-dealer or to the issuer, transfer agent or other custodian. To ensure that access to funds and securities remains restricted, any person for whom an exemption has been claimed must not receive, handle or process subsequent installment or purchase payments by the customer or any redemptions or dividends by the issuer.[14]

b. *Persons Unable to Produce Legible Fingerprints.* Paragraph (a)(1)(iv) incorporates an exemption that has been granted in Commission letters to persons from whom a complete set of legible fingerprints cannot be obtained. Any person who is required to be fingerprinted but who cannot produce legible fingerprints will be exempt if the subject organization, among other things, can demonstrate that it has on at least three occasions attempted in good faith to obtain from such person a complete set of fingerprints acceptable to the FBI for processing.[15] In addition, in order to claims this exemption, the fingerprint cards that were rejected by the FBI because the fingerprints were illegible, together with any information received from the FBI, must be retained in accordance with subsection (d) of proposed Rule 17f–2.

2. *Subsection 240.17f–2(e): Notice Pursuant to Rule 17f–2.*

The Notice required by subsection (e) is the mechanism by which a subject organization claims any of the self-operative exemptions provided in paragraphs (a)(1)(i)–(iv).[16] The Commission believes that several regulatory purposes are served by that requirement. First, the Notice requirement causes a subject organization to scrutinize closely each person, division, office, or department to identify persons who may have access to the keeping, handling or processing of the securities, monies or the related original books and records but who have not been fingerprinted. Second, the Notice requirement causes a subject organization to evaluate its physical security systems for weaknesses that might enable non-fingerprinted persons to have access to the securities, monies or the related original books and records, Third, the Notice requirement acts as an effective self-policing mechanism for use by subject organizations in monitoring, on an on-going basis, access by personnel to the securities, monies and the related original books and records. Fourth, the Notice facilitates effective review by examiners in determining the appropriate use of exemptions. Therefore, the Notice serves as an effective mechanism for monitoring not only the use of exemptions but also compliance with section 17(f)(2) of the Act.

While the requirement that a subject organization prepare a Notice serves very useful regulatory purposes, the current requirement that Notices be submitted to the Commission for formal review in the abstract in Washington, D.C. is ineffective to determine whether all security risk personnel have been identified and fingerprinted and whether the safeguards in place at the organization are adequate to ensure that the securities, monies and the related original books and records are not accessible to non-fingerprinted

[14] The Commission requests comment on whether brokers that sell the types of securities referred to in paragraph (a)(1)(iii)(A) but that occasionally act as introducing brokers on a fully disclosed basis should be permitted to rely on this exemption with respect to their partners, directors, officers or employees who satisfy the condition stated in paragraph (a)(1)(i)(B), when that broker does not regularly receive, handle or process monies or securities except when a new account is opened, and when all monies and securities are promptly forwarded to the clearing broker.

[15] A factor indicating a lack of good faith might be the failure to ensure that persons required to be fingerprinted do not purposefully create impediments to the production of legible fingerprints.

[16] Since Notices must be prepared under subsection (e) only when exemptions are claimed, subject organizations that fingerprint all partners, directors, officers and employees will not be required to prepare a Notice.

personnel. In addition, the formal review process imposes unjustifiable burdens and costs on both the securities industry and the Commission's staff. Therefore, under proposed subsection (e), a subject organization (rather than "filing" such a Notice with the Commission) would simply be required to maintain the Notice on its premises and to produce or furnish it upon request to the Commission, its ARA or the designated examining authority.

Many of the problems encountered in the administration of Rule 17f-2 occur because of the ambiguities in current paragraph (e) regarding the required subject matter content of Notices. Because paragraph (e) does not clearly identify and explain the nature of the information that must appear in a Notice, the contents of Notices vary and are often insufficient. Proposed paragraph (e) seeks to resolve that problem by specifically enumerating the types of subject matter that must appear in a Notice. To provide further clarity, a suggested format for the Notice is set out in this release.[17]

Paragraph (e)(1)(i) requires the organization to state its name and indicate whether it is a member of a national securities exchange, broker, dealer, registered transfer agent or registered clearing agency.

Paragraph (e)(1)(ii), which imposes a new requirement, states that an organization must identify all persons who seek to satisfy the fingerprinting requirement of section 17(f)(2) of the Act pursuant to proposed paragraph (b), "Fingerprinting Pursuant to Other Law." That identification may be by division, department or class of persons if the entire division, department or class of persons was fingerprinted pursuant to other law; otherwise, the organization should list each person by name and position.

A subject organization relying on paragraph (b) must be certain that the fingerprinting of persons pursuant to some other federal or state law has occurred in connection with their present employment. In addition, these persons must be identified because some state agencies search for possible criminal history record information only in that state; arrests or convictions for crimes perpetrated in other states may not be included in that state's records. By contrast, the FBI's National Crime Information Center ("NCIC") system includes criminal history record information contributed by all states. Therefore, persons who rely upon paragraph (b) must be identified so that it can be determined whether the fingerprint cards for those persons have, in fact, been processed by the FBI and whether their fingerprints were taken in connection with their present employment.

Paragraph (e)(1)(iii) requires the organization to identify all persons for whom permissive exemptions are claimed under Paragraphs (a)(1)(i)–(iv) of this section.[18] An organization claiming an exemption under paragraph (a)(1)(i), (ii) or (iii) may identify those persons by division, department, class, title or position.[19] Thus, a bank registered as a transfer agent may identify persons by division (*e.g.*, community banking division, if the entire division is claimed to be exempt); by department (*e.g.*, the loan, customer service or checking department); or by position or title (*e.g.*, vice-president of corporate services in the trust division). An organization must identify by name, however, any person claimed to be exempt under paragraph (a)(i)(iv) because of illegible fingerprints. Since the subject organization had fingerprints rolled for that person and attempted to have them processed by the FBI, that person presumably has access to the keeping, handling or processing of the securities, moneys or related original books and records. Therefore, a person who has that access but for whom no history has been provided by the FBI should be individually identified in the Notice.

In addition to identifying in the Notice every division, department, class or person claimed to be exempt, paragraph (e)(1)(iv) continues the existing requirement that an organization identify or describe briefly the duties of the persons and the functions of the division, department or class of persons identified in paragraph (e)(1)(iii). This information is particularly important when a person's duties would not be easily understood from the name of the division or department or from the position or title of that person. An organization claiming an exemption under paragraph (a)(1)(iv) for a person who cannot produce legible fingerprints, however, could satisfy both the requirement in paragraph (e)(1)(iii) of identifying the person by name and the requirement in paragraph (e)(1)(iv) of describing that person's duties by listing that person's name, title and department: John Doe, clerk-typist, stock transfer department.

Paragraph (e)(1)(v) also continues the existing requirement that the Notice contain a general description of the security measures utilized to ensure that only persons who have been fingerprinted or who are exempt under paragraph (a)(1)(iv) have access to the securities, moneys or the related original books and records. This requirement is designed (1) to help an organization evaluate its current security measures for potential weaknesses and (2) to help an examiner determine whether persons who have not been fingerprinted must be fingerprinted because they have access to the securities, moneys or the related original books and records. Security measures may vary from organization to organization, and paragraph (e)(1)(v) does not specify what types of security measures should be in place. However, a blanket representation that the organization has "adequate precautionary measures" will not be considered sufficient.

Paragraph (e)(2) will require copies of the Notice to be kept at both the organization's principal office and the office actually employing the person for whom an exemption is claimed. Thus, a broker-dealer headquartered in New York City must keep a copy of the Notice on hand at its New York office and at the branch or satellite office where the person for whom an exemption is claimed actually works.

Paragraph (e)(3) is a new provision that would exempt from the Notice requirement any registered transfer agent that performs transfer agent functions only on behalf of itself as an issuer and that receives fewer than 500 items for transfer and fewer than 500 items for processing during any six consecutive months. Because these transfer agents are commonly quite small, the subject organization and the appropriate examining authority can

[17] The Commission is publishing a suggested format as a guide for preparing the Notice; it is not intended to be an official Commission form. Nevertheless, the Commission specifically requests comment on the format suggested and on the degree of detail that would seem appropriate for subject organizations to provide in a Notice in order to meet the subject matter requirement in paragraph (e)(1).

[18] Paragraph (e) currently requires the listing of all persons claimed to be exempt from section 17(f)(2) of the Act. Subparagraphs (a)(1)(iii) and (a)(1)(iv) grant new exemptions. Thus, (e)(i)(iii) extends the requirement to identify persons claimed to be exempt to include proposed paragraph (a)(1)(iii) or (a)(i)(iv).

[19] Unless specified by the rule, the person or class of persons claimed to be exempt may be identified under paragraphs (e)(1)(ii) and (e)(1)(iii) by division, department, office, class, title, position or name, or any combination thereof, whichever is most appropriate. Except when a person must be identified by name and except when some other classification or description would serve as a more appropriate basis on which to ensure accurate identification, the smallest class of persons to which that person belongs must be used as the basis for identification. Thus, if only a few offices or persons within a department are exempt, they must be identified by office, position, title or some other readily identifiable classification; it would be inappropriate to identify them by using the department's name only.

easily determine by observation which persons do not have access to securities transfer and processing activities and should be exempt. Therefore, there would appear to be little regulatory need for requiring the preparation of a Notice outlining the organizational structure of these transfer agents and distinguishing between classes of persons who are not involved in securities transfer or processing activities.

B. Clarifying the Existing Requirements in Paragraphs (a), (b), (c), and (d) of Rule 17f-2

1. *Section 240.17f-2(a): Exemptions From the Fingerprinting Requirement.* Currently, Rule 17f-2(a) seems to place the duty to be fingerprinted on the partner, director, officer or employee. Section 17(f)(2) of the Act, however, places the duty to fingerprint those persons on the subject organization. Proposed § 240.17f-2(a) conforms the language of Rule 17f-2 more closely to section 17(f)(2) of the Act of placing on the subject organization (rather than on the person to be fingerprinted) the duty to fingerprint every partner, director, officer and employee or to ensure that those persons qualify for an exemption.

Proposed paragraphs (a)(1) (i)–(iv) set forth the conditions necessary for claiming exemptions for partners, directors, officers or employees of subject organizations. These exemptions are self-operative; a formal grant of approval by the Commission is not necessary. However, an organization desiring to claim exemptions must prepare and keep current the Notice required by proposed paragraph (e).

a. *Members of National Securities Exchanges, Brokers, Dealers and Registered Clearing Agencies.* New paragraphs (a)(1)(i) and (a)(1)(ii) restate, in what the Commission believes is a more coherent manner, the existing exemptions available in current Rule 17f-2(a). Paragraph (a)(1)(i), which applies to all subject organizations except registered transfer agents, continues to use, with minor modifications,[20] the basic conditions for an exemptions established by current Rule 17f-2(a). Thus, members of national securities exchanges, brokers, dealers, and registered clearing agencies may claim exemptions for any partner, director, officer or employee that meets the three conditions enumerated in paragraphs (a)(1)(i) (A)–(C).

For purposes of paragraph (a)(1)(i)(B), the terms "regularly" and "access" are to be interpreted in light of the circumstances existing at the subject organization that is claiming an exemption. Ordinarily, the term "access" will be interpreted by reference to such factors as the scope and nature of the duties assigned to a person for whom an exemption is claimed, the actual physical access that person has to securities, monies and the related original books and records, and the scheme of security measures that are supposed to be in place at the subject organization. Similarly, the term "regularly" will be interpreted by reference to whether routine access is authorized as part of that person's assigned duties or whether, despite the lack of authorized access, that person may have actual contact with securities, monies or the related original books and records.

Thus, exemptions ordinarily may be claimed for persons whose duties do not entail access to securities, monies or the related original books and records, unless access in fact is unrestricted or not infrequent. Conversely, exemptions may not be claimed for persons who, by virtue of their duties, have authorized access to securities, monies and the related original books and records, unless their access in fact is restricted and infrequent.

b. *Registered Transfer Agents.* Paragraph (a)(1)(ii) is intended to eliminate the confusion among registered transfer agents concerning the availability of the current exemptions by clearly enumerating the conditions necessary for claiming it. Currently, the availability of exemptions for registered transfer agent personnel is stated in a proviso to paragraph (a). New paragraph (a)(1)(ii) incorporates that proviso.

The exemptions in subparagraph (a)(1)(ii) will be available in two situations. First, paragraph (a)(1)(ii)(A) makes clear that registered transfer agents may claim exemptions for persons who do not perform transfer agent functions or activities incidental thereto.[21] Second, paragraph (a)(1)(ii)(B) will permit exemptions for persons who are engaged in transfer agent activities if they meet the conditions in paragraph (a)(1)(i)(B), which provides that persons claimed to be exempt cannot regularly have access to securities, monies or the related original books and records, and the conditions in paragraph (a)(1)(i)(C), which provides that persons claimed to be exempt cannot have direct supervisory responsibility over persons engaged in the keeping, handling or processing of securities, monies or the related original books and records.

The operative effect of paragraph (a)(1)(ii)(B) may be illustrated as follows: An officer of a large bank registered as a transfer agent might, by virtue of his position, have overall responsibility for, and potential access to, the bank's transfer agent activities. Unless that officer regularly or routinely participates, however, in some aspect of the transfer or processing of securities, or has actual physical access to securities, monies or the related original books and records, that officer would ordinarily meet the conditions contained in paragraphs (a)(1)(i) (B) and (C).[22] By contrast, a bank that conducts all of its business, including the work of the stock transfer department, in an open, single floor facility might have no physical security measures either separating the stock transfer department from the bank's other departments or ensuring that non-fingerprinted persons do not have access to securities, monies or the related original books and records. Under those circumstances, a secretary employed in that bank's reorganization department, which ordinarily is not involved in securities processing activities except when the bank acts as a depositary in a tender offer, will usually have to be fingerprinted because of that secretary's frequent and unrestricted access and physical proximity to securities, monies, and the related original books and records maintained and processed by both departments.

2. *Section 240.17f-2(b): Fingerprinting Pursuant to Other Law*

New paragraph (b) seeks to eliminate the ambiguities in existing paragraph (b) by clearly enumerating the conditions necessary to qualify under this provision. Paragraph (b) is designed to avoid unnecessary regulatory duplication and to reduce administrative burdens by allowing subject organizations to satisfy the fingerprinting requirement as to any partner, director, officer or employee who, pursuant to any other law, rule or regulation, is fingerprinted and whose fingerprints are processed by the FBI. To qualify under this subsection, however, subject organizations must meet the

[20] The word "keeping" has been added to proposed paragraph (a)(1)(i)(B) to include access not only to the persons responsible for the keeping of securities, monies and the related original books and records but also the place or location where the securities, monies and the related original books and records are kept.

[21] Transfer agent "activities" under proposed paragraph (a)(1)(ii)(A) include not only the transfer agent functions enumerated in section 3(a) (25) of the Act, but also activities related to those functions, such as dividend disbursing activities; paying agent activities; effecting dividend reinvestments; processing of stock subscriptions, warrants or rights; and processing letters of transmittal or securities tendered in connection with cash tender offers and registered exchange offers.

[22] *See* Release No. 34-12214.

following conditions: (1) the person must, in connection with his or her present employment, be fingerprinted pursuant to other federal or state laws, statutes, rules or regulations;[23] (2) the fingerprint cards must in fact be processed by the FBI; and (3) the subject organization must, pursuant to paragraph (d) of this section, retain the returned, processed cards, together with any information received from the FBI.

Paragraph (b), however, cannot be used to satisfy the fingerprinting requirement of section 17(f)(2) of the Act if the state or federal agency does not disclose to the subject organization any record of conviction or arrest uncovered as a result of its fingerprinting process.[24] Additionally, subsection (b) cannot be relied upon to satisfy the fingerprinting requirement of section 17(f)(2) of the Act for persons whose fingerprint cards were submitted to the FBI in connection with other employment. Thus, organizations cannot use this subsection to satisfy the fingerprinting requirement for persons who were fingerprinted for induction into the armed forces, for government employment or for employment with an organization other than their present employer.

3. *Section 240.17f–2(c): Plans of Self-Regulatory Organizations.*

New paragraph (c) continues the practice currently set forth in paragraph (c) of satisfying the fingerprinting requirement by submitting fingerprint cards to the FBI through the self-regulatory organizations. Under this subsection, a subject organization can submit appropriate and complete fingerprint cards to an appropriate self-regulatory organization, which then forwards the cards to the FBI pursuant to a plan filed with and approved by the Commission. To date, the Commission has approved the fingerprinting plans of the American, Boston, Midwest, Pacific, Philadelphia and New York Stock Exchanges as well as the plan of the National Association of Securities Dealers, Inc.[25]

Proposed paragraph (c) eliminates as unnecessary the references in existing paragraph (c) to paragraphs (a) and (b). In addition, proposed paragraph (c) makes clear that "appropriate and complete" fingerprint cards must be submitted to the self-regulatory organization. Thus, fingerprint cards must contain the appropriate originating agency identifier number [26] and must contain a complete set of fingerprints before the self-regulatory organization will transmit the card to the FBI for processing.

4. *Section 240.17f–2(d): Record Maintenance*

Proposed paragraph (d) clarifies the existing record maintenance requirements in paragraph (d). The current provision could be interpreted to require recordkeeping only for persons fingerprinted pursuant to current paragraph (a); under this interpretation, records would not need to be kept if the fingerprinting requirement were satisfied pursuant to paragraphs (b) or (c). In order to prevent such a construction, new paragraph (d) states that every subject organization shall maintain the processed fingerprint cards, other substitute records and information received from the FBI for all of its partners, directors, officers and employees as a result of the fingerprinting process, regardless of the method used to fulfill the fingerprinting requirement. Thus, the records for persons fingerprinted pursuant ot paragraphs (a), (b) or (c) must be maintained by the subject organization.

In addition, all cards, records and information required to be maintained by this subsection must be kept in an easily accessible place at the organization's principal office for inspection, upon request, by the Commission, the ARA (if not the Commission) or other designated examining authority. The organization's principal office, however, must provide to the regional, branch or satellite office actually employing the person some type of written evidence that the person's fingerprints have been processed by the FBI and must provide to that office a copy of any criminal history record information received from the FBI. The records required under this subsection must be retained for a period of not less than three years after termination of that person's employment or relationship with the organization.[27]

III. Amendments to Rules 17a–4(e)(3) and 17Ad–7(e)(2)

The Commission also proposes to amend the recordkeeping requirements for broker-dealers and registered transfer agents in Rules 17a–4(e)(3) and 17Ad–7(e)(2) (17 CFR 240.17a–4(e)(3) and 17Ad–7(e)(2)), respectively, so that all entities subject to rule 17f–2 will have the same obligation to retain the "Notice Pursuant to Rule 17f–2." Those provisions presently impose a three year recordkeeping requirement. Because the status of exemptions for various persons will inevitably change, however, as organizational restructuring occurs and as physical security systems are altered, Notices will need to be periodically updated. As a result, Notices will become a more or less permanent type of business record to be kept in an easily accessible place for monitoring purposes. All organizations subject to rule 17f–2, therefore, will be required by paragraph (e)(2) of Rule 17f–2 to retain the Notice that must be prepared under paragraph (e) of Rule 17f–2 [28] for the life of the enterprise or until they have withdrawn from registration.

IV. Regulatory Flexibility Act Certification

Section 603(a) [29] of the Administrative Procedure Act,[30] as amended by the Regulatory Flexibility Act (the "Flexibility Act"),[31] generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules or proposed rule amendments to determine the impact of such rulemaking on "small entities." [32] Section 605(b) of the Flexibility Act, however, specifically exempts from that requirement any proposed rule, or proposed rule amendment, which, if adopted, would not have a "significant economic impact on a substantial number of small entities."

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[23] *See e.g.*, 7 U.S.C. 12a (registration of futures commission merchants, commodity trading advisors, and floor brokers); and 17 CFR 3.10(a)(2) (futures commission merchants); 3.11(b) (floor borkers); and 3.13(a)(2) (commodity trading advisors). With respect to state laws, *see e.g.*, Arizona Admin. Rules and Regs. R14–4–122.

[24] Department of Justice regulation (28 CFR 20.33(a)(3)), however, which prohibits the dissemination of arrest data more than one year old absent a disposition of that arrest when no active prosecution of the charge is known to be pending, will not preclude a subject organization from relying on paragraph (b).

[25] *See* Securities Exchange Act Release Nos. 12566 (June 22, 1976) (41 FR 27792); 12609 (July 8, 1976) (9 SEC Docket 1053); 12687 (August 4, 1976) (41 FR 34135); 12911 (October 27, 1976) (41 FR 47120); 13105 (December 23, 1976) (42 FR 753); 18170 (October 14, 1981) (45 FR 51692).

[26] Each self-regulatory organization that has a plan declared effective by the Commission has been issued such a number. Cards that do not contain one of these numbers, such as cards obtained from local police departments, should not be submitted because they will not be processed by the FBI.

[27] *See also* Rule 17a–4(e)(1) (17 CFR 240.17a–4(e)(1)), which requires a broker-dealer to maintain, for three years after termination of a person's association with that broker-dealer, the information required by Rule 17a–3(a)(12)(A) (17 CFR 240.17a–3(a)(12)(A)), including records of arrests, indictments and convictions.

[28] *See* note 16 *supra*.

[29] 5 U.S.C. 603(a).

[30] 5 U.S.C. 551, *et seq.*

[31] Pub. L. No. 96–354 (September 19, 1980), 94 Stat. 1164, reprinted in (1980) U.S. Code Cong. & Ad. News 1169.

[32] Although Section 601(b) of the Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission published the final definitions of the terms "small business" and "small organization" in Securities Act Release No. 6380 (February 4, 1982) (47 FR 5215).

The only "small entities" subject to proposed Rule 17f–2 are broker-dealers and registered transfer agents as defined by the Commission.[33] The revisions and amendments to Rule 17f–2 would eliminate the Notice submission requirement, clarify the required content for Notices and expand available exemptions to include registered broker-dealers engaged in limited securities activities and persons unable to produce legible fingerprints. Moreover, paragraph (e)(3) of proposed Rule 17f–2 would grant an exemption from the Notice requirement to any registered transfer agent that performs transfer agent functions only on behalf of itself as an issuer and that receives fewer than 500 items for transfer and fewer than 500 items for processing during any six consecutive months. Therefore, the Commission does not believe that the proposed revisions and amendments will have a significant economic impact on a substantial number of small entities, and the Commission believes that a Regulatory Flexibility Act certification is appropriate.

Accordingly, the Chairman of the Commission has certified that the proposed revisions and amendments to Rule 17f–2, if adopted, would not have a significant economic impact on a substantial number of small entities.

[33] 17 CFR 240.0–10(c) defines a small broker-dealer and 17 CFR 240.0–10(h) defines a small transfer agent for purposes of the Flexibility Act as follows:

For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 *et seq.*), and unless otherwise defined for purposes of a particular rulemaking proceeding, the term "small business" or "small organization" shall—

(c) When used with reference to a broker or dealer, mean a broker or dealer that: (1) Had total capital (net worth plus subordinated liabilities) of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to § 240.17a–5(d) or, if not required to file such statements, a broker or dealer that had total capital (net worth plus subordinated liabilities) of less than $500,000 on the last business day of the preceding fiscal year (or in the time that it has been in business, if shorter); and (2) Is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in this section;

* * * * *

(h) When used with reference to a transfer agent, mean a transfer agent that: (1) Received less than 500 items for transfer and less than 500 items for processing during the preceding six months (or in the time that it has been in business, if shorter); (2) Maintained master shareholder files that in the aggregate contained less than 1,000 shareholder accounts or was the named transfer agent for less than 1,000 shareholder accounts at all times during the preceding fiscal year (or in the time that it has been in business, if shorter); and (3) Is not affiliated with any person (other than a natural person) that is not a small business or small organization under this section.

V. Request for comments

Any interested person wishing to submit comments on the proposed amendments, as well as on other matters that might have an impact on the proposals contained herein, is requested to do so. Moreover, the Commission is specifically soliciting comments with respect to the following: What other types of securities, not ordinarily evidenced by certificates, should be included in proposed subparagraph (a)(1)(iii)(A) that would appropriately broaden the availability of the exemption under subparagraph (a)(1)(iii)? Please indicate why such a security should be included in proposed subparagraph (a)(1)(iii)(A).

Text of proposals

List of Subjects in 17 CFR Part 240

Brokers, Fraud, Investment companies, Municipal securities dealers, Reporting requirements, Securities, (Bonds, Business development companies, Exempt securities, Government securities, Institutional disclosure, Investment companies, Investments, Stocks, Securities associations, Securities exchange.

In accordance with the foregoing, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising §240.17f–2 to read as follows:

§ 240.17f–2 Fingerprinting of securities industry personnel.

(a) *Exemptions from the fingerprinting requirement.* Except as otherwise provided in paragraph (a)(1) or (a)(2) of this section, every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency shall require that each of its partners, directors, officers and employees be fingerprinted and shall submit, or cause to be submitted, the fingerprints of such persons to the Attorney General of the United States or its designee for identification and appropriate processing.

(1) *Permissive exemptions.* Every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency may claim one or more of the exemptions in paragraph (a)(1) (i), (ii), (iii) or (iv) herein, provided that all the requirements of paragraph (e) are also satisfied.

(i) *Member of a national securities exchange, broker, dealer or registered clearing agency.* Every person who is a partner, director, officer or employee of a member of a national securities exchange, broker, dealer, or registered clearing agency shall be exempt if that person:

(A) Is not engaged in the sale of securities;

(B) Does not regularly have access to the keeping, handling or processing of *(1)* securities, *(2)* monies, or *(3)* the original books and records relating to the securities or the monies; and

(C) Does not have direct supervisory responsibility over persons engaged in the activities referred to in paragraphs (a)(1)(i) (A) and (B) above.

(ii) *Registered Transfer Agents.* Every person who is a partner, director, officer or employee of a registered transfer agent shall be exempt if that person:

(A) Is not engaged in transfer agent functions (as defined in section 3(a)(25) of the Securities Exchange Act of 1934) or activities incidental thereto; or

(B) Meets the conditions in paragraphs (a)(1)(i) (B) and (C) of this section.

(iii) *Registered broker-dealers engaged in sales of certain securities.* Every partner, director, officer and employee of a registered broker or dealer who satisfies paragraph (a)(1)(i)(B) shall be exempt if that broker or dealer:

(A) Is engaged exclusively in the sale of shares of registered open-end management investment companies, variable contracts, or interests in limited partnerships, unit investment trusts, or real estate investment trusts, *Provided* That those securities ordinarily are not evidenced by certificates;

(B) Is current in its continuing obligation under §§ 240.15b1–1 and 15b3–1(b) to update Item 10 of Form BD to disclose the existence of any statutory disqualification set forth in sections 3(a)(39), 15(b)(4) and 15(b)(6) of the Securities Exchange Act of 1934;

(C) Has insurance or bonding indemnifying it for losses to customers caused by the acts of any of its partners, directors, officers or employees; and

(D) Is subject to the jurisdiction of a state insurance department with respect to its sale of variable contracts.

(iv) *Illegible fingerprint cards.* Every person who is a partner, director, officer or employee shall be exempt if that member of a national securities exchange, broker, dealer, registered transfer agent or registered clearing agency, on at least three occasions:

(A) Attempts in good faith to obtain from such person a complete set of

fingerprints acceptable to the Attorney General or its designee for identification and appropriate processing;

(B) Has the person's fingerprints rolled by a person competent to do so and submits the fingerprint cards to the Attorney General or its designee in accordance with proper procedures; and

(C) Retains the returned fingerprint cards and any other required records in accordance with paragraph (d) of this section and §§ 240.17a–3(a)(13), 17a–4(e)(2) and 17Ad–7(e)(1) under the Securities Exchange Act of 1934.

(2) *Other exemptions by application to the Commission.* The Commission, upon specified terms, conditions and periods, may grant exemptions to any class of partners, directors, officers or employees of any member of a national securities exchange, broker, dealer, registered transfer agent or registered clearing agency, if the Commission finds that such action is not inconsistent with the public interest or the protection of investors.

(b) *Fingerprinting pursuant to other law.* Every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency may satisfy the fingerprinting requirement of section 17(f)(2) of the Securities Exchange Act of 1934 as to any partner, director, officer or employee, if:

(1) The person, in connection with his or her present employment with such organization, has been fingerprinted pursuant to any other law, statute, rule or regulation of any state or federal government or agency thereof;

(2) The fingerprint cards for that person are submitted, or are caused to be submitted, to the Attorney General of the United States or its designee for identification and appropriate processing, and the Attorney General or its designee has processed those fingerprint cards; and

(3) The processed fingerprint cards or any substitute records, together with any information received from the Attorney General or its designee, are maintained in accordance with paragraph (d) of this section.

(c) *Fingerprinting plans of self-regulatory organizations.* The fingerprinting requirement of section 17(f)(2) of the Securities Exchange Act of 1934 may be satisfied by submitting appropriate and complete fingerprint cards to a registered national securities exchange or to a registered national securities association which, pursuant to a plan filed with, and declared effective by, the Commission, forwards such fingerprint cards to the Attorney General of the United States or its designee for identification and appropriate processing. Any plan filed by a registered national securities exchange or a registered national securities association shall not become effective, unless declared effective by the Commission as not inconsistent with the public interest or the protection of investors; and, in declaring any such plan effective, the Commission may impose any terms and conditions relating to the provisions of the plan and the period of its effectiveness as it may deem necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

(d) *Record maintenance.* Every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency shall maintain the processed fingerprint card or any substitute record when such card is not returned after processing, together with any information received from the Attorney General or its designee, for every person required to be fingerprinted under section 17(f)(2) of the Securities Exchange Act of 1934 and for persons who have complied with this section pursuant to paragraphs (b) or (c) of this section. Every substitute record shall state the name of the person whose fingerprint card was submitted to the Attorney General of the United States, the name of the member of a national securities exchange, broker, dealer, registered transfer agent or registered clearing agency that submitted the fingerprint card, the name of the person or organization that rolled the fingerprints, the date on which the fingerprints were rolled, and the date the fingerprint card was submitted to the Attorney General of the United States. The processed fingerprint card and every other substitute record containing the information required by this paragraph, together with any information received from the Attorney General of the United States, shall be kept in an easily accessible place at the organization's principal office and shall be made available upon request to the Commission, the appropriate regulatory agency (if not the Commission) or other designated examining authority. The organization's principal office must provide to the regional, branch or satellite office actually employing the person written evidence that the person's fingerprints have been processed by the FBI and must provide to that office a copy of any criminal history record information received from the FBI. All fingerprint cards, records and information required to be maintained under this paragraph shall be retained for a period of not less than three years after termination of that person's employment or relationship with the organization.

(e) *Notice requirement.* Every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency that claims one or more of the exemptions in paragraphs (a)(1)(i)–(iv) of this section shall make and keep current a statement entitled "Notice Pursuant to Rule 17f–2" containing the information specified in paragraph (e)(1) below.

(1) *Contents of statement.* The Notice required by paragraph (e) of this section shall:

(i) State the name of the organization and state whether it is a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency;

(ii) Identify by division, department, class, or name and position within the organization all persons who are claimed to have satisfied the fingerprinting requirement of section 17(f)(2) of the Securities Exchange Act of 1934 pursuant to paragraph (b) of this section;

(iii) Identify by division, department, class, title or position within the organization all persons claimed to be exempt under paragraphs (a)(1)(i)–(iii) of this section, and identify by name all persons claimed to be exempt under paragraph (a)(1)(iv). Persons identified under this paragraph (e)(1)(iii) shall be exempt from the requirement of section 17(f)(2) of the Securities Exchange Act of 1934 unless notified to the contrary by the Commission;

(iv) Describe, in generic terms, the nature of the duties of the person or classes of persons, and the nature of the functions and operations of the divisions and departments, identified as exempt in paragraph (e)(1)(iii) above; and

(v) Describe the security measures utilized to ensure that only those persons who have been fingerprinted in accordance with the fingerprinting requirement of section 17(f)(2) of the Securities Exchange Act of 1934 or who are exempt under paragraph (a)(1)(iv) of this section have access to the keeping, handling or processing of securities or monies or the original books and records relating thereto.

(2) *Record maintenance.* A copy of the Notice required to be made and kept current under paragraph (e) of this section shall be kept in an easily accessible place at the organization's principal office and at the office employing the persons for whom exemptions are claimed and shall be made available upon request for

inspection by the Commission, appropriate regulatory agency (if not the Commission) or other designated examining authority.

(3) *Exemption from the notice requirement.* A registered transfer agent that performs transfer agent functions only on behalf of itself as an issuer and that receives fewer than 500 items for transfer and fewer than 500 items for processing during any six consecutive months shall be exempt from the Notice requirement of paragraph (e) of this section.

2. By revising paragraph (e)(3) of § 240.17a–4 to read as follows:

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(e) * * *

(3) All records required pursuant to paragraph (e) of § 240.17f–2 for the life of the enterprise.

* * * * *

3. By revising paragraph (e)(2) of § 240.17Ad–7 to read as follows:

§ 240.17Ad–7 Record retention.

* * * * *

(e) * * *

(2) All records required pursuant to § 240.17f–2(e).

* * * * *

SUGGESTED FORMAT FOR THE NOTICE PURSUANT TO RULE 17f–2 *

1. Name of the Organization.

(*Example: ABC Incorporated.*)

2. State whether the organization is a member of a national securities exchange, broker, dealer, registered transfer agent, or registered clearing agency.

(*Example: ABC, Inc., is a registered broker-dealer and a member of the New York Stock Exchange.*)

3. List by division, department, class or name all persons who have satisfied the fingerprinting requirement pursuant to paragraph (b), "Fingerprinting Pursuant to Other Law." If an entire division, department or other identifiable class has been fingerprinted pursuant to other law, statute or rule, state the division, department or class; otherwise, state the individual's name and position within the organization.

(*Example: John Doe, registered sales representative, who also sells commodities, was fingerprinted pursuant to 7 USC § 12(a) (registration of futures commission merchants, commodity trading advisors and floor brokers).*)

4. Identify by division, department, class, title or position in the organization all persons claimed to be exempt under paragraphs (a)(1)(i)–(iii); and give a brief description of the duties of persons so identified and the functions of the division, department or class so identified.

(*Example: All persons whose functions involve the sale of insurance or real estate are exempt under (a)(1)(i). The Insurance Division is engaged in the general business of selling insurance products that are not securities, such as mortgage protection and life insurance. The Real Estate Division is a separate division and is engaged exclusively in the sale of real estate; none of these properties are securities.*)

5. Identify by name in the organization all persons claimed to be exempt under paragraph (a)(1)(iv); and describe, in generic terms, the nature of the duties of those persons and the functions of the relevant departments.

(*Example: Mary Smith, clerk-typist, Investment Banking Department.*)

6. Describe the security measures utilized to ensure that only those persons who have complied with the fingerprinting requirement of section 17(f)(2) of the Act or who are exempt under paragraph (a)(1)(iv) have access to the securities, monies or the original books and records relating thereto.

(*Example: The departments and divisions that are engaged in securities related activities are physically separated from the departments and divisions that perform non-securities activities. In addition, only authorized, fingerprinted persons have access to the funds or securities or may obtain access to departments where securities or funds are handled. Further, all monies and securities received from customers are placed in the possession of the cashier or employees under the cashier's supervision, who have been fingerprinted, and receipted and processed. The monies are then deposited in a bank, and securities are forwarded to appropriate safekeeping locations, such as the "cage or vault" or other control locations. Finally, only persons who have been fingerprinted can originate source documents (e.g., order tickets, receipts, etc.), and only authorized personnel may originate entries to summary journals (e.g., purchase and sale blotters, receipt and delivery blotters, and cash receipt and disbursement journals) and general and subsidiary ledgers.*)

* * * * *

Statutory Basis

The foregoing amendments are proposed pursuant to sections 2, 17(a), 17(f)(2) and 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78b, 78q(a), 78q(f), 78w(a)]. The Commission believes that there will be no burden upon competition imposed by these amendments to Rule 17f–2.

As required by section 17(f)(2) of the Act, the Commission also believes that the proposed amendments to Rule 17f–2, granting additional exemptions and eliminating the requirement that Notices be submitted to the Commission for formal staff review and retention, are not inconsistent with the public interest or the protection of investors. The granting of additional exemptions for certain personnel of registered broker-dealers engaged in limited securities activities will not adversely affect the public interest or the protection of investors because those persons claimed as exempt do not regularly have access to the securities, monies or the original books and records relating thereto. With respect to the elimination of the requirement to submit Notices to the Commission, subject organizations will still be required to monitor the use of exemptions and their physical security systems for weaknesses.

April 14, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed revisions and amendments to Rule 17f–2 (17 CFR 240.17f–2) set forth in Securities Exchange Act Release No. 18645, if promulgated, will not have a significant economic impact on a substantial number of small entities, as defined in 17 CFR 240.0–10.

The proposed revisions and amendments to Rule 17f–2 would (1) eliminate the requirement to submit to the Commission a "Notice Pursuant to Rule 17f–2 (the "Notice"), which subject organizations are required to prepare when claiming exemptions, and instead would simply require that the Notice be maintained on that organization's premises; (2) clarify the required subject matter content for Notices; and (3) incorporate exemptions for certain registered broker-dealers engaged in limited securities activities and for persons unable to produce legible fingerprints, which exemptions currently are granted only upon written request to the Commission. Moreover, proposed subparagraph (e)(3) of Rule 17f–2 would grant an exemption from the Notice requirement to any registered transfer agent that performs transfer agent functions only on behalf of itself as an issuer and that receives fewer than 500 items for transfer and fewer than 500 items for processing during any six consecutive months.

John S. R. Shad,

Chairman.

April 15, 1982.

[FR Doc. 82–11685 Filed 4–28–82; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 240

[Release No. 34–18666]

Proposed Amendments to Securities Exchange Act Rule 10b–6 in the Context of Offerings Under Securities Act Rule 415

AGENCY: Securities and Exchange Commission.

* The suggested format is not being adopted as an official form of the Commission having the force of law.

ACTION: Notice concerning staff positions.

SUMMARY: The Commission has authorized the issuance of a release publishing a latter of its Division of Market Regulation in which that Division sets forth certain interpretive positions regarding the application of proposed amendments to Rule 10b–6 under the Securities Exchange Act of 1934 ("Act") to certain activities engaged in during offerings of securities involving the use of Rule 415 under the Securities Act of 1933.

FOR FURTHER INFORMATION CONTACT: John B. Manning, Jr. (202) 272–2874 or Eric E. Miller (202) 272–2882, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On March 19, 1982, the Securities Industry Association ("SIA") submitted a letter to the Commission's Division of Market Regulation requesting interpretive advice on a number of questions concerning the application of certain proposed amendments to and no-action positions taken under Rule 10b–6 to offerings made in compliance with Rule 415. The Commission previously published for comment the proposed amendments to Rule 10b-6 in Securities Exchange Act Release No. 18528 (March 3, 1982).[1] The Commission believes that the interpretive advice given by its Division of Market Regulation in response to the SIA request will provide guidance to issuers and broker-dealers who are participating in distributions of securities pursuant to Rule 415. Accordingly, the Commission is publishing the interpretive letter and the letter from the Federal Regulation Committee of the Securities Industry Association seeking the staff's guidance. The text of each letter follows:

Re Release No. 34–18528 (Rule 10b–6).

Douglas Scarff, Esq.,
Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C.

Dear Mr. Scarff: I am writing on behalf of the Federal Regulation Committee of the Securities Industry Association to request interpretive advice on a number of questions raised by the above release. We believe that these questions, which relate primarily to the applicability of Rule 10b–6 to "shelf" registrations of equity securities under Rule 415, require clarification at this time in order for issuers and broker-dealers to be adequately informed of their responsibilities under the interim no-action position adopted in the release. At the appropriate time, of course, our committee will file its formal comments on the proposed amendments and other aspects of the release.

1. *Participation in a Distribution.* The release takes the position (page 18) that an "entire shelf-registered offering will be deemed to constitute a single distribution for purposes of Rule 10b–6" where the plan of distribution includes the possible use of techniques normally associated with a Rule 10b–6 "distribution". We will suggest in our formal comments that the staff should reconsider this position as a means of simplifying some of the problems in this area. At this time, however, we wish simply to address the lack of clarity in the release regarding the time at which a broker-dealer is deemed to commence its participation in such a "distribution". The release refers on the one hand to a broker-dealer who has "a continuing agreement with the registrant" to sell the registered securities, and on the other hand (page 30 n.36) to a test based on the "facts and circumstances" surrounding the broker-dealer's relationship with the issuer and with other broker-dealers "acting on the issuer's behalf". As you are aware, the "facts and circumstances" test is a traditional one for determining when a broker-dealer has become a "prospective underwriter" for purposes of Rule 10b–6; its applicability, however, to the unique and novel (and, to a large degree, still unknown) aspects of an equity shelf registration is far from clear. In my view, this is the single most important problem in harmonizing the operation of Rule 415 with the proposed Rule 10b–6 amendments and the Staff's interim no-action position, and unless it is resolved it will prevent full use of the techniques made available by Rule 415.

Accordingly, I would request that the Staff confirm the following interpretations of the release.

a. None of the following will result in and of itself, or in any combination, in a broker-dealer being deemed to be a "participant" in a shelf-registered distribution: (i) being identified in the registration statement as a possible underwriter, (ii) consenting to being so identified, (iii) performing "due diligence" activity or (iv) agreeing with the issuer on the form of underwriting documents to be used if and when the broker-dealer is invited to participate in the sale of particular shelf-registered securities.

b. A broker-dealer does not begin to "participate" in a shelf-registered "distribution" until there have been communications between it and the issuer relating to a reasonably imminent sale of particular securities and resulting, together with other relevant "facts and circumstances", in an understanding that the broker-dealer will participate in such sale.

c. A broker-dealer named in a shelf registration statement as the issuer's agent for the sale of equity securities on a continuous "at-the-market" basis may have a "continuing agreement" with the issuer regarding sales of such securities on that basis, but this does not necessarily mean that the same broker-dealer has such an agreement relating to sales on any other basis (e.g., a registration statement names Broker A as sole agent for continuous at-the-market sales and names Brokers A through J as possible underwriters of securities to be sold from time to time in various types of underwritten offerings; if Broker A is trading the issuer's stock following a suspension of sales on a continuous at-the-market basis, it might wait three days before resuming *such* sales, but it may participate immediately in an underwritten offering announced by the issuer if there are no "facts and circumstances", other than its role as agent, indicating an understanding that the broker-dealer will participate in that underwritten offering).

d. In the case of an issuer's invitation for bids addressed to one or more broker-dealers identified in the shelf registration statement as possible underwriters, and consistent with the present procedure for competitive bids, no broker-dealer becomes a "prospective underwriter" until it agrees to submit, or does submit, a bid; the fact that a broker-dealer was identified as a possible underwriter does not, in and of itself, constitute an agreement to submit bids.

While further questions may be raised during the comment period, we believe that Staff confirmation of the foregoing interpretations will remove the most important obstacle to full use of the opportunities offered by Rule 415, as well as ensure a relatively consistent application of Rule 10b–6 in this context. Indeed, without these interpretations we doubt that sufficient experience can be obtained regarding the operation of Rule 415 to enable a thorough exploration of the Rule's effects at the hearings scheduled in June of this year.

2. *Other Questions.* The remaining points on which we would request confirmation of our understanding are as follows:

a. *Exception (xi).* That the references to "the commencement of offers or sales" refer to *offers* subsequent to the effective date of the registration statement or, in the case of shelf-registered securities, offers subsequent to the filing with the Commission of a prospectus supplement relating to the transaction to which such offers relate.

b. *Exception (xiii).* That the exception refers not only to outstanding securities of the same class and series but also to the securities being distributed and that the provisions of Rule 10b-7 also do not apply to securities covered by the exception notwithstanding the absence of any formal proposal to amend Rule 10b-7.

3. *Effects on Research Activities.* The interpretations requested above would ease considerably any adverse impact of Rule 415 shelf registration statements on the research activities of securities firms. We assume that such interpretations would apply as well to the no-action position under the Securities Act of 1933 announced by the Commission in Note 94 to Securities Act Release No. 33–6383. We are, however, by separate letter to the Division of Corporation Finance urging prompt consideration of amendments to Rule 139 for the purpose of broadening the availability of this rule, since we believe that cautious securities firms may be deterred from reliance upon the no-action position by fear of civil liability for the distribution of research material that is not covered by Rule 139, as well as by concern that distribution of

[1] 47 FR 11482 (March 16, 1982).

non-Rule 139 material may prove to have taken place during the three-day "cooling-off" period as a result of an unanticipated acceleration of the date of an offering. These concerns must be addressed in order to enable securities firms to continue an uninterrupted flow of information and opinion to their customers under circumstances that do not permit a realistic opportunity for abuse.

A separate point of vital importance to the continuity of research activities concerns the meaning of "solicitation" for purposes of exception (ii), (v) and (xi) of the Rule. We assume that research reports and other information distributed prior to the three-day "cooling-off" period (or within that period if in compliance with Rule 138 or 139) would not destroy the availability of these exceptions.

Without intending to foreclose my committee from offering, in its formal comments, further proposals for the improvement of Rule 10b–6, I wish at this time to commend the Division of Market Regulation for a truly outstanding performance in adapting the requirements of Rule 10b–6 to a unique and far-reaching experiment in new techniques of distributing securities—Rule 415—so soon after its adoption and without the benefit of an opportunity to observe issuer and underwriter application of those techniques. It is also appropriate to point out that the proposed amendments to Rule 10b–6 undoubltedly represent the most important step since the rule's adoption nearly 30 years ago in terms of its simplification and clarification.

If I or any of the members of my committee can be of any assistance to the staff in considering the points discussed in this letter, please do not hesitate to let me know.

Very truly yours,

Joseph McLaughlin,

Chairman, Federal Regulation Committee.

March 25, 1982.

Joseph McLaughlin, Esq., *Chairman, Federal Regulation Committee, Securities Industry Association, 20 Broad Street, New York, New York 10005*

Re: *Release No. 34–18528 (Rule 10b–6)*

Dear Mr. McLaughlin: In your letter dated March 19, 1982, addressed to Douglas Scarff, Esq., Director of the Division of Market Regulation, you request interpretive advice regarding the applicability of Rule 10b–6 to shelf registrations of equity securities under Rule 415. You request our concurrence with respect to the application of certain interpretations of Rule 10b–6 that were expressed in Securities Exchange Act Release No. 18528 to specific factual circumstances.

1. *Participation in a Distribution:*

We concur in the positions expressed in your letter that:

(i) None of the following will result in and of itself, or in any combination, in a broker-dealer being deemed to be a "participant" in a shelf-registered distribution: (i) being identified in the registration statement as a possible underwriter, (ii) consenting to being so identified, (iii) performing "due diligence" activity or (iv) agreeing with the issuer on the form of underwriting documents to be used if and when the broker-dealer is invited to participate in the sale of particular shelf-registered securities.

(ii) A broker-dealer named in a shelf registration statement as the issuer's agent for the sale of equity securities on a continuous "at-the-market" basis may have a "continuing agreement" with the issuer regarding sales of such securities on that basis, but this does not necessarily mean that the same broker-dealer has such an agreement relating to sales on any other basis (*e.g.*, a registration statement names Broker A as sole agent for continuous at-the-market sales and names Brokers A through J as possible underwriters of securities to be sold from time to time in various types of underwritten offerings; if Broker A is trading the issuer's stock following a suspension of sales on a continuous at-the-market basis, it might wait three days before resuming *such* sales, but it may participate immediately in an underwritten offering announced by the issuer if there are no "facts and circumstances," other than its role as agent, indicating an understanding that the broker-dealer will participate in that underwritten offering).

In subparagraph 1(b) of your letter, you express the view that:

A broker-dealer does not begin to "participate" in a shelf-registered "distribution" until there have been communications between it and the issuer relating to a reasonably imminent sale of particular securities and resulting, together with other relevant "facts and circumstances," in an understanding that the broker-dealer will participate in such sale.

The staff concurs in the above interpretation to the extent that the statement assumes the absence of a "continuing agreement" between the issuer and broker-dealer relating to that broker-dealer's participation in unspecified future offerings. However, if, for example, an issuer has entered into an agreement with a broker-dealer pursuant to which the broker-dealer is to act as managing underwriter for all offerings off the shelf, the broker-dealer would be required to cease bidding for or purchasing the subject security for three business days before engaging in any sales off that shelf.

In addition, you state in subparagraph 1(d) of your letter that:

In the case of an issuer's invitation for bids addressed to one or more broker-dealers identified in the shelf registration statement as possible underwriters, and consistent with the present procedure for competitive bids, no broker-dealer becomes a "prospective underwriter" until it agrees to submit, or does submit, a bid; the fact that a broker-dealer was identified as a possible underwriter does not, in and of itself, constitute an agreement to submit bids.

Although the staff agrees with this interpretation as it relates to being identified as a possible underwriter, we take the position that a broker-dealer has agreed to submit a bid, and therefore becomes a "prospective underwriter" within the meaning of subparagraph (c)(2) of Rule 10b–6, when it has made the decision to submit the bid in connection with a particular offering.

2. *Other Questions:*

You express the view concerning Exception (xi):

(i) That the references to "the commencement of offers or sales" refer to *offers* subsequent to the effective date of the registration statement or, in the case of shelf-registered securities, *offers* subsequent to the filing with the Commission of a prospectus supplement relating to the transaction to which such offers relate.

The staff generally agrees with the above interpretation, but would note that, in connection with a shelf-registered offering as to which a prospectus supplement need not be filed (*e.g.*, the commencement of "at the market" offers where the underwriter has already been disclosed), the phrase "the commencement of offers and sales" refers to the actual commencement of solicitation efforts in such offering.

In addition, the staff agrees with your interpretation regarding proposed Exception (xiii) that:

(i) * * * the exception refers not only to outstanding securities of the same class and series but also to the securities being distributed. . .

In this regard you also state that:

* * * The provisions of Rule 10b–7 also do not apply to securities covered by * * * [Exception (xiii)] * * * notwithstanding the absence of any formal proposal to amend Rule 10b–7.

Proposed Exception (xiii) is not intended to subject purchases of the investment grade debt covered by the exception to Rule 10b–7. That is not to suggest, however, that bids or purchases effected for the purpose of stabilizing a security to facilitate an offering, if ever undertaken by underwriters during an offering of that kind of debt, could be effected without complying with the provisions of Rule 10b–7. In any event, the staff understands that underwriters rarely, if ever, engage in stablizing in an underwriting of such debt.

3. *Effects of Research Activities:*

You request advice with respect to the effect of dissemination of research reports on the availability of Exceptions (ii), (v) and (xi) to Rule 10b–6 for certain unsolicited transactions. We note first that the proposed amendments to Rule 10b–6, if adopted, would not, and the no-action position taken in the proposing release does not, prohibit the dissemination of research prior to the commencement of the cooling-off period under Exception (xi), irrespective of whether such research complies with Securities Act Rules 138 or 139. Moreover, the dissemination of such research will not by itself operate to disqualify participants from relying on Exceptions (ii), (v) and (xi) in connection with purchases that occur thereafter.

We appreciate your effort on behalf of the Securities Industry Association to resolve certain issues about the application of proposed amendments to Rule 10b–6 to shelf-registered offerings and certain related staff no-action positions. Of course, the amendments recently published for public comment and the views in this letter will be reconsidered during our review of public comment and when the Commission

considers whether to adopt the proposed amendments.

Sincerely,

Jeffrey L. Steele,

Associate Director.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 20, 1982.

[FR Doc. 82-1529 Filed 4-28-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Texas-22)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Strawn-Detrital Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on May 26, 1982.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 11, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: April 26, 1982.

I. Background

On March 29, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Strawn-Detrital Formation in the University Block 31 (Strawn-Detrital) Field, Crockett County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Strawn-Detrital Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The University Block 31 (Strawn-Detrital) gas field is located approximately 8 miles due west of Ozona in Crockett County, Texas, in Railroad Commission District 7C. The recommended area, which contains approximately 31,537 acres, includes all of Block 31 of University Lands Survey, the northern half of Section 18, Block 32 of University Lands Survey, Sections 1, 2, 14, 15, 16, 17 and 18, Block ST of G.C. & S.F. RR Co. Survey, the southern 264.93 acres of Section 30, Block UV of G.C. & S.F. RR Co. Survey, Section 2, Block ST-2 of G.C. & S.F. RR Co. Survey, the northern half of W. Hampton Survey, Section 1001 of W.G. Hall Survey, Section 1002 of J. M. Jean Survey and Section 1003 of M. F. Lopez Survey. Currently, there are 26 actively producing gas wells in this area completed in the Strawn-Detrital Formation, all of which were spudded after July 16, 1979.

The approximate depth to the top of the formation varies from 8,000 feet in the northern part of the recommended area to 8,700 feet in the south. Formation thickness ranges from approximately 100 feet in the north to 250 feet in the south.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Strawn-Detrital Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 26, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas—22) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 11, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, High-cost gas, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is revised by adding subparagraph (112) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations. * * *

(78) through (111) [Reserved]

(112) *Strawn-Detrital Formation in Texas.* RM79-76 (Texas—22).

(i) *Delineation of formation.* The Strawn-Detrital Formation is found in Crockett County, Texas, approximately 8 miles west of Ozona. The designated area includes all of Block 31 of University Lands Survey, the northern half of Section 18, Block 32 of University Lands Survey, Sections 1, 2, 14, 15, 16, 17 and 18, Block ST of G.C. & S.F. RR Co. Survey, the southern 264.93 acres of Section 30, Block UV of G.C. & S.F. RR Co. Survey, Section 2, Block ST-2 of G.C. & S.F. RR Co. Survey, the northern half of W. Hampton Survey, Section 1001 of W. G. Hall Survey, Section 1002 of J. M. Jean Survey and Section 1003 of M. F. Lopez Survey.

(ii) *Depth.* The top of the Strawn-Detrital Formation varies from 8,000 feet in the north to 8,700 feet in the south and the approximate thickness ranges from 100 feet in the north to 250 feet in the south.

[FR Doc. 82-11670 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulations (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next six months. The agenda is divided into two sections: (1) An agenda concerning regulations which would have a significant economic impact on a substantial number of small entities; and (2) an agenda of existing regulations under Agency review pursuant to E.O. 12291 which may be revised, revoked or continued without change. It is expected that the information provided in this agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rule making process.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review list, in general, contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2386.

Specific

For further information about any particular item on the Agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act

Agenda

The Agency does not anticipate any rule making activity over the next six months that will fall within the requirements of RFA.

Executive Order 12291

Status

The following regulations were listed in the October 1981 Agenda as being under review pursuant to Section 5(a) of Executive Order 12291:

1. Regulations governing the registration of agencies for voluntary foreign aid (22 CFR Part 203) are being revised to clarify the purpose of registration and to emphasize that applicants must be private and voluntary in character. On December 8, 1981, the Agency published in the **Federal Register** (46 FR 60009-13) a proposed revision of Part 203. On February 1, 1982, in 47 FR 4535, the Agency extended the comment period until March 3, 1982 to provide for comments on the effect of the proposed rule of Section 309 of the International Security and Development Cooperation Act of 1981, Pub. L. 97-113 regarding registration of agencies for voluntary foreign aid. Comments have been summarized and circulated internally. The Agency expects to issue a revised proposed regulation during this agenda period. Inquiry regarding the regulations on PVO registration may be directed to: Mr. Austin I. Heyman, Deputy Director, Office of Private and Voluntary Cooperation, Bureau for Food for Peace and Voluntary Assistance, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-1623.

2. Regulations governing nondiscrimination in Federally-assisted programs of A.I.D. (22 CFR Part 209) are being revised. Inquiries regarding these Regulations may be directed to: Ms. Nancy Frame, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-8218.

3. Regulations governing the policy and procedures for public access to Agency information (22 CFR Part 212) are being revised. The Agency is waiting Congressional determination on the future requirements of the act before completing the revised draft. Inquiry regarding these Regulations may be directed to: Mr. Rhea Johnson, Office of Public Affairs, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-9614.

4. Review of the Regulations governing the collection of civil claims by the Agency for International Development (22 CFR Part 213) was completed and the final rule published in 46 FR 58488, Wednesday, December 2, 1981.

5. Regulations governing A.I.D. Advisory Committees (22 CFR Part 214) were submitted to OMB for clearance under the review process and were returned without action by OMB because the General Services Administration is developing new regulations implementing the Federal Advisory Committee Act for publication as proposed regulations later this year. Consequently, AID is deferring any further actions on these regulations. Inquiries regarding these Regulations may be directed to: Ms. Gwendolyn H. Joe, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2113.

6. Regulations covering the implementation of the Privacy Act of 1974 (22 CFR Part 215) are being reviewed. Inquiry regarding these Regulations may be directed to: Mr. Rhea Johnson, Office of Public Affairs,

Agency for International Development, Washington, D.C. 20523, Telephone (202) 632–9614.

Agenda

The Agency does not expect to issue any new significant regulations, nor to review any currently effective ones other than those listed above during this agenda period—April 1982–October 1982.

None of the above regulations is a "major rule" within the meaning of Executive Order 12291, nor would any of the regulations have significant economic impact on a substantial number of small entities.

Dated: March 31, 1982.

John F. Owens,

Deputy Assistant to the Administrator for Management.

[FR Doc. 82–11547 Filed 4–28–82; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations for Period: November 1, 1981–April 30, 1982

AGENCY: Defense Department.

ACTION: Publication of the Department's semiannual agenda of regulations under review or development by the Department of Defense and its Components.

SUMMARY: The Department of Defense is publishing its second semiannual agenda of regulations for public information and comments under E.O. 12291, "Federal Regulation." This agenda continues the basic initiatives implemented under the previous E.O. 12044 and incorporates the objectives and criteria, where applicable, of the new regulatory reform program under E.O. 12291. It contains DoD issuances initiated by the DoD Components that have been reviewed to determine there economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and are therefore published to provide notice and an opportunity for participation in the DoD rulemaking process.

This agenda updates the version published in October of 1981 and covers the period November 1, 1981 to April 30, 1982. The next agenda is scheduled to be published in October 1982. In addition to this agenda, DoD Components also publish, for public review, issuances pertaining to their specific statutory administrative requirements.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement and general semiannual agenda information contact Colonel Peter H. Karalus, telephone 202–695–4281 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301 or call 202–697–2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy and Air Force. The issuances identified herein are not major regulations that impact significantly upon the public, the economy, state, or private institutions as defined under E.O. 12291, nor do they have a substantial economic impact upon a significant number of small business entities under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354)

Although the issuances listed in this agenda do not fall under the scope for the Regulatory Flexibility Act and are generally excluded from the requirements of the E.O. 12291 (see "Note" below), the Department of Defense is publishing those that may be of interest or have an impact upon the public in common areas of economic and environmental matters and invites comments on the rules published. To facilitate identification and to clarify the differences among these issuances, they are identified by their DoD internal numbering system which denotes Component level of authority and type of issuance in addition ot the required CFR number.

DoD issuances range from DoD Directives (reflect departmental policy) to Implementing Instructions and Regulations (largely internal in nature and used to implement Directives). The OSD agenda section, therefore, contains the Directives under which DoD components promulgate their implementing regulations.

Certain format modifications have been accomplished to provide additional background information, and an expanded summary section within each Component's report to include a notice if any rules are subject to the criteria of the Regulatory Flexibility Act, Pub. L. 96–354, or the Paperwork Reduction Act Pub. L. 96–511. Although only a few DoD issuances may fall under these public laws, identifying those that meet the criteria and their appropriate initial action status should provide the public with advance notice of DoD issuances requiring special processing under these public laws. The expanded summary section preceding each Component's report will generally be followed by its regulatory status report that may contain the following information:

Proposed regulations they have issued or expect to issue.

Current effective rules under review pursuant to EO 12291, if applicable.

Summary and nature of each rule being considered.

Objectives and legal basis for issuance of each rule.

Approximate schedule for completing action.

List of existing regulations to be reviewed.

Name and telephone number of knowledgeable official for rules published.

Statement indicating whether the rule is major.

Individual DoD Components reporting variations of the above agenda requirements may be found within each section due to the separate mission, functions, and responsibilities of the reporting Components.

Also, included in this agenda is the third regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements and follow-on reporting actions will be taken, as determined necessary. A preliminary notice of major COE rules and their status is included.

Although not a regulatory agency, the Department of Defense will contine to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited and should be addressed to the DoD Component representatives identified in each section.

Note.—The publishing of this agenda does not waive the applicability of the military affairs exemptions in title 5, section 553 and section 1 of Executive Order 12291.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to

proceed with its overall defense-oriented mission.

D. O. Cooke,

Deputy Assistant Secretary of Defense.

April 30, 1982.

Office of the Secretary—Improving Government Regulations; Semiannual Agenda

ACTION: Semiannual Agenda of Regulatory and Procedural Documents. Under Development or Published by the Office of the Secretary of Defense [OSD].

SUMMARY: This agenda lists DoD policy and procedural documents that are under development or that were published during the period October 1, 1981 through April 12, 1981, under the provisions of the Administrative Procedure Act or under other statutes that impact on DoD activities and operations. It is is being submitted primarily to inform the public of actions taken by the Office of the Secretary of Defense in its normal pursuit of managing and operating the Department of Defense.

FOR FURTHER INFORMATION CONTACT: Contact officials' names and telephone numbers appear after each agenda item. For other information on the agenda, contact Mrs. M. S. Healy, Directives Division, C&D, Washington Headquarters Services, OSD, telephone 202–697–4111.

SUPPLEMENTARY INFORMATION: Examples of policy and procedural documents are: Procedures governing banking offices on DoD installations; non-discrimination on basis of handicap in programs including education that the Department of Defense conducts or assists in; military active and reserve personnel administration; law enforcement activities involving the Department of Defense; and several amendments and policy statements on the Civilian Health and Medical Program of the Uniformed Services. OSD shall continue to provide for public participation in rulemaking in some exempt areas under E.O. 12291, while retaining the right to publish final rules under the exception of 5 U.S.C. 553(a)(2) and (d).

E.O. 12291. None of the regulatory documents listed below is a "major rule," and no major rules are presently under development.

Regulatory Flexibility Act, section 610. OSD has screened its existing regulatory documents and has concluded that none of its regulations or similar documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96–511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96–511.

The OSD agenda follows.

Office of the Secretary of Defense

[Regulations Under Development and Published During Period October 1, Through April 30, 1982

CFR No.	Title	DoD Directive and Instruction	Comments
32 CFR Part 41	Enlisted Administrative Separations	1332.14	Existing rule was amended and a new rule to be effective for administrative separation proceedings initiated on or after October 1, 1982, published 47 FR 10174, March 9, 1982, under 10 U.S.C. 1162, 1163, 1169, 1170, 1172, and 1173. Contact official: Col. John L. Fugh, 202–697–3387.
32 CFR Part 56	Nondiscrimination on the Basis of Handicap in Programs or Activities Assisted or Conducted by the Department of Defense.	1020.1	Final rule published 47 FR 15122, April 8, 1982, under Pub. L. 93–112, 29 U.S.C. 794, as amended by Pub. L. 96–602, etc. Contact official: C. Haughton, 202–695–0105.
32 CFR Part 44	Screening the Ready Reserve	1200.7	Reissuance in coordination within DoD Components. Contact official: M. S. Healy, 202–697–4111.
32 CFR Part 57	Education of Handicapped Children in the DoD Dependents Schools.	1342.12	Final rule published 46 FR 62256, December 23, 1981, to implement 20 U.S.C. 1401, et seq. (1976 & Supp. III 1978), 20 U.S.C. 921–932, as amended. Contact official: Diane L. Goltz, 202–325–7821.
32 CFR Part 70	Discharge Review Board (DRB) Procedures and Standards.	1332.28	Final rule amendment published 46 FR 62441, December 24, 1981. Will again be revised under 10 U.S.C. 133, 136, and 1553. Contact official: Capt. T. Smith, 202–697–3387.
32 CFR Part 186	The DoD Explosives Safety Board (DDESB)	5154.4	To be reissued. Contact official: M. S. Healey, 202–697–4111.
32 CFR Part 199	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	6010.8–R	Correction of amendment of final rule (Amendment No. 9) published 46 FR 62846, December 29, 1981, and Amendment No. 9, published 46 FR 55515, November 10, 1981 (post mastectomy reconstruction), under 10 U.S.C. 1086, 5 U.S.C. 301.[1] Withdrawal of proposed rule concerning Residential Treatment Centers published 46 FR 61299, December 16, 1981. Amendment of final rule (Amendment No. 10) published 47 FR 7220, February 18, 1982 (defines ambulatory surgical centers as authorized CHAMPUS providers). Proposed amendment to allow a spouse, parent, or guardian to sign the CHAMPUS claim form, published 47 FR 11707, March 18, 1982, under Chapter 5, 10 U.S.C. Technical change to regulation and statement of policy regarding abortions published 47 FR 12163, March 22, 1982, under Chapter 55, 10 U.S.C. and Pub. L. 97–114. In process (to be published in the FR): Amendments No. 12 and 13 concerning claims and charges.
32 CFR Part 207	Acquisition and Distribution of Commercial Products.	5000.37	Reissuance in second formal coordination within DoD Components. *Contact official:* M. S. Healy, 202–697–4111.
32 CFR Part 210	Enforcement of State Traffic Laws on DoD Installations.	5525.4	Final rule published 46 FR 58306, December 1, 1981, under 63 stat. 377, as amended, 18 U.S.C. 13, 40 U.S.C. 318a through d, 40 U.S.C. 612. *Contact official:* Col. John L. Fugh, 202–697–9283.
32 CFR Part 213	DoD Cooperation with Civilian Law Enforcement	5525.5	Final rule published 47 FR 14899, April 7, 1982, 10 U.S.C. 371–378. *Contact official:* John Heaphy, 202–697–0617.
32 CFR Part 230	Procedures Governing Banking Offices on DoD Installations.	1000.12	Revision in coordination. Proposed rule published 47 FR 11708, March 18, 1982, under 10 U.S.C. 136. *Contact official:* J. Barber, 202–697–8281.
32 CFR Part 231	Banking Institutions Operating on DoD Installations	1000.11	Revision in coordination. Proposed rule published 47 FR 11717, March 18, 1982, under 10 U.S.C. 136. *Contact official:* J. Barber, 202–697–8281.
32 CFR Part 237	Community Relations	5410.18	To be reissued. *Contact official:* M. S. Healy, 202–697–4111.
32 CFR Part 288	User Charges	7230.7	Amendment published 46 FR 61254, December 1, 1981, under 31 U.S.C. 483a. *Contact official:* T. Mares, 202–697–0536.
32 CFR Part 296	Publication of Proposed and Adopted Regulations Affecting the Public.	5400.9	To be reissued. *Contact official:* M. S. Healy, 202–697–4111.
32 CFR Part 370	DoD Health Council	5136.8	Reissuance in formal coordination within DoD Components. *Contact official:* M. S. Healy, 202–697–4111.

[1] Unless otherwise indicated, this legal authority also extends to the other Part 199 revisions listed here.

Note.—Contact official on all Part 199 amendments above is Charles M. Gallegos, 303–361–8608.

Department of the Army—*Semi-Annual Agenda for April 1982*

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its first agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96–354 and the DoD plan for improving Government regulations. This agenda provides the status of regulations that were previously reported.

SUPPLEMENTARY INFORMATION: The regulations contained herein are not "major rules" as defined by Executive Order 12291, "Federal Regulations" nor are any currently being developed. Their impact upon the economy, the public, state and private institutions is insignificant.

No information collection requirement is contained in any of the rules contained herein under the criteria expressed in Pub. L. 96–511 "the Paperwork Reduction Act of 1980".

None of the regulatory documents listed has a substantial impact upon a significant number of small business entities under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354) nor are any currently being developed.

Part I—Status of Regulations Reviewed

CFR No.	Title	Public comments	Status	Contact officer
32 CFR Parts 552.30 through 552.38.	Acquisition of Real Property and interest therein (AR 405–10) 43 U.S.C. 315 q&r, 10 U.S.C. 2331, 2237, and 3038.	None	Proposed Rule, 43 FR 59328, Dec. 19, 1978. No date for publication of Final Rule has been established.	Mr. Deimens, OCE, Tel. (202) 272–0492.
32 CFR Part 504	Obtaining Information from Financial Institutions (AR 190–6) 12 U.S.C. 3401 et seq.	None	Final Rule published. Item will be deleted from next agenda.	MAJ Anderson, DAPE-HRE, Tel. (202) 756–1896.
32 CFR Part 631	Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services (AR–190–24).	None	Final Rule published. Item will be deleted from next agenda.	MAJ Donohue, DAPE-PEMP–O, Tel. (202) 756–1896.
32 CFR 632	Use of Force by Personnel Engaged in Law Enforcement and Security Duties. (AR 190–28) 10 U.S.C. 807.	None	Proposed Rule. 47 FR 8790, Mar. 2, 1982	LTC McHugh DAPE-PEMP–O. Tel. (202) 756–1896.
32 CFR Part 585	The Army's General Counsel's Honors Program 10 U.S.C. 3012, 3065.	None	Proposed Rule 47 FR 190, January 5, 1982	LTC Taylor, Office of General Counsel, Dept of Army, Tel. (202) 695–0562.
32 CFR Part 543	Instructions of Civilians in Marksmanship (AR 10 U.S.C. 4308	None	Proposed Rule 47 FR 822, Jan. 7, 1982 Regulation under revision.	Col Rollinger, Dir of Civilian Marksmanship, Tel. (202) 272–0810.

Part II—Army Regulations Under Development

Description	Citation	Additional information
Environmental Effects of Army Actions (AR 200–2)	32 CFR Part 651	Summary: Major revision of original regulations. Objection: To update and streamline current policy. Legal Basis: 42 U.S.C. 4321 et. seq. Knowledgeable Official: Mr. Robinson, DAEN–ZCE, Tel. (202) 694–1163. Status: Regulation under review and coordination. Proposed Rule expected in late spring, 1982.
Release of Information and Records from Army Files (AR 340–17).	32 CFR Part 518.1	Summary: Major revision of original regulation. Objective: To update and streamline current policy. Legal Basis: 5 U.S.C. 552. Knowledgeable Official: Mr. Walker, DAAG–AMR–S, Tel. (202) 325–6163 Status: Regulation ready for publication within the Agency with an effective date of late spring.

Part III—Army Regulations Under Review

Summary: The following 8 Army Directives are under review for elimination, consolidation, or simplification within the spirit of E.O. 12291.

Objective: Provide the Department of the Army staff and field operating agencies policies and procedures for implementing the captioned planning activity. The directives (Army Regulations) are not regulations which impose regulatory burden but internal procedure documents.

Description	Regulation	Summary (caption)	Knowledgeable official
32 CFR (new part, number unassigned).	AR 1–xx	Administering Appointed and Contracted Consultants and Experts for Supporting Army Studies	Dr. Metzger,Tel. (202) 697–0026.
32 CFR Part 518.51	AR 310–4	Publication of Rules Affecting the Public	Mr. Roach, Tel. (202) 325–6163.
32 CFR Parts 552.30 through 552.74.	AR 405–10	Acquisition of Real Property and Interests Therein	Mr. Deimens, Tel. (202) 272–0492.
32 CFR (new part, number unassigned).	AR 405–20	Federal Legislative Jurisdiction	Mr. Piscacek, Tel. (202) 272–0523.
32 CFR Part 645	AR 405–25	Real Estate Annexation	Mr. Piscacek, Tel. (202) 272–0523.
32 CFR Part 643	AR 405–80	Granting Use of Real Estate	Mr. Piscacek, Tel. (202) 272–0523.
32 CFR (new part)	AR 405–90	Disposal of Real Estate	Mr. Piscacek, Tel. (202) 272–0492.
32 CFR Part 652	AR 420–74	Natural Resources: Land, Forest, and Wildlife Management	Mr. Bandel, Tel. (202) 272–0592.
32 CFR Part 644	EP 405–1–2, Chapters 8 and 10.	Real Estate Handbook	Mr. Piscacek, Tel. (202) 272–0523.

Department of the Army—Regulatory Agenda

AGENCY: US Army Corps of Engineers.

SUMMARY: The Army is publishing for public information a list of regulations pertaining to civil functions of the Department. These Civil Works regulations have been reviewed or are under development. This is the third semiannual agenda and is conducted pursuant to the provisions of the Paperwork Reduction Act (Pub. L. 96–511), the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: The person designated as knowledgeable official at the telephone number listed, or write the official c/o Civil Works Directorate, Office of the Chief of Engineers, Washington, D.C. 20314. Inquiries can also be directed to LTC David Peixotto, Office of the

Assistant Secretary of the Army (Civil Works), telephone (202) 695–0482.

SUPPLEMENTARY INFORMATION: With the single exception of the proposal to amend 33 CFR Parts 320–330, listed in Part II, none of the regulations listed meet the standards required of a "major" regulation specified in E.O. 12291 or the economic impact specified in the Regulatory Flexibility Act. The exception cited above was listed as a "major" regulation in the Calendar of Federal Regulations in the **Federal Register** of January 13, 1982.

Part I—Civil Works Regulations Reviewed (Agenda Sept. 30, 1981)

The following fifteen Corps of Engineers' Engineering Regulation (ER's) appearing in 33 CFR were cancelled, effective September 30, 1981. For all of them, the following items of additional information apply:

Objective: Provide guidance to Corps field operating agencies for implementing the captioned planning activity. The ERs are internal procedures documents.

Legal Basis: 10 U.S.C. 3036.

Knowledgeable Official: Dr. Johnson (202) 272–0146.

Description	Regulation	Summary (caption)
33 CFR Part 305	ER 1105–2–460	Identification and Administration of Cultural Resources.
33 CFR Part 263	ER 1105–2–50	Continuing Authorities Program.
33 CFR Part 265	ER 1105–2–81	Planning Assistance to States.
33 CFR Part 266	ER 1105–2–82	Project Deauthorization Review Program.
33 CFR Part 290	ER 1105–2–200	Planning Process: Multiobjective Planning Framework.
33 CFR Part 291	ER 1105–2–210	Planning Process: Plan Development Stages.
33 CFR Part 292	ER 1105–2–220	Planning Process: Problem Identification (TASK 1).
33 CFR Part 293	ER 1105–2–230	Planning Process: Evaluation of Alternatives (TASK 2).
33 CFR Part 294	ER 1105–2–240	Planning Process: Impact Assessment (TASK 3).
33 CFR Part 295	ER 1105–2–250	Planning Process: Evaluation (TASK 4).
33 CFR Parts 209 and 405	ER 1105–2–502	Public Meetings.
33 CFR Part 380	ER 1105–2–800	Public Involvement: General Policies.
33 CFR Part 384	ER 1105–2–811	A–95 Clearinghouse Coordination.
33 CFR Part 393	ER 1105–2–921	Feasibility Reports: Systems of Accounts.
33 CFR Part 257	ER 1105–2–32	Approval of Phase I General Design Memorandum.
Cancellation action is in progress for the following ER. Additional information items specified above also apply:		
33 CFR Part 396	ER 1105–2–111	Flood Damage Prevention: Level of Protection for Urban Areas.
The following ER remains in effect. No cancellation action in progress. Additional information items specified above also apply:		
33 CFR Part 279	ER 1105–2–165	Resources Use: Establishment of Objectives.

Part II—Civil Works Regulations Under Development

Description	Citation	Additional information
Proposal to Amend Permit Regulations of the U.S. Corps of Engineers.	33 CFR Parts 320–330	*Summary.* Proposal is to amend permit regulations published July 19, 1977, for controlling certain activities in waters of the United States, as required by law. Regulations were revised to reduce unnecessary regulatory burdens on the public by significantly expanding the nationwide permit program and to simplify procedures. *Objective.* Update to ease the regulatory burden on the public and to conform to laws, Executive Orders and judicial decisions which have occurred since current regulations were published (42 FR 37122–37164) and add section on nation-wide permits (33 CFR Part 330). *Legal Basis.* 33 U.S.C. 401 et seq., 33 U.S.C. 1344, 33 U.S.C. 1413. *Knowledgeable Official.* Mr. Goode (202) 272–0200. *Status.* Proposed rules published September 19, 1980 (45 FR 62732–62777). Public comments received through December 1, 1980. Final regulations scheduled to be published in mid-1982.
Modification of Completed Projects	(Proposed)	*Summary.* Will coalesce instructions to field operating agencies on use of existing authorities for study and accomplishment of modifications to completed projects. *Objective.* Unify and simplify existing guidance. *Legal Basis.* Sec. 216, Pub. L. 91–611. *Knowledgeable Official.* Mr. Teeters (202) 272–0116. *Status.* If proposed as a rule, scheduled for publication September 1982. Will probably be issued as internal agency guidance.
Implementation of E.O. 11990: Protection of Wetlands.	33 CFR Part 235	*Summary.* Provides instructions for implementing wetland protection (Engineer Regulation 1165–2–401). *Objective.* Clarifies Presidential guidance. *Legal Basis.* E.O. 11990. *Knowledgeable Official.* Mr. Teeters (202) 272–0116. *Status.* Proposed rule published June 10, 1980. Comment period closed July 24, 1980.
Use of Nonstructural Measures in Planning for Flood Damage Reduction.	(Proposed)	*Summary.* Provisions guidance on formulation of plans incorporating nonstructural measures (Engineer Regulation 1165–2–122). *Objective.* Promote consistent formulation. *Legal Basis.* 33 U.S.C. 701b–11. *Knowledgeable Official.* Mr. Teeters (202) 272–0116. *Status:* Applicable portions will probably be issued as internal agency guidance.
Establishment of Wetlands in Connection with Dredging.	33 CFR Part 232	*Summary.* Provides guidance on establishing wetlands as water resources projects (Engineer Regulation 1165–2–27). *Objective.* Achieve uniform implementation. *Legal Basis.* Sec. 150, Pub. L. 94–587. *Knowledgeable Official.* Mr. Teeters (202) 272–0116. *Status.* Proposed rule published October 24, 1979. Comments received to December 31, 1979.

Department of the Navy—Semiannual Agenda for April 1982

AGENCY: Department of the Navy.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Navy.

SUMMARY: This agenda is submitted in compliance with Exective Order 12291, Federal Regulations, and contains regulations reviewed, under review, or

development by the Department of the Navy.

These regulations are not "major rules" as defined in Executive Order 12291 but are internal documents which support the Navy mission and its people.

The Department of the Navy reviews the need for existing regulations and strives to improve the quality of those regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The agenda also gives the status of regulations previously reported. The Department of the Navy has no "major rules" under development or review as defined by Executive Order 12291. The Department of the Navy has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

FOR FURTHER INFORMATION CONTACT: For specific information, call the Executive Order 12291, or reporting requirements of the "Paperwork Act."

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202–695–1921, or write to Chief of Naval Operations, OP-09B15, Department of the Navy, Washington, D.C. 20350.

November 1, 1981 through April 30, 1982

Part I. Status of Regulations Previously Reviewed (Agenda November 30, 1980)

CFR No.	Title	Status	Contact officer
32 Part 725	Disposition of cases Involving Physical Disability (SECNAVINST 1850.4).	Under revision due to change in basic requirements. Final rule to be published in late 1982[1].	LCDR M. W. Kirkpatrick, NCPB. Tel: 696-4366.
32 Part 730	Administrative Discharges and Related Matters Concerning Separations from the Naval Service (MILPERS manual, MILPERS 15560).	Changes being staffed. Final rule to be published in late 1982[1].	Mr. Minick NMPC. Tel: 694-3613.

[1] Approximate completion date.

Status of Regulations Previously Under Development (Agenda November 30, 1979)

CFR No.	Title	Status	Contact officer
32 Part 701.1	Availability to the Public of Department of the Navy Records (SECNAVINST 5720.42B).	Being revised to implement a DOD Regulation. Final rule to be published in July 1982[1].	Ms. Doris Mattingly OPNAV. Tel: 694-2004.
32 Part 701.100	Personal Privacy and Rights of Individuals Regarding Their Personal Records (SECNAVINST 5211.5C).	Final rule to be published in May 1982.[1]	Ms. Gwen Aitken OPNAV. Tel: 694-2817.

[1] Approximate completion date.

Status of Regulations Previously Under Development (Agenda October 31, 1981)

CFR No.	Title	Status	Knowledgeable official
32 Parts 719, 720, 726, 727, 750-752, 755-757.	Manual of the Judge Advocate General (JAG INST 5800.7 Ch-2).	Will be published in the Federal Register late 1982.[1]	LCDR F. N. Ottie JAGB. Tel: 325-9860.
32 Part 754	Ship Salvage Operations; U.S. Navy Affirmative Salvage Claims.	Published as a final rule 10 February 1982	Capt. Colin Jones NAVSEA. Tel: 697-7403.

[1] Approximate completion date.

Part II. Regulations Under Development.

The Department of the Navy has no major regulations under development that meet the criteria of Executive Order 12291.

Part III. Navy Regulations Under Review.

The following regulation is under review by the Department of the Navy. It is a non-significant regulation which imposes no regulatory burden and is an internal procedural document.

CFR No.	Title	Summary	Knowledgeable official
32 Part 728	Medical and Dental Care for Eligible Persons at Naval Medical Department Facilities (BUMEDINST 6320.31B).	To update the BUMED Instruction	CDR M. D. Hannas BUMED. Tel: 254-4388.

[1] Approximate completion date.

Department of the Air Force—Semiannual Agenda of Regulations

November 1, 1981–April 30, 1982

ACTION: Publication of the Department of the Air Force semiannual agenda of regulations.

SUMMARY: The semiannual agenda is submitted to comply with Executive Order 12291, Federal Regulation. The

designated contact official. For general information concerning the agenda, contact Mrs. Winnibel F. Holmes, telephone (202) 697–1861 or write, Department of the Air Force, 1947 ASG/DASJR, Pentagon, Washington, DC 20330.

Part I—Status of Regulations Previously Reported

CFR No.	Title and purpose	Air Force publication	Status and legal basis	Contact official
32 CFR Part 802	Air Force Technical Order System—Implements DODI 4151.9—Replaces the TO Council Charter for centralized TO Management Group; clarifies job site criteria for critical tasks; redefines JNWPs management; and explains relationship.	AFR 8–2	Revision is being prepared for printing. Estimated date for publication as final rule is May 1982. *Legal Basis:* 10 U.S.C. 8012	Mr. Stiegmann, AF/LEYE, (202) 697–9179.
32 CFR Part 803	Disposition of Personal Property—Explains procedures of disposition of the personal property of certain deceased and missing Air Force personnel.	AFR 143–6	A draft of this revision is being developed. Estimated date for publication of final rule is December 1982. *Legal Basis:* 10 U.S.C. 8012	Mr. Beauchemin, AFMPC/MPCCM, Randolph AFB, TX (512) 652–6457.
32 CFR Part 806	Air Force Freedom of Information Act Program—Provides policy and guidance in providing information under the FOIA.	AFR 12–30	Revision is in final coordination process within the Air Force. Estimated date for publication of final rule is September 1982. *Legal Basis:* DODD 5400.7	Ms. Ward, AF/DAAD, (202) 694–3488.
32 CFR Part 822	Information Audiovisual Activities—Administrative guidance on AV coverage of events/how AV material produced by an agency other than Air Force may be adopted for official Air Force use.	AFR 190–23—Is now a part of AFR 190–1.	Due to limited applicability to the general public, this rule will not be published in the FEDERAL REGISTER .	Maj. Booth, SAF/PA, (202) 697–4100.
32 CFR Part 827a	Release of Information on Accidents—Implements DODI 5200.1; 5210.41; 5230.16; 5410.1; and 5410.14—Gives policy and instructions for release to the news media information about accidents involving the Air Force.	AFR 190–10—Is now a part of AFR 190–1.	This rule is now final and is being submitted to the FEDERAL REGISTER for publication. *Legal Basis:* Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.	Maj. Booth, SAF/PA, (202) 697–4100.
32 CFR Part 834	Selecting Architect Firms for Professional Service by Negotiated Contracts—States Air Force policies, responsibilities, and procedures.	AFR 88–31	Revision is at Air Force Publishing Division for editorial service. Estimated date for publication of final rule is December 1982. *Legal Basis:* Pub. L. 95–507; 15 U.S.C. 631, 632, 633, 637, 681, 682, 683, 687, 693, 694; 25 U.S.C. 450 .	Mr. Bender, AF/LEEE, (202) 767–4243.
32 CFR Part 837	Support of Nongovernment Groups—Implements DODI 5410.15 and 5410.16—States Air Force policy on supporting nongovernment groups engaged in information activities.	AFR 190–16—Is now a part of AFR 190–1.	This rule is now final and is being submitted to the FEDERAL REGISTER for publication. *Legal Basis:* Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.	Maj. Booth, SAF/PA, (202) 697–4100.
32 CFR Part 842	Claims Manual—Give guidance for Air Force property and personal injury claims.	AFM 112–1	A draft of this revision is being developed. Estimated date for publication of final rule is October 1982. *Legal Basis:* 10 U.S.C. 939; 1089(f); 2731–2737; 9801–9804, 9806; 28 U.S.C. 2671–2680; 31 U.S.C. 340–343; 951–953; 32 U.S.C. 715; and 42 U.S.C. 2651–2653.	CMSgt Talley, AF/JACC, (202) 693–0350.
32 CFR Part 851	The United States Air Force Resources Protection Program—Implements DODD 5200.8—Provides policy, procedures and standards for the protection of Air Force resources worldwide.	AFR 125–37	Revision is at printers. Estimated date for publication of final rule is May 1982. *Legal Basis:* DODD 5200.8 and 5100.76M	Capt. Sanders, HQ AFOSP, SPOL, Kirtland AFB NM, (505) 844–6627.
32 CFR Part 855	Use of USAF Installations by Other Than US DOD Aircraft—Clarifies requirements, procedures, and responsibilities.	AFR 35–20	Revision is in final coordination process within the Air Force. Estimated date for publication of final rule is September 1982. *Legal Basis:* Federal Aviation Act of 1958; Pub. L. 85–726; 49 U.S.C. 1507(a) and 1508.	Ms. Young, AF/PR, (202) 697–5968.
32 CFR Part 888e	Disposition of Conscientious Objectors—Implements DODD 1300.6—Provides uniform procedures governing an applicant who claims status as a conscientious objector.	AFR 35–24	Revision is in final coordination process within the Air Force. Estimated date for publication of final rule is September 1982. *Legal Basis:* DODD 130.6	Ms. Hughes, AFMPCAKO, Randolph AFB, TX (512) 652–4664.
32 CFR Part 890	Filling Positions—Internal guidance for basic Air Force policy in filling vacant positions.	AFR 40–300	Due to limited applicability to the general public, this rule will not be published in the FEDERAL REGISTER.	Mr. Sharp, AF/MPKS, (202) 694–2579.
32 CFR Part 892	Part-time Employment—Establishes a continuing program to provide permanent part-time employment opportunities within the Department of the Air Force.	AFR 40–340	This rule is now final and is being submitted to the FEDERAL REGISTER for publication. *Legal Basis:* 5 U.S.C. 3401	Mr. Giarruso, AF/MPKS, (202) 694–2630.
32 CFR Part 954	Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense—Provides Air Force policy, limitations and procedures.	AFR 124–13	Awaiting determination/interpretation of policy issues by OSD. No estimated date for publication of final rule can be determined. *Legal Basis:* DODD 5200.27	Lt. Col. Cohen, AFOSI/XPP, (202) 767–5828.
32 CFR Part 989	Environmental Impact Analysis Process—Provides policy, procedures and responsibilities for the Air Force EIAP.	AFR 19–2	Published in the FR as a proposed rule 17 August 1981 (46 FR 41527). No public comments were received. Estimated date for publication as final rule is July 1982. *Legal Basis:* DODD 6050.1	Lt. Col. Rudolph, AF/LEEV, (202) 697–6244.
32 CFR (Part No. not assigned).	Master Planning—Provides Air Force guidance for portions/elements that deal with surrounding communities (transportation, etc.).	AFR 86–4	A draft of this revision is being developed. Estimated date for publication of final rule is December 1982. *Legal Basis:* 10 U.S.C. 8012	Mr. Clark, AF/LEEV, (202) 697–7763.

Part II—Regulations Under Review or Development Not Previously Reported

CFR No.	Title	Air Force regulation	Purpose and Legal Basis	Contact official
32 CFR Part 819	Providing Environmental Services to Nonmilitary Agencies and Individuals.	AFR 105-9	Defines conditions under which the Air Force provides meteorological support to nonmilitary agencies and private individuals. Estimated completion date is June 1982. *Legal Basis:* Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.	Capt. Tayler, AF/XOORF, (202) 697-4399.
32 CFR Part 832 (Subpart A).	Employment of Civil Air Patrol	AFR 46-5	Revision will include provisions for reimbursement of maintenance and training/evaluation expenses, deletion of detailed reimbursement and accounting procedures, which are included in another regulation, and changing accident/incident reporting. Estimated completion date is May 1982. *Legal Basis:* 10 U.S.C. 8012, 9441.	Maj. Roeber, AF/REV, (202) 697-0230.
32 CFR Part 841	Licensing Government-Owned Inventions in the Custody of the Department of the Air Force.	AFM 110-33	Prescribes polices, administrative requirements, procedures, terms, and conditions for licensing of rights in Government-owned domestic patent and patent applications vested in the US as represented by the Secretary of the Air Force. Estimated completion date is December 1982. *Legal Basis:* GSA Reg 41 CFR 101-4.1; DODD 5535.3, Nov 2, 1973.	Mr. Ranucci, AF/JACP, (202) 693-5710.
32 CFR Part 863	Military Justice Guide	AFM 111-1	Implements a portion of the Manual for Courts-Martial, 1969 (Revised Edition); provides guidance in the administration of military justice. Estimated completion date is July 1982. *Legal Basis:* 10 U.S.C. 8012.	Capt. Starr, AF/JAJM, (202) 693-4770.
32 CFR Part 920	Standards of Conduct	AFR 30-30	Explains personnel standards of conduct related to possible conflicts between private interests and official duties including post-retirement employment conflicts. Estimated completion date is September 1982. *Legal Basis:* Pub. L. 96-303; P.L. 87-777; P.L. 87-849; 10 U.S.C. 8012; 18 U.S.C. 201, 203, 205, 207, 208, 209, 281, 283; 37 U.S.C. 801; E.O. 11222; and DODD 5500.7.	Maj. Ernst, AF/JACM, (202) 694-4075.

[FR Doc. 82-11548 Filed 4-28-82; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-82-01]

Duluth Harbor Fireworks, Special Local Regulation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish by special local regulation a regulated area in Duluth Harbor, Lake Superior on July 4, 1982. This action is required to permit the conducting of an approved marine event. It is intended to regulate all navigation in the area to provide for the safety of the spectators in the area to provide for the safety of the spectators and participants in the event.

DATES: Comments must be received on or before May 20, 1982.

ADDRESS: Address comments to: Commander (osr), Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199. Between the hours of 9 a.m. and 3 p.m. Comments may be delivered to and will be available for inspection or copying at Room 2007, A. J. Celebrezze Federal Building, 1240 E 9th St., Cleveland, OH 44199.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Commander (osr), Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: Interest persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 09-82-01) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all comments received will be available for inspection by interested persons at room 2007 at the address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are MSTC Bruce Graham, Project Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion of the Proposed Rule

The Coast Guard intends to close the Duluth Ship Canal and the Duluth Harbor Basin, Northern Section to all commercial traffic on July 4, 1982 from 1930 (local time) until 2300, for a fireworks display. Commercial traffic movement and shifting of berths will be prohibited from the Duluth Aerial Bridge to Duluth Basin Lighted Buoy 5 (LLNR1813) because it is expected that many recreational vessels will be in the area. All craft, commercial and recreational will be required to remain at least 300 years back from the firing area, and a regulated area will be established to prevent falling ash and debris from endangering the spectator boats. These measures are considered necessary to protect life and property during the event.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration and scope of the regulated area is limited. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, navigation (water).

Proposed Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33 Code of Federal Regulations, by adding the following section:

§ 100.35–0901 Lake Superior/Duluth Harbor Basin Northern Section.

(a) The following portions of Duluth Harbor, Lake Superior will be closed to all commercial traffic from 1930 (local time) until 2300 on July 4, 1982.

(1) That portion of Duluth Harbor Basin Northern Section bounded on the south by a line drawn on a bearing of 087 Degrees True from the Cargill pier through Duluth Basin Lighted Buoy 5 (LLNR 1813) to the opposite shore and on the north by the Duluth Aerial Bridge.

(b) The following portions of Duluth Harbor Basin Northern Section will be closed to all traffic from 1930 (local time) until 2300 on July 4, 1982.

(1) Within 300 yards of position 46 degrees 46 minutes 43 seconds North and 092 degrees 06 minutes 03 seconds West.

(c) The patrol of the above portion of Lake Superior will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(d) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(e) This section, § 100.35–0901, will become effective at 1930 (local time) on July 4, 1982 and will no longer be effective after 2330 on July 4, 1982.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 12, 1982.

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 82–11671 Filed 4–28–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 09–82–03]

B & T Icebreaker Regatta, Special Local Regulation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish by special local regulation a regulated area in the Niagara River, on June 5 and 6, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the Niagara River areas for the safety of the spectators and participants in the event.

DATE: Comments must be received on or before May 21, 1982.

ADDRESS: Address comments to: Commander (osr), Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199. Between the hours of 9 a.m. and 3 p.m. comments may be delivered to and will be available for inspection or copying at Room 2007, A. J. Celebrezze Federal Building, 1240 E 9th St., Cleveland, OH 44199

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 09–82–03) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal.

Copies of all comments received will be available for inspection by interested persons at room 2007 at the address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are MSTC Bruce Graham, Project Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion of the Proposed Rule

The B & T Icebreaker Regatta will be conducted on the Niagara River, Tonawanda Channel, on June 5 and 6, 1982. This event will have an estimated 50 hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group, Buffalo, NY). These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area in the Tonawanda Channel of the Niagara River can be opened periodically to allow for the passage of commercial vessels. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, navigation (water).

Proposed Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33 Code of Federal Regulations, by adding the following section:

§ 100.35–0903 Niagara River, New York/ Tonawanda Channel.

(a) The following area will be restricted to vessel navigation or anchorage from 1200 (local time) until 1900 on June 5 and 6, 1982.

(1) That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1300 yards northeast of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) The patrol of a portion of Niagara River will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This § 100.35–0903 will become effective at 1200 (local time) on June 5, 1982 and will no longer be effective after 1900 on June 6, 1982.

(Sec. 1, 35 Stat. 69 as amended (46 U.S.C. 454); Sec. 6(b)(1), 80 Stat. 938; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 16, 1982.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 82–11732 Filed 4–28–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 09–82–02]

1982 Cleveland National Air Show, Special Local Regulation

April 14, 1982.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish by special local regulation a regulated area in Lake Erie, on September 3, 4, 5, and 6, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the Cleveland Harbor area for the safety of the spectators and participants in the event.

DATE: Comments must be received on or before July 10, 1982.

ADDRESS: Address comments to: Commander(osr), Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199. Between the hours of 9 a.m. and 3 p.m. comments may be delivered to and will be available for inspection or copying at Room 2007, A. J. Celebrezze Federal Building, 1240 E 9th St., Cleveland, OH 44199.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 09–82–02) and give reasons for the comment. Those desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal.

Copies of all comments recieved will be available for inspection by interested persons at room 2007 at the address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are MSTC Bruce Graham, Prroject Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion of the Proposed Rule

The Cleveland National Air Show will be conducted over the eastern portion of Cleveland Harbor on September 3, 4, 5, and 6, 1982. The events will include low flying aircraft demonstrations, high performance aircraft aerobatics, parachutists, and other events which could pose hazards to navigation in the area. Commercial vessels will be allowed to transit the area but only with the permission of the Patrol Commander (U.S. Coast Guard Station, Cleveland Harbor).

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area in the eastern portion of Cleveland Harbor can be opened periodically to allow for the passage of commercial vessels. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, navigation (water).

Proposed Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33 Code of Federal Regulations, by adding the following sections:

§ 100.35–0902 Lake Erie/Cleveland Harbor.

(a) The following areas will be restricted to vessel navigation or anchorage from 1500 (local time) until 1600 on September 3, and from 0800 until 1800 on September 4, 5, and 6, 1982.

(1) That portion of Lake Erie and Cleveland Harbor bounded by a line drawn from the northwest corner of Municipal Pier on a bearing of 327 degrees true to position 41 degrees 31 minutes 01 second North, 081 degrees 46 minutes 06 seconds West, then to the breakwater on a line bearing 059 degrees true, then easterly along the breakwater to the Cleveland Harbor East Entrance Light (LLNR 585), thence to shore on a bearing of 138 degrees true, thence along the shore back to the point of origin.

(b) The patrol of a portion of Lake Erie will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels

in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the event.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This §100.35–0902 will become effective at 1500 (local time) on September 3, 1982 and will no longer be effective after 1800 on September 6, 1982.

(Sec. 1, 35 Stat. 69 as amended, Sec. 6(b)(1), 80 Stat. 937; 46 USC 454; 49 USC 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 5, 1982.

Henry H. Bell,

Rear Admiral, Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 82-11688 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-82-05]

Joe Gimbrone Memorial Regatta, Special Local Regulation

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish by special local regulation a regulated area in the Niagara River, on July 17 and 18, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the Niagara River area for the safety of the spectators and participants in the event.

DATES: Comments must be received on or before June 14, 1982.

ADDRESS: Address comments to: Commander(osr), Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199. Between the hours of 9 a.m. and 3 p.m. comments may be delivered to and will be available for inspection or copying at Room 2007, A. J. Celebrezze Federal Building, 1240 E 9th St., Cleveland, OH 44199.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522–4420.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 09–82–05) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal.

Copies of all comments received will be available for inspection by interested persons at room 2007 at the address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are MSTC Bruce Graham, Project Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion of the Proposed Rule

The Joe Gimbrone Memorial Regatta will be conducted on the Niagara River, Tonawanda Channel, on July 17 and 18, 1982. This event will have an estimated 80 hydroplanes and racing boats which could pose a hazard to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group Buffalo, NY).

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area in the Tonawanda Channel of the Niagara River can be opened periodically to allow for the passage of commercial vessels. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Sec. 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, navigation (water).

Proposed Regulations

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33 Code of Federal Regulations, by adding the following section:

§100.35–0905 Niagara River, New York/ Tonawanda Channel

(a) The following area will be restricted to vessel navigation or anchorage from 1100 (local time) until 1900 on July 17 and 18, 1982.

(1) That portion of the east branch of the Niagara River, Tonawanda Channel, from the overhead cable, 1,300 yards northeast of the South Grand Island Bridge, to an east-west line through Tonawanda Channel Buoy 35 (LLP 29).

(b) The patrol of a portion of Niagara River will be under the direction of a designated Coast Guard Patrol Commander who is enpowered to forbid and control movement of vessels in the area before, during, and after the events for such time as he finds it necessary for the safe and orderly conduct of the events.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) This section 100.35–0905 will become effective at 1100 (local time) on July 17, 1982 and will no longer be effective after 1900 on July 18, 1982.

(Sec. 1, 35 Stat. 69 as amended, Sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 16, 1982.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 82-11689 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD9 82-07]

Drawbridge Operation Regulations; Wolf River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Wisconsin Department of Transportation, the Coast Guard is considering changing the regulations governing the Winneconne Highway bridge, mile 2.43, across the Wolf River in Winneconne, Wisconsin, by requiring that advance notice for opening of the draw be given during certain periods of time. This proposal is being made because of few requests for openings for the period of time between 11 p.m. and 7 a.m. during the navigation season and all shifts during the winter months. This action should relieve the bridge owner of the burden of having a person constantly on duty at the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 14, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 7 a.m. to 3 p.m., Monday through Friday, except holidays, at the Office of the Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522-3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name, address, identify the bridge, and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed postcard or envelope. The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Project Attorney, LCDR Michael D. Gentile, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Proposed Regulations

This requested change is being proposed because of the few requests for opening the Winneconne Highway bridge between the hours of 11 p.m. and 7 a.m. Bridgetender logs show requests for openings during this period of time as follows: 1976—25 openings, 1977—54 openings, 1978—36 openings, 1979—32 openings, 1980—66 openings, 1981—54 openings. These openings accounted for approximately 2.31% of the total openings of this bridge. Also, the bridge owner would be relieved of the responsibility to have a bridgetender on duty during the winter months when navigation on the Wolf River is negligible and when the U.S. Army Corps of Engineers closes the U.S. Locks.

Under present regulations the bridge opens on signal and bridgetenders are required to be on duty at all times.

This proposal would relieve the bridge owner of the responsibility to keep a bridgetender on duty from November 1 through April 30 with a requirement to open the bridge upon receipt of a 12 hour advance notice. From May 1 through October 31, between the hours of 11 p.m. and 7 a.m. a 2 hour advance notice would be required to have the bridge open.

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. Since this proposal allows the bridge owner to remove bridgetenders only during times when navigation on the Wolf River is negligible and during times when the U.S. Locks on the Wolf and Lower Fox Rivers are closed for the winter season, small entities in the area should not be economically impacted.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new Part 117.643a immediately after Part 117.643 to read as follows:

§ 117.643a Wolf River, Wisconsin.

(a) The Winneconne Highway bridge shall open on signal except that:

(1) From May 1 through October 31, from 11 p.m. to 7 a.m., the draw shall open on signal if at least 2 hours notice is given.

(2) From November 1 through April 30 the draw shall open on signal if at least 12 hours notice is given.

(b) Public vessels of the United States, state and local government vessels used for public safety and vessels in distress, shall be passed through the draw of this bridge as soon as possible at all times.

(c) The owner of or agency controlling this bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be easily read at all times, a copy of the regulations in this section, together with a notice stating exactly how the representative of the bridge owner may be reached during times an advance notice is required.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: April 23, 1982.

J. R. Kirkland,

Captain, U.S. Coast Guard, Commander, Ninth Coast Guard District, Acting.

[FR Doc. 82-11691 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 01-07-82]

Drawbridge Operation Regulations; Weymouth Fore River, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is considering amending the regulation that limits the opening of the State Route 3A Drawbridge across Weymouth Fore River between Quincy and Weymouth, Massachusetts. The amended regulation would permit the bridge to remain closed during commuter rush hours. The bridge would open on call, at all times, for vessels having at least 10.67 meters (35 feet) of draft. The regulation will provide more uniform vehicular traffic between Quincy and Weymouth, and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 14, 1982..

ADDRESS: Comments should be submitted to and will be available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch,

First Coast Guard District, Boston, MA, 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed envelope or postcard.

The Commander, First Coast Guard District will evaluate all comments received and decide on the final course of action. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Office, First Coast Guard District.

Discussion of the Proposed Regulation

State Route 3A is the major east-west artery connecting the Towns of Quincy, Weymouth, Hingham, and Cohasset. Commuter traffic crowds the highway during morning and evening rush hours. A bridge opening at these times brings traffic to a halt for miles along Route 3A and its tributary roadways. Even if motorists are forwarned of a planned opening, the only reasonable alternate routes involve a detour of several miles; and since the alternate routes carry their capacity loads during normal rush hours, an influx of additional traffic avoiding the Fore River Bridge results in intolerable congestion.

Marine traffic on the Fore River consists mainly of pleasure boats, oil barges and tankships, tugboats, and vessels launched from the General Dynamics shipyard. The tank vessels are usually bound to or from the Cities Service terminal in Braintree, above the Fore River Bridge. At mean high tide, the closed drawbridge provides a vertical clearance of 10.1 meters (33 feet). Current regulations permit the bridge to remain closed to the pleasure boats—many of which are large sailboats—during the rush hours, and require the bridge to be opened at any time for any commercial vessel. The proposed regulation would permit the bridge to remain closed, during rush hours,to both pleasure boats and shallow-draft commercial vessels such as tugs, tank barges, and empty tankships.

In recent times the number of rush-hour openings has increased to several each week. This has resulted in many complaints by commuters to their elected representatives and the Coast Guard. It seems possible that the smaller commercial vessels could reschedule their passages to avoid the rush hours without substantial economic impact. For this reason, we feel that it is appropriate to consider the proposed regulation as a remedy for the severe vehicular traffic problem. We expect that the regulation will also provide for the reasonable needs of navigation.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, and economic evaluation has not been conducted. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities. Until January 1982, most commercial vessels were asked by the bridge owners to avoid rush-hour passages; they did so, and we have received no complaints from those vessels' owners concerning the minor schedule changes that may have been necessary for them to comply with the bridge owners' request.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposed to amend Part 117 of Title 33 of the Code of Federal Regulations by revising paragraph (m) in § 117.75 to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(m) *Weymouth Fore River.* The draw of the state highway bridge, mile 3.5, between Quincy Point and Weymouth, shall be opened on signal, except that the draw need not open from 6:30 a.m. to 9 a.m. nor from 4:30 p.m. to 6:30 p.m., Monday through Friday, except on legal holidays observed in the locality. However, the draw shall be opened at an time for vessels having a draft of at least 10.67 meters (35 feet), public vessels of the United States, any vessels of state or municipal governments used for public safety, and in case of emergency or during severe storm conditions.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 13, 1982.

L. L. Zumstein,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 82–11690 Filed 4–28–82; 8:45 am]

BILLING CODE 4910–14–M

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Seaway Regulations; Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Proposed rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation and its counterpart agency, the St. Lawrence Seaway Authority of Canada, have completed their periodic review of joint Seaway Regulations and have agreed that several sections are in need of revision. The Seaway Corporation therefore proposes to amend 33 CFR Part 401—Subpart A in order (1) to insure its consistency with actual operating procedures, (2) to clarify several existing regulations, and (3) to complete the conversion of certain measurements to the metric system.

DATE: Comments received by June 14, 1982 will be considered.

ADDRESS: Interested parties may submit written comments to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 (Attn: General Counsel). Persons who want the receipt of their comments acknowledged in writting may submit a stamped self-addressed postcard for this purpose.

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel, (315) 764–3245.

SUPPLEMENTARY INFORMATION: As indicated above, the Seaway Corporation and its counterpart agency, the Seaway Authority of Canada, have completed their review of the joint Seaway Regulations and propose to amend same for the reasons set forth in the summary.

In 1977, the Saint Lawrence Seaway Development Corporation converted to the metric system of measurement, but at that time retained the English

measurements during the transition period. As a final step in metric conversion, all references to English measurements will be eliminated in the 1982 Seaway Regulations. However, in a number of cases, the measurements have been further refined in order to promote simplicity of administration without imposing additional costs upon the Seaway user. Various minor editorial changes are also being made.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting requirements, Vessels, Waterways.

The Table of Contents will be amended to reflect changes in various sections.

In §§ 401.8, 401.4, 401.6, 401.8, 401.9, 401.10, 401.12, 401.13, 401.14, 401.15, 401.22, 401.28, 401.29, 401.31, 401.42, 401.48, 401.51, 401.65, 401.68, 401.69, 401.74, 401.82, 401.84, and Schedule II, all measurements will be stated in metric only. In addition to these changes, the following changes are proposed:

In § 401.6(c), the phrase "Effective April 1, 1981" will be dropped since the regulation is already in effect.

In § 401.12, a new paragraph (a)(5) will be added because breakage of mooring wires is a common problem, and the requirement for each vessel to have a minimum of two spare mooring wires available will assist in safe and expeditious operations.

The heading of § 401.17 will be changed from "Pitch indicators" to "Pitch indicators and alarms". A new paragraph (b) will be added noting that effective April 1, 1984, visible and audible pitch alarms in the wheelhouse and engine room will be required. The indicator and alarm will alert the master of wrong pitch so that immediate action can be taken to prevent a serious accident in a lock.

§ 401.20 will be deleted and reserved since oily water extractors do not exist, and discharges are adequately covered in § 401.59.

In § 401.26 (b)(1) and (b)(2) are revised to indicate the correct financial security for the payment of Seaway tolls as a result of an increase in the Tariff of Tolls.

§ 401.35 will be deleted and reserved since this material is covered in § 401.3 and § 401.33.

In § 401.37, a reference to Eisenhower and Snell Locks will be dropped so that crew members will be aware this regulation applies at all tie-up walls.

In § 401.39, paragraph (a) will have a new phase added to it which will make the procedure of drawing mooring lines off the winch drums a safer procedure.

In § 401.40, paragraph (b) will be reworded and a new paragraph (c) will be added. This will result in a ban on the use of vessel thrusters when passing a lock gate and thereby prevent damage to lock gates and vessels.

In § 401.42, paragraph (a)(1) will have a new phrase added to it which will provide for the use of a bowline knot, and will make this section compatible with § 401.42(a)(2) which also specifies the required knot.

The present § 401.45 will be reworded to designate the persons responsible for signalling in the Canadian Locks and in Eisenhower and Snell Locks in case of an emergency. This will correct a safety problem at the Canadian Locks.

In § 401.47, a new paragraph (c) will be added. This will ban the use of vessel thrusters when passing a lock gate, and will prevent damage to lock gates.

In the Table of § 401.48, 2. (c), reference to "Bridge 12" is deleted since the Bridge no longer exists, and the correct area is designated.

In § 401.64, paragraph (c) will be reworded to clarify calling in procedures. Paragraph (g) will also be reworded because it was redundant.

In § 401.68, paragraph (c) will be reworded, deleting the titles of persons at the Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority, so that should titles change, it will be unnecessary to revise the Seaway Regulations.

In § 401.69, a new paragraph (c)(10) will be added which will incorporate direct reduced iron (DRI) in the hazardous cargo category of vessels.

A new section § 401.77, Pleasure Craft Tolls, will be added to reflect the fact that tolls shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock. This section was previously reserved.

In § 401.80, paragraphs (a) and (b) will be reworded in order to add IMCO classification as an item to be reported. In addition to this, in paragraph (b), the master who takes on explosive or hazardous cargo, while in the Seaway System, must report that fact prior to commencing transit from a port, dock or wharf. This is a safety requirement.

In § 401.88(c)(2), a typographical error will be corrected.

In § 401.97, paragraph (b) will be amended to show that the Authority and Corporation will designate a date after which vessels entering the Montreal-Lake Ontario Section of the Seaway or departing upbound from a port, dock, etc., must report their furthermost destination.

In § 401.97, paragraph (c) will be amended to reflect under what conditions a vessel will be allowed, if at all, to transit downbound the Montreal-Lake Ontario section of the Seaway if that vessel proceeded upbound after a date designated by the Corporation and the Authority.

In § 401.97, paragraph (e)(1)(iv) will be amended to establish requirements for vessels reporting more than 72 hours late, but less than 96 hours after the clearance date. In addition, the fact that an operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be $20,000 less than the amount otherwise applicable will be noted. Also, each vessel which reports more than 96 hours after the clearance date will be required to obtain a prior written agreement among the owner or agent of the vessel and the Authority and Corporation before it will be allowed to transit. Such an agreement may provide for additional operational surcharges.

In § 401.97, paragraph (f) will be amended to indicate that the effective date and the other requirements will be announced as early as practical.

In § 401.97, paragraph (g) will be amended to reflect the fact that no waivers will be made on a vessel-by-vessel basis.

In Schedule I, paragraph (d)(4) is revised to correct an error.

In Schedule II, Table of Speeds, several editorial changes will be made due to the renumbering of navigational aids, and all references to mph will be dropped in the speed limit table.

In Schedule III, Calling-In-Table, a number of changes in vessel reporting procedures for dangerous goods and procedures for Great Lakes Pilotage Authority relating to inland vessels will be made in order to make the information consistent with operating procedures now in effect.

This proposed regulation involves a foreign affairs function of the United States; therefore Executive Order 12291 does not apply to this rulemaking. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), this proposed rule will not have a significant impact on a substantial number of small entities. The Seaway Regulations relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators, and therefore, any resulting costs will be borne primarily by foreign vessels. On the other hand, the economic benefits derived from a safe and efficiently operated St. Lawrence Seaway are

considerable. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act, and therefore an environmental impact statement is not required.

For the stated reasons, it is proposed to amend the Seaway Regulations as follows.

1. The table of contents to the Seaway Regulations is amended by revising the section headings of §§ 401.17, 401.20, 401.35 and 401.77.

PART 401—SEAWAY REGULATIONS AND RULES

Subpart A—Regulations

Sec.

* * * * *

401.17 Pitch indicators and alarms.

* * * * *

401.20 [Reserved].

* * * * *

401.35 [Reserved].

* * * * *

401.77 Pleasure craft tolls.

* * * * *

2. Section 401.3 is amended by revising paragraphs (a) and (b) and paragraph (d)(1) to read as follows:

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than 222.5 m in overall length or 23.16 m in extreme breadth, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than 35.5 m above water level.

* * * * *

(d) * * *

(1) A vessel having a beam width less than 23.16 m and having dimensions exceeding the limits of the block diagram illustrated in Appendix I shall not transit a lock except in accordance with a permit to transit issued by the Authority.

3. Section 401.4 is revised to read as follows:

§ 401.4 Maximum length and weight.

No vessel of less than 6 m in overall length or 900 kg in weight shall transit.

4. Section 401.6 is revised to read as follows:

§ 401.6 Markings.

(a) Vessels of more than 19.8 m in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than 107 m in overall length shall be marked on both sides with midship draft markings.

(c) Where a vessel's bulbous bow extends forward beyond her stem head, a symbol of a bulbous bow shall be marked above the 79.2 dm mark in addition to a "+" symbol followed by a number indicating the total length in meters by which the bulbous bow projects beyond the stem.

5. Section 401.8 is revised to read as follows:

§ 401.8 Landing Booms.

Vessels of more than 50 m in overall length shall be equipped with at least one adequate landing boom on each side.

6. Section 401.9 is amended by revising Paragraph (a) and (b)(1) to read as follows:

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than 19.8 m shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of 48 km; and

* * * * *

7. Paragraph (a)(2) of § 401.10 and the table in paragraph (c) of § 401.10 are revised to read as follows:

§ 401.10 Mooring lines.

(a) * * *

(2) Be fitted with a spliced eye not less than 2.4 m long;

* * * * *

(c) * * *

Ship's overall length	Length of mooring line	Breaking strength
40m to 60m	110m	89kN.
61m to 90m	110m	134kN.
91m to 120m	110m	178kN.
121m to 180m	110m	250kN.
181m to 222.5m	110m	300kN.

8. In § 401.12, paragraphs (a)(1), (a)(3), (a)(2) and (a)(4) introductory text, paragraph (b) and table are revised, and paragraph (a)(5) is added to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) * * *

(1) Vessels of 40 m or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter.

(2) Vessels of more than 40 m but not more than 60 m in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines.

(3) The other two mooring lines required on vessels of more than 40 m but not more than 60 m may be led through closed chocks and may be hand held;

(4) Vessels of more than 60 m in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

(5) Every vessel shall have a minimum of two spare mooring wires available and ready for immediate use.

(b) The following table sets out the requirements for the location of fairleads for vessels of 60 m or more in overall length:

TABLE

Overall length of vessels	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
60m to 90m	Between 10m and 25m from the stem	Between 10m and 25m from the stern.
90m to 120m	Between 12m and 30m from the stem	Between 15m and 35m from the stern.
120m to 150m	Between 12m and 35m from the stem	Between 15m and 40m from the stern.
150m to 180m	Between 15m and 40m from the stem	Between 20m and 45m from the stern.
180m to 222.5m	Between 20m and 50m from the stem	Between 20m and 50m from the stern.

9. Section 401.13 is amended by revising paragraph (b) to read as follows:

§ 401.13 Hand lines.

* * * * *

(b) Have a minimum diameter of 12.7 mm and a minimum length of 30m.

10. Section 401.14 is revised to read as follows:

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Coporation and the Authority, fitted with 22 m of suitable line, shall be

secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

11. Section 401.15 is revised to read as follows:

§ 401.15 Stern anchors.

Every vessel of more than 110 m, the keel of which is laid after January 1st, 1975, shall be equipped with a stern anchor.

12. Section 401.17 is revised to read as follows:

§ 401.17 Pitch indicators and alarms.

Every vessel of 1600 gross registered tons or more that is equipped with a variable pitch propeller shall be equipped with

(a) A pitch indicator in the wheelhouse and the engine room; and

(b) Effective April 1st, 1984, visible and audible pitch alarms in the wheelhouse and engine room to indicate wrong pitch.

13. Section 401.20 will be removed and reserved.

§ 401.20 [Reserved]

14. Paragraphs (a) and (b) introductory text of Section 401.22 will be revised to read as follows:

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of 317.5 tons or less in weight shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of

* * * * *

15. In § 401.26, paragraphs (b)(1), (b)(2) and (c)(2) are revised to read as follows:

§ 401.26 Security for tolls.

* * * * *

(b) * * *

(1) On the Seaway between Montreal and Lake Ontario, at $1.75 per ton for transit each way or at $3.50 per ton for a round trip;

(2) On the Welland Canal, at $1.40 per ton for transit each way or at $2.75 per ton for a round trip;

* * * * *

(c) * * *

(2) Have the same representative, the security for the tolls may be provided in an amount estimated by the representative to be equal to $2.55 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

* * * * *

16. Section 401.28 is amended by revising paragraph (a) to read as follows:

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than 12 m in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in Column I of an item of Schedule II and the place set out in Column II of that item exceed the speed set out in Column III or Column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

* * * * *

17. In § 401.29, footnote 1 of paragraph (a), and paragraph (b) are revised to read as follows:

§ 401.29 Maximum draft.

* * * * *

(b) The draft of a vessel shall not, in any case, exceed 79.2 dm or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

[1] The main channels between the Port of Montreal and Lake Erie have a controlling depth of 8.23 m.

18. In § 401.31, paragraph (c)(2) is revised to read as follows:

§ 401.31 Meeting and passing.

* * * * *

(c) * * *

(2) Within 600 m of a canal or lock entrance;

* * * * *

19. Section 401.35 is removed and reserved.

§ 401.35 [Reserved]

20. Section 401.37(b) is revised to read as follows:

§ 401.37 Mooring at tie-up walls

* * * * *

(b) Crew members being put ashore on landing booms and handling mooring lines on tie-up walls shall wear life jackets.

21. Section 401.39(a) is revised to read as follows:

§ 401.39 Preparing mooring lines for passing through.

* * * * *

(a) Unless winches can pay out at a minimum speed of 46m per minute, sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

* * * * *

22. Section 401.40 is amended by revising paragraph (b) and adding a new paragraph (c) to read as following:

§ 401.40 Entering a lock.

* * * * *

(b) Every vessel proceeding into a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

(c) Thrusters shall not be used when passing a lock gate.

23. In § 401.42, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 401.42 Passing hand lines.

(a) * * *

(1) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, by means of a bowline, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a clove hitch, to the mooring lines 60 cm behind the splice of the eye; and

* * * * *

24. Section 401.45 is revised to read as follows:

§ 401.45 Emergency procedure.

When a vessel entering a lock chamber has to be checked in an emergency, a signal consisting of five blasts on a horn shall be given:

(a) In Canadian locks by the master and,

(b) In Eisenhower and Snell Locks by the master or the officer in charge of the mooring operation, and all mooring lines shall be put out as quickly as possible.

25. Section 401.47 is amended by adding a new paragraph (c) as follows:

§ 401.47 Leaving a lock.

(c) Thrusters shall not be used when passing a lock gate.

26. In the table to § 401.48, items 2.(a), (b), (c), (d) are revised and (e) is amended to read as follows:

§ 401.48 Turning basins.

* * * * *

2. * * *

(a) Turning Basin No. 1—Opposite St. Catherines Wharf for vessels up to 107m.

(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 180m.

(c) Turning Basin No. 3—Immediately south of Port Robinson (Mile 13).

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 170m.

(e) For vessels up to 80m:

* * * * *

27. Section 401.51 is revised to read as follows:

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing signal, the master shall signal the vessel's presence to the bridgemaster by VHF radio when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between 670m and 1500m upstream and downstream from movable bridges at sites other than lock sites.

28. In Section 401.64, paragraphs (c) and (g) are revised to read as follows:

§ 401.64 Calling in.

(c) A downbound vessel in St. Lambert Lock shall switch to channel 10 (156.5 MHz) for a traffic report from Montreal Vessel Traffic Management Center.

* * * * *

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall remain on channel 14 (156.7 MHz) until the meeting has been completed.

* * * * *

29. Section 401.65(a) (1) if revised to read as follows:

(a) * * *

(1) Toronto and Hamilton—.87 of a nautical mile outside harbor limits; and

* * * * *

30. In § 401.68, paragraphs (a)(1), (2), (3), (4) and (c) are revised to read as follows:

§ 401.68 Explosives permit.

(a) * * *

(1) For all vessels carrying any quantity of explosives with a mass explosive risk, up to a maximum of 2 tonnes (IMCO Class 1, Division 1.1);

(2) For all vessels carrying more than 10 tonnes and up to a maximum of 50 tonnes of explosives that do not explode en masse (IMCO Class 1, Division 1.2);

(3) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of explosives having a fire hazard without explosive effect (IMCO Class 1, Division 1.3); and

(4) For all vessels carrying more than 100 tonnes and up to a maximum of 500 tonnes of safety explosives and ship goods (IMCO Class 1, Divisions 1.4 and 1.5).

* * * * *

(c) A written application for a Seaway Explosives Permit showing that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which it was loaded and of Canada and the United States may be made to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 or to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, K6J 3P7.

* * * * *

31. In § 401.69, paragraphs (c)(1), (2), (3), (4) and (7) are revised, and a new paragraph (c)(10) is added.

§ 401.69 Hazardous cargo vessels.

* * * * *

(c) * * *

(1) In excess of 50 tonnes of gases, compressed, liquified or dissolved under pressure (IMCO Class 2),

(2) In excess of 50 tonnes of flammable liquids having a flashpoint below 61°C (IMCO Class 3),

(3) In excess of 50 tonnes of flammable solids, spontaneously combustible material or substances emitting combustible gases when wet (IMCO Class 4),

(4) In excess of 50 tonnes of oxidizing substances or organic peroxides (IMCO Class 5),

* * * * *

(7) In excess of 50 tonnes or corrosive substances (IMCO Class 8),

* * * * *

(10) Any quantity of direct reduced iron (DRI).

32. In § 401.74, paragraph (a) is revised to read as follows:

§ 401.74 Transit declaration.

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Corporation, Massena, New York, or from the Authority, Cornwall, Ontario, shall be forwarded to the Corporation or the Authority by the representative of every vessel, other than a pleasure craft of not more than 317.5 tonnes, within fourteen days after the vessel first enters the Seaway on any upbound or down-bound voyage.

* * * * *

33. Section 401.77 which was formerly reserved is added to read as follows:

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft in Canadian or American funds for the transit of each Seaway lock.

34. In § 401.80, paragraphs (a) and (b) are revised to read as follows:

§ 401.80 Reporting dangerous cargo.

(a) The master of any explosive vessel or hazardous cargo vessel shall report to a Seaway station, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

(b) The master of any vessel, that takes on explosive, or hazardous cargo while in the Seaway system shall report to the nearest Seaway station at least four hours prior to commencing transit from a port dock or wharf, the nature, quantity and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

35. Section 401.82 is revised to read as follows:

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than 33.5 m above water level shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

36. In § 401.84, paragraph (g) is revised to read as follows:

§ 401.84 Reporting of impairment or other hazard by vessels transiting within the Seaway.

* * * * *

(g) Any location where the visibility is less than one nautical mile.

37. Paragraph (c)(2) of § 401.88 is revised to read as follows:

§ 401.88 Power of sale for toll arrears.

* * * * *

(c) * * *

(2) The fine or penalty imposed on conviction, shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

38. In § 401.97, paragraphs (b), (c), (e)(1)(iv), (f) and (g) are revised to read as follows:

§ 401.97 Closing procedures.

* * * * *

(b) After a date designated by the authority and the Corporation, each vessel upon entering the Montreal-Lake Ontario Section of the Seaway or departing upbound from a port, dock, wharf or anchorage in this section of the Seaway, will report to the appropriate vessel traffic control center the furthermost destination of its voyage along with all intermediate destinations within the Montreal-Lake Ontario section of the Seaway. Each vessel will immediately advise the nearest vessel traffic control center of any change in the reported destinations. The date to

commence reporting will be annually designated by the Authority and the Corporation.

(c) No downbound vessel, which presents itself for transit upbound at CIP 2 after a date designated annually by the Authority and the Corporation, and proceeds to a point above Port Colborne, will be allowed to transit the Montreal-Lake Ontario Section off the Seaway during the remainder of the navigation season unless such transit can be made, in the opinion of the Authority and the Corporation, safely and without interfering with the orderly and timely transit of other vessels or otherwise disrupting the system. If such a transit is allowed, it will only be made under such terms and conditions as determined by the Authority and the Corporation.

* * * * *

(e)(1) * * *

(iv) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: $80,000.

The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be $20,000 less than the amount otherwise applicable.

Each vessel which reports more than 96 hours after the clearance date may transit only if a prior written agreement authorizing such transit has been entered into among the owner or agent of the vessel and the authority and the Corporation. Such agreement may provide for additional operational surcharges.

* * * * *

(f) Because of the unique ice conditions frequently encountered in the St. Lambert-Iroquois segment of the Montreal-Lake Ontario section of the Seaway, minimum vessel power and draft requirements may be in effect during the closing period. The effective date and the requirements will be announced as early as practical. However, should conditions warrant, further restrictions may be imposed.

(g) The provision in paragraphs (a) through (f) of this section will not be adjusted or waived except as a result of extreme circumstances over which the Seaway entities have no control and which could not have reasonably been foreseen at the time applicable dates were established. Inclement weather, pilotage delays and vessel queues which occur at the end of then navigation period do not meet the requirements of this section. In any event, adjustments or waivers will not be made on a vessel-by-vessel basis.

39. In Schedule I, item (d)(4) is revised to read as follows:

Schedule—Vessels Transiting U.S. Waters

* * * * *

(d) * * *

(4) For each vessel that is fitted with a controllable pitch propeller, a table of control settings for a representative range of speeds;

* * * * *

40. Schedule II, "Table of Speeds", is revised to read as follows:

SCHEDULE II.—TABLE OF SPEEDS*

From—	To—	Maximum speed over the bottom, knots	
		Col. III	Col. IV
1. Upper Entrance, South Shore Canal	Lake St. Louis, Buoy A13	10.5	10.5.
2. Lake St. Louis, Buoy A13	Lower Entrance, Lower Beauharnois Lock.	16	16.
3. Upper Entrance, Upper Beauharnois Lock.	Lake St. Francis, Buoy D3	9 upb, 10.5 dnb	9 upb, 10.5 dnb.
4. Lake St. Francis, Buoy D3	Lake St. Francis, Buoy D49	16	16.
5. Lake St. Francis, Buoy D49	Snell Lock	8.5 upb, 10.5 dnb	8 upb, 10.5 dnb.
6. Eisenhower Lock	Richards Point, Lt. 55	11	10.5.
7. Richards Point, Lt. 55	Morrisburg, Buoy 84	13	10.5.
8. Morrisburg, Buoy 84	Ogden Island, Buoy 99	11	10.5.
9. Ogden Island, Buoy 99	Blind Bay ½ mile east of Buoy 162	13	10.5.
10. Blind Bay ½ mile east of Buoy 162	Deer Island, Lt. 186	11	10.5.
11. Deer Island, Lt. 186	Bartlett Point, Lt. 227	8.5 upb, 10.5 dnb	8 upb, 10.5 dnb.
12. Bartlett Point, Lt. 227	Tibbetts Point	13	10.5.
13. Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open Waters between Wolfe and Howe Islands through the said Middle Channel.	9.5	9.5.
14. Port Robinson	Ramey's Bend through the Welland By-pass.	8	8.
15. All other canals		6	6.

*Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions are set forth in this schedule. The Corporation and the Authority will, from time to time, designate the set of speed limits which is in effect.

41. Schedule III, "Calling-In-Table", is amended by revising Items 1, 3, 19, 29, 35, 36, 43, 48, 52 and 53 to read as follows:

SCHEDULE III.—CALLING-IN-TABLE

C.I.P. and checkpoint	Station to call	Message content
Upbound Vessels		
1. CIP 2—Entering Sector 1 (order of passing through established):		
(a) Vessels transiting from the Lower St. Lawrence River.	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo: nature and quantity; IMCO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
(b) Vessels in Montreal Harbor, dock, berth or anchorage:		
(i) Before getting under way	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Manifested dangerous cargo: nature and quantity; IMCO classification; location where dangerous cargo is stowed. 7. Pilot requirement—Lake Ontario. 8. Conform pilot requirement—Upper Beauharnois Lock (inland vessels only).
(ii) CIP 2—Entering Sector 1 (order of passing through established).	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location.
* * *	* *	* * *
3. Exiting Upper Beauharnois Lock	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location. 3. ETA CIP 7. 4. Confirm pilot requirement—Snell Lock (inland vessels only).
* * *	* *	* * *
19. Mid Lake Ontario Entering—Sector 5	Seaway Newcastle, Ch. 11	1. Name of vessel. 2. Location. 3. Manifested dangerous cargo: nature and quantity; IMCO classification; location where dangerous cargo is stowed.

SCHEDULE III.—CALLING-IN-TABLE—Continued

C.I.P. and checkpoint	Station to call	Message content
* * * * * * *		
Downbound Vessels		
29. Long Point—Entering Sector 7	Seaway Long Point, Ch. 11	1. Name of vessel. 2. Location. 3. ETA CIP 16. 4. Manifested dangerous cargo: nature and quantity; IMCO classification; location where dangerous cargo is stowed.
* * * * * * *		
35. Mid Lake Ontario—Entering Sector 4	Seaway Sodus, Ch. 13	1. Name of vessel. 2. Location. 3. Manifested dangerous cargo: nature and quantity; IMCO classification; location where dangerous cargo is stowed.
36. Sodus Point	Seaway Sodus, Ch. 13	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Updated ETA Cape Vincent or Lake Ontario Port. 7. Confirm river pilot requirement—Cape Vincent. 8. Pilot requirement—Snell Lock and/or Beauharnois Lock (inland vessels only).
* * * * * * *		
43. Exiting Iroquois Lock	Seaway Iroquois Ch. 11	1. Name of vessel. 2. Location. 3. ETA CIP 10. 4. Harbor or river pilot requirement—St. Lambert. 5. Confirm pilot requirement—Snell Lock (inland vessels only).
* * * * * * *		
48. Buoy D47 Lake St. Francis	Seaway Eisenhower, Ch. 12	1. Name of vessel. 2. Location. 3. Confirm pilot requirement—Upper Beauharnois Lock (inland vessels only).
* * * * * * *		
52. Exiting Lower Beauharnois Lock	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location. 3. Confirm harbor or river pilot requirement—St. Lambert. 4. Montreal Harbor Berth number (if applicable).
53. St. Nicolas Island	Seaway Beauharnois, Ch. 14	1. Name of vessel. 2. Location.
* * * * * * *		

(68 Stat. 93–96, 33 U.S.C. 981–990, as amended and secs. 4, 5, 6, 7, 8, 12 and 13 of SEC. 2 of Pub. L. 95–474, 92 Stat. 1471)

Issued at Washington, D.C., on April 13, 1982.

Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,

Administrator.

[FR Doc. 82-11658 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-61-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Semiannual Regulatory Agenda

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Pennsylvania Avenue Development Corporation (Corporation), is not planning to issue, prior to October 1, 1982, any major rules as defined in Executive Order 12291, "Federal Regulations," February 17, 1981, (46 13193, February 19, 1981).

The Corporation is not planning to issue, prior to October 1, 1982, any rules which would have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601, et seq.).

As an informational aid to the public, the Corporation is enumerating below, those non-major and nonsignificant rules that it plans to act on prior to October 1, 1982.

Regulatory Agenda for Period Ending September 30, 1982

Title	Current status	Planned action	Contact
(1) Affirmative Action Policy and Procedures	Interim Rule (36 CFR Part 906)	Revision and Publication as Final Rule (36 CFR Part 906).	Ms. Geri Porter, Affirmative Action/Public Relations Officer, (202) 523-1333.
(2) Policy and Procedures to Facilitate Successful Relocation of Businesses and Residents Within the Pennsylvania Avenue Development Area.	Under development	Publication as Proposed Rule (36 CFR Part 908)	Mr. Jerry Smedley, Chief of Real Estate Operations, (202) 523-3726.
(3) General Guidelines and Uniform Standards for Urban Planning and Design of Development Within the Pennsylvania Avenue Development Area.	Interim Rule (36 CFR Part 920)	Revision and Publication as Final Rule (36 CFR Part 920).	Mr. Yong-Duk Chyun, Architect, (202) 523-5477.
(4) Planning and Design Objectives, Controls, and Standards on Square 291.	Interim Rule	Revocation	Do.
(5) Planning and Design Objectives, Controls, and Standards on the Western Half of Square 457.	do	do	Do.
(6) Planning and Design Objectives, Controls, and Standards on the Eastern Section of Square 458.	do	do	Do.

FOR FURTHER INFORMATION CONTACT:
Ms. Madeleine B. Schaller, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th St., NW., Suite 1148, Washington, D.C. 20004; (202) 566-1078.

Dated: April 26, 1982.

Thomas J. Regan, Jr.,

Executive Director.

[FR Doc. 82-11665 Filed 4-28-82; 8:45 am]

BILLING CODE 7630-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Vocational Rehabilitation Amendments

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The Veterans Administration is publishing for public comment proposed regulations to implement provisions of the Veterans' Rehabilitation and Education Amendments of 1980, Pub. L. 96-466, 38 U.S.C. Ch. 31. These revisions, the first since the establishment of the program for veterans of World War II, update, expand and improve the vocational rehabilitation program, and help to assure that service-disabled veterans will benefit from the latest concepts and methods developed in the field of rehabilitation. The regulations contained here implement provisions of the law dealing with its purpose, basic entitlement, periods of eligibility, definitions of terms, and several other provisions. These regulations will better acquaint eligible veterans, educational institutions and the public at large with the way the provisions will be implemented.

DATES: Comments must be received on or before June 28, 1982. It is proposed that these regulations be made effective on the same dates as the provisions of law on which they are based. Following this principle, regulations providing an overview of chapter 31, definitions and explanations of terms, basic entitlement to, and periods of eligibility for chapter 31 (§§ 21.1 and 21.30-21.48) would be effective as of April 1, 1981. Regulations governing election of benefits among VA programs, and nonduplication of benefits among Federal programs (§§ 21.21 and 21.22) would be effective as of October 1, 1980.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 13, 1982.

FOR FURTHER INFORMATION CONTACT:
Dr. S. L. Lemons, (202) 389-2886.

SUPPLEMENTARY INFORMATION: This publication contains proposed regulations implementing some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. Specifically these regulations contain an overview of basic requirements for participation in the program, a statement of the purpose of the vocational rehabilitation program, definitions of various terms used in the program, requirements for basic entitlement to vocational rehabilitation services and periods of eligibility during which such services may be furnished. An especially significant feature of the regulations is the statement of purpose of the program. The law has broadened the definition of vocational rehabilitation from "training to overcome the handicapping effects of service-connected disability" to "helping service-disabled veterans achieve maximum independence in daily living, and, to the maximum extent feasible, to become employable, and to obtain and maintain suitable employment". This statement significantly differs from the traditional view which substantially equated vocational rehabilitation with training. Many of the other provisions in the law also reflect this fundamental change in philosophy.

These proposed regulations do not meet the criteria for major rules as contained in Executive Order 12291. There will be no new reporting or recordkeeping requirements, or other compliance costs, to business or educational institutions caused by this proposal. The proposed regulations will not affect other agencies. This proposal may induce some veterans to pursue training under chapter 31, Title 38, United States Code who would not have done so otherwise. Furthermore, these proposed regulations will affect every veteran who is eligible for training under 38 U.S.C. chapter 31. These effects of the law on veterans do not place the proposed regulations in the category of major rules and therefore, no regulatory analysis is required. These proposed regulations will not have an annual effect of $100 million on the economy, create major increases in costs or prices, impose major recordkeeping burdens on anyone, nor cause major additional costs to recipients of federal assistance.

The Administrator hereby certifies that these proposed rules will not, if promulgated, 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. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed rules simply incorporate the definitions and requirements of Pub. L. 96-466 concerning the eligibility of individual veterans for assistance under the vocational rehabilitation program.

List of Subjects in 38 CFR Part 21

Claims, Veterans, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic Assistance Number is 64.116.

Approved: April 7, 1982.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending 38 CFR Part 21 by making the following revisions, additions and deletions:

1. Section 21.1 is revised to read as follows:

§ 21.1 Training and rehabilitation for veterans with service-connected disabilities.

(a) *Purposes.* The purposes of this program are to provide to eligible veterans with compensable service-connected disabilities all services and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment. (38 U.S.C. 1500)

(b) *Basic requirements.* Before a service-disabled veteran may receive training and rehabilitation services under chapter 31, title 38, United States Code, three basic requirements must be met:

(1) The Veterans Administration must first find that the veteran has basic entitlement to services as prescribed by § 21.40. (38 U.S.C. 1502)

(2) The services necessary for training and rehabilitation must be identified by the Veterans Administration and the veteran. (38 U.S.C. 1506)

(3) An individual written plan must be developed by the Veterans Administration and the veteran describing the goals of the program and the means through which these goals will be achieved. (38 U.S.C. 1507)

§ 21.2 [Removed]

2. Section 21.2 is removed.

§ 21.3 [Removed]

3. Section 21.3 is removed.

§ 21.20 [Removed]

4. Section 21.20 is removed.

5. Section 21.21 is revised to read as follows:

§ 21.21 Nonduplication—38 U.S.C. Chapters 31, 32, 34, and 35.

(a) *Election.* A veteran who has basic entitlement to rehabilitation under chapter 31, and is also eligible for educational assistance under chapters 32, 34, or 35 must elect which benefit he or she will currently receive. The veteran may reelect at any time. (38 U.S.C. 1795)

(b) *Prior training.* If a veteran has pursued an educational or training program under chapter 32, 33 (prior to its repeal), 34 or 35, the earlier program of education or special restorative training shall be utilized to the extent practicable in determining the character and duration of vocational rehabilitation to be furnished. (38 U.S.C. 1795)

6. Section 21.22 is revised to read as follows:

§ 21.22 Nonduplication—Federal programs.

(a) *Allowances.* A service-disabled veteran who is eligible for benefits under chapter 31, may not receive a subsistance allowance or elect payment of an allowance at the educational assistance rate under chapter 34 pursuant to § 21.264 if the veteran:

(1) Is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service), or

(2) Is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to such veteran while so training. (38 U.S.C. 1781)

(b) *Services which may be authorized.* A service-disabled veteran who is in one of the two categories defined in paragraph (a) of this section is entitled to receive all benefits, other than an allowance, to which he or she is otherwise entitled under chapter 31, including:

(1) Payment of any tuition and fees not paid for by the Armed Forces or under the Government Employees' Training Act, and

(2) The cost of special services, such as reader services, tutorial assistance, and special equipment during the period of such training. (38 U.S.C. 1781)

7. Section 21.30 is revised to read as follows:

§ 21.30 Claims. A specific claim in the form prescribed by the Veterans Administration must be filed for:

(a) A program of rehabilitation services, or

(b) Employment assistance. (38 U.S.C. 1502, 1517)

8. Section 21.31 is revised to read as follows:

§ 21.31 Informal claim.

Any communication or action indicating an intent to apply for rehabilitation or employment assistance, from a veteran, a duly authorized representative, or a Member of Congress may be considered an informal claim. Upon receipt of an informal claim, if a formal claim has not been filed, an application form will be forwarded to the veteran for execution. In the case of a claim for rehabilitation, the formal claim will be considered filed as of the date of receipt of the informal claim if received within 1 year from the date it was sent to the veteran, or before cessation of the course, whichever is earlier. (38 U.S.C. 3013)

9. Section 21.32 is amended to read as follows:

§ 21.32 Time limit.

(a) *Time limit for filing evidence.* The provisions of this paragraph are applicable to an original application, formal or informal, for rehabilitation and employment assistance and to a claim for increased benefits by reason of the existence of a dependent.

(1) If a claimant's application is incomplete, the claimant will be notified of the evidence necessary to complete the application;

(2) If the evidence is not received within 1 year from the date of such notification, benefits may not be paid by reason of that application (38 U.S.C. 3013)

(b) *Failure to furnish claimant form of notice of time limit.* Failure to furnish a potential claimant any form of information concerning the right to file a claim, or to furnish notice of the time limit for the filing of a claim or submission of evidence will not extend the periods allowed for these actions. As to appeals, see 38 CFR 19.110. (38 U.S.C. 3013)

Cross-references: § 3.103, Due process, §3.110, Computation of time limits.

10. New § 21.35 is added to read as follows:

§ 21.35 Definitions.

(a) *Employment handicap.* This term means an impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests. (38 U.S.C. 1501(1))

(b) *Independence in daily living.* This term means the ability of a veteran, without the service of others, or with a reduced level of the services of others, to live and function within such veteran's family and community. (38 U.S.C. 1501(2))

(c) *Program of education.* This term means:

(1) A combination of subjects or unit courses pursued at a school which is

generally acceptable to meet requirements for a predetermined educational, professional or vocational objective; or

(2) Such subjects or courses which are generally acceptable to meet requirements for more than one objective if all objectives pursued are generally recognized as being related to a single career field; or

(3) Any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at any educational institution required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section (7)(i) of the Small Business Act. (15 U.S.C. 636(i), 38 U.S.C. 1652(b))

(d) *Program of independent living serivces and assistance.* This term includes:

(1) The services provided in this program that are needed to enable a veteran to achieve maximum independence in daily living, including counseling, diagnostic, medical, social, psychological, and educational services determined by the Veterans Administration to be necessary, and

(2) The monthly allowance authorized by 38 U.S.C. ch. 31 for such a veteran. (38 U.S.C. 1501(4))

(e) *Rehabilitated to the point of employability.* This term means that the veteran is employable in a occupation for which a vocational rehabilitation propram has been provided under this program. (38 U.S.C. 1501(5))

(f) *Rehabilitation program.* This term includes, when appropriate:

(1) A vocational rehabilitation program (see paragraph (i) of this section);

(2) A program of independent living services and assistance (see paragraph (d) of this section) for a veteran for whom a vocational goal has been determined not to be reasonably feasible; or (38 U.S.C. 1501(6))

(3) A program of employment services for employable veterans who are prior participants in Veterans Adminstration or state-federal vocational rehabilitation programs. (38 U.S.C. 1517)

(g) *Serious employment handicap.* This term means a significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests. (38 U.S.C. 1501(7))

(h) *Vocational goal.* This term means attainment of gainful employment status consistent with a veteran's abilities, aptitudes, and interests. (38 U.S.C. 1501(8))

(i) *Vocational rehabilitation program.* This term includes:

(1) The services that are needed for the accomplishment of the purposes of 38 U.S.C. ch. 31 including such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Veterans Administration to be needed;

(2) In the case of a veteran for whom the achievement of a vocational goal has not been found to be infeasible:

(i) Determining whether a vocational goal is reasonably feasible;

(ii) Improving the veteran's potential to participate in a program of services designed to achieve a vocational goal;

(iii) Assisting the veteran to became, to the maximum extent feasible, employable and to obtain and maintain in suitable employment; or

(iv) Enabling the veteran to achieve maximum independence in daily living in those cases where achievement of a vocational goal is not reasonably feasible.

(3) The term also includes the monetary assistance authorized by 38 U.S.C. ch. 31 for a veteran receiving any of the services described in this paragraph. (38 U.S.C. 1501(9))

(j) *Program of employment services.* This term includes the counseling, medical, social, and other placement and post-placement services provided to a veteran under 38 U.S.C. ch. 31 to assist the veteran in obtaining or maintaining suitable employment. (38 U.S.C. 1517)

(k) *Other terminology.* The following are primarily intended as explanations rather than definitions of terms to which frequent reference will be made in these regulations.

(1) *Courseling psychologist.* Unless otherwise stated, the term "counseling psychologist" refers to a counseling psychologist in the Vocational Rehabilitation and Counseling Service in the Department of Veterans Benefits, Veterans Administration.

(2) *Vocational rehabilitation specialist.* Unless otherwise stated, the term "vocational rehabilitation specialist" refers to a vocational rehabilitation specialist in the Vocation Rehabilitation and Counseling Service in the Department of Veterans Benefits of the Veterans Administration, or to a Veterans Administration counseling psychologist performing the duties of a Vocational Rehabilitation Specialist.

(3) *School, educational institution, institution.* These terms mean any public or private school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution or other institution furnishing education for adults. (38 U.S.C. 1652(c))

(4) *Training establishment.* This term means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established in accordance with 29 U.S.C. Chapter 4C, or any agency of the Federal Government authorized to supervise such training. (38 U.S.C. 1652(e))

(5) *Rehabilitation facility.* This term means a distinct organizational entity, either separate or within a larger institution or agency, which provides goal-oriented comprehensive and coordinated services to individuals designed to evaluate and minimize the handicapping effects of physical, mental, social and vocational disadvantages, and to effect a realization of the individual's potential.

(6) *Workshop.* This term means a charitable organization or institution, conducted not for profit, but for the purpose of carrying out an organized program of evaluation and rehabilitation for handicapped workers and/or for providing such individuals with renumerative employment and other occupational rehabilitative activity of an educational or therapeutic nature.

11. Section 21.40 is revised to read as follows:

§ 21.40 Basic entitlement.

A veteran shall be entitled to a program of rehabilitation services under 38 U.S.C. chapter 31 if all of the following conditions are met:

(a) *Service-connected disability.* The veteran:

(1) Has a service-connected disability which is, or but for the receipt of a retired pay would be, compensable under 38 U.S.C. ch. 11 and which was incurred or aggravated in service on or after September 16, 1940, or

(2) The veteran is hospitalized for a service-connected disability in a military hospital pending discharge or release from active military, naval or air service and is suffering from a disability which will likely be compensable under 38 U.S.C. ch. 31. (38 U.S.C. 1502)

(b) *Employment handicap.* The veteran is determined to be in need of rehabilitation to overcome an employment handicap. (38 U.S.C. 1502)

12. Section 21.41 is revised to read as follows:

§ 21.41 Basic period of eligibility.

A program of rehabilitative services may be provided to a veteran with basic entitlement during the twelve year period following discharge. The beginning date of the twelve year period is the day of the veteran's discharge or release from his or her last period of active military, naval, or air service and the ending date is twelve years from the discharge or release date, unless the beginning date is deferred or the ending date is deferred or extended as provided in §§ 21.42, 21.44, and 21.45. (38 U.S.C. 1503(a))

13. Section 21.42 is revised to read as follows:

§ 21.42 Basic period of eligibility deferred.

The basic twelve year period of eligibility does not run if the veteran was prevented from beginning or continuing a vocational rehabilitation program for one of the following reasons:

(a) *Compensable service-connected disability not established.* The basic twelve year period shall not begin to run until the veteran establishes the existence of a compensable service-connected disability. When the veteran establishes the existence of a compensable service-connected disability, the basic twelve year period begins on the day the Veterans Administration notifies the veteran. The ending date is twelve years from the beginning date. (38 U.S.C. 1503(b))

(b) *Character of discharge.* (1) The basic twelve year period of eligibility shall not begin to run during any period when the veteran had not met the requirement of a discharge from the active military, naval or air services under conditions other than dishonorable before:

(i) The discharge or release was changed by appropriate authority, or

(ii) The Veterans Administration determines that the discharge or release was under conditions other than dishonorable.

(2) The basic twelve year period shall not begin to run during any period in which the veteran's discharge or dismissal was considered a bar to benefits by the Veterans Administration, but this bar is subsequently removed by the Veterans Administration.

(3) When there is a change in the character of discharge or dismissal under paragraphs (b) (1) or (2) of this section the beginning date of the basic twelve year period of eligibility is the effective date of the change. The ending date is twelve years from the beginning date.

(c) Medical condition prevents initiation or continuation. The basic twelve year period of eligibility shall not begin to run or continue to run during any period of 30 days or more in which the veteran's participation in vocational rehabilitation is infeasible because of the veteran's medical condition. The twelve year period shall begin or resume when it is feasible for the veteran to participate in a vocational rehabilitation program, as that term is defined in § 21.35. (38 U.S.C. 1503(b))

§ 21.43 [Removed]

14. Section 21.43 is removed.

15. New § 21.44 is added to read as follows:

§ 21.44 Extension beyond basic period of eligibility because of serious employment handicap.

The basic period of eligibility of a veteran with a serious employment handicap may be extended when the veteran's employment and particular handicap necessitates an extension as necessary to pursue a vocational rehabilitation program under the following conditions:

(a) *Not rehabilitated to the point of employability.* The basic period of eligibility may be extended when the veteran has not previously been rehabilitated to the point of employability. (38 U.S.C. 1503(c))

(b) *Rehabilitated to the point of employability.* The veteran was previously declared rehabilitated to the point of employability, under the Veterans Administration vocational rehabilitation program, but either:

(1) The veteran's service-connected disability or disabilities have worsened to the extent that he or she is unable to perform the duties of the occupation in which he or she is trained, or in a related occupation; or

(2) The occupation in which the veteran was rehabilitated to the point of employability is not presently suitable in view of the veteran's current handicap and capabilities. (The finding of unsuitability must be based upon objective evidence developed in the course of reconsideration which shows that the nature or extent of the veteran's handicap and his or her capabilities are significantly different than were previously found.) or;

(3) Occupational requirements have changed and additional services are needed to help the veteran continue in the occupation in which he or she was trained or in a related field. (38 U.S.C. 1503)

16. New § 21.45 is added to read as follows:

§ 21.45 Extension beyond basic period of eligibility for a program of independent living services.

The period of eligibility for a veteran to pursue a program of independent living services when necessary to ensure that he or she will achieve maximum independence in daily living may be extended beyond the basic twelve year period under the following conditions:

(a) The veteran has a serious employment handicap;

(b) The veteran's medical condition (service and non-service connected disabilities) is so severe that achievement of a vocational goal is not reasonably feasible, or

(c) The veteran has completed a program of independent living services, but additional services are needed because:

(1) The worsening of the veteran's condition has resulted in a substantial loss of independence, or

(2) Other changes in the veteran's circumstances have resulted in a substantial loss of independence. (38 U.S.C. 1503(d))

17. New § 21.47 is added to read as follows:

§ 21.47 Eligibility for employment assistance.

(a) *Eligibility of current participants in chapter 31.* Each veteran currently in a vocational rehabilitation program under 38 U.S.C. ch. 31 is eligible for assistance in obtaining and maintaining suitable employment. (38 U.S.C. 1517)

(b) *Eligibility of prior participants in vocational rehabilitation programs.* A veteran who has been in a vocational rehabilitation program under chapter 31 or a similar program under the Rehabilitation Act of 1973 and is employable in competitive employment or in a sheltered workshop or other special situation at the minimum wage is eligible for employment assistance under the following conditions:

(1) The veteran has filed a claim for vocational rehabilitation or employment assistance;

(2) The veteran has a service-connected disability which:

(i) Was incurred on or after September 16, 1940; and

(ii) Is compensable, but for payment of retirement pay; and

(3) The veteran:

(i) Completed a vocational rehabilitation program under 38 U.S.C. ch. 31 or participated in such a program for at least 90 days on or after September 16, 1940; or

(ii) Completed a vocational rehabilitation program under the Rehabilitation Act of 1973 after September 26, 1975, or participated in such a program which included at least 90 days of post-secondary education or vocational training. (38 U.S.C. 1517)

(c) *Exclusion of period of employment assistance from period of eligibility for vocational rehabilitation.* The periods during which employment assistance may be provided are not subject to limitations on periods of eligiblity for vocational rehabilitation provided in §§ 21.41 through 21.45. (38 U.S.C. 1505)

18. New § 21.48 is added to read as follows:

§ 21.48 Severance of service connection—reduction to non-compensable degree.

When a rating action is taken which proposes severance of service-connection or reduction to a noncompensable degree, the provisions of the following paragraphs will govern the veteran's entitlement to rehabilitation and employment assistance under 38 U.S.C. ch. 31.

(a) Applicant. If the veteran is an applicant for rehabilitation or employment assistance when the proposed rating action is taken, all processes respecting determination of entitlement or induction into training shall be immediately suspended. In no event shall any veteran be inducted into a rehabilitation program or provided employment assistance during the interim periods provided in 38 CFR 3.105(d) and (e). If the proposed rating action becomes final, the application will be denied. See also § 21.50 as to initial evaluation. (38 U.S.C. 1504)

(b) *Reduction while in a rehabilitation program.* If the proposed rating action is taken while the veteran is in a rehabilitation program and results in a reduction to a noncompensable rating of his or her disability, the veteran may be retained in the program until the completion of the program, except if "discontinued" under § 21.200 her or she may not reenter. (38 U.S.C. 1503)

(c) *Severance while in a rehabilitation program.* If the proposed rating action is taken while the veteran is in a rehabilitation program and results in severance of the service-connection of his or her disability, rehabilitation will be terminated effective as of the last day of the month in which severance of service-connection becomes final. (38 U.S.C. 1503)

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPP 42012; TSH-FRL 2100-5]

Diethylenetriamine; Proposed Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA is proposing that manufacturers and processors of diethylenetriamine (DETA) test this chemical for subchronic toxicity, mutagenicity, including gene mutation and cytogenetic tests, aerobic biodegradation, and anaerobic biodegradation. Testing would be performed according to protocols established in a subsequent rulemaking. This notice constitutes EPA's response to the Interagency Testing Committee's (ITC) designation of DETA as a priority candidate for testing.

DATES: Submit written comments on or before June 28, 1982. If persons request time for oral comment by June 14, 1982, EPA will hold a public meeting on July 13, 1982, on this rule in Washington, D.C. For further information on arranging to speak at the meeting see unit VI of this preamble.

ADDRESS: Address written comments to: Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460. Include the document control number OPTS-42012 on all submissions.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Rm. E-511, 401 M St. SW., Washington, D.C. 20460, Toll Free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: All specific chemical testing requirements are being consolidated in the new 40 CFR Part 799 being established in this document. Specific chemical testing rules which initially were published under 40 CFR Part 773 will be integrated into the organizational scheme for Part 799.

I. Introduction

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601) established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for testing under section 4(a) or the Act. The ITC may designate substances on the list for priority consideration by EPA. TSCA requires EPA to respond to such designations within 12 months of the date they are made either by initiating rulemaking under section 4(a) of by publishing in the Federal Register reasons for not initiating rulemaking.

The ITC designated DETA for priority consideration in its Eighth Report, published in the Federal Register of May 22, 1981 (46 FR 28138). The ITC recommended that DETA be tested for the following health effects: chronic effects, reproductive effects and teratogenicity. Today's notice constitutes EPA's response to the ITC's designation of DETA as a priority candidate for testing.

Under section 4(a)(1) of TSCA, EPA must require testing of a chemical substance to develop health and environmental data if the Agency finds that:

(A)(i) The manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment,

(ii) There are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) Testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B)(i) A chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture,

(ii) There are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) Testing of such substance or mixture with respect to such effects is necessary to develop such data.

EPA's process for determining when these findings apply is described in EPA's first and second proposed test rules as published in the Federal Registers of July 18, 1980 (45 FR 48528) and June 5, 1981 (46 FR 30300).

Today under section 4(a), EPA is proposing health effects and chemical

fate testing requirements for DETA based on EPA's findings for this chemical.

II. DETA

A. Profile

DETA, CAS no. 111–40–0, is an alkaline, hygroscopic, viscous liquid. The estimated annual production of DETA in 1979 ranged from 33–39 million pounds. The primary uses of DETA are for the production of paper wet-strength resins, epoxy-curing agents, chelating agents, lubricating oil and fuel additives, surfactants, and corrosion inhibitors. DETA also has a minor use as a decontaminant for military chemical agents.

B. Findings

The EPA is basing its proposed testing on the authority of section 4(a)(1)(A) of TSCA.

EPA finds that the manufacture, processing, use and disposal of DETA may present an unreasonable risk of injury to human health due to subchronic and mutagenic effects for the following reasons:

1. EPA has found that there are existing data which indicate a potential human health hazard from DETA with respect to these effects.

2. EPA believes that persons are exposed to DETA in the workplace, in using consumer products, and as a result of release of DETA into the environment.

3. EPA does not believe that the rule will result in a loss to society of the benefits of the substance because the Agency's economic evaluation has shown that (1) the relative magnitude of the test cost is minor, and (2) the demand for DETA is relatively inelastic due to limited potential for substitution in end-uses.

EPA also finds that there are insufficient data to predict the subchronic and mutagenic effects of DETA and that testing of DETA is necessary to develop such data.

In addition, EPA finds that the manufacture, processing, use, and disposal of DETA may present an unreasonable risk to human health due to oncogenic effects for the following reasons:

1. EPA has found that there are existing data which indicate a theoretical potential for the conversion of DETA to nitrosamines in the environment and that persons may be exposed to these nitrosamines as a result of release of DETA to the environment. Nitrosamines have been shown to be carcinogenic.

2. The data are insufficient to predict the existence of nitrosamines resulting from DETA release to the environment. Testing is needed to develop such data.

3. EPA does not believe that the rule will result in a loss to society of the benefits of DETA because the Agency's economic evaluation has shown that the impact of testing this substance will be low.

The Agency is proposing subchronic testing rather than a full chronic study because the Agency believes that a properly conducted 90-day study with full histopathology can be used as a surrogate for the lifetime study.

EPA is not proposing testing for reproductive and teratogenic effects, because, in the Agency's judgment, the limited data available do not suggst a potential for these effects.

The analysis and findings on which the above determinations are based are presented in the diethylenetriamine support document. The ITC recommendations and EPA's proposed testing requirements are summarized in the following table:

Effect	ITC recommendation	EPA proposed testing
Chronic	X	X. (Subchronic in lieu of full chronic test.)
Reproductive	X	
Teratogenicity	X	
Mutagenicity		X.
Chemical fate		X.

C. Test Substance

EPA is proposing that a relatively pure grade of DETA be used as the test substance. A purity of 99 percent is specified in this rule.

D. Persons Required to Test

Section 4(b) (3) (B) specifies that the activities for which the Administrator makes section 4 (a) findings (manufacture, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing, distribution, use or disposal. "Manufacture" is defined in section 3(7) of TSCA to include "import." Processors are required to test if the findings are based on processing, distribution, use, or disposal.

Because industrial workers, consumers and the general population may be exposed to DETA during manufacture, processing, use and disposal, EPA is proposing that persons who manufacture or process or who intend to manufacture or process this chemical from the effective date of this test rule to the end of the reimbursement period be subject to the rule. The end of the reimbursement period ordinarily will be 5 years after the deadline for submitting the last final report under a test rule.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b) (3) (A) of TSCA provides that EPA may permit two or more manufacturers or processors who are subject to the rule to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) provides that any person required to test may apply to EPA for an exemption from that requirement.

EPA is not proposing to require the submission of equivalence data as a condition for exemption from the proposed testing. As noted above, EPA is interested in evaluating the effects attributable to DETA itself and has specified a relatively pure grade substance for testing.

E. Submission of study plans

In response to concerns about rigid generic test methodology requirements, EPA has changed its approach for providing test standards for TSCA section 4 test rules. EPA will issue generic test methodology guidelines rather than generic test metholdology requirements. Good Laboratory Practice (GLP) standards will continue to be promulgated as generic requirements. (See the **Federal Register** of March 26, 1982; 47 FR 13012.)

Under the new approach, test rule development will be a two-phase process. In phase I, test rules will be promulgated for individual chemicals specifying the health and environmental characteristics for which test data are to be developed and the reporting requirements. In phase II, following promulgation of a test rule, those persons subject to the rule will be required to develop study plans for the development of data pertaining to the effects and characteristics specified in the rule. For guidance in preparing study plans, it is recommended that test sponsors consult the TSCA Test Guidelines; the OECD Guidelines, as adopted by the OECD Council on May 12, 1981; or the FIFRA Guidelines. For the potential biotransformation of DETA to a nitrosamine the test sponsor may wish to review the paper by Yordy and Alexander (J. Environ. Qual. 10:266–270; 1981). The Industry Assistance Office will provide assistance to sponsors in obtaining these documents.

Manufacturers must state their intention to sponsor testing or to be exempted because other persons will perform testing in a letter to EPA within 30 days from the effective date of the test rule (the effective date of the rule will be 30 days from the date of publication of the final rule in the Federal Register. The letter of intent to be exempted will suffice as the application for exemption which was proposed as a requirement in the Federal Register of July 18, 1980 (45 FR 48512). Sponsors must submit their study plans to EPA within 90 days from the effective date of the test rule. After an opportunity for public comment, EPA will issue a rule adopting the study plans as proposed or modified. The approved and adopted study plans will become a the enforceable test requirements and will serve as the chemical specific test standards for the test rule. Testing would also be subject to EPA's generic GLP standards. Modification to the adopted study plans can be made only with EPA approval.

Processors will not be required to submit study plans and conduct testing unless manufacturers fail to sponsor the required tests. The basis for this decision is that manufacturers are expected to indirectly pass the costs of testing on to processors through any price increase of DETA.

F. Reporting Requirements

EPA is proposing that all data be reported in accordance with the EPA Good Laboratory Practice (GLP) standards proposed in the Federal Register's of May 9, 1979 (44 FR 28369) and November 21, 1980 (45 FR 77332) under 40 CFR Part 772, and with the supplementary reporting requirements listed in the proposed test rule. EPA has reviewed public comment on the proposed GLP standards and is now developing final GLP standards. The final GLP standards will apply to this rule.

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. For this rule, EPA is proposing the following deadlines for the submission of the Final Report for each test:

Test	Deadline (months)
Subchronic oral toxicity	15
Mutagenicity (gene mutation and cytogenicity)	15
Aerobic biodegradation	15
Anaerobic biodegradation	15

These deadlines are calculated from the effective date of the final rule. The deadlines include the time necessary for submission, review and adoption of protocols; study performance; analysis of test results; and preparation of final report.

G. Major Issues for Public Comment

Should toxicity data from other ethyleneamines be used as a surrogate for DETA toxicity? Industry has commented that ethylenediamine (EDA), DETA and triethylenetetramine (TETA) are all alkyl amines with the same primary functional groups with the principal differences in the length of alkyl chain. Citing structural and biological activity relationships, they state that because the three substances share a number of physical and chemical properties, it is reasonable to suppose that their toxicological properties also will be somewhat similar. Union Carbide has studied the disposition of DETA and EDA administered orally and endotracheally to rats. They state that while both are readily absorbed, DETA is excreted more readily, retained to a lesser degree in tissues and is more likely to be excreted in an unmetabolized form than EDA.

While the Agency agrees that certain similarities in physical and chemical characteristics exist, other concerns of chemical activity exist. Although both possess terminal primary amine groupings, DETA is a secondary amine, may form nitroso compounds or may possess other differences in metabolic activity because of its differing amino structure. There is a need for mechanisms to compare test results among the three chemicals and assess the comparative toxicology of those ethyleneamines possessing secondary amines, which may form nitroso compounds, and those ethyleneamines which do not have any secondary amines.

To more firmly establish that the compounds may possess similar toxicological qualities, more extensive metabolism data (including the identification of metabolites) are needed to show that these compounds are metabolized in the same manner. Comparisons of metabolism and toxicity in other related compounds (e.g., alkyleneamines) would be informative. Comments that provide information regarding structure-activity comparisons between DETA and other compounds and the adequacy of these comparisons in predicting the toxicological characteristics of DETA are encouraged.

Microbial formation of nitrosamines from secondary amines in water, sewage and soil has been reported by several investigators. The Agency invites comments on protocols that should be used to quantify nitrosamine formation during DETA biotransformation.

As stated earlier, the Agency is proposing a well conducted subchronic effects test in lieu of chronic effects testing. This testing would involve the exposure of animals via the oral route. Although the Agency's major exposure concern is via the dermal route, EPA is proposing oral dosing. Preliminary pharmacokinetics data (Union Carbide) suggest that DETA is absorbed by the oral route. Fewer potential complications involving absorption of the compound are anticipated by oral dosing as opposed to dermal exposure. One of the major shortcomings of dermal administration is uncertainty with regard to what quantity of chemical actually is absorbed, which in turn, complicates the assessment of dosage. The oral route is expected to provide a more adequate measure of the actual dose being received by the animals. The Agency requests comments on the appropriateness of this exposure route for testing purposes.

In addition, because the Agency is concerned primarily about dermal exposures, it may be necessary to require performance of a dermal absorption study to provide data needed to evaluate the risk posed by dermal exposure. EPA requests comments on the necessity of such dermal absorption testing and, based on comments received, may include such a requirement in the final test rule.

In addition to the issue of appropriate route of exposure, the Agency is also interested in comments about the duration of testing. In general, the Agency has felt that a subchronic test would generally be sufficient to study chronic endpoints. Nevertheless, according to a chronic study by Fujino, discussed in the support document, lifetime exposures to DETA resulted in the shortening of lifespans. The Agency requests comments on the appropriateness of a 90-day subchronic study to adequately characterize the life-shortening potential of DETA. Should a full-life chronic study be performed? Does the Fujino study provide a sufficient basis for concern about life-shortening effects to justify the extra expense of a full chronic study?

III. Economic Analysis of Proposed Rule

To assess the potential economic impact of this proposed rule, EPA has prepared a Level I economic evaluation that examines the costs of the required testing and analyzes four market characteristics of the chemical: (1) Demand sensitivity, (2) cost

characteristics, (3) industry structure, and (4) market expectations.

Based on a total testing cost of $89,300–$264,900 and an annualized cost of $23,100–$68,600, the Level I analysis of DETA indicates that the potential for adverse economic effects due to the estimated testing costs is low. This conclusion is based on the following observations: (1) The demand for DETA is relatively inelastic due to limited potential for substitution in end uses; (2) the market expectations for DETA are generally favorable; and (3) the relative magnitude of the test cost is minor, i.e., an estimated .06 to .20 cents per pound.

Because the Level I analysis indicates no potential for an adverse economic impact, EPA has determined that a more comprehensive and detailed Level II economic evaluation is not needed for DETA.

IV. Available of Test Facilities and Personnel

Section 4(b)(1) requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule." Therefore, EPA conducted a study to assess the availability of test facilities and personnel to handle the additional demand for testing services created by section 4 test rules and voluntary test programs negotiated with industry in place of rulemaking. Copies of the study can be obtained through the Industry Assistance Office (IAO).

The tentative conclusions reached in the Laboratory Availability study were: (1) The chemical testing industry's anticipation of increased testing requirements has prompted the rapid expansion of testing facilities in recent years. (2) Currently, excess capacity exists in all major testing areas, and surveyed laboratories indicated they could perform about 20 percent more testing. (3) Measurable industry concentration exists, but it is not enough to restrict market entry or control key resources. (4) Currently, capital and professional manpower are the most constraining resources on industry expansion. Capital is understandably a cyclical constraint. However, the constraint imposed by a shortage of professional personnel can be long term because of the lengthy period required for professional preparation. (5) Current personnel numbers appear adequate relative to present testing levels.

On the basis of this study, the Agency believes that there will be available resources to perform the testing in this proposed rule.

V. Environmental Impact Statement

EPA is not required to prepare environmental impact statements (EIS), under the National Environmental Policy Act (NEPA), 41 U.S.C. 4321, for test rules. EPA has determined that voluntary preparation of an EIS is not appropriate for regulations issued under section 4 of TSCA. See the preamble to the Agency's rules for compliance with NEPA published in the Federal Register of November 6, 1979 (44 FR 64174).

VI. Public Meetings

If persons wish to present comments on these proposed rules to EPA officials who are directly responsible for developing the rule and supporting analyses, EPA will hold a public meeting on July 13, 1982 in Washington, D.C. This meeting is scheduled after the deadline for submission of written comments, so that issues raised in the written comments can be discussed by EPA and the public commenters. Information on the exact time and place of the meeting is available from the Industry Assistance Office.

Persons who wish to attend or present comments at the meeting should call the OTS Industry Assistance Office by June 14, 1982. While the meeting will be open to the public, active participation will be limited to those persons who arranged to present comments and designated EPA participants. Attendees should call the Industry Assistance Office before making travel plans since the meeting will not be held if members of the public do not wish to make oral comments.

The Agency will transcribe the meeting and include the written transcript in the public record. Participants are invited, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of EPA's record for this rulemaking.

VII. Public Record

EPA has established a public record for this rulemaking (docket number OPTS–42012) which is available for inspection in the OPTS Reading Room, Rm. E–107, 401 M St. SW., Washington, D.C., from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. This record includes basic information the Agency considered in developing this proposal, and appropriate Federal Register notices. The Agency will supplement the record with additional information as it is received.

VIII. Classification of Rule

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The regulation for this chemical substance is not major because it does not meet any of the criteria set forth in section 1(b) of the Order. First, the actual annual cost of the testing prescribed for DETA is less than $68,600 over the testing and reimbursement period. Second, because the cost of the required testing will be distributed over a large production volume the rule will have only very minor effects (less than 0.7 percent a year) on producers' costs or users' prices for this chemical. Finally, taking into account the nature of the market for this substance, the low level of costs involved, and the expected nature of the mechanisms for sharing the costs of the required testing, EPA concludes that there will be no significant adverse economic effects of any type as a result of this rule.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as requred by Executive Order 12291.

IX. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), (15 U.S.C. 601, Pub. L. 96–354, September 19, 1980), EPA is certifying that this test rule, if promulgated, will not have a significant impact on a substantial number of small businesses.

The basis for this decision is the same as that discussed in detail in the Federal Register of June 5, 1981 (46 FR 30315).

X. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA) (44 U.S.C. 3501 *et seq.*) authorizes the Director of OMB to review certain information collection requests by Federal agencies. The test rule proposed in this notice, if promulgated, could result in the submission of several types of information related to the required testing, including study plans and final reports for each test required by persons sponsoring the tests. For the reasons set out in the Federal Register of June 5, 1981 (46 FR 30315), EPA believes that the test rule contained in this notice does not constitute an information collection request as defined in the Paperwork Reduction Act.

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous material, Chemicals.

Dated: April 22, 1982.

Anne M. Gorsuch,

Administrator.

Therefore, it is proposed that a new Part 799 be added to Chapter I of 40

CFR, consisting at this time of Subpart B § 799.1575, to read as follows:

PART 799—IDENTIFICATION OF SPECIFIC CHEMICAL SUBSTANCE TESTING REQUIREMENTS

Subpart A—[Reserved]

Subpart B—Specific Chemical Testing

§ 799.1575 Diethylenetriamine (DETA).

(a) *Identification of test substance.* (1) Diethylenetriamine (CAS No. 111–40–0) shall be tested in accordance with this Part.

(2) Diethylenetriamine of at least 99 percent purity shall be used as the test substance.

(b) *Persons required to test.* (1) All persons who manufacture, process or intend to manufacture or process DETA from the effective date of this rule to the end of the reimbursement period shall submit study plans, conduct tests and submit data as specified by this Part.

(2) Any person subject to the requirements of this section may apply to EPA for an exemption from study plan and data submission and testing in accordance with Subpart E of Part 770.

(c) *Study plans.* (1) *Testing.* Testing shall be performed using an EPA-approved study plan. All data must be developed and reported in accordance with the EPA Good Laboratory Practice (GLP) standards in 40 CFR Part 772.

(2) *Submission.* (i) No later than 30 days after the effective date of this rule, each person who manufacturers DETA must notify EPA by letter of his intent either to submit a proposed study plan or to be exempted from testing for each effect for which testing is required in this rule.

(ii) Manufacturers of DETA who indicate they will perform testing must submit proposed study plans on or before 90 days after the effective date of this rule. Only one set of study plans should be prepared and submitted by persons who are jointly sponsoring testing.

(iii) If no letter of intent to submit a proposed study plan is submitted by any manufacturer for all effects in this rule, EPA will so notify the manufacturers of DETA. EPA will also publish a notice of this fact and then (A) no later than 30 days after publication of such a notice, each processor must notify EPA by letter of his intent either to submit a proposed study plan for each effect that will not be covered by manufacturer study plans or to be exempted from testing and (B) processors who indicate they will perform testing must submit proposed study plans on or before 90 days after publication of such a notice.

(iv) If no study plan is proposed for each effect included in this rule, every manufacturer of DETA will be considered in violation of the rule beginning on the 91st day after the rule takes effect, and every processor of DETA in violation beginning 90 days after the publication of the notice described in paragraph (c)(2)(iii) of this section until such a study plan is submitted by an appropriate sponsor.

(3) *Content.* (i) All study plans are required to contain the following information:

(A) Identity of the test rule.

(B)(*1*) The names and addresses of the test sponsors.

(*2*) The names and addresses of the responsible administrative officials and project manager(s) in the principal sponsor's organization.

(*3*) The name, address, and telephone number of the appropriate individual for oral and written communications with EPA.

(*4*)(*i*) The name and address of the testing facility and the names and addresses of the testing facility's administrative officials and project manager(s) responsible for this testing.

(*ii*) Brief summaries of the training and experience of each professional involved in the study including Study Director, Veterinarian(s), Toxicologist(s), Pathologist(s) and Pathology Assistants.

(C) Identity and data on the substances or mixtures being tested including appropriate physical constants, spectral data, chemical analysis and stability under test and storage conditions.

(D) Study protocol including rationale for: species/strain selection; dose selection (and supporting data); route(s) or method(s) of exposure; a description of diet to be used and its source, including nutrients and contaminants and their concentrations; for *in vitro* test systems, a description of culture medium and its source; and a summary of expected spontaneous chronic diseases (including tumors), genealogy, and life span.

(E) Schedule for initiation and completion of major phases of long term tests; schedule for submission of interim progress and final reports to EPA.

(ii) Information given under paragraph (c)(3)(i)(B)(*4*) of this section is not required in proposed study plans if the information is not available at the time of submission; however, the information must be submitted before the initiation of testing.

(4) *Adoption.* Upon receipt of proposed study plans, EPA will publish a notice requesting comments on the ability of the study plans to ensure that data from the tests are reliable and adequate. EPA will provide a 45-day comment period, and will provide an opportunity for an oral presentation on the request of any person. EPA may extend the comment period if it appears from the nature of the issues raised by EPA's review or public comment that further comment is warranted. Following the close of the comment period, EPA will publish a final rule adopting the study plans as proposed or modified.

(5) *Modification of study plans during conduct of study.* (i) *Application.* Any test sponsor who wishes to modify the adopted study plan for any test required under this rule must submit an application in accordance with this section. Application for modification shall be made in writing or by phone to the Chief, Test Rules Development Branch, Office of Toxic Substances, with written confirmation to follow as soon as feasible. Written confirmation of a request for a modification should be submitted to the Document Control Officer. Applications must include appropriate explanation of why the modification is necessary.

(ii) *Adoption.* To the extent feasible, EPA will seek comment on all substantive changes in study plans. EPA will issue a notice in the **Federal Register** requesting comments on requested modifications in accordance with section 4(b)(5) of TSCA. However, EPA will act on the requested modification without seeking public comment (A) if EPA believes that an immediate modification to a study plan is necessary in order to preserve the accuracy of an ongoing study or (B) if EPA determines that a modification clearly does not pose any substantive issues. EPA will notify the sponsor of the Agency's approval or disapproval. When the Agency approves a modification, it will publish a notice in the **Federal Register** indicating that the study plan has been modified.

(d) *Health effects testing*—(1) *Mutagenicity testing*—(i) *Required testing.* Gene mutation and cytogenetics testing shall be conducted with DETA.

(ii) *Reporting requirements.* (A) In addition to the reporting requirements as specified in the EPA GLP standards in 40 CFR Part 772, the following specific information shall be reported:

(*1*) Sufficient procedural detail to permit a reconstruction of the study and an adequate assessment of both study design and results obtained.

(*2*) Details of the protocol used for metabolic activation.

(*3*) Test chemical vehicle.

(4) Methods used for maintenance of cell cultures.

(5) Animal husbandry techniques.

(6) Cell density at time of treatment.

(7) Treatment conditions, including duration of treatment.

(8) Time of cell harvest.

(9) Methods used for preparation of slides for examination.

(10) Photographs of representative aberrations, e.g., breaks or gaps, must be prepared but need not be submitted.

(11) The data shall be arranged so as to show whether the study goals were achieved with the designated biologic end point(s). Data shall include the number of events per unit in each experimental and control unit replicate.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 15 months after the effective date of this rule.

(2) *Subchronic effects*—(i) *Required testing.* Ninety day subchronic oral toxicity testing shall be conducted with DETA. Testing must be performed in at least two mammalian species. A variety of rodent species may be used, although the rat is the preferred species. Commonly used laboratory strains should be employed. The commonly used non-rodent species is the dog, preferably of a defined breed; the beagle is frequently used. If other mammalian species are used, the tester should provide justification/reasoning for their selection.

(ii) *Reporting requirements.* (A) In addition to the reporting requirements as specified in the EPA GLP standards in 40 CFR Part 772, the following specific information shall be reported:

(1) Toxic response and other effects data by sex and concentration in tabular form.

(2) Individual animal data, arranged by test group (dose level and sex) for the following:

(i) Dosages given and rationale for selection including basis for establishment of maximum tolerated dose (MTD).

(ii) Time of death during study (scheduled and nonscheduled) or whether animals survived to termination.

(iii) Date of observation of toxic signs, pharmacological effect or behavioral abnomality and its subsequent course.

(iv) Measured food consumption at weekly intervals.

(v) Body weight data.

(vi) Results of ophthalmological examination, when performed.

(vii) Hematological test employed and all results.

(viii) Clinical biochemistry tests employed and all results.

(ix) Necropsy findings.

(x) Detailed description and classification of all histopathological findings.

(xi) Statistical evaluation of test results where appropriate.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 15 months after the effective date of this rule.

(e) *Chemical fate testing*—(1) *Aerobic transformation.*—(i) *Required testing.* Testing to assess nitrosamine formation resulting from aerobic biodegradation shall be conducted for DETA.

(ii) *Reporting requirements.* (A) In addition to the reporting requirements specified in the EPA GLP standards in 40 CFR Part 772, the following specific information shall be reported: (1) Information on the inoculum, including source, collection date, handling, storage and adaptation possibilities (i.e., whether the inoculum has been exposed to the test substance either before or after collection and prior to use in the test).

(2) Results from each test, reference, and control system at each sampling time, including an average result for the triplicate test substance systems and the standard deviation for that average.

(3) The average percent apparent biodegradation or organic substance loss for test, and reference systems at each sampling time.

(4) A graph of percent biodegradation versus time for each test and reference substance for each method employed.

(5) Identification, quantification and average percent of nitrosamine(s) formed in test systems at each sampling time.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later than 15 months after the effective date of this rule.

(2) *Anaerobic biotransformation*—(i) *Required testing.* Testing to assess nitrosamine formation resulting from anaerobic biodegradation shall be conducted for DETA.

(ii) *Reporting requirements.* (A) In addition to the reporting requirements specified in the EPA GLP standards in 40 CFR Part 772, the following specific information shall be reported: (1) Information on the inoculum, including source, collection date, handling, storage and adaptation possibilities (i.e., whether the inoculum has been exposed to the test substance either before or after collection and prior to use in the test).

(2) Results from each test, reference, and control system at each sampling time, including an average result for the triplicate test substance systems and the standard deviation for that average.

(3) The average percent apparent biodegradation or organic substance loss for test and reference systems at each sampling time.

(4) A graph of percent biodegradation versus time for each test and reference substance for each method employed.

(5) Identification, quantification and average percent of nitrosamine(s) formed in test systems at each sampling time.

(B) No interim reports are required.

(C) The Final Report shall be submitted to EPA no later that 15 months after the effective date of this rule.

(Sec. 4, Toxic Substances Control Act (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601))

[FR Doc. 82-11733 Filed 4-28-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semi-Annual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semi-Annual Agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semi-annual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 30, 1982 to October 31, 1982.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 287-0377.

ADDRESS: Docket Clerk, Office of General Counsel, Room 835, 500 C Street, SW., Washington, DC 20472.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," (46 FR 13193) directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semi-annually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601, *et seq.*, this agenda: (1) Describes regulations under development or review by FEMA for the period through October 31, 1982; (2) indicates the need and legal basis for the action being taken; (3) provides the name and telephone number of an agency official familiar with the regulation; and (4) indicates, where known, if a regulatory analysis is anticipated.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

If necessary, FEMA will publish supplemental agenda to identify additional significant regulations under development or review. The agenda also indicates those regulations which were set out in the agenda published on November 2, 1981, and on which action has been completed.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 6 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities, and similar designations.

The agenda also lists existing regulations scheduled for review under the terms of Executive Order 12291 and 5 U.S.C. 601, *et seq.*

FEMA REGULATIONS: TITLE 44, CHAPTER 1

Subchapter A—New or Amended Regulations

1. Organization, Functions, and Delegations of Authority (Part 2)

Description. Sets forth a description of the organization of FEMA, and its several components, and contains delegations of authority.

Contact. William L. Harding (202) 287–0377.

Status. Final regulation published March 22, 1982; 47 FR 12172.

2. Non-Discrimination in Federally Assisted Programs (Part 7)

Description. Effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and section 311 of the Disaster Relief Act of 1974.

Need. A number of FEMA programs provide for Federal financial assistance and, therefore, are subject to various statutory nondiscrimination provisions. While the programs are still subject to the regulations of agencies from which functions were transferred to FEMA, which were continued in effect by FEMA, FEMA needs its own regulations.

Authority. 42 U.S.C. 2000 d–1; 20 U.S.C. 1978; 29 U.S.C. 794; 42 U.S.C. 6101; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. John J. Brosnahan (202) 287–0700.

Status. In draft.

3. Floodplain Management and Protection of Wetlands (Part 9)

Description. Relates to denial of availability of flood insurance in two limited situations set out in the floodplain regulation §§ 9.9(e)(6) and 9.11(e)(4).

Need. To encourage sound floodplain management, the wise location of structures in flood hazard areas, and fiscal stability of the flood insurance program, consideration is given to prohibiting sale of flood insurance in some limited situations.

Authority. Executive Order 11988; Executive Order 11990; National Flood Insurance Act and the Flood Disaster Protection Act, 42 U.S.C. 4001, *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. John Scheibel (202) 287–0380.

Status. Proposed republication of rule published at 45 FR 79122. Enforcement suspended pending further study (45 FR 79069).

4. Floodplain Management in V-Zones (Part 9)

Description. Relates to actuarial rating for insurance purposes in coastal high hazard areas.

Contact. John Scheibel (202) 287–0380.

Status. Final regulation published October 22, 1981; 44 FR 51749.

5. Environmental Consideration—Categorical Exclusion (Part 10)

Description. This proposal amended FEMA national environmental policy implementation regulation to categorically exclude actions relating to temporary housing assistance under the Disaster Relief Act.

Contact. John Scheibel (202) 287–0380.

Status. Final regulation Published November 2, 1981; 44 FR 54346.

6. Financial Assistance (Part 13)

Description. These proposed rules apply to grants and cooperative agreements. There are basic definition of terms and set forth general policies applicable to discretionary grants including standard clauses. There are also basic provisions concerning payment procedures and closeout.

Need. These regulations are the functional equivalent of those concerning procurement issued by FEMA and will eventually incorporate requirements and provisions common to FEMA grants. However, these currently relate only to certain single type grants called discretionary grants. These are needed as guidance for award of grants.

Authority. Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329), Executive Order 12127, Executive Order 12148.

Regulatory Analysis. No.

Contact. Arthur E. Curry (202) 287–0630.

Status. Proposed regulations published January 18, 1982; 47 FR 2491. Regulations are in the process of being finalized.

7. Equal Access to Justice

Description. This proposed rule would implement for FEMA the provisions of the Equal Access to Justice Act which provides for award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative proceedings.

Need. These regulations are required by 5 U.S.C. 504 to specify procedures for making these awards.

Authority. 5 U.S.C. 504, Reorganization Plan No. 3 of 1978.

Regulatory Analysis. No.

Contact. William L. Harding (202) 287–0377.

Status. Being drafted.

REGULATIONS SCHEDULED FOR REVIEW

Procurement: Policy and Procedures

FEMA procurement regulations are set out in 41 CFR Chapter 44. Since publication changes have occurred in the basic federal procurement regulations which require changes in the FEMA regulations. Also the review will make changes necessitated or shown desirable after two years functioning as a single unified agency. The FEMA procurement regulations were published in August 1980.

Subchapter B—New or Amended Regulations.

1. Administrative Hearing Procedures (Part 68)

Description. Revises FEMA procedures for holding administrative hearings for resolution of appeals from base flood elevation determinations.

Need. To provide a more efficient hearing process by using technical expertise.

Authority. Section 1304(a) of National Flood Insurance Act of 1968.

Regulatory Analysis. No.

Contact: Robert G. Chappell (202) 287–0230.

Status. Proposed rule published December 16, 1981. 46 FR 61299. Comment due February 16, 1982.

2. Interim Rule Amending Requirements for Community Consultation Prior to Modification of Flood Elevations (Part 66)

Description. The National Flood Insurance regulation requirement for a meeting with community officials if FEMA modifies flood elevation determinations was deleted. FEMA has determined that the consultation requirements with local officials can be met without conducting meetings prior to the undertaking of modifications or restudies.

Contact. Robert G. Chappell (202) 287–0230.

Status. Final rule was published January 7, 1982, 47 FR 770.

3. Standard Flood Insurance Policy (Part 61)

Description. This rulemaking amends the Standard Flood Insurance Policy set forth at Appendix A of 44 CFR 61.13 to provide a "plain English" version of the dwelling form insurance contract consistent with private sector personal insurance lines practices. At the same time the flood insurance policy will be amended in furtherance of program hazard mitigation goals, fiscal self-sufficiency and FEMA litigation positions.

Authority. 42 U.S.C. 4011, 4013.

Regulatory Analysis. No.

Contact. Donald L. Collins, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 287–0740.

Status. Proposed rule published December 30, 1981; 46 FR 63094. Final rule will be published shortly.

4. Crime Insurance Policy (Parts 80–84)

Description. These revisions raise the premiums and deductibles charged for both residential and commercial business. The use of geographical territories for determining insurance premiums is eliminated and residential and commercial premium rates will be made uniform for policyholders regardless of location, resulting in some instances in an additional increase in premium for some policyholders. The list of commercial classification of businesses will be revised to distinguish nonprofit organizations, such as churches, libraries, and public property from commercial enterprises and to provide for a lower premium for the nonprofit organizations and higher rates for commercial businesses with greater than average exposure to crime losses. The protective device requirements for commercial policyholders (except nonprofit) will be revised to require alarm systems, regardless of the amount of the firm's annual gross receipts. The revisions will also provide clarification of some policy terms which have lacked adequate definition.

Need. These revisions reflect the experience FIA has gained in administering the Federal Crime Insurance Program.

Authority. Sections 1201, 1231, and 1233 of the Urban Property Protection and Reinsurance Act of 1968, as amended, 12 U.S.C. 1749bbb.

Contact. Edward Pasterick, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 287–0840.

Regulatory Analysis. No.

Status. Proposed rule published December 15, 1981; 46 FR 61146. Comment due February 16, 1982. Final regulation will be published shortly.

5. Deletion of Requirement that Fair Plan Risks not be Insured at Rates Higher than Voluntary Market Rates (Part 55)

Description. This rule will delete, from the FEMA regulations dealing with the Federal Riot Reinsurance Program, § 55.3(d) of Title 44 of the Code of Federal Regulations.

Need. Section 1211 of the National Housing Act has been amended by deletion of the statutory authority underlying 44 CFR 55.3(d).

Authority. Section 342(b) of the Omnibus Budget Reconciliation Act of 1981.

Regulatory Analysis. No.

Contact. Edward Pasterick, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 287–0840.

Status. In draft.

6. Proposed Rule to Increase Emergency Program Rates

Description. The Federal Insurance Administration (FIA) may propose for an October 1982 effective date to increase the flood premium rates charged for federally-subsidized flood insurance coverage in communities participating in the emergency flood insurance program.

Need. FIA has detrermined that it is necessary to take action to bring the National Flood Insurance Program closer to a self-supporting basis by reducing emergency program deficits to a more fiscally responsible level.

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act 1973, 42 U.S.C. 4001, *et seq.;* Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Regulatory Analysis. No.

Contact. Donald L. Collins, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 287–0740.

Status. Proposal being developed.

7. Proposed Rule to Increase Waiting Period for Flood Insurance Coverage

Description. The Federal Insurance Administration may propose to amend its waiting period rule so as to lengthen the waiting period for increased coverage in mid-policy term from one day to five days. (October 1982 effective date.)

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act 1973, 42 U.S.C. 4001, *et seq.;* Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp p. 376).

Regulatory Analysis. No.

Contact. Donald L. Collins, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 287–0740.

Status. Proposal being developed.

REGULATIONS SCHEDULED FOR REVIEW

National Flood Insurance Program—Floodplain Management Matters

The National Flood Insurance Act of 1968, as amended, created the National Flood Insurance Program (NFIP). Through this insurance program the Federal Government makes available flood insurance to people in communities which agree to adopt and enforce local floodplain management measures to protect against future flood losses. Section 1361 of the Act directs FEMA to develop comprehensive criteria designed to encourage State and local governments to adopt adequate floodplain management measures. To meet this statutory requirement and to develop an actuarially sound insurance

program, FEMA developed minimum standards for floodplain management which communities must meet to participate in the NFIP.

These minimum standards have been described by some as being too specific in some cases and too inflexible in other cases. The purpose of our review will be to determine what alternatives are available for addressing these concerns. The NFIP floodplain management criteria for floodprone areas are to be reviewed by the Presidential Task Force on Regulatory Relief.

Subchapter C—Regulations Scheduled for Review

PART 151—REIMBURSEMENT FOR COSTS OF FIRE FIGHTING ON FEDERAL PROPERTY

In view of the fact that the rules and regulations have not been reviewed since they were adopted in 1977 when the Department of Commerce was responsible for fire prevention and control and also because of the imminent organizational changes within the U.S. Fire Administration, the rules and regulations will be reviewed within the next six months.

Contact. Marlene Hattermann (202) 287–0638.

Subchapter D—Disaster Assistance: New or Amended Regulations (Part 205)

1. Individual Assistance (Subpart D)

Description. Subpart D revises and updates the current disaster assistance regulations governing such programs as temporary housing assistance; individual and family grants; legal services; and crisis counseling assistance and training.

Need. These regulations govern Federal assistance furnished by FEMA and explain in more detail program requirements developed over several years experience.

Regulatory Analysis. No.

Contact. Agnes Mravcak, Federal Emergency Management Agency, (202) 287–0550.

Status. Temporary housing assistance proposed rule published for public comment January 7, 1982; 47 FR 827. Comment due March 8, 1982.

Individual and family grant programs published as final rule March 11, 1982; 47 FR 10553.

Crisis counseling assistance and training currently in draft within FEMA.

2. Declaration Process (Subpart C)

Description. Defines major disasters and emergencies; describes procedures for requesting Presidential declarations; processing of requests; Presidential determination; notification and appeals; FEMA–State Agreements; designation of affected areas; responsibilities of Federal Coordinating Officer and emergency support teams.

Need. To update current regulations and clarify a number of issues which are not addressed in the existing regulations.

Authority. Disaster Relief Act of 1974, 42 U.S.C. 5121, *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. Sewall H. E. Johnson, Federal Emergency Management Agency, (202) 287–0520.

Status. Proposed rule published April 26, 1982 at Part V.

Subchapter E—Preparedness: New or Amended Regulations

1. Peacetime Screening of Ready Reserve (Part 333)

Description. This describes a system for identifying key non-Federal employees who are members of the Ready Reserve so that an assessment can be made on impact of their call-up in time of mobilization, and appropriate arrangements made ahead of mobilization to reduce adverse impact.

Contact. Clair Blong (202) 287–3996.

Status. Final rule published February 18, 1982; 47 FR 7239.

2. Review and Approval of State and Local Radiological Emergency Planning and Preparedness

Description. Describes the criteria for reviewing, evaluating and approving State and local radiological emergency plans and preparedness. Describes the processes FEMA uses to evaluate and determine State and local governments' capability to effectively implement these plans and preparedness measures.

Need. On December 7, 1979, the President directed FEMA to take the lead in off-site planning and response to nuclear power plant accidents. Pub. L. 96–295 requires NRC, in consultation with FEMA, to determine the adequacy of State and/or local radiological emergency plans for responding to any radiological emergency at nuclear power plants under consideration for an NRC license. The State and local plans, submitted to FEMA for review and approval, must comply with standards developed jointly by NRC and FEMA. A FEMA regulation is the most effective and convenient way to show how the NRC and FEMA-assigned responsibilities will be carried out.

Authority. Section 201, Disaster Relief Act of 1974, Title V, Federal Civil Defense Act of 1950, as amended; Executive Order 12148 (3 CFR 1979 Comp. p. 412); Presidential Fact Sheet dealing with recommendations of the President's Commission on the Accident at Three Mile Island, dated December 7, 1979.

Regulatory Analysis. No.

Contact. Marshall E. Sanders (202) 287–0719.

Status. Published as 44 CFR Part 350 in 45 FR 42341, June 24, 1980, for comment and interim use. Revised draft will be published soon, taking into account comments recieved. Due to the long time since initial publication, an additional comment period for 30 days will be allowed in the revised draft, after which it will be published in final form.

3. Radiological Emergency Response Planning and Preparedness (Part 351)

Description. Assigns Federal agency responsibilities for assisting State and local governments in emergency planning and preparedness related to fixed nuclear facilities and transportation accidents involving radioactive materials.

Contact. Marshall E. Sanders (202) 287–0179.

Status. Final rule published on March 11, 1982; 47 FR 10758.

4. Use of Civil Defense Personnel, Materials, and Facilities (Part 312)

Description. Prescribes terms and conditions under which civil defense personnel, materials and facilities supported with contributions under Federal Civil Defense Act are used for natural disasters.

Need. Recently enacted legislation which more explicity expressed the "dual use" policy for civil defense personnel, materials and facilities, both for attack and for disaster preparedness, called for issuance of new regulations.

Authority. Section 803(a)(3), Pub. L. 97–86. Section 401 of the Federal Civil Defense Act of 1950, as amended.

Regulatory Analysis. No.

Contact. John E. Bokel (202) 287–3843.

Status. Proposed rule published in **Federal Register**, March 18, 1982; 47 FR 11297. Comment due May 17, 1982.

5. State and Local Emergency Management Assistance Programs (Part 302)

Description. Prescribes the requirements for Federal financial contributions to the States and, through the States, to their political subdivision for necessary and essential State and local emergency management/civil defense personnel and administrative expenses.

Need. Changes are needed because the provisions of new Title V of the Federal Civil Defense Act, part of the 1980 amendments, and section 207, part of the 1981 amendments, to the Federal Civil Defense Act. Also changes in Interim Chapter 2 of CPG 1-3, Federal Assistance Handbook. These changes affect the prescribed formula for allocation of the program funds to States and other parts of the existing 44 CFR Part 302.

Authority. Section 205, Federal Civil Defense Act, as amended.

Regulatory Analysis. No.

Contact. Donald J. Carbone (202) 287-3850.

Status. Advance Notice of Proposed Rulemaking—eliciting comment on the factors that should be used to allocate funds to the States, and on the entire section 302 to reflect changes in civil defense concepts, needs and conditions—was published in the Federal Register April 5, 1982 (47 FR 14500). Considering the required time for developing and publishing a Notice of Rulemaking and for public comment, it is anticipated that the final regulation will be published about September 30, 1982.

Dated: April 23, 1982.

George W. Jett,

General Counsel.

[FR Doc. 82-11652 Filed 4-28-82; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 67

[Docket No. FEMA-6247]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 82-3785, appearing at page 6664, in the issue of Tuesday, February 16, 1982, make the following changes:

1. On page 6665, the first Location for the Des Plaines River (at Russell) Source of flooding should be "At confluence with Des Plaines River";

2. On page 6666, Source of Flooding, Indian Creek, Location, About 200 feet upstream of confluence of Seavey Drainage Ditch, the "#Depth in feet above ground *Elevation in Feet (NGVD)" should read "*672".

3. On page 6666, the second Location for the North Branch Bull Creek Tributary, should read "About 1,250 feet upstream of Bull Creek Drive";

4. On page 6667, the first Source of Flooding should read "Garland Road Tributary".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-1S)]

Semi-Annual Agenda of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Semi-annual agenda of regulations.

SUMMARY: Pursuant to Section 602 of the Regulatory Flexibility Act, Pub. L. 96-354, the Commission is publishing an agenda of rulemakings (1) expected to be opened in the near future, or (2) currently underway.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each proceeding listed on the agenda below.

SUPPLEMENTARY INFORMATION: The Commission's October 1981 agenda appeared at 46 FR 54613, November 3, 1981.

Two lists of proceedings appear below. The first contains information about subject areas in which the Commission may institute rulemaking proceedings in the near future. The second contains information about rulemakings currently pending before the Commission. With respect to each list, our purpose is to keep the public appraised of regulatory actions which are likely to have a significant economic impact upon a substantial number of small entities. It is worth noting, however, that the Commission is not precluded from acting on any matter not included in an agenda, nor required to consider or act upon a matter which is listed. 5 U.S.C. 602(d).

A. Agenda of subject areas in which we may soon institute rulemaking proceedings:

Subject area: Description, objective, code regulations affected	Legal basis	Contact
1. Description: "Special Docket Proceedings—Exemption for Insignificant Amounts:" Objective is to reduce/eliminate the regulatory burden on rail carriers seeking to reparate waive, collection of tariff charges of "insignificant" amounts. Code regulations affected: 49 CFR 1100.23(e).	49 U.S.C. 10505	Martin E. Foley (202) 275-7348.
2. Description: "Tariffs and Schedules—Regulations For The Publication, Postaing and Filing of Tariffs, Schedules and Related Documents:" Objective is to create, through consolidation, one set of regulations; to eliminate unnecessary expenses which attends the duplication of similar sets of regulations separately published according to carrier mode; and to eliminate or revise regulations which no longer serve the needs of the public or the carriers. Code regulations affected: 49 CFR Parts 1300, 1303, 1304, 1305, 1306, 1307, 1308, 1309 and 1310.	49 U.S.C. 10321(a)	Do.
3. "Reduction in Motor Carrier Reporting by Carriers of Other Than General Freight:" This project will evaluate the usefulness of data filed by carriers other than general freight in Annual Report Form M and Quarterly Form AFR. The object is to eliminate unnecessary reporting and accounting requirements. Code regulations affected are at 49 CFR Part 1207 and 49 CFR Part 1249.	49 U.S.C. 11142 and 11145	Wayne Howard (202) 275-7448.
4. "Revenue Survey Form for Class III Motor Carriers:" This project will evaluate internal recommendations to adopt a procedure to obtain transportation revenue data from Class III motor carriers to use for classification purposes. Code regulations affected are at 49 CFR Part 1249.	49 U.S.C. 11145	Do.

B. Agenda of pending rulemakings:

Title and docket No.	Description, nature and objective of rule	Legal basis	Approximate schedule	Contact
1. Ex Parte 73 and MC-1—Regulations for payment of rates and charges.	Proposed repeal of existing credit regulations for railroads, motor carriers water carriers, and freight forwarders.	49 U.S.C. 10743	Various options available are under review.	Donald Shaw (202) 275-7656.
2. Ex Parte MC-98 (Sub-1)—Investigation into motor carrier classification.	Proposed revision of 15 traditional characteristics used for rating product transportation charateristics for motor carriers as well as other classification activities.	49 U.S.C. 10101(a)	Comments received and under review.	Do.
3. Ex Parte 230 (Sub-6)—Improvement of TOFC/COFC Regulation (railroad affiliated motor carriers and other motor carriers.	Proposed exemption from regulation of railroad affiliated motor carrier and other motor carriers as part of a continuous intermodal TOFC/COFC movement. 49 CFR 1039.11.	49 U.S.C. 10505	do	Do.
4. Ex Parte 346 (Sub-7)—Railroad exemption-export coal.	Proposed exemption of all export coal traffic through all U.S. ports or only Gulf and East coast ports from some or all of our regulations.	49 U.S.C. 10505	Comments and replies received and under review.	Do.
5. Ex Parte 346 (Sub-8)—Exemption from regulation boxcar traffic.	Proposed exemption of boxcar movements of all railroads or solely of Conrail's boxcar traffic from some or all of our regulations.	49 U.S.C. 10505	Comments under review	Donald Shaw (202) 275-7656.
6. Ex Parte 387—Railroad transportation contracts.	Proposed rules to implement Sec. 208 of Staggers Act of 1980 which permits rail carriers and purchasers of rail service to enter into contracts for rail service. 49 CFR Parts 1039 and 1300.	49 U.S.C. 10713	Comments under review.	Do.
7. Ex Parte MC-43 (Sub-12)—Modification	Proposed to allow private carriers the right to trip lease to authorized carriers. See 49 CFR Part 1057.	49 U.S.C. 11101 and 11107	do	Bob Rothstein (202) 275-7912.
8. Ex Parte MC-43 (Sub-13)—Lease and interchange of vehicles (rules modification).	Proposed modification of leasing rules to ensure efficiency and fairness. See 49 CFR Part 1057.	do	do	Wayne Miller (202) 275-1763.
9. Ex Parte MC-142(Sub-2)—Freight forwarder restrictions.	Proposal to amend restriction removal rules to afford freight forwarders access to the procedures for reformation of authority. See 49 CFR Part 1137.	49 U.S.C. 10922(h) and 10321; 5 U.S.C. 553.	Comment period ends Apr. 16, 1982.	Robin Williams (202) 275-1871.
10. Ex Parte 402—Reasonably expected costs	Proposed rules to determine branch line costs for surcharge application 49 CFR Part 1129.	49 U.S.C. 10705a	Draft decision under review	James Wells (202) 275-0840.
11. Ex Parte 417 and 417 (Sub-1)—Costing methodologies for the Northeast Corridor.	Proposed rules for separation of costs on the Northwest Corridor between Amtrak, Conrail and Communter Service.	Sec. 163 NERSA Act of 1981	Comments under review	Stephen Grimm (202) 275-0639.
12. Ex Parte 293 (Sub-2)—Standards for determining rail service continuation subsidies.	Proposed and interim rules governing allocation method for train fuel.	49 U.S.C. 10362(b)(6)	Comments on interim rules under review.	Winston Warner (202) 275-0841.
13. Ex Parte 395 (Sub-1)—Waybill analysis of transportation of property—Railroads.	Proposed modification of railroad waybill data requirements.	49 U.S.C. 10331, 10709, 11144 and 5 U.S.C. 553.	Comments under review	Sidney Fine (202) 275-7220.
14. Ex Parte 346 (Sub-3)—Rail general exemption authority; long and short haul tansportation.	Proposed rules governing procedure for departure from the long-and-short-haul or aggregate-of-intermediates restrictions of 49 U.S.C. 10726. 49 CFR Parts 1300 and 1301.	49 U.S.C. 1050	do	Martin E. Foley (202) 275-7348.
15. Minimum amounts of bodily injury and property damage liability insurance-motor carriers of property, Ex Parte MC-5 (Sub-1)	Implementation of Insurance Requirements Prescribed by Sec. 29 and 30 of the Motor Carrier Act of 1980.—49 CFR Part 1043.	49 U.S.C. 10927	do	Phyllis Gunn (202) 275-7475.

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

Decided: April 22, 1982.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11662 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 83
Thursday, April 29, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Cooperative Federal-State Spruce Budworm Integrated Pest Management Program, Maine, 1982; Decision Notice

This is to serve notice that I have rescinded my decision which appeared in the Federal Register on Thursday, April 1, 1982 (Volume 47, Number 63, page 13849), to restrict Forest Service participation in the pesticide application phase of the Maine spruce budworm project to the application of Bacillus thuringiensis and acephate in buffers, around settlement areas, environmentally sensitive areas, and small ownerships. This decision was based on the Forest Service's desire to emphasize the reduction of chemical pesticides in favor of other control tactics. This, however, excluded industrial landownership, which is inconsistent with policy reflected in the FY 1982 Forest Service budget. This policy includes cost-sharing on industrial landownerships as a Federal role. The new decision is to participate in the entire pesticide application phase including cost-sharing on industrial landownerships.

The finding of no significant impact is still applicable under this new decision since no change in the actual project is anticipated. The only difference is the source of funding. The Federal Govenment will reimburse the State of Maine a share of the cost of the total project based on FY 1982 cost-sharing rates.

I have also determined that the decision is in agreement with the programmatic environmental impact statement since the use of the planned pesticides and the magnitude of the total application are fully discussed and included in the selected alternative.

Dated: April 23, 1982.

Duane L. Green,

Acting Area Director, USDA Forest Service.

[FR Doc. 82-11625 Filed 4-28-82; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 82-4-70; Docket No. 40580]

Application of Samoa Inc., d.b.a. Samoa Airlines; Order Instituting Fitness

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Fitness Investigation of Samoa Inc., d.b.a. Samoa Airlines, Order 82-4-70, Docket 40580.

SUMMARY: The Board is instituting an investigation to determine (1) the fitness of Samoa, Inc., d.b.a. Samoa Airlines to receive a cerificate of public convenience and necessity authorizing it to engage in the interstate and overseas air transportation of persons, property and mail between all points in the United States, its territories and possessions, except in all-cargo service within Alaska or Hawaii; and (2) whether we should approve, exempt or disclaim jurisdiction of any control or interlocking relationships under sections 408 and 409 which may exist.

DATES: Persons wishing to file petitions to intervene in the *Samoa, Inc., d.b.a. Samoa Airlines Fitness Investigation* shall file their petitions in Docket 40580 by May 12, 1982, and serve such filings on all persons listed in the Appendix below.

ADDRESSES: Petitions to intervene should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 40580, application of North Pacific Airlines, Inc. for a certificate of public convenience and necessity. In addition, copies of such filings should be served all parties listed in the Appendix below.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-4-70 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-4-70 to that address.

By the Civil Aeronautics Board: April 22, 1982.

Phyllis T. Kaylor,

Secretary.

Mr. Ronald E. Pritchard, President, SAMOA, Inc., d.b.a. SAMOA AIRLINES, P.O. Box 280, Pago Pago, American Samoa 96799

William F. Tuerk, Esq., Cotten, Day & Doyle, 12th Floor, 1899 L Street, NW., Washington, D.C. 20036

Emory N. Ellis, Jr., Esq., Fulbright & Jaworski, 1150 Connecticut Avenue, NW., Washington, D.C. 20036

Stephen A. Alterman, Esq., Haffer & Alterman, Suite 940, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036

Honorable Fofo I. F. Sunia, Delegate-at-Large, American Samoa Government, 1709 Longworth House Office Building, Washington, D.C. 20515

Honorable Peter T. Coleman, Governor of American Samoa, Pago Pago, American Samoa 96799

Honorable Mayor, Honolulu, Hawaii

Mr. Herman S. Mauga, Manager, Pago Pago International Airport, P.O. Box 1539, Pago Pago, American Samoa 96799

Marshall S. Sinick, Esq., FISHER & SINICK, P.C., Suite 440, 2020 K Street, NW., Washington, D.C.

Honorable J. Lynn Helms, Administrator, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591

Mr. George Warde, Chairman, Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, California 90009

Mr. George A. Wray, President, South Pacific Island Airways, Inc, 733 Bishop Street, Honolulu, Hawaii 96813

Clark Onstad, Esq., Van Ness, Feldman, Sutcliffe, Curtis & Levenburg, 7th Floor, 1050 Thomas Jefferson Street, NW., Washington, D.C. 20007

Honorable George R. Ariyoshi, Governor of Hawaii, The Capitol, Honolulu, Hawaii 96813

Mr. William H. Kraft, Manager, Honolulu International Airport, Honolulu, Hawaii 96819

Honorable Daniel K. Akaka, House of Representatives, 1510 Longworth House Office Building, Washington, D.C. 20515

Honorable Galea I. P. Poumele, President of the Senate, Legislature of American Samoa, American Samoa

Mr. Avelino Gonsalves, M/V Pacific Princess, American Samoa

J. Toloa' I Ho Ching, Chairman of the American Samoa Chamber of Commerce, American Samoa
Honorable Tuana' Itau Tuia, Speaker of the House, Legislature of American Samoa, American Samoa
Mr. D. C. Spencer, Jr., D and T Enterprises, American Samoa
Jim Brittle, Avec Video Corp, American Samoa

[FR Doc. 82-11696 Filed 4-28-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-4-129]

Fitness Determination of National Commuter Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determiation—Order 82-4-129, Order to Show Cause.

SUMMARY: The Board is proposing to find that National Commuter Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than May 13, 1982, together with a summary of the testimony, statistical data, and other material relied upon a support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 82-4-129.

FOR FURTHER INFORMATION CONTACT:
Ms. Patricia T. Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-4-129 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 82-4-129 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation: April 23, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-11695 Filed 4-28-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-4-124]

Fitness Determination of Nicholson Air Services, Inc. d.b.a. Cumberland Airlines and d.b.a. Havasu Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 82-4-124, Order to Show Cause.

SUMMARY: The Board is proposing to find that Nicholson Air Services, Inc. d/b/a Cumberland Airlines and d/b/a Havasu Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete twxt of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than May 12, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order.

FOR FURTHER INFORMATION CONTACT:
Ms. Patricia T. Szrom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-4-124 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 82-4-124 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation: April 22, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-11694 Filed 4-28-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Fund Availability for Technical Assistance Grants

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE: 11.303 Economic Development—Technical Assistance.

SUMMARY: The EDA Office of Planning, Technical Assistance, Research and Evaluation announces that grant funds are available to provide technical assistance as may be required to ensure the successful implementation of economic development programs and projects designed to aid areas experiencing economic distress. Grants may be made in either of two categories: Regional Technical Assistance (Category A) to support individual State or local economic development activities, or National Technical Assistance (Category B) to address topical issues and problems of concern to the economic development community at large. Funding will be provided under the authority of Section 301(a) of the Public Works and Economic Development Act of 1965, as amended 42 U.S.C. 3121, *et seq.*, (PWEDA).

Eligibility

Category A. Applicants may be any State, county, city, town or township, economic development district, councils of governments or non-profit organization.

Category B. Applicants may be public or private non-profit organizations or for-profit firms with demonstrated capability to undertake programs of national scope.

GRANT OBJECTIVE: The objectives under Category A are to support the performance of feasibility studies, marketing strategies, or other such assistance as may be required to bring to fruition in a reasonably short period of time other local economic development projects which would have a significant impact on the economy of distressed places. The types of development activities which might be assisted could include, but would not be limited to, the following:

- Infrastructure facilities
- Development of marketing strategies or plans

- Implementation of a new economic development tool, function or institution
- Establishment of a new institution to carry on economic development
- Establishment of new or an expansion of existing industrial or commercial developments

The objective under Category B is to consider at the national levels issues of productivity and technology and capital formation. In furtherance of this objective, technical assistance funds can be used for information collection, analysis and dissemination; demonstration or pilot testing of potentially effective approaches; and for training (See Appendix I).

Funding Availability

EDA will give funding consideration in accordance with the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

Category A. As of December 31, 1981, a total of $500,000 is available for Regional Technical Assistance projects. The funds will be allocated among EDA's Regional Offices for the funding of specific projects within the respective regions, in accordance with the following schedule:

Philadelphia	$150,000
Atlanta	85,000
Chicago	90,000
Denver	40,000
Seattle	80,000
Austin	55,000

Projects in this Category will range in size from $10,000 to $50,000.

Category B. As of December 31, 1981, a total of $500,000 is available for National Technical Assistance. Grants provided under this Category will range in size from $50,000 to $100,000. It is anticipated that up to 10 requests will be funded.

Funding Instrument

Assistance will be provided in the form of direct grants or cooperative agreements for up to 75 percent of project costs under both Categories A and B. The applicant will be required to cover the remaining costs through cash or in-kind contributions.

Selection Procedures—Categroy A

1. *Preliminary Selection Procedures:*

a. *Submission of Proposals.* Eligible applicants should submit a summary proposal to EDA, not to exceed five pages plus necessary supporting documents providing the following information within three weeks of the date of this announcement.

(1) Name and address of proposing organization

(2) Type of organization

(3) Location of project, including grant rate, if applicable, or nature of economic distress, and major social and economic characteristics.

(4) Description of proposed study or project

- Study Objectives
- Budget, including Federal and local share
- Scope of Work
- Duration
- Related Studies and projects
- Method of Implementation
- Estimated total costs
- Project startup and completion dates
- Proposed assistance to conduct a study of another development must include funding arrangements for the development including all Federal, State and local public and private financial resources and the immediacy of their availability, if study is favorable.
- Economic impact: relationship to economic planning, including its priority in OEDP or other local development strategies. Effect on target population; jobs created and saved; private sector investment stimulated directly or indirectly.

b. *EDA Review.* Proposals for the conduct of a study must show that the development to be studied will at a minimum have a reasonable prospect of being implemented upon completion of the study. In addition EDA will employ the following criteria in making a comparative evaluation of proposals in terms of the projects presented:

- The degree of economic distress as reflected in grant rate and/or other indicators of economic distress
- Projected project startup and completion dates
- Potential for affecting the target population
- Projected jobs to be generated or saved
- Projected private sector investment to be stimulated directly or indirectly
- Relationship to objectives of local economic development plan and other economic development projects

The number of proposals which will be selected for consideration in the final selection process will be determined by EDA primarily on the basis of the number and quality of the proposals it has received for preliminary review.

c. *EDA Response.* Proposers will be notified within 30 calendar days of the disposition of their proposal. In cases where the evaluation is favorable, proposers will be invited to submit an application. In other cases more information may be required before a decision can be made and a more detailed proposal requested. Detailed instructions on the preparation of an application will be provided.

2. *Final Selection Procedures:*

a. *Application.* Proposers whose proposals are selected for final consideration should submit applications containing the same information requested in Section 1, Pre-selection, but in a more detailed form.

b. *Criteria.* Applications will be evaluated in accordance with the following criteria:

- Degree of economic distress
- Study design, including readiness to begin, capability of local organization, completeness of scope of work
- Immediacy of impact of proposed project reflected in availability of needed funds and fulfillment of other requirements
- Economic impact including relationship to economic planning or OEDP objectives, jobs saved or created, private investment which will be stimulated

c. *Final Selection Deadline.* Applications must be mailed within two weeks of EDA's notification that a proposal will be considered for final selection.

3. *EDA Notification.* Applicants will be notified within 30 calendar days of the disposition of their application.

Selection Procedures—Category B

1. *Preliminary Selection Procedures:*

a. *Submission of proposals.* Eligible applicants should submit three copies of a summary proposal to EDA within 3 weeks of the date of this announcement. The proposal may not exceed 5 pages and should provide the following information:

(1) Name and address of proposing organization or firm

(2) Type of organization or firm

(3) Credentials of organization or firm to carry out the study

(4) Description of proposed study

- Purpose
- Scope of Work
- Duration
- Budget

See Appendix I for a more detailed description of the information required in the proposals.

b. *EDA Review.* Proposals will be reviewed and evaluated based on the following criteria:

- Responsiveness to the priority issues
- Practicality of approach
- Definition of results and their application

2. *Final Selection Procedures:*

a. *Application.* Proposers selected for final consideration willsubmit applications containing the same information requested in Section 1a, Submission of Proposals, but in a more detailed form to be specified by EDA.

b. *Final Selection Deadline.* Applications must be mailed within two weeks of EDA's notification to submit an application for final consideration.

3. *EDA Notification.* Applicants will be notified within 30 calendar days of the disposition of their application.

A-95 Applicability

Category A. Applicants must comply with the provisions of OMB Circular A-95, which require review and comment by appropriate State and Areawide Clearinghouses.

Submission of Proposals and Applications

Category A. Proposals should be submitted to the appropriate EDA Regional Office as identified below:

John E. Corrigan, Director, Philadelphia Regional Office, Economic Development Administration, Federal Reserve Bank Building, 105 North Seventh Street, Room 600, Philadelphia, Pennsylvania 19106 (215) 597-4603;

Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia;

Wilbur J. Hattendorf, Acting Director, Atlanta Regional Office, Economic Development Administration, 1365 Peachtree Street, NW., Suite 700, Atlanta Georgia 30309 (404) 881-7401

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee;

Denver Regional Office, Economic Development Administration, Tremont Center, 333 West Colfax Avenue, Denver, Colorado 80206 (303) 837-4714

Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming;

Edward G. Jeep, Director, Chicago Regional Office, Economic Development Administration, 175 W. Jackson Boulevard, Suite A-1630, Chicago, Illinois 60604 (312) 353-7706

Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin;

Robert M. Hill, Director, Seattle Regional Office, Economic Development Administration, Lake Union Building, Suite 500, 1700 Westlake Avenue, North, Seattle, Washington 98109 (206) 442-0596

Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington;

Joseph B. Swanner, Director, Austin Regional Office, Economic Development Administration, American Bank Tower, Suite 600, 221 West Sixth Street, Austin, Texas 78701 (512) 397-5461

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Category B Proposals should be submitted to the Office of Planning, Technical Assistance, Research and Evaluation, Economic Development Administration, Room 7844, Main Commerce Building, Washington, D.C. 20230.

Information Contacts

Category A. Director, appropriate EDA Regional Office.

Category B. Contact Gerald Duskin, EDA Headquarters, (202) 377-2128.

Dated: April 16, 1982.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

Appendix I—Productivity and Technology

The nation has suffered a slowdown in productivity growth, one that affects all industrial sectors and had led to or exacerbated regional problems, particularly when there are high concentrations of severely impacted industries. EDA and the Department of Commerce are concerned with the promotion of more effective utilization of technological and worker skill resources and with overcoming barriers to innovation at the local level.

Topic 1. Assistance to Communities and Businesses in Identifying and Obtaining Technology and Technological Assistance from Federal Laboratories. Often state and local governments and businesses do not have the capability to identify and obtain available technology from Federal laboratories. There are, for example over 700 Federal laboratories that under recent legislation are establishing Offices of Research Technology for purposes of encouraging commercial applications of their R&D as well as providing technical assistance to state and local governments.

The technical assistance effort under this topic would develop a technology transfer system focused on two areas of demand—business and state and local government. This effort would attempt the following:

a. Establish linkages between potential users and Federal laboratories.

b. Help to identify and solve problems common to a number of users.

Topic 2. Removing Intra-Regional Barriers to Industrial Transition. Industrial transition—from declining to growing industries and from lower technology to higher technology—is necessary for national gains in productivity. It is often overlooked that much of this transition is happening within a particular region so that there exists shortages of skilled workers side by side with so-called redundant workers (those laid off in declining industries). In addition to the inefficiency from failure to realize the potentialities of these workers, there is a significant danger that state and local legislation designed to protect jobs in declining industries will reduce productivity through hampering labor mobility. Through failure to deal with this issue, a community may suffer not only the cost of large numbers of unemployed but it may also fail to nurture, retain and/or attract businesses.

The overall objective is to demonstrate to employers that the benefits of working together to help transfer workers from one industry to another or one firm to another within the same industry exceeds the disadvantages. The advantages are reduced unemployment compensation and a more attractive community for businesses.

An initiative that shows promise is a joint business-labor-government worker placement program, such as those undertaken in Buffalo, and Pittsburgh. A key element is the use of company and union officials (from the declining industry) for purposes of outreach to other manufacturers in the region. In this technical assistance project the activities of one or more such efforts will be reviewed and a model in the form of a guide book will be developed to assist business, labor and local government in worker placement programs.

Topic 3. Coordination of National Productivity Infrastructure. Throughout the United States there are over 30 Fedrally funded productivity centers. Additionally, there are a number of state and local productivity centers, cooperative R&D centers, technology transfer organizations, and business development centers. In short, there exists a considerable productivity infrastructure. The effectiveness of these efforts could be enhanced through a technical assistance effort designed to link this infrastructure into a working system.

In this technical assistance project, the various centers and groups would be identified and their functions within a systematic framework described and assessed. The principal focus would be on designing and testing an approach to overcoming fragmentation through better coordination, and which might involve the design and initiation of national regional conferences.

Topic 4. Interfirm Productivity Comparisons. The General Accounting Office has recommended that the

Department assess resource requirements and feasibility of firm level productivity measurement. The Office of Productivity has reviewed the interfirm productivity comparison programs operating in 10 countries. These programs were discussed with selected business and trade associations and similar programs for this country were found to have considerable initial receptivity by business and the trades. The office recommends that a private model program be developed.

A technical assistance effort would consist of selecting proposals from interested and appropriate trade associations to develop their initial receptivity into an actual interfirm comparison. Considerable expertise is required to deal with firm selection, confidentiality, and assessment of the responses of firms in terms of describing quantitative and interfirm ratios. Funding this pilot project would assist in meeting the Department's endorsed objective of improving firm level productivity.

Capital Formation

The maintenance of healthy local economies depends on capital investment in private sector enterprise and in the public infrastructure that supports it. However the traditional means of capital formation in many cases are not meeting the needs of states, their local governments and communities for capital investment. New approaches to capital formation to meet priority economic development needs are required in both the private and public sectors.

Topic 1. Financial "Roundtable" for Community Based Needs. Historically there have been serious shortages in the availability of capital for private sector investment in economically distressed rural and urban areas. Recently large corporations, insurance companies and public pension funds have become interested in expanding their investment portfolios to include higher risk investments in distressed areas. However, no mechanisms presently exist whereby these potential resources can be systematically linked to community needs.

A technical assistance effort in this area would be for the purpose of designing and testing a prototype financial roundtable or clearinghouse whereby untapped capital resources, probably on a regional basis, could be linked to the needs of distressed communities within the region. To ensure that the essential mechanisms are developed to link community interests to the roundtable and that the model has broad replicability, the contractor should have experience in working with community based economic development groups as well as credibility with the regional business and financial community.

Topic 2. Capital Formation and Infrastructure. With reductions in Federal funds and increasing fiscal constraints on State and local government, communities are facing severe limitations on their ability to finance the rehabilitation, maintenance and expansion of their economic development infrastructure. As a result, communities will be forced to adapt more rigorous approaches to setting infrastructure priorities and to seek new methods for financing their implementation.

A technical assistance effort in this area would encompass: Examination and assessment of the various approaches being developed and tried to address these issues; and dissemination of the finding to the economic development community through written materials and/or conferences.

[FR Doc. 82-11697 Filed 4-28-82; 8:45 am]
BILLING CODE 3510-24-M

International Trade Administration

Certain Stainless Steel Products From Spain; Initiation of Countervailing Duty Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: We are terminating the countervailing duty investigation initiated under section 303 of the Tariff Act of 1930, as amended, concerning certain stainless steel products from Spain. The case will be initiated under Title VII of the Act.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Holly Kuga, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377-0171.

SUPPLEMENTARY INFORMATION: On February 17, 1982, we received a petition in proper form from counsel on behalf of eight domestic manufacturers of stainless steel products. These manufacturers are: Al Tech Specialty Corporation, Armco Stainless Steel Division, Carpenter Technology Corporation, Colt Industries, Inc.—Crucible Materials Group, Cyclops Corporation, Guterl Special Steel Corporation, Josyln Stainless Steels and Republic Steel Corporation. The petition alleges that the government of Spain bestows benefits that constitute bounties or grants upon its manufacturers, producers, and exporters of certain stainless steel products.

After reviewing the petition and finding that it was in proper form, we published a notice of initiation of countervailing duty investigation under section 303 of the Tariff Act of 1930, as amended (the "Act") in the **Federal Register** of March 10, 1982, (47 FR 10268). We presented a questionnaire to the government of Spain at its embassy in Washington, D.C.

On April 14, 1982, the U.S. Trade Representative's office announced that Spain was a "country under the Agreement" as set out in section 701(b) of the Act. As a result of this announcement, Title VII of the Act applies to all countervailing duty investigations concerning merchandise from Spain. According to section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 must terminate. Where an initiation but not a preliminary determination has been made under section 303, the case is to be treated as if it were initiated under section 702 of the Act as of the day Title VII first applied to that country. Therefore, we are terminating the investigation we initiated on March 10, 1982 and are initiating countervailing duty investigations as of April 14, 1982.

Scope of the Investigations

The products covered by these investigations are: stainless steel wire rod, hot-rolled stainless steel bar and cold-formed stainless steel bar. For a further description of these products, see Appendix A to the original initiation notice (47 FR 10268).

In our present investigation we expect to cover the same programs as those cited in the original initiation notice.

Notification to ITC

Pursuant to section 702(d) of the Tariff Act, we are notifying the U.S. International Trade Commission (ITC) and making available to it information relating to the matter under investigation. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC has 45 days after it receives notice from us to determine whether or

not there is a reasonable indication that imports of certain stainless steel products from Spain materially injure or are likely to materially injure a U.S. industry. If the ITC's determination is negative, we will consider the investigation terminated upon publication of ITC's notice.

These investigations will proceed according to the statutory provisions of the Title VII of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 23, 1982.

[FR Doc. 82-11699 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Products From Spain; Initiation of Countervailing Duty Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing duty investigations.

SUMMARY: We are terminating the countervailing duty investigations initiated under section 303 of the Tariff Act of 1930, as amended concerning certain steel products from Spain. These cases will be initiated under Title VII of the Act.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Holly Kuga, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-0171.

SUPPLEMENTARY INFORMATION: On January 11, 1982, we received a petition in proper form from United States Steel Corporation filed on behalf of the U.S. Steel industry. U.S. Steel Corporation was joined in this petition by Republic Steel Corporation, Inland Steel Company, Jones and Laughlin Steel Incorporated, National Steel Corporation and Cyclops Corporation. The petitions allege that the government of Spain pays or bestows bounties or grants upon the manufacture, production, and exportation of certain steel products.

After reviewing the petition and finding that it was in proper form, we published a notice of initiation of countervailing duty investigations under section 303 of the Tariff Act of 1930, as amended, (the "Act") in the Federal Register of February 1, 1982 (47 FR 5753). We presented a questionnaire concerning the allegations to the government of Spain at its embassy in Washington, D.C. On March 18, 1982, we published in the Federal Register a notice postponing our preliminary determination from April 6, 1982 to June 10, 1982 because the cases were found to be "extraordinarily complicated" (47 FR 11738).

On April 14, 1982, the U.S. Trade Representative's office announced that Spain was a "country under the Agreement" as set out in Section 701(b) of the Act. As a result of this announcement, Title VII of the Act applies to all countervailing duty investigations concerning merchandise from Spain. According to section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 must terminate. Where an initiation but not a preliminary determination has been made under section 303, the case is to be treated as if it were initiated under section 702 of the Act as of the date Title VII first applied to that country. Therefore, we are terminating the investigations initiated on February 1, 1982 and are initiating countervailing duty investigations as of April 14, 1982.

Scope of the Investigation

The products covered by these investigations are: Carbon steel structural shapes, hot-rolled carbon steel plate, hot-rolled carbon steel sheet, cold-rolled carbon steel sheet, galvanized carbon steel sheet, hot-rolled carbon steel bars, hot-rolled alloy steel bars, cold-formed carbon steel bars and cold-formed alloy steel bars. For a further description of these products, see the appendix to the original initiation notice (47 FR 5753).

In our present investigations we expect to cover the same programs as those cited in the original initiation notice.

Notification to ITC

Pursuant to section 702(d) of the Tariff Act, we are notifying the U.S. International Trade Commission (ITC) and making available to it information relating to the matter under investigation. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC has 45 days after it receives notice from us to determine whether or not there is a reasonable indication that imports of certain steel products from Spain materially injure or are likely to materially injure a U.S. industry. If the ITC's determination is negative, we will consider these investigations terminated upon publication of ITC's notice.

These investigations will proceed according to the statutory provisions of the Title VII of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 23, 1982.

[FR Doc. 82-11700 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-25-M

Prestressed Concrete Steel Wire Strand; Preliminary Countervailing Duty Determination; Change of Effective Date

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Countervailing duty determination—change of effective date.

SUMMARY: We are terminating the countervailing duty investigation initiated under Section 303 of the Tariff Act of 1930, as amended concerning prestressed concrete steel wire strand from Spain. The investigation will be continued under Title VII of the Act. This changes the effective date of the preliminary determination in this investigation to April 14, 1982.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-4929.

SUPPLEMENTARY INFORMATION: On November 5, 1981, we received a petition in proper form from counsel on behalf of five domestic manufacturers of prestressed concrete steel wire strand (PC strand). Those manufacturers are: American Spring Wire Corporation, Armco Inc., Bethlehem Steel Corporation, Florida Wire and Cable Company and Shinko Wire America, Inc. The petition alleges that the government of Spain bestows benefits that constitute bounties or grants upon its manufacturers, producers, and exporters of PC strand.

After reviewing the petition and finding it was in proper form, we published a notice of initiation of a countervailing duty investigation under section 303 of the Tariff Act of 1930, as amended ("the Act") in the Federal Register of December 2, 1981 (46 FR 58543). We presented a questionnaire to the government of Spain at its embassy in Washington, D.C. On January 14, 1982, we published in the Federal

Register a notice of postponement of our preliminary determination from January 29, 1982 to April 5, 1982 because the case was found to be "extraordinarily complicated" (47 FR 2141). We made a preliminary affirmative countervailing duty determination on April 5, 1982 and published it the **Federal Register** of April 12, 1982 (47 FR 15617).

On April 14, 1982, the U.S. Trade Representative's office announced that Spain was a "country under the Agreement" as set out in section 701(b) of the Act. As a result of this announcement Title VII of the Act applies to all countervailing duty investigations concerning merchandise from Spain. According to section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 must terminate. Where a preliminary but not a final determination has been made, the case is to be treated as if the preliminary determination were made under section 703 of the Act as of the date Title VII first applied to the country. In the investigation involving PC strand, the date of the preliminary determination is now April 14, 1982, the date Spain became a "country under athe Agreement."

Scope of the Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand, a product used to compress concrete in order to provide active resistance to loads in such items as girders, beams, pilings, and other building materials. PC strand is currently provided for under item number 642.1120 of the *Tariff Schedules of the United States Annotated.*

In our present investigation we expect to cover the same programs cited in the original initiation notice (46 FR 58543).

Notification to ITC

Pursuant to section 703(d) of the Tariff Act we are making available to the U.S. International Trade Commission (ITC) information relating to the matter under investigation. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

This investigation wil proceed according to the statutory provisions of Title VII of the Act.

Gray N. Horlick,

Deputy Assistant Secretary for Import Administration.

April 23, 1982.

[FR Doc. 82-11698 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 620]

Jamson Aviation and Spares (Pte) Ltd.; Order Denying Export Privileges

In the matter of Richard Kwik, aka, Siong Hian Kwik, c/o Jamson Aviation and Spares (Pte) Ltd., 227 B. West Camp, Seletar Airfield, Singapore, 2880; and Jamson Aviation and Spares (Pte) Ltd., 227 B West Camp, Seletar Airfield, Singapore 2880.

A proceeding was initiated on March 17, 1981, against Richard Kwik, aka Siong Hian Kwik, and Jamson Aviation and Spares (Pte) Ltd. (hereinafter jointly referred to as respondents) by the issuance of a charging letter by the Director, Office of Export Administration (OEA). OEA has received confirmation that the charging letter was delivered to the respondents by registered mail on April 23, 1981. The respondents were charged with violating the Export Administration Act of 1969, as amended (50 U.S.C. app. 2401, *et seq.* (1976 and Supp. I 1977)) (the Act) and the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1981)) (the regulations).

In the charging letter, OEA alleged that respondents knowingly violated the Act and the Regulations by purchasing surplus helicopters from Israel through a U.S. firm while knowing that a violation of the Act and Regulations would occur with respect to the transaction, and by making false and misleading statements to U.S. officials both in the submission of an export control document to OEA and during the subsequent investigation regarding the transaction.

The respondents failed to answer the allegations of the charging letter. In accordance with Section 388.8 of the Regulations, OEA submitted evidence to support the allegations. The undersigned Hearing Commissioner considered the evidence, and my findings are detailed below.

On April 10, 1978, Air Associates, Inc., of Chicago, Illinois, submitted, by an emergency request, a license application seeking to export from Israel eleven helicopters to Jamson Aviation and Spares (Pte) Ltd. (Jamson) in Singapore. The Form DIB–629P (Statement of Ultimate Consignee and Purchaser) that accompanied the license application was signed by Richard S.H. Kwik (Kwik), managing director of Jamson, and stated that the end use of the helicopters was to be a joint venture logging operation on the island of Morotai, Indonesia in which Jamson was involved. The helicopters had been declared surplus property by the Israeli government, which had agreed to sell the helicopters to Air Associates if OEA would approve the export of the helicopters of Jamson. OEA issued an export license on April 14, 1978 authorizing the export of eleven helicopters and spare parts to Jamson in Singapore.

On August 29, 1978, the eleven helicopters and spare parts were loaded on the M/S Hartford Express at the port of Haifa, Israel enroute to Jamson in Singapore. Unbeknownst to both OEA and the Israeli Government, however, Kwik had previously arranged to resell the helicopters to a third party. Kwik never amended the representation he had certified to on the Form DIB–629P to identify the new purchaser or the new end-use of the helicopters, even though the agreement with the third party took place at approximately the same time as Kwik entered the purchase agreement with Air Associates, Inc. and made his certification to OEA. The M/S Hartford Express never called at the port of Singapore. Instead, after a brief stop in Las Palmas to pick up additional spare parts for the helicopters, the M/S Hartford Express sailed to Durban, South Africa, where the helicopters and spare parts were unloaded. The evidence indicates that the helicopters were then diverted to Rhodesia, a country to which exports of such helicopters were prohibited under the Export Administration Act at the time of the diversion.

Kwik also made misrepresentations and false statements concerning his involvement in this transaction to officials of the U.S. Embassy in Singapore on December 5, 1978, January 8, 1979 and February 5, 1979 during the subsequent investigation of this matter by OEA.

Based on the foregoing, I find that Kwik, acting on behalf of Jamson, by scheme and subterfuge, knowingly engaged in illegal export activities in violation of the Act and the Regulations, as alleged in the charging letter. I find that an Order denying export privileges to Richard Kwik, aka Siong Hian Kwik, and Jamson Aviation and Spares (Pte) Ltd. for a period ending May 31, 2001, is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and the Regulations.

Therefore, pursuant to the authority delegated to me, Part 388 of the Regulations, it is;

Ordered

I. All outstanding export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or which are otherwise subject to the Act and the Regulations. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents, employees, representatives, and partners, and to organizations with which the respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations, with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondents or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. This order shall remain in effect against Richard Kwik, aka Siong Hian Kwik, and Jamson Aviation and Spares (Pte) Ltd. for a period ending May 31, 2001.

This Order is effective immediately.

Dated: April 23, 1982.

Thomas W. Hoya.

Hearing Commissioner.

[FR Doc. 82-11600 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund; Notification of Claims Received Under Title IV Program

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

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 05-82.

SUMMARY: 50 CFR 296.6 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, within 30 days of publication of this Notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

Important date: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before June 1, 1982.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Charles L. Cooper, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone (202) 634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that upon receipt of a timely-filed claim which is not clearly ineligible because of statutory exemptions from eligibility, the Chief, FSD publish a 30-day notice of the claim in the **Federal Register**. Upon expiration of the 30-day period following publication of the **Federal Register** notice, the claim will be referred to the Administrative Law Judge (ALJ). (50 CFR 296.6(a)(1)(iii)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

April 22, 1982.

The following claims have been received.

Claim No.	Nature of loss and location	Amount	
FCF-3182-82	On 2/19/82 claimant lost all gear on the port side and broke some cables while trawling for shrimp at the following coordinates: 28°10'38.34" N., 91°43'59.28" W.	Unknown [1] Unknown [2] Unknown [3] Unknown	[1] Gear loss. Economic loss. Consequential loss. Total.
FCF-32-82	On 2/19/82 claimant lost 2 tri-net doors, nylon rope, 200 ft. lazy line, 70 ft. tickler chain, 16 ft. trinet, and 30 ft. bridle while trawling for shrimp at the following coordinates: 29°21'05.72" N., 91°44'36.87" W.	Unknown [4] Unknown [5] Unknown [6] Unknown	[4] Gear loss. Economic loss. Consequential loss. Total.

Claim No.	Nature of loss and location	Amount	
FCF-33-82	On 3/2/82 claimant lost one complete rig while trawling for shrimp at the following coordinates: 28°35'46.33" N., 91°23'01.78" W.	Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-34-82	On 3/5/82 claimant lost 2-55 ft. nets and accessories, 2-10×40 trawl boards, and a 8 ft. dummy door tickler chain & bridles while trawling for shrimp at the following coordinates: 28°40'00.01" N., 91°33'27.14" W.	$4,731.89	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		4,731.89	Total.
FCF-35-82	On 2/13/82 claimant lost 2-50 ft. nets, rope, chain, and a 11×44 trawl board while trawling for shrimp at the following coordinates: 29°09'02.53" N., 92°21'45.47" W.	$3,592.97	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		3,592.97	Total.
FCF-36-82	On 2/25/82 claimant lost 2-35 ft. nets, 3'×6' sled, 9×40" trawl doors, and chain while trawling for shrimp at the following coordinates: 29°16'10.01" N., 88°36'51.32" W.	$3,286.61	Gear loss.
		0	Economic loss.
		0	Consequential loss.
		3,286.61	Total.
FCF-37-82	On 4/5/82 claimant lost an anchor and line while trawling for shrimp at the following coordinates: 28°22'21.56" N., 91°34'26.60" W.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.
FCF-38-82	On 3/3/82 claimant damaged a trawl door, 45 ft. net and accessories while trawling for shrimp at the following coordinates: Picked up: 28°54'30.40" N., 91°52'14.34" W.; dropped: 28°53'50.78" N., 91°42'44.24" W.	[1] Unknown	Gear loss.
		[1] Unknown	Economic loss.
		[1] Unknown	Consequential loss.
		[1] Unknown	Total.

[1] Amounts not yet reported at this publishing.

[FR Doc. 82-11701 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-22-M

Regional Fishery Management Councils' Executive Directors and Chairpersons; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The eight Regional Fishery Management Councils were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265). The Councils' Chairpersons and Executive Directors will meet with the Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), and with NOAA/NMFS legal and administrative representatives to discuss:

- —Status of NMFS reorganization and its implications for the Councils;
- —FY 1983 NMFS budget: prospects for revisions and implications for future Council operations;
- —Status of Fishery Conservation and Management Act amendments;
- —Regulations on preemption of state authority to manage territorial sea fisheries;
- —Office of Management and Budget's one-year exemption from certain provisions of Executive Order 12291 for some in-season changes;
- —Research to support the Council process;
- —Comparison of plan development approaches and other business as necessary.

DATES: The public meetings will convene on Wednesday, May 26, at approximately 10 a.m., and will adjourn on Friday, May 28, 1982, at approximately noon. The meetings may be lengthened or shortened or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The public meetings will take place at the Newport Treadway Inn, Newport, Rhode Island.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: April 26, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-11702 Filed 4-28-82; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on State Jurisdiction and Responsibilities Under the Commodity Exchange Act; Third Renewal

Correction

In FR Doc. 82-11116 appearing on page 17608 in the issue of Friday, April 23, 1982, first column, first full paragraph, eighth line, insert "Exchange" after "Commodity".

BILLING CODE 1505-01-M

New York Mercantile Exchange Crude Oil Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The New York Mercantile Exchange ("NYME") has applied for designation as a contract market in both sweet crude oil and sour crude oil. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making the proposed contracts available for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 28, 1982.

ADDRESS: Interested persons should submit their views and comments to

Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the NYME crude oil futures contracts.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254–7303.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of the NYME proposed crude oil futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYME in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for inspection of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the NYME in support of its applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 28, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on April 26, 1982.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 82–11703 Filed 4–28–82; 8:45 am]

BILLING CODE 6351–01–M

COPYRIGHT ROYALTY TRIBUNAL

[Docket Nos. CRT 80–5 and CRT 81–4]

1979 and 1980 Jukebox Distribution; Final Determination

AGENCY: Copyright Royalty Tribunal (Tribunal).

ACTION: Notice of final determination.

SUMMARY: The Copyright Royalty Tribunal announces the adoption of its final determination in the proceeding concerning the the distribution to certain copyright owners of jukebox royalty fees deposited for 1979 and 1980 performances.

FOR FURTHER INFORMATION CONTACT: Commissioner Frances Garcia, Chairman, Copyright Royalty Tribunal, 1111 20th St., NW., #450, Washington, D.C. 20036, (202) 653–5175.

SUPPLEMENTARY INFORMATION:

Background and Chronology

By notice in the Federal Register on Monday, November 30, 1981 (46 FR 58139), the Tribunal published its conclusion in the 1979 jukebox royalty distribution proceeding which stated in part that the "record is insufficient as a basis on which we can make a distribution of the 1979 jukebox royalties."

Subsequently, three of the four performing rights societies, which were parties to that proceeding, entered into a voluntary agreement covering both the 1979 and 1980 royalty fees. (American Society of Composers, Authors, and Publishers; Broadcast Music, Inc.; and SESAC, Inc.).

The Italian Book Corporation (IBC) on January 18, 1982 requested 1% of the total royalties for the years 1979 and 1980.

On March 8, 1982, the Tribunal requested the IBC to submit evidence in support of their claim.

On March 18, 1982, the IBC submitted their evidence. The three performing rights societies submitted joint reply comments on April 5, 1982. Rebuttal comments were then submitted by IBC.

Sammie Belcher, Jr. of Pennsylvania, a claimant in the 1980 jukebox royalty distribution proceeding, was requested on January 29, 1982 to submit evidence to support his claim by March 15, 1982. That date was subsequently extended to March 31, 1982. No evidence was submitted.

Conclusion

The Tribunal finds nothing in the record that would support a 1% award to the Italian Book Corporation.

As the Tribunal has previously stated, "It would be unreasonable for the Tribunal to assert that IBC will not receive any royalties unless it conducted an adequate survey of jukebox performances." The Tribunal recognizes that it would place an unfair burden on a small society such as IBC if it expected it to bear the expense of a survey. Therefore, the Tribunal has chosen to apply other distribution methodologies, such as the nature of the songs which are played in establishments in Italian-American communities. In addition, the Tribunal took into account all information submitted in the current and prior proceedings in awarding the IBC $1,000.00 and $800.00 respectively for the 1979 and 1980 jukebox royalties.

No award is made to Sammie Belcher, Jr.

Commissioner Frances Garcia,

Chairman.

April 23, 1982.

[FR Doc. 82–11704 Filed 4–28–82; 8:45 am]

BILLING CODE 1410–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Friday, May 21, 1982.

Time: 0830–1700 hours (Open).

Place: Artificial Intelligence Laboratory, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Agenda: The Army Science Board Ad Hoc Subgroup conducting a study on Robotics/Artificial Intelligence will meet to present and receive briefings and hold discussions and tour the M.I.T. Artificial Intelligence facility. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner perimtted by the committee. In order to be able to accommodate prospective attendees, the Army Science Board Administrative Officer (Helen M. Bowen) must be notified no later than May 17, 1982. For further information and specific meeting location, call (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82–11705 Filed 4–28–82; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Monday, May 24, 1982.

Time: 0830–1700 hours (Closed).

Place: U.S. Army Natick Laboratories, Natick, Massachusetts.

Agenda: The Army Science Board Ad Hoc Subgroup on Laser Eye Protection will meet to receive classified briefings on laser programs and hold discussions of same. This meeting will be closed to the public in accordance with Section 552(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-11706 Filed 4-28-82; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday, May 25, 1982; Wednesday, May 26, 1982.

Times: 0830–1700 hours on May 25, 1982 (Closed); 0830–1600 hours on May 26, 1982 (Closed).

Place: The Pentagon, Washington, D.C. (exact location to be determined)

Agenda: The Army Science Board Ad Hoc Subgroup conducting a study on Ballistic Missile Defense will meet to receive classified briefings, present progress briefings, and hold discussions of same. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695–3039 or 697–9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 82-11707 Filed 4-28-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Organization of the Joint Chiefs of Staff; Joint Strategic Target Planning Staff Scientific Advisory Group; Cancellation of Meeting

The meeting of the Joint Strategic Target Planning Staff, Scientific Advisory Group, scheduled for May 10 and 11, 1982, to be held at Offutt Air Force Base, Nebraska, as published in the **Federal Register** (47 FR 16828) on April 20, 1982, has been canceled.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 23, 1982

[FR Doc. 82-11626 Filed 4-28-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education

Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public orientation.

SUMMARY: This notice sets forth a proposed meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend. This Notice is published late due to the recent appointment of new Council Members and the uncertainty of scheduling the necessary events.

DATE: May 6, 1982.

ADDRESS: Capitol Holiday Inn, 550 C Street SW., Venus/Saturn Room, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425—13th Street NW, Suite 412, Washington, DC (202) 376–8873.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

On May 6, 1982, from 9:00 a.m. to 4:00 p.m. the meeting of the National Advisory Council on Vocational Education is open to the public, and the entire Agenda will be given over to the swearing in and orientation of new Council Members. The time and place of the swearing in are not confirmed, and the meeting will be recessed for this activity.

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education during the hours of 9:00 a.m. to 5:00 p.m., 425 13th Street NW, Suite 412, Washington, DC 20004.

Signed at Washington, D.C., on April 26, 1982.

Raymond C. Parrott,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 82-11754 Filed 4-28-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-017; ERA Case No. 65031-9208-21-22]

Modification of Order Granting Permanent Peakload Exemption for North Little Rock Electric Department, CT Unit No. 1

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice and Proposed Modification of Order Granting Permanent Peakload Exemption for North Little Rock Electric Department, CT Unit No. 1.

On November 17, 1981, the Economic Regulatory Administration (ERA) issued an order granting a permanent peakload powerplant exemption to North Little Rock Electric Department (NLRED) for its CT Unit No. 1. The Order, published in the **Federal Register** on November 30,

1981, at 46 FR 58147, exempts this unit from the prohibitions of section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) against the use of natural gas or petroleum by a new powerplant.

ERA granted the permanent peakload powerplant exemption to NLRED subject to four terms and conditions as authorized by the final rule then in effect and published in the **Federal Register** on June 6, 1980 (45 FR 38276) (1980 rules). By letter dated January 21, 1982, NLRED requested that ERA remove the conditions from the Order pursuant to 10 CFR 501.100 *et seq.* as amended (46 FR 59872, December 7, 1981).

The conditions in the Order granting the exemption for CT Unit No. 1 read as follows:

A. NLRED shall not produce more than 58,582,500 Kwh during any 12-month period with the proposed unit. NLRED shall provide annual estimates of the expected periods (hours during specific Months) of operation of CT Unit No. 1 for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours during which NLRED expects to operate CT Unit No. 1 during the first 12-month period shall be furnished within 30 days from the date of this Order.

B. NLRED shall comply with the reporting requirements set forth in 10 CFR § 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. NLRED shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR § 503.15(b).

The final amended rules published on December 7, 1981 (46 FR 59872) and effective on January 6, 1982 (final amended rules) deleted certain restrictive terms and conditions which attached to peakload powerplant exemption orders pursuant to 10 CFR 503.41(e) of the 1980 rules, including those conditions stated under paragraphs "B" and "C" of the subject Order. Accordingly, paragraphs "B" and "C" are proposed to be deleted from the Order.

Paragraph "D" of the Order is proposed to be redesignated as paragraph "B" and modified to account for the transfer of environmental requirements from 10 CFR 503.15(b) of the 1980 rules to 10 CFR 503.13(b) of the final amended rules. This term and condition is being retained intact to ensure that NLRED operates the unit in accordance with its environmental certification filed in conjunction with the peakload powerplant exemption under 10 CFR 503.41(b)(3) and 503.13(b).

Paragraph "A" of the Order for the CT Unit No. 1 is proposed to be modified to read as follows:

A. NLRED shall not produce more than 58, 582,500 Kwh during any 12-month period with the proposed unit.

To be included within the basic definition of "peakload powerplant" as established by section 103(a)(18) of FUA, the powerplant must be "a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1500 hours." As stated in the original Order for CT Unit No. 1, its maximum design capacity is 39,055 Kw and the product of 39,055 and 1500 is 58,582,500 Kwh. Thus, these restrictions must be retained in the Order. However, ERA considers the submission of the annual estimates of expected periods and hours of operation unnecessary in light of its attempts to streamline and simplify administrative procedures and exemption criteria under FUA. Therefore, these provisions of the former paragraph "A" are proposed to be deleted.

This Notice and Proposed Modification will serve as notice under 10 CFR 501.101(d) of ERA's proposed action with respect to the Order to each person upon whom the Order was served in the original proceedings. A person who was party to the original proceedings culminating in the Order may file a written response within 30 days of the publication of this Notice in the **Federal Register.** If ERA receives no response, then the proposed modifications will become effective without further action on the part of ERA on June 1 1982.

ADDRESS: All comments should be addressed to Public Hearing Management, Docket No. ERA–FC–81–017, Department of Energy, Room 7146, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Issued in Washington, D.C. on April 15, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–11601 Filed 4–28–82; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–82–009; OFC Case No. 52416–9220–21–22, 22]

Acceptance of Petition From Puget Sound Power and Light Co. for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Petition from Puget Sound Power and Light Company for Exemption and Availability of Certification.

SUMMARY: On March 17, 1982, the Puget Sound Power & Light Company (Puget) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting two new proposed powerplants from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

Puget requested permanent peakload exemptions under 10 CFR 503.41 for two simple-cycle combustion turbine generators (Units #1 and #2) with heat input rates of 1,111.37 million Btu per hour each. The proposed units are to be installed at Puget's Fredonia Generating Station, Near Burlington, Washington. The powerplants will be capable of burning natural gas and petroleum.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemptions as adequate for filing. ERA retains the right to request additional relevant information from Puget at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the SUPPLEMENTAL INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written

request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification and other documents and supporting materials on this proceeding are available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register**.

DATES: Written comments are due on or before June 14, 1982. A request for public hearing must also be made within this 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA–093, 1000 Independence Avenue, NW, Washington, D.C. 20585.

Docket No. ERA–FC–82–009 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, 1000 Independence Avenue, SW, Room GA–073B, Washington, D.C. 20585, Telephone (202) 252–2993;

Christina Simmons, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252–2967;

Jack Vandenberg, Office of Public Information, Department of Energy, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, Telephone (202) 633–8755.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Puget has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed Fredonia Generating Station Units #1 and #2, simple-cycle combustion turbine generators.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to Puget Sound's petition.

Puget submitted a certified statement by a duly authorized officer, Mr. Ronald G. Bailey, Vice President, Power Systems of Puget, to the effect that the proposed oil and/or gas-fired combustion turbine generators will be operated solely as peakload powerplants.

Mr. Bailey also certified that the maximum design capacity of each powerplant is 103,760 kilowatts and that the maximum generation that will be allowed during any 12-month period for each combustion turbine is the design capacity times 1,500 hours or 155,640,000 kilowatt hours.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption certification for peakload powerplants, is among the classes of actions that DOE has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement of an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Puget has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by Puget pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on Puget's exemption that the grant or denial of the exemption will be required.

As provided in 10 CFR 501.3(b)(4) of the final rule, the acceptance of the petition by ERA does not constitute a determination that Puget is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, D.C. on April 20, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–11602 Filed 4–28–82; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–82–008; OFC Case No. 55610–8112–01–12]

Acceptance of Petition From Westvaco Corp. for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance and Petition from Westvaco Corporation for Exemption and Availability of Certification.

SUMMARY: On March 25, 1982, Westvaco Corporation (Westvaco) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting one new Major Fuel Burning Installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Westvaco requested a permanent exemption for certain fuel mixtures containing natural gas or petroleum. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

The proposed MFBI for which the petition is filed is a recovery boiler (designated as Unit #10) having a primary energy source of black liquor solids and petroleum to be installed at Westvaco's papermill in Charleston, South Carolina. ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification and other documents and supporting materials on this proceeding are available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the Federal Register.

DATES: Written comments are due on or before June 14, 1982. A request for public hearing must also be made within the 45-day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA–093, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Docket No. ERA–FC–82–008 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252–2993;

Henry Garson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252–2967;

Jack Vandenberg, Office of Public Information, Department of Energy, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, Telephone (202) 633–8755.

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978 prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption from the prohibitions has been granted by ERA. Wesvaco proposes to install a recovery boiler at its paper mill in Charleston, South Carolina. Unit #10 will produce 673,000 pounds of steam per hour at 1,500 PSI pressure and 880° F. The proposed unit will have a designed heat input rate of 1,250 million Btu per hour while output will be 780 million Btu per hour. The primary purpose of the boiler is to recover the cooking chemicals for producing pulp in as pure a form as possible. Unit #10 will burn 95–100% black liquor with the remaining needs being satisfied by oil. Westvaco contends that because of a breakdown in the supply of the black liquor fuel or the existing bark or coal-fired boilers, additional oil will have to be burned in Unit #10 to maintain operations of the paper mill. Therefore, Westvaco is requesting an exemption for Unit #10 to burn up to 25% petroleum or gas of the heat input as the primary fuel on an annual basis.

Section 212(d) of the Act provides for a permanent exemption for certain fuel mixtures. In accordance with 10 CFR 503.38(d) of the final rule, Westvaco has certified the following:

(1) The amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five percent (25%) of the total annual Btu heat input of the installation.

(2) The environmental certifications as required under § 503.13(b) of the final rule.

ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from Westvaco at any time during these proceedings where circumstances or procedural requirements may so require. As provided in 10 CFR 501.3(b)(4) of the final rule, the acceptance of the petition by ERA does not constitute a determination that Westvaco is entitled to the exemption requested.

NEPA Compliance: In processing this exemption, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's implementing regulations 40 CFR 1500 *et seq.*, and DOE Guidelines implementing those regulations (45 FR 20694, March 28, 1980). NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the Federal Register as soon as practicable. No final action will be taken on the exemption petition until NEPA compliance has been completed.

Issued in Washington, D.C. on April 19, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–11603 Filed 4–28–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER81–538–000]

Carolina Power & Light Co.; Refund Report

April 23, 1982.

The filing Company submits the following:

Take notice that on April 2, 1982, Carolina Power and Light Company filed a refund report pursuant to the Commission's letter order of March 25, 1982. No refunds are necessary.

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 May 7, 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. 82–11631 Filed 4–28–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–456–000]

Cincinnati Gas & Electric Co.; Filing

April 23, 1982.

The filing Company submits the following:

Take notice that the Cincinnati Gas and Electric Company (CG&E) on April 14, 1982, tendered for filing proposed changes in its FERC Electric Tariff, First Revised Volume No. 1 which cancel and supercede the rate schedules in said tariff applicable to wholesale electric service to the Villages of Bethel, Blanchester, Georgetown, Hamersville and Ripley, Municipalities in the State of Ohio; and the Union Light, Heat and Power Company, a wholly owned subsidiary of CG&E, which ultimately serves retail consumers and one wholesale customer within the Commonwealth of Kentucky; and the West Harrison Gas and Electric

Company, a wholly owned subsidiary of CG&E, which ultimately serves retail consumers within the State of Indiana. Based upon the twelve month estimated test period ending December 31, 1982 CG&E estimates that the total effect of the changes would increase annual revenues from FERC jurisdictional sales and services by approximately $12.4 million for Phase I rates and an additional $3.6 million representing Phase II rates. CG&E proposes that the Phase I rates become effective on June 14, 1982 and that the Phase II changes become effective on November 14, 1982.

CG&E asserts that the filing is in accordance with Part 35 of the Commission's regulations. CG&E states that the schedules as filed will supercede rate schedules presently on file with this Commission. Service Agreements between CG&E and the above-mentioned customers have been secured prior to the date of the filing.

The reasons stated by CG&E for the change in rate schedules are: (1) To overcome a revenue deficiency for wholesale service occasioned by additions to rate base and the continued inflationary impact on its costs; and (2) to modify its fuel adjustment clause to comply with Commission regulations governing their content.

Copies of the filing were served upon CG&E's affected jurisdictional customers, the Public Utilities Commission of Ohio, the Kentucky Public Service Commission and the Public Service Commission of Indiana.

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., Washinton, 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 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party mut 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. 82-11632 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-6342-004, etc.]

Conoco Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 26, 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 May 11, 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 other wise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 feet [3]	Pressure base
G-6342-004, D, Apr. 12, 1982	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	El Paso Natural Gas Company, Sanderson "A" #12 Well, Monument Area, Lea County, New Mexico.	([1])	
G-8603-002, D, Apr. 12, 1982	do	Texas Eastern Transmission Corporation, Helen Gohlke Field, Victoria and DeWitt Counties, Texas.	([2])	
G-13308-002, D, Apr. 5, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Laverne Field, Harper County, Oklahoma.	([3])	
G-18748-000, D, Apr. 5, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, NE/4 NW/4 Section 23-T1N-R26E, Beaver County, Oklahoma.	([4])	
CI62-470-000, D, Apr. 14, 1982	Sun Exploration and Production Company (formerly Sun Oil Company), P.O. Box 20, Dallas, Texas 75221.	Arkansas Louisiana Gas Company, Manziel Field, Wood County, Texas.	([5])	
CI63-1125-000, D, Apr. 5, 1982	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Arkansas Louisiana Gas Company, North Cooper and Southeast Lacy Fields, Blaine and Kingfisher Counties, Oklahoma.	([6])	
CI65-1355-001, D, Feb. 12, 1982	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	El Paso Natural Gas Company, Coyanosa and Waha Fields, Pecos and Reeves Counties, Texas.	([7])	
CI66-1283-000, D, Apr. 5, 1982	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Northern Natural Gas Company, Ellwood Field, Ellis County, Oklahoma.	([8])	
CI77-797-001, Apr. 5, 1982 [8]	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Mountain Fuel Supply Company, Yellow Creek and Whitney Canyon Areas, Uinta County, Wyoming.	([12])	
CI78-1168-001, C, Apr. 5, 1982	Murphy Oil Corporation, 200 Jefferson Avenue, El Dorado, Arkansas 71730.	Consolidated Gas Supply Corporation, Vermilion Block 102, Offshore Louisiana.	([9])	15.025
CI81-31-002, Apr. 12, 1982	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	El Paso Natural Gas Company, Matagorda Island Area, Offshore Texas.	([10])	14.65

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 feet[3]	Pressure base
CI82-217-000, F, Mar. 31, 1982	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Trunkline Gas Company, Riceville & South Mermentau Fields, Acadia and Vermilion Parishes, Louisiana.	[11]	14.73
CI82-218-000, A, Apr. 5, 1982	Florida Exploration Company, 1990 Post Oak Boulevard, Suite 1400, Houston, Texas 77056.	Tennessee Gas Pipeline Company, Main Pass Block 37 Area, Offshore Louisiana.	[12]	14.73
CI82-219-000 (CI77-356), B, Apr. 5, 1982.	Sun Exploration and Production Company (formerly Sun Oil Company), P.O. Box 20, Dallas, Texas 75221.	Texas Gas Transmission Corporation, East Dykesville Field, Webster Parish, Louisiana.	[13]	
CI82-220-000, A, Apr. 5, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Cimarron Transmission Company, Southeast Marietta Unit, Love County, Oklahoma.	[14]	14.65
CI82-221-000, A, Apr. 5, 1982	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	Transcontinental Gas Pipe Line Corporation, Brazos Area Block 504 Field, Offshore Texas.	[15]	14.65
CI82-222-000, B, Apr. 5, 1982	Stream Inc., 910 15th Street, Suite 840, Denver, Colorado 80202.	Kansas Nebraska Natural Gas Company, Section 26, T11N, R56W, Logan County, Colorado.	[16]	
CI82-223-000, A, Apr. 5, 1982	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	United Gas Pipe Line Company, Sabine Pass Block 18, Offshore Texas.	[17]	14.65
CI82-224-000, (CI76-531), B, Apr. 5, 1982.	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252.	Northern Natural Gas Company, RHF Morrow Field, Ochiltree County, Kentucky.	[18]	
CI82-225-000, B, Apr. 6, 1982	Marshall S. Burlew, 407 West Third Street, Owensboro, Kentucky 42301.	Texas Gas Transmission Corporation, West Midland Gas Field, Muhlenberg County, Kentucky.	[19]	
CI82-226-000, Apr. 8, 1982	Pennzoil Oil & Gas Inc., P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, High Island Block A-570, South Addition, South Extension, Offshore Texas.	[20]	14.65
CI82-227-000, A, Apr. 8, 1982	....do	United Gas Pipe Line Company, High Island Blocks A-545, A-546, A-547, and A-548, South Addition, Offshore Texas.	[20]	14.65
CI82-228-000, F, Apr. 12, 1982	Florida Exploration Company (Par. Succ. to J. C. Williamson and Max E, Curry), 1900 Post Oak Boulevard, Suite 1400, Houston, Texas, 77056.	Colorado Interstate Gas Company (Succ. in Interest to 1973 Great Basins Exploration and Development Programs), Bell Lake Field, Lea County, New Mexico.	[21]	14.65
CI82-229-000, A, Apr. 13, 1982	McMoRan Offshore Production Co., P.O. Box 6800, Metairie, Louisiana 70009.	Texas Eastern Transmission Corporation, High Island Blocks 289 and 290, Offshore Texas.	[17]	14.65
CI82-230-000, B, Apr. 13, 1982	Zeigler Coal Company, 2700 River Rd., Des Plaines, Illinois 60018.	Texas Gas Transmission Corporation, West Midland Gas Field, Muhlenberg County, Kentucky.	[19]	

[1] The Sanderson "A" #12 Well was reclassified by the New Mexico Conservation Commission from a gas well to an oil well.
[2] Conoco's remaining leasehold interest subject to RS 125 pertains to the deep rights (below 8,300 feet) underlying Lease Nos. 76171, 76003, 76162 and 76163. Conoco assigned or surrendered other properties subject to RS 125.
[3] 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.
[4] The lease covering the N/2 N/2 Section 23-T1N-R26E was released to the landowner on April 18, 1960, and Applicant no longer held any interest in the property.
[5] Sun released rights to these units because all economically recoverable reserves had been depleted.
[6] Leases have expired by their own terms.
[7] Non-producing acreage.
[8] Applicant is filing to add additional delivery point.
[9] Applicant is filing under Gas Purchase Contract dated August 1, 1978, amended by Amendment dated March 22, 1982.
[10] Applicant is filing under Gas Purchase Contract dated August 1, 1980 amended by Letter Agreement dated February 26, 1982 which corrects the depth limitation of Exhibit "A" of base contract.
[11] Applicant is filing under Rollover Contract dated January 1, 1980 old contract dated December 24, 1959 expired by its own terms on December 30, 1981.
[12] Applicant is willing to accept certification conditioned to an initial rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA.
[13] Reserves depleted insofar as Sun Oil Company (Delaware) sale #1 well (Mc RA Su "N").
[14] Applicant is filing under Gas Sales Contract dated March 3, 1964.
[15] Applicant is filing under Gas Purchase Agreement dated October 30, 1981.
[16] Available supply of natural gas is depleted.
[17] Applicant is filing under Gas Purchase and Sales Agreement dated March 15, 1982.
[18] The leases in which Gulf acquired an interest as successor to the Nafco Oil and Gas Inc., cannot be produced and gas delivered in sufficient quantities to be commercial to Seller.
[19] Texas Gas, purchaser under the gas purchase contract, has acquired a portion of the lease acreage dedicated to the contract as a part of its Midland Gas Storage Field.
[20] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[21] The gas purchase contract dated September 26, 1974, between CIG and Great Basins; the Ratification Agreement dated December 24, 1981, between CIG and FEC., et al.; Farmout Agreement dated July 23, 1980; Assignment dated February 23, 1981.
[22] Applicant is filing under contract dated April 30, 1977, amended by Letter Agreement dated January 26, 1982.
Filing code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total succession, F—Partial succession.

[FR Doc 82-11633 Filed 4-28-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-277-000]

Consolidated Gas Supply Corp.; Application

April 26, 1982.

Take notice that on April 7, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-277-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing May 31, 1982, and operation of various field compression and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and the cost for any single project would not exceed $500,000. Such costs, it is asserted, would be financed in part from funds on hand and in part from funds to be obtained from its parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11634 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP74-162-014]

Natural Gas Pipeline Company of America; Petition To Amend

April 26, 1982.

Take notice that on March 18, 1982,[1] Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162-014 a petition to amend the order issued April 2, 1975,[2] as amended, in Docket No. CP74-162 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of gas between Petitioner and El Paso Natural Gas Company (El Paso) at an additional delivery point and an increase in the area of interest from which gas is exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Petitioner states that by order issued April, 2, 1975, as amended, it was authorized to exchange natural gas with El Paso at various points and to construct and operate certain pipeline facilities necessary for such exchange. In addition, it is stated that the Commission's order, as amended, authorized the blanket-type exchange of natural gas between the parties within a specified area of interest whereby Petitioner and El Paso could add or delete exchange points without specific Commission approval.

Petitioner states that it has available for delivery additional gas reserves which it has the right to purchase in the proximity of El Paso's pipeline system in Caddo County, Oklahoma, an area not included within the area of interest. Petitioner proposed herein to implement an amendment dated August 24, 1981, providing for the delivery of natural gas to El Paso at a new exchange point located in Caddo County, Oklahoma. Petitioner further proposes the inclusion of Caddo County, Oklahoma, in the area of interest so that any additional exchange points within Caddo County could be included without specific Commission authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 14, 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 Commision 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. 82-11635 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[1] The application was initially tendered for filing on March 18, 1982; however, the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 2, 1982; thus, filing was not completed until the latter date.

[2] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. EC82-6-000]

El Paso Electric Co.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that on April 14, 1982, El Paso Electric Company ("EPE") filed an application for Commission approval of a sale of facilities to M-S-R Public Power Agency, a joint power agency organized under the laws of the State of California. The facilities to be sold are a portion of EPE's undivided interest in a high voltage switchyard adjacent to the Palo Verde Generating Station under construction near Pheonix, Arizona. EPE presently holds a 15.8 percent interest in the plant and a 13.39 percent interest in the switchyard and has agreed to sell 25 percent of each interest to M-S-R. Since the generating facilities are not jurisdictional, EPE's application pertains only to the sale of its interest in the switchyard.

The sales price is to be determined based on actual costs as of the closing date. EPE estimates that the sales price will be $1,069,000 based on a June 1, 1982 closing date.

Any person wishing 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., Washignton, 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 21, 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. 82-11636 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-269-000]

Kansas Power & Light Co.; Application

April 26, 1982.

Take notice that on April 1, 1982, Kansas Power and Light Company (Applicant), P.O. Box 889, Topeka, Kansas 66601, filed in Docket No. CP82-269-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant sells gas at retail and wholesale in the intrastate market to 131,000 customers in 119 communities from southwestern to northeastern Kansas. It is further submitted that Applicant is engaged in the distribution of gas purchased at the city gates from Cities Service Gas Company in Atchison, Leavenworth, Lansing, and Emporia, Kansas, and is also engaged in the distribution only of

gas purchased at the city gates from Northern Natural Gas Company, Division of InterNorth, Inc. in nine other cities in Kansas.

Applicant asserts that all of the natural gas which it receives from out-of-state sources is and would be ultimately consumed within Kansas and that the State Corporation Commission of Kansas has jurisdiction and exercises regulatory jurisdiction over Applicant's natural gas rates, including rates for sales for resale.

Applicant states that it now anticipates the purchases of interstate gas for distribution in its Main system, and therefore, requests that the Commission issue a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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. 82-11637 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-458-000]

Montana Power Co.; Filing

April 23, 1982.

The filing Company submits the following:

Take notice that Montana Power Company (Montana) on April 15, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the City of Pasadena (Pasadena). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Pasadena.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $867,609.15, based upon energy delivered from April 28, 1981 through January 5, 1982. Montana states that the rates for firm energy under these Letter Agreements were negotiated. Montana further states that these agreements have expired as of their own terms and have not been renewed.

An effective date of April 28, 1981 is proposed and waiver of the Commission's requirements is therefore requested.

Any person wishing 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 May 24, 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. 81-11638 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-271-000]

Northern Border Pipeline Co.; Application

April 26, 1982.

Take notice that on April 2, 1982, Northern Border Pipeline Company (Applicant). P.O. Box 3330, Omaha, Nebraska 68103, filed in Docket No. CP82-271-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with § 284.211(d) of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 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. 82-11639 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-68-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Filing of Revised Tariff Sheets for Rate Schedule X-3

April 23, 1982.

Take notice that on April 12, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), filed revised tariff sheets to its currently effective Rate Schedule X-23 to become a part of Northern's FERC Gas Tariff, Original Volume No. 2:

Rate Schedule X-23

Fourth Revised Sheet No. 325
Second Revised Sheet No. 329
First Revised Sheet No. 330

Rate Schedule X-23 is comprised of a Gas Sales Contract between Northern and Pioneer Natural Gas Company, dated September 1, 1970. This Rate Schedule was certificated by the Commission at Docket No. CP71-110. In an amendment to the contract dated August 27, 1980, the terms were extended through October 26, 1981, and

thereafter until cancelled upon six months' written notice. In addition, the penalty for unauthorized gas was changed to $5.00 per Mcf as reflected in the tariff sheets filed herein. Northern respectfully requests waiver of § 154.22 of the Commission's regulations to allow these revised tariff sheets to become effective August 27, 1980, the date of the contract amendment.

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 May 4, 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. 82-11640 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-112-000]

J. R. Wood, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 26, 1982.

On April 13, 1982, J. R. Wood, Inc., 7916 W. Bellevue Rd., Atwater, California 95301, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying congeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cyle cogeneration facility will be located in Atwater, California. The primary energy source of the facility will be biomass in the form of biomethane gas produced in an on-site waste processing system. Natural gas will be used to supplement the biomethane, providing about 20 percent of the total fuel input. The electric power production capacity of the facility will be 1,050 kilowatts. Jacket and exhaust heat will be available as high and low pressure steam for use in the food processing plant. Installation of the facility began in April 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 82-11642 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. Re82-8-000]

Prince William Electric Cooperative; Application for Exemption

April 26, 1982.

Take notice that Prince William Electric Cooperative (PWEC) filed an application on March 16, 1982 for exemption from certain requirements of Part 290 of the Commission's regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1982, information on the costs of prividing electric service as specified in §§ 290.301–290.308 inclusive, 290.404(a) as it applies to Rate Class PS6A, and 290.103(b). In the same filing, PWEC requested an extension of the June 30, 1982 filing date to June 30, 1983.

In its application for exemption PWEC states that it should not be required to file the specified data for the following reasons, in part:

A. The usage characteristics, cost characteristics and service classification characteristics of Prince William are such that compliance with the data gathering and filing requirements will not advance the purposes of PURPA.

Exemption of Prince William from these requirements will not impact adversely its obligations concerning consideration and determination of rate making and service standards specified in sections 111–115 of PURPA.

Cost of compliance by Prince William is substantial and imposes an undue economic burden on Prince William.

B. Sample load meters were not installed and operating until December 1981.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of a general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 28, 1982. Within that 45 day period such person must also serve a copy of such comments on:

Harry K. Bowman, Manager, Prince William Electric Cooperative, P.O. Box 1750, Manassas, Virginia 22110.

James V. Lane, Esq., Litten, Sipe & Miller, 250 East Market Street, Harrisonburg, Virginia 22801.

Kenneth F. Plumb,

Secretary.

[FR Doc.82-11641 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6009-000]

Cascade Irrigation District; Application for Preliminary Permit

April 26, 1982.

Take notice that Cascade Irrigation District (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. 6009 to be known as the Strawberry Flats Power Project located on Yakima River in Kittitas 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. Rogers, Manager, Cascade Irrigation District, Route 1, Box 690, Ellensburg, Washington 98926, Crippen Consultants, 905 Plaza 600 Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) a 5-foot high, 5-foot wide intake structure; (2) a 3.5-foot diameter, 60-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 300 kWh; and (4) a 0.5-mile long, 34.5-kV transmission line connecting to an existing Puget Power and Light Company line. Applicant estimates a 1.934 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, and geological, environmental, and economic feasibility studies. The cost of the 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 $25,000. Power would be sold to Puget Power and Light Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before July 7, 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 July 7, 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 September 7, 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 July 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. 82–11643 Filed 4–28–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5891–000]

Deschutes Valley Water District; Application for Short-Form License (Major)

April 26, 1982.

Take notice that Deschutes Valley Water District (Applicant) filed on January 18, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Opal Springs Hydroelectric Project No. 5891. The project would be located on the Crooked River at river mile 7.2 in Jefferson County, Oregon, near the City of Culver. Correspondence with The Applicant should be directed to: Robert W. MacRostie, Manager, Deschutes Valley Water District, Route 1, Box 17, Madras, Oregon 97741.

Project Description—The project would consist of improvements to the Applicant's existing turbine-driven water pumping system and the addition of a hydroelectric generating unit. The proposed improvements would consist of: (1) Raising the height of the existing 6-foot-high, rock-filled diversion dam by 10 feet creating a pool of 4.8 acres at a pool elevation of 2,000.0 feet; (2) modifying the existing intake structure located on the left abutment of the diversion dam; (3) installing two buried 12-foot-diameter, 1,200-foot-long conduits in the existing diversion canal; (4) modifying the existing forebay; (5) installing a 12-foot diameter, 175-foot-long penstock; (6) constructing a powerhouse containing a single 4.3–MW generating unit discharging into the Crooked River; and (7) associated electrical and transmission equipment. The project includes three existing turbines connected to the forebay by separate penstocks. The turbines, having ratings of 175, 160, and 480 hp drive non-project water pumps. The project would have an average annual electrical energy out put of 23,300 MWh at an estimated project cost of $14.5 million.

Purpose of Project—Project power would be used by Applicant to meet its electric pumping requirements. Excess power would be sold.

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 Archological 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 July 12, 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 July 12, 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, Aplications 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 pargraph of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-11645 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4732-000]

City of Drain, Oreg.; Application for License (Over 5 MW)

April 26, 1982.

Take notice that the city of Drain, Oregon (Applicant) filed on May 26, 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 the Applegate Lake Hydroelectric Project No. 4732. The project would be located on the Applegate River in Jackson County, Oregon, near the town of Ruch. Correspondence with the Applicant should be directed to: Martha Walters, Attorney, 400 South Park Building, 101 E. Broadway, Eugene, Oregon 97401 and James W. Case, 77 Franklin Street, 9th Floor, Boston, Massachusetts 02110.

Project Description—The proposed project would utilize the head developed by the Corps of Engineer's existing Applegate Dam. The project would consist of: (1) Installation of a steel lining in the existing 9-foot by 14.5-foot oblong flood control conduit; (2) a bifurcation in the conduit, 50 feet upstream of the outlet portal, to which is connected a 125-foot-long, 12-foot-diameter steel penstock; (3) two outlet gates located 24 feet upstream of the outlet portal; (4) a trifurcation in the penstock with 7 and 5-foot-diameter branches leading to the powerhouse and a 5-foot-diameter bypass branch leading to a Howell-Bunger valve; (5) a power house on the left bank of the primary stilling basin 70 feet downstream of the toe of the dam containing two generating units rated at 2.7 MW and 6.3 MW; (6) a substation adjacent to the powerhouse; and (7) a 15-mile-long, 69-kV, wood-pole transmission line to the Ruch substation. Applicant estimates that the project would generate an average of 37,600 MWh annually and cost $10,715,000 in 1981 dollars.

Purpose of Project—Project power would be sold to a utility or the Bonneville Power Administration.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 7, 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 July 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. 82-11644 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4845, 4872, 4875, 4880, and 4901]

Modesto Irrigation District; Application for Preliminary Permits

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed the following competing preliminary permit applications [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] in Butte County, California:

Project No.	Project name	Submitted on	Stream	Capacity (kW)
4845	Fall River at Feather Falls	8-07-81	Fall River	2950
4872	Adams and Bush Creeks	7-29-81	Adams and Bush Creeks	3000
4875	Fall River below Nelson's Crossing	8-07-81	Fall River	2250
4880	Frey Creek	8-11-81	Frey Creek	3600
4901	South Branch of Middle Fork Feather River.	8-07-81	South Branch Middle Fork Feather River	2700

The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—All of the proposed projects consist of a diversion structure which is 5 or 6 feet high, a

penstock, a powerhouse, and a transmission line interconnecting with existing utility transmission lines.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking preliminary permits for all of these projects for a period of 36 months during which time it would conduct engineering, environmental, and economic studies and prepare FERC license applications.

Competing Applications—These applications were filed as competing applications to Consolidated Hydroelectric, Inc.'s initial applications described below:

Project No.	Competes with FERC No.	Submitted on
4845	4080	1-29-81
4872	4081	1-29-81
4875	4084	1-29-81
4880	4083	1-29-81
4901	4079	1-29-81

Public notices of the filing of the initial applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file applications for preliminary permits or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the applications 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", "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. 82-11646 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4863, 4878, 4995, and 5007]

Modesto Irrigation District; Application for Preliminary Permits

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed the following competing preliminary permit applications [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] in Tehama County, California:

Project No.	Project name	Submitted on	Stream	Capacity (kw)
4863	Sulphur Creek	8-14-81	Sulphur Creek	4300
4878	Beegum Creek	8-17-81	Beegum Creek	3300
4995	North Elder Creek	8-12-81	North Elder Creek	6600
5007	Grindstone and Bond Creeks	8-17-81	Grindstone and Bond Creeks	5500

The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—All of the proposed projects consist of a diversion structure which is 5 or 6 feet high, a penstock, and transmission line interconnecting with existing utility transmission lines.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking preliminary permits for all of these projects for a period of 36 months during which time it would conduct engineering, environmental, and economic studies and prepare FERC license applications.

Competing Applications—These applications were filed as competing applications to Consolidated Hydroelectric, Inc.'s initial applications described below:

Project No.	Competes with FERC No.	Submitted on
4863	4156	2-09-81
4878	4185	2-18-81
4995	4074	1-29-81
5007	4387	3-20-81

Public notice of the filing of the initial applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit or notices of intent to file applications for preliminary permits or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the applications 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 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", "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. 82-11647 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4841, 4842, 4843, 4853, 4862, 4871, 4979, 4996, 4998, and 5015]

Modesto Irrigation District; Application for Preliminary Permits

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed the following competing preliminary permit applications [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] in Trinity County, California:

Project No.	Project name	Submitted on	Stream	Capacity (kW)
4841	Eagle Creek	8-14-81	Eagle Creek	3100
4842	Bell Creek	8-14-81	Bell Creek	1400
4843	Big Cr. Nr. New Riv. Pr	8-14-81	Big Creek	2500
4853	Big Bear Creek	8-11-81	Big Bear Creek	1400
4862	Plummer Creek	8-05-81	Plummer Creek	3100
4871	Elatapom Creek	8-14-81	Eltapom Creek	2250
4879	Butter Creek	9-14-81	Butter Creek	4900
4996	Big French Creek	8-14-81	Big French Creek	3300
4998	Devil's Canyon Creek	8-17-81	Devil's Canyon Creek	4700
5015	Butter and Indian Valley Creeks	8-07-81	Butter and Indian Valley Creeks	2150

The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—All of the proposed projects consist of a diversion structure which is 5 or 6 feet high, a penstock, a powerhouse, and a transmission line interconnecting with existing utility transmission lines.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking preliminary permits for all of these projects for a period of 36 months during which time it would conduct engineering, environmental, and economic studies and prepare FERC license applications.

Competing Applications—These applications were filed as competing applications to Consolidated Hydroelectric, Inc.'s initial applications described below:

Project No.	Competes with FERC No.	Submitted on
4841	4390	3-23-81
4842	4386	3-20-81
4843	4395	3-23-81
4853	4088	1-29-81
4862	4257	2-23-81
4871	4389	3-23-81
4879	4396	3-23-81
4996	4406	3-24-81
4998	4405	3-30-81
5015	4076	1-29-81

Public notices of the filing of the initial applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file applications for preliminary permits or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the applications 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", "PROTEST", or "PETITION TO INTERVENE", and 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 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. 82-11648 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 4846, 4847, 4852, 4874, and 5036]

Modesto Irrigation District; Application for Preliminary Permits

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed the following competing preliminary permit applications [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] in Plumas County, California:

Project No.	Project name	Submitted on	Stream	Capacity (kW)
4846	Mosquito Creek	8-12-81	Mosquito Creek	3500
4847	Chips Creek	8-14-81	Chips Creek	2200
4852	Yellow Creek 1.5	8-12-81	Yellow Creek	5000
4874	Grizzly Creek	7-29-81	Grizzly Creek	4500
5036	Soda Creek	8-14-81	Soda Creek	4500

The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, CA 95352.

Project Description—All of the proposed project consist of a diversion structure which is 5 or 6 feet high, a penstock, a powerhouse, and a transmission line interconnecting with existing utility transmission lines.

Proposed Scope of Studies Under Permit—a preliminary permit, if issued, does not authorize construction. The Applicant is seeking preliminary permits for all of these projects for a period of 36 months during which it would conduct engineering, environmental, and economic studies and prepare FERC license applications.

Competing Applications—these applications were filed as competing applications to Consolidated Hydroelectric, Inc.'s initial applications described below:

Project No.	Competes with FERC No.	Submitted on
4846	4386	3-20-81
4847	4085	1-29-81
4852	4382	3-20-81
4874	4256	2-25-81
5036	4379	3-19-81

Public notice of the filing of the initial applications, which have already been given established the due date for filing competing applications or notices if intent. In accordance with the Commission's regulations, no competing application for preliminary permits or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency comments—Federal, State, and local agencies are invited to submit comments on the described applications. (A copy of the applications 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", "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. 82-11649 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4873-001]

Modesto Irrigation District; Application for Preliminary Permit

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed on July 29, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4873 to be known as the Clear Creek Project located on Clear Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231–11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete diversion structure; (2) a 14,000-foot long pipeline; (3) a 1,050-foot long, 44-inch diameter steel penstock; (4) a powerhouse containing one generating unit rated at 4,800 kW; and (5) a transmission line. The average annual energy generation is estimated to be 42 million kWh.

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 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be done under the preliminary permit is $45,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s application for Project No. 4189 filed on February 12, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before 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, 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. 82-11650 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4877, 4936, 4987, 4988, 5048, and 5049]

Modesto Irrigation District; Application for Preliminary Permits

April 26, 1982.

Take notice that Modesto Irrigation District (Applicant) filed the following competing preliminary permit applications [pursuant to the Federal Power Act, 16 U.S.C. §§791(a)–825(r)] in Humboldt County, California:

Project No.	Project name	Submitted on	Stream	Capacity (kW)
4877	Slide Creek, Humboldt	Aug. 14, 1981	Slide Creek	3700
4936	Upper Mill Creek	Aug. 7, 1981	Upper Mill Creek	3000
4987	China & Camp Creeks	July 29, 1981	China & Camp Creeks	4850
4988	Bear Creek	Aug. 12, 1981	Bear Creek	1500
5048	Pine Creek	Aug. 17, 1981	Pine Creek	4500
5049	Tish Tang a Tang Creek	Aug. 20, 1981	Tish Tang a Tang Cr.	4500

The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—All of the proposed projects consist of a diversion structure which is 5 or 6 feet high, a penstock, a powerhouse, and a transmission line interconnecting with existing utility transmission lines.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking preliminary permits for all of these projects for a period of 36 months during which time it would conduct engineering, environmental, and economic studies and prepare FERC license applications.

Competing Applications—These applications were filed as competing applications to Consolidated Hydroelectric, Inc.'s intial applications described below:

Project No.	Competes with FERC No.	Submitted on
4877	4394	Mar. 23, 1981.
4936	4157	Feb. 9, 1981.
4987	4082	Jan. 29, 1981.
4988	4385	Mar. 20, 1981.
5048	4356	Mar. 18, 1981.

Project No.	Competes with FERC No.	Submitted on
5049	4367	Mar. 18, 1981.

Public notice of the filing of the initial applications, which have already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file applications for preliminary permits or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the applications 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 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North 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. 82-11651 Filed 4-28-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Clarification of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice clarifying filing deadlines in certain special refund proceedings.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy clarifies the deadlines for the submission of applications for refund in special refund proceedings involving allegations of violations of the crude oil ceiling price rules.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8377.

SUPPLEMENTARY INFORMATION: On January 14, 1982, the Office of Hearings and Appeals of the Department of Energy published a Notice in the Federal

Register of the issuance of a Decision and Order implementing special refund procedures for distributing approximately $21 million obtained in settlement of DOE enforcement actions. In those actions the DOE had alleged violations of DOE price regulations by various crude oil producers and resellers. *Office of Enforcement*, 9 DOE ¶82,521 (1981), 47 FR 2196 (January 14, 1982) (hereinafter referred to as *Alkek*). That determination established a deadline of April 14, 1982 for filing applications for refund in the *Alkek* proceeding. On two subsequent occasions the *Alkek* Decision was published in the **Federal Register** as an appendix to a related determination involving Adams Resources and Energy, Inc. and 32 other firms. 47 FR 16381 (April 16, 1982), 47 FR 4583 (February 1, 1982). As in *Alkek*, the *Adams* proceeding also established procedures for distributing funds obtained in settlement of enforcement actions involving the pricing practices of crude oil producers and resellers. The firms involved in the *Adams* proceeding, however, are different from those involved in *Alkek*. In each of these subsequent publications, the Office of the Federal Register inadvertently changed the deadline for filing claims established in the original *Alkek* Decision. In addition, certain firms may file identical claims in each proceeding in view of the similar nature of those proceedings. These circumstances have resulted in some confusion on the part of potential claimants. This notice clarifies the deadlines for the submission of applications for refund in the *Alkek* and *Adams* proceedings.

Under the procedures established in these cases, two classes of potential claimants may be distinguished. First, applications may be filed by firms or individuals who claim a refund on the basis that they purchased the crude oil actually involved in sales made by a firm executing a particular consent order. If that consent order is involved in the *Alkek* special refund proceeding, applications for refund of this type will be accepted if they are postmarked on or before May 3, 1982, as stated in the **Federal Register** at 47 FR 4589 (February 1, 1982). That date is 19 days after the filing date actually established by the *Alkek* Decision when it was originally issued. In view of the publication of an erroneous filing deadline on February 1, 1982, we find that good cause exists for extending the deadline through May 3, 1982. 10 CFR 205.285.

With respect to claims based upon purchases from firms executing consent orders underlying the *Adams* special refund proceeding, applications for refund will be accepted if they are postmarked on or before July 15, 1982, as stated in the **Federal Register** at 47 FR 16381 (April 16, 1982).

The other class of potential claimants which we have identified are those that base their claim upon their participation in the Crude Oil Entitlements Program, 10 CFR 211.67. Since identical legal arguments and similar factual issues underlie this type of claim, these applications for refund will be accepted in both the *Adams* and the *Alkek* proceedings if they are postmarked on or before July 15, 1982, the filing deadline for the submission of other claims in the *Adams* proceeding.

Issued in Washington, D.C. on April 23, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 82-11874 Filed 4-28-82; 11:34 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59084B; TSH-FRL 2106]

Isocyanate Terminated Polyurethane Prepolymer Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-10) under section 5 of the Toxic Substances Control Act (TSCA) on March 9, 1982. Notice of receipt of the application was published in the **Federal Register** of March 19, 1982 (47 FR 11959). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, DC 20460, (202-382-3742).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substances that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 9, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-10. The manufacturer claimed the specific chemical identity as confidential business information. The generic name of the new substance is isocyanate terminated polyurethane prepolymer, and it will be used in molded articles for industrial applications. A maximum of 50,000 kilograms (kg) will be manufactured for test market purposes, during a test marketing period not to exceed 4 months. During manufacture four workers will be exposed for a maximum of 60 days based on one 10-hour shift per day. During drumming, inhalation exposure may occur. An existing monitoring program will ensure that no excessive exposure takes places. During processing a total of four workers will be exposed for a maximum of 60 days based on two workers per 10-hour shift with two shifts per day. A notice published in the **Federal Register** of March 19, 1982 (47 FR 11959) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-10, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. The TME substance

will be manufactured in a closed system with minimal exposure to workers. No significant health or environmental concerns were identified. There will be no consumer exposure to the new substance and no significant environmental release during manufacture and processing.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 50,000 kg, described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 4 months commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusions that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

. Dated: April 22, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-11578 Filed 4-28-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59084C; TSH-FRL 2106-4]

Polyoxyalkylene Aryl Phenyl Ether Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-11) under section 5 of the Toxic Substances Control Act (TSCA) on March 10, 1982. Notice of receipt of the application was published in the Federal Register of March 19, 1982 (47 FR 11959). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on April 23, 1982.

FOR FURTHER INFORMATION CONTACT: E. June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, DC 20460, (202-382-3741).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 10, 1982, EPA received an application from Celanese Plastics and Specialties Company for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-11. The importer claimed the specific chemical identity of the new substance and processing details as confidential business information. The generic name of the new substance is polyoxyalkylene aryl phenyl ether, and will be used as a component of a sizing agent mixture. A maximum of 12 kilograms (kg) will be imported for test market purposes during a test marketing period not to exceed 3 months. Approximately eight workers will be dermally exposed to the TME chemical as a component of a sizing mixture at processing sites. Another four workers will be exposed 2 hours/day during disposal operations.

A notice published in the Federal Register of March 19, 1982 (47 FR 11959) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-11, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. Health effects may include dermal irritation and potential for tumorigenesis promotion. However, risks to human health would be low due to the limited exposure potential from the extremely small volume (12 kg) of the test market chemical to be imported. Inhalation exposure is unlikely due to low volatility of the test market chemical and dermal exposure will be minimized by use of the work place precautions against skin contact. Gastrointestinal absorption is unlikely.

There were some concerns for ecotoxicity due to surfactant-like characteristics of the test market substance. However, these concerns are mitigated by the low potential for environmental release of the test market substance. Environmental release is expected to be less than .8 kg/yr. Any liquid waste containing the test market chemical will be disposed of in a chemical sewer system supported by an aerobic waste water treatment facility. Solid waste containing the test market chemical will be landfilled at a licensed hazardous waste disposal site.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted soley to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The import volume of the new substance may not exceed the quantity of 12 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a 3-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusions that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: April 23, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-11577 Filed 4-28-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59084D; TSH FRL 2106-5]

Polyalkylene Glycol Alkyl Glycidyl Ether; Aproval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-12) under section 5 of the Toxic Substances Control Act (TSCA) on March 10, 1982. Notice of receipt of the application was published in the **Federal Register** of March 19, 1982 (47 FR 11959). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on April 23, 1982.

FOR FURTHER INFORMATION CONTACT: E. June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M St., SW., Washington, D.C. 20460. (202-382-3741).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonble risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 10, 1982, EPA received an application from Celanese Plastics and Specialties Company for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-12. The importer claimed the specific chemical identity of the new substance and processing details as confidential business information. The generic name of the new substance is polyalkylene glycol alkyl glycidyl ether, and will be used as a component of a sizing agent mixture. A maximum of 3 kilograms (kg) will be imported for test market purposes during a test marketing period not to exceed 3 months. Approximately eight workers will be dermally exposed to the test market chemical as a component of a sizing mixture at processing sites. Another four workers will be exposed 2 hours/day during disposal operations.

A notice published in the **Federal Register** of March 19, 1982 (47 FR 11959) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-12, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. Health effects may include dermal irritation and potential for tumorigenesis promotion. However, risk to health is low due to the limited exposure potential from the small volume (3 kg) of the test market substance to be imported. Due to the low volatility of the test market chemical, inhalation exposure is unlikely. Workers could be dermally exposed to the test market chemical during processing operations, but use of protective rubber gloves will minimize exposure. No gastrointestinal exposure would be expected.

There were some concerns for ecotoxicity due to surfactant-like characteristics of the test market chemical. However, these concerns are mitigated by the very low potential for environmental release. Release to air will be negligible and release to water is expected to be less than .2 kg/yr.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 3 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of 3 months commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusions that the test marketing of this substance under the conditions specified in the application will not

present an unreasonable risk of injury to human health or the environment.

Dated: April 23, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-11579 Filed 4-28-82; 8:45 am]

BILLING CODE 6560-50-M

[SWH-FRL 2113-2]

Solid Waste Disposal; Availability of Inventory of Open Dumps

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of the Inventory of Open Dumps.

SUMMARY: The Resource Conservation and Recovery Act (RCRA or the Act) provides for publication of an inventory of open dumps. The Act defines "open dumps" as facilities which do not comply with EPA's "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR Part 257).

EPA has provided funds to State solid waste management agencies to evaluate disposal facilities against the Criteria. Through such evaluations the States have been able to identify facilities which do not comply with the Criteria and are, therefore, "open dumps". The facility evaluations leading to publication of the inventory were conducted by State agencies as part of their effort to develop and implement State solid waste management plans in accordance with the Act.

This notice indicates that the second installment of the open dump inventory is now available.

ADDRESSES: Copies of the inventory of open dumps are available from the EPA Regional Offices listed in Appendix I below. See Appendix II below for addresses of State solid waste management agencies.

FOR FURTHER INFORMATION CONTACT: Martha A. Madison, Office of Solid Waste (WH-563-B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-2210.

SUPPLEMENTARY INFORMATION:

Structure of Subtitle D Planning Program

Subtitle D of the Resource Conservation and Recovery Act (RCRA or the Act) established a voluntary program through which participating States received Federal financial support to develop and implement solid waste management plans. EPA's role in the program has included publishing guidelines for States to follow in developing their plans, providing funds for the States, and approving those State plans which meet the requirements of the Act.

On July 31, 1979, EPA published "Guidelines for Development and Implementation of State Solid Waste Management Plans" (40 CFR Part 256, 44 FR 45066–45086). The Guidelines are based on Section 4003 of the Act, which lists the minimum requirements with which State plans must comply. Section 4007 of the Act provides for EPA approval of State plans meeting the requirements.

Role of the Inventory

One requirement listed in the Act and addressed in the Guidelines is that "the plan shall provide for the closing or upgrading of all existing open dumps within the State * * *" To aid the States in satisfying this requirement, EPA has funded State efforts to identify open dumps so that they can plan to provide for their closure or upgrading. In furtherance of this planning effort, the Act requires that EPA publish an inventory of open dumps. Publication of the inventory will serve to inform the Congress and the public of those facilities which the States have found to be open dumps.

Classification Criteria

For purposes of State planning and the inventory, the Act defines the term "open dump" to mean "* * * any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under Section 4004 and which is not a facility for disposal of hazardous waste." Thus, any facility which fails to comply with any one element of the Criteria is an open dump.

Open Dumping

In addition to establishing a mechanism whereby States, with EPA assistance, provide control over *facilities* which are found to be open dumps, RCRA prohibits the *practice* of open dumping of solid waste as a matter of Federal law.

The Federal prohibition may be enforced in Federal District Court through the citizen suit provisions in Section 7002 of RCRA. The Act does not give EPA authority to take legal action against parties that may violate the open dumping prohibition. Whether specific acts of specific individuals constitute the prohibited practice is a matter for the Federal courts to determine in the context of particular cases after *de novo* review of the facts in each case. In reviewing a case *de novo*, the court is not bound by the State's determination that a facility is an open dump. Rather, the court will make its own finding of fact and rule accordingly.

The open dumping prohibition is a provision of Federal law which stands on its own, separate from the State planning program. The inventory of open dumps is a publication of State findings from State planning efforts to satisfy the requirement of Section 4003 of the Act. The inclusion of a facility in the list of open dumps is not administrative determination by EPA that any particular parties are engaging in the prohibited act of open dumping.

A determination for purposes of the open dump inventory need not precede an open dumping suite. However, before the results of the inventory may be used to support a legal determination that open dumping has occurred, the court would have to determine that the classification was a correct application of the criteria and that the defendant was responsible for actions violating the criteria. The court would be obliged to review the sufficiency of the State's classification of a facility and not simply defer to the State's decision.

Description of Inventory

The first installment of the inventory was published on May 29, 1981 (46 FR 29064–29149). It reflected the initial efforts of the States in evaluating a portion of that total universe of facilities and represented a fraction of the total number of open dumps likely to exist. This second publication of the inventory reflects subsequent efforts of the States in evaluating facilities during fiscal year 1981. Those facilities found to be open dumps were added to the initial list, and facilities found no longer to be open dumps were deleted.

Actions on Facilities

Because the inventory lists facilities which the States have found to pose a reasonable probability of adverse effects on health or the environment, participating States will be planning for the closure of upgrading of these facilities pursuant to State authority. Specific actions may vary, including issuance of a State administrative order or the gathering of additional data. In some cases, States already have placed listed open dumps on compliance schedules for closure or upgrading prior to publication of this list.

All such actions are to be taken under State law and through State regulatory and administrative procedures. Interested parties may wish to contact the State solid waste management agencies (Appendix II below) concerning the current status of any of these open dumps and the

responsibilities the agencies have under State low.

State Approaches

EPA's Planning Guidelines require the plans of participating States to provide for an orderly time-phasing of the evaluation of disposal facilities to determine which facilities are open dumps. Thus, there is considerable flexibility for the States to set priorities for evaluating facilities. The establishment of these priorities is part of the State plans subject to the public participation provisions of 40 CFR 256.60.

The States have taken differing approaches in ranking facilities for evaluation and in conducting evaluations. For example, where States already had extensive data on hand, they could more easily rank their facilities for evaluation or make noncompliance determinations. Otherwise, resources had to be expended in locating facilities and gathering information, and fewer determinations would be likely to be made over the year.

For this second installment of the inventory, most participating States provided the Agency with brief descriptions of actions and approaches they have taken in evaluating facilities. These descriptions are included in the report. Further information may be obtained from the State agency personnel listed in Appendix II below.

Availability of Report

Copies of the second installment of the inventory of open dumps are available from the EPA Regional Offices listed in Appendix I below.

Dated: April 19, 1982.

Rita M. Lavelle,

Assistant Administrator for Solid Waste and Emergency Responses.

Appendix I.—EPA Regional Office Contacts for Open Dump Inventory

Region I

Conrad Desrosiers, Waste Management Branch, USEPA, John F. Kennedy Building, Boston, MA 02203, (617) 223–5775

Region II

Garrett Smith, Hazardous Waste Program Support Section, USEPA, 26 Federal Plaza, New York, NY 10278, (212) 264–0504

Region III

John Armstead, Solid Waste Program, USEPA, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597–7259

Region IV

Bill Holland, Hazardous Waste Section, USEPA, 345 Courtland Street, NE., Atlanta, GA 30365, (404) 881–3016

Region V

Karl J. Klepitsch, Waste Management Branch, USEPA, 111 W. Jackson Street, 16th Floor, Chicago, IL 60604, (312) 886–7435

Region VI

Pat Hull, State Programs Section, USEPA, 1201 Elm Street, First International Building, Dallas, TX 75270, (214) 767–2645

Region VII

Luetta Flournoy, Hazardous Waste Management Section, USEPA, 324 East 11th Street, Kansas City, MO 64106, (816) 374–6534

Region VIII

Charles Brinkman, Solid Waste Section USEPA, 1860 Lincoln Street, Denver, CO 80295, (303) 327–3895

Region IX

Alexis Strauss, State Programs, USEPA, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8245

Region X

Tobias A. Hegdahl, Solid Waste Program, USEPA, 1200 6th Avenue, Seattle, WA 98101, (206) 442–1260

Appendix II.—State Contacts for Open Dump Inventory

Alabama

Alfred S. Chipley, Director, Division of Solid and Hazardous Waste, State Department of Public Health, State Office Building, Montgomery, Alabama 36104, (205) 832–6728

Alaska

Dick Williams, Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska 99811, (907) 465–2672

Arizona

Barry Abbott, Arizona Department of Health Services, 1740 West Adams Street, Phoenix, Arizona 85007, (602) 255–1162

Arkansas

Randy Gresham, O.D.I. Coordinator, Arkansas Department of Pollution Control & Ecology, P.O. Box 9583, Little Rock, Arkansas 72219, (501) 562–7444

California

John Bell, Chief, Facility Evaluation and Conformance Section, Solid Waste Management Board, 1020 Ninth Street, Sacramento, California 95814, (916) 322–1769

Colorado

Barbara Bogema, Radiation and Hazardous Waste Control Division, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220, (303) 320–8333

Connecticut

Thomas Pregman, Principal Environmental Analyst, Solid Waste Management, Connecticut Department of Environmental Protection, 165 Capitol Avenue, Hartford, Connecticut 06115, (203) 566–3672

Delaware

Kenneth Weiss, Supervisor, Solid Waste Management Branch, Department of Natural Resources and Environmental Control, Division of Environmental Control, P.O. Box 1401, Room 203, Blue Hen Mall, Dover, Delaware 19901, (302) 736–4781

Florida

John Reece, Florida Department of Environmental Regulations, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301, (904) 438–0300

Georgia

Moses N. McCall III, Chief, Land Protection Branch, Environmental Protection Division, 270 Washington Street, SW., Atlanta, Georgia 30334, (404) 656–2833

Hawaii

Melvin K. Koizumi, Deputy Director for Environmental Health, Hawaii State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801, (808) 548–4139

Idaho

Jerome Jankowski, Idaho Department of Health and Welfare, Division of Environment, Statehouse, Boise, Idaho 83720, (208) 384–4108

Illinois

Bill Child, Division of Land/Noise Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706, (217) 782–6760

Indiana

George Oliver, Solid Waste Management Section, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206, (317) 633–0176

Iowa

Darrell McAllister, Acting Director, Air and Land Quality Division, Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Street, 3rd Floor, Des Moines, Iowa 50319, (515) 281–8853

Kansas

Howard Duncan, Director, Bureau of Environmental Sanitation, Department of Health and Environment, Forbes Field, Building 321, Topeka, Kansas 66620, (913) 862–9360, Ext. 290

Kentucky

Carolyn Patrick Haight, Division of Waste Management, Department of Natural Resources and Environmental Protection, 18 Reilly Road, Frankfort, Kentucky 40601, (502) 564–6716

Louisiana

John Kaury, Administrator, Solid Waste Management Division, Office of Environmental Affairs, Louisiana Department of Natural Resources, P.O. Box 44066, Baton Rouge, Louisiana 70805, (504) 342–1227

Maine

Rupe Nealy, Division of Solid Waste Management Control, Bureau of Land Quality, Department of Environmental

Protection, State House, Augusta, Maine 04333, (207) 289–2111

Maryland

Arthur N. Caple, Chief, Municipal Waste Division, Waste Management Administration, Office of Environmental Programs, Department of Health and Mental Hygiene, 201 Preston Street, Baltimore, Maryland 21201, (301) 383–2770

Massachusetts

Mr. Ken Morton, Division of Air and Hazardous Materials, Department of Environmental Quality Engineering, 600 Washington Street, Room 320, Boston, Massachusetts 02111, (617) 727–2658

Michigan

Tim Wright, Environmental Protection Bureau, Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909, (517) 373–1818

Minnesota

Tom Clark, Division of Solid Waste, Minnesota Pollution Control Agency, 1935 West County Road B–2, Roseville, Minnesota 55113, (612) 297–2710

Mississippi

Johnny Biggert, Division of Solid and Hazardous Waste Management, Bureau of Pollution Control, Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209, (601) 961–5171

Missouri

Dave Bedan, Ph. D., Director, Solid Waste Management Program, Department of Natural Resources, State Office Building, P.O. Box 1368, 1915 Southridge, Jefferson City, Missouri 65102, (314) 751–3241

Montana

John Geach, Montana Solid Waste Management Bureau, Cogswell Building, Room A201, Helena, Montana 59620, (406) 449–2821

Nebraska

Jay Ringenberg, Chief, Permit and Enforcement Division, Department of Environmental Control, P.O. Box 94877, Lincoln, Nebraska 68509, (402) 471–2186

Nevada

H. LaVerne Rosse, P.E., Program Director, Waste Management, Division of Environmental Protection, 201 S. Fall Street, Capitol Complex, Room 120, Carson City, Nevada 89710, (702) 885–4670

New Hampshire

Tom Sweeney, Bureau of Solid Waste, Department of Health and Welfare, State Laboratory Building, Hazen Drive, Concord, New Hampshire 03301, (603) 271–4610

New Jersey

Lino F. Pereira, Director, Solid Waste Administration, New Jersey Department of Environmental Protection, P.O. Box 1390, Trenton, New Jersey 08625, (609) 292–9120

New York

Norman H. Nosenchuck, P.E., Director, Division of Solid Waste Management, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, (518) 457–6603

North Carolina

O. W. Strickland, Head, Solid and Hazardous Waste Management Branch, Department of Human Resources, Division of Health Services, P.O. Box 2091, Raleigh, North Carolina 27602, (919) 733–2178

North Dakota

Jay Crawford, Director, Division of Environmental Waste Management and Research, North Dakota State Department of Health, 1200 Missouri Avenue, Bismarck, North Dakota 58505, (701) 224–2366

Ohio

Tim Krichbaum, Ohio EPA, Office of Land Pollution Control, P.O. Box 1049, Columbus, Ohio 43216, (614) 466–8934

Oklahoma

Richard Thompson, Director, Solid Waste Division, Oklahoma Department of Health, P.O. Box 53551, 1000 Northeast 10th Street, Oklahoma City, Oklahoma 73152, (405) 271–7053

Oregon

Mark Hope, Oregon Department of Environmental Quality, Solid Waste Division, P.O. Box 1760, Portland, Oregon 97207, (503) 299–5060

Pennsylvania

William F. Pounds, Chief, Surveillance and Monitoring Section, Division of Operations, Bureau of Solid Waste Management, P.O. Box 2063, Harrisburg, Pennsylvania 17120, (717) 787–7383

Rhode Island

Frank Stevenson, Solid Waste Management Program, Department of Environmental Management, 204 Cannon Building, 75 Davis Street, Providence, Rhode Island 02908, (401) 277–2802

South Carolina

Earl Williams, Jr., P.E., Director, Division of Compliance and Evaluation, Bureau of Solid and Hazardous Waste Management, Department of Health Environmental Control, J. Marion Sims Building, 2600 Bull Street, Columbia, South Carolina 29201

South Dakota

Joel Smith, Director, Air Quality and Solid Waste Program, 217 Joe Foss Building, Pierre, South Dakota 57501, (605) 773–3329

Tennessee

J. Mike Apple, Deputy Director, Division of Solid Waste Management, Bureau of Environmental Services, Tennessee Department of Public Health, 150 9th Avenue North, Nashville, Tennessee 37203, (615) 741–3424

Texas

Wiley Osbourne, Chief, Hazardous Waste and Resource Recovery Program Management Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458–7271

Jay Snow, Chief, Solid Waste Section, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 475–2041

Utah

Dr. Dale Parker, Director, Bureau of Solid Waste Management, P.O. Box 2500, Salt Lake City, Utah 84110, (801) 533–4145

Vermont

Al Fillip, Air and Solid Waste Programs, Agency of Environmental Conservation, State Office Building, Montpelier, Vermont 05600, (802) 828–3395

Virginia

Kenton Chestnut, Virginia Department of Health, 109 Governor Street, Richmond, Virginia 23260, (804) 786–5271

Washington

Brad Everson, Washington State Department of Ecology, Solid Waste Division, PY–11, Olympia, Washington 98504, (206) 753–2800

West Virginia

Dale Parson, Director, Solid Waste Division, West Virginia State Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305, (304) 348–2987

Wisconsin

Mark Giesfeldt, Bureau of Waste Management, Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707, (608) 267–7572

Wyoming

Charles A. Porter, Supervisor, Solid Waste Management Program, Equality State Bank Building, 401 West 19th Street, Cheyenne, Wyoming 82002, (307) 777–7752

American Samoa

Pati Faiai, Executive Secretary, Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96799, Overseas Operator: 633–4116

Commonwealth of the Northern Mariana Islands

Carol Goldstein, Environmental Engineer, Division of Environmental Quality, Commonwealth of the Northern Mariana Islands, P.O. Box 1115, Overseas Operator: 6984

District of Columbia

Kenneth Laden, Department of Environmental Services, 5000 Overlook Ave., SW., Room 410, Washington, D.C. 20032, (202) 767–8181

Guam

Dan Crytser, Solid Waste Program Director, Guam Environmental Protection Agency, P.O. Box 2999, Agana, Guam 96910, Overseas Operator: 646–8863

Puerto Rico

Lois De La Cruz, Director, Solid, Toxic and Hazardous Waste Program, Environmental

Quality Board, Box 11785, Santurce, Puerto Rico 00910, (809) 725–8992

Virgin Islands

Morris Nicholson, Solid Waste Planner, Solid Waste Planning Office, Department of Public Works, Government of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774–7880

[FR Doc. 82–11712 Filed 4–28–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee, Citizens Band Radio Communications Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Citizens Band Radio Communications Subcommittee of the National Industry Advisory Committee (NIAC) to be held on Tuesday, May 18, 1982. The Subcommittee will meet at the American National Red Cross, located at 18th and E Streets, NW., Washington, D.C. at 10 a.m.

Purpose: To consider emergency communications matters. The meeting agenda is as follows:

1. Chairman's opening statement and report on the meeting of the NIAC Executive Committee.
2. Consideration of PR Docket FCC 82–84 "Update and Codification of the General Mobile Radio Service (GMRS) Rules."
3. Consideration of PR Docket FCC 82–184 "Amendment of Parts 1, 2, and 95, Subpart A, of the Commission's Rules to provide for a Temporary Permit for additional users of authorized mobile relay stations in the General Mobile Radio Service (GMRS)."
4. Discussion of mutual aid planning by the CB and Amateur Communities during emergencies.
5. Initiation of trial implementation of a Citizens Band Radio Services and General Mobile Radio Service emergency plan based on the recommendations of the CB Subcommittee and the NIAC Executive Committee.
6. New Business.
7. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632–7232.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82–11737 Filed 4–27–82; 11:11 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA–REP–3–DE–1]

Delaware Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Delaware has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Delaware, and include those of local governments in Delaware near the Public Service Electric and Gas Company's Salem Nuclear Generating Station located in Salem County, New Jersey.

Date plans received: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John Wm. Brucker, Regional Director, FEMA Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597–9416.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Delaware was received by the Federal Emergency Management Agency Region III Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear plant. For the Salem Nuclear Generating Station, plans are included for New Castle and Kent Counties. Also enclosed are Standard Operating Procedures, Implementing Procedures, and Attachments supporting these plans.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are approximately 2038 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. John Wm. Brucker, Regional Director, at the above address on or before June 1, 1982.

FEMA proposed Rule 44 CFR 350.10 calls for a public meeting prior to approval of the plans. Details of the meeting were contained in the May 15 through 21, 1981 issues of the *Wilmington Morning News* and the *Delaware State News*. Local radio stations also announced the meeting, which was held on May 27, 1981.

A presentation of the plans was delivered by the lead state agency with an opportunity to comment on the plans as well as a question and answer period.

Dated: April 20, 1982.

Robert Adamcik,

Acting Regional Director, FEMA Region III.

[FR Doc. 82–11629 Filed 4–28–82; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–656–DR]

Hawaii; Major-Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major-disaster for the State of Hawaii (FEMA–656–DR), dated April 22, 1982, and related determinations.

DATED: April 22, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice

Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of

May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of April 22, 1982, the President declared a major-disaster as follows:

I have declared that the damage in certain areas of the State of Hawaii resulting from severe storms and flooding beginning on March 30, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288.

I therefore declare that such a major-disaster exists in the State of Hawaii. Assistance under Pub. L. 93–288 is limited to public assistance.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds provided under Pub. L. 93–288 for public assistance will be limited to 75 percent of total eligible costs in the designated area except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Declaration of Authority, I hereby appoint Mr. Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major-disaster.

I do hereby determine the following areas of the State of Hawaii to have been affected adversely by this declared major-disaster.

The Island of Maui for Public Assistance only.

(Catalog of Federal Domestic Assistance No. 83–300, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–11628 Filed 4–28–82; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–652–DR]

Indiana; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

NOTICE: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA–6520DR), dated March 20, 1982, and related determinations.

DATED: April 23, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice

The notice of a major disaster for the State of Indiana dated March 26, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 20, 1982: De Kalb, La Porte and Starke Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.200, Disaster Assistance.)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 82–11627 Filed 4–28–82; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Northwest Funding Co., Inc.*, Rockford, Illinois; to acquire 100 percent of the voting shares, less directors' qualifying shares, of Northwest Bank of Winnebago County, Rockford, Illinois, a proposed *de novo* bank. Comments on this application must be received not later than May 22, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Erie Bancshares, Inc.*, Erie, Kansas; to acquire 24.5 percent of the voting shares of Lansing Bancshares, Inc., Lansing, Kansas. Comments on this application must be received not later than May 20, 1982.

2. *Southwest Bancshares, Inc.*, Hermitage, Missouri; to acquire an additional 61.3 percent of the voting shares or assets of The Bank of Hermitage, Hermitage, Missouri. Comments on this application must be received not later than May 22, 1982.

3. *Stark Bancshares, Inc.*, Stark, Kansas; to acquire 24.5 percent of the voting shares of Lansing Bancshares, Inc., Lansing, Kansas. Comments on this application must be received not later than May 20, 1982.

C. **Secretary, Board of Governors of the Federal Reserve System,** Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Bank of Pasadena, Pasadena, Texas. Comments on this application must be received not later than May 22, 1982.

Board of Governors of the Federal Reserve System, April 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–11607 Filed 4–28–82; 8:45 am]

BILLING CODE 6210–01–M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Ceylon Bancorporation, Inc.*, Ceylon, Minnesota; to become a bank holding company by acquiring 90.7 percent of the voting shares of State Bank of Ceylon, Ceylon, Minnesota. Comments on this application must be received not later than May 22, 1982.

2. *Hiawatha Bancshares, Inc.*, Hager City, Wisconsin; to become a bank holding company by acquiring 95 percent of the voting shares of Hiawatha National Bank, Hager City, Wisconsin. Comments on this application must be received not later than May 22, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lansing Bancshares, Inc.*, Lansing, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of First State Bank of Lansing, Lansing, Kansas. Comments on this application must be received not later than May 20, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Fresnos Bancshares, Inc.*, Los Fresnos, Texas; to become a holding company by acquiring 80 percent or more of the voting shares of Los Fresnos State Bank, Los Fresnos, Texas. Comments on this application must be received not later than May 22, 1982.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Napa National Bancorp*, Napa, California; to become a bank holding company by acquiring 100 percent of the voting shares of Napa National Bank (in organization), Napa, California. Comments on this application must be received not later than May 21, 1982.

2. *Redding Bancorp*, Redding, California; to become a bank holding company by acquiring 100 percent of the voting shares of Redding Bank of Commerce, Redding, California, a *de novo* bank. Comments on this applicatioin must be received not later than May 20, 1982.

Board of Governors of the Federal Reserve System, April 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-11606 Filed 4-28-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested person may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 20, 1982.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *BankAmerica Corporation*, San Francisco, California (financing and servicing activities; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, BA Business Credit Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by both a consumer finance company and commercial finance company; and servicing loans and other extensions of credit. Such activities will include, but not be limited to, making consumer installment loans, making loans and other extensions of credit of a commercial nature to businesses; such loans may be unsecured or secured by personal assets and residential and commercial real estate. These activities will be conducted from a *de novo* office located in Denver, Colorado, serving all fifty (50) states and the District of Columbia.

2. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (consumer finance—Augusta, Georgia): To engage through their subsidiary, Barclays-American/Financial, Inc., in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. This activity would be conducted from an office of BAC located at 2621-B Washington Road, Augusta, Georgia, serving customers in Augusta and surrounding areas in Georgia. This notification is for the relocation of an existing office located at 917 Reynolds Street, Augusta, Georgia.

3. *The Chase Manhattan Corporation*, New York, New York (finance, servicing, and leasing activities; Mid-Atlantic U.S.): To engage through its indirect subsidiary, Chase Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances on receivables and inventory and business installment lending as well as unsecured commercial loans; servicing loans and other extensions of credit; leasing personal property on a full payout basis and in accordance with the Board's Regulation Y, or acting as agent, broker or advisor in so leasing such property, including the leasing of motor vehicles. These activities would be conducted from an office in New York City, New York, and an office in Bala Cynwyd, Pennsylvania, serving the States of New York, New Jersey, Delaware, Maryland, Pennsylvania, and Washington, D.C.

4. *Citicorp*, New York, New York (consumer finance and insurance activities; California): To expand the

activities and service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located on Orange, California. The office of the subsidiary currently engages in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The new activities in which the office proposes to engage *de novo* are: the making, acquiring and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed expanded service are for all aforementioned previously approved and proposed activities is the entire state of California. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. **Federal Reserve Bank of Cleveland** (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *National City Corporation*, Cleveland, Ohio (trust activities; Florida): To engage, through its subsidiary National City Trust Company (in organization) in the exercise of fiduciary powers, including owning and managing real and personal property in trust under the terms of revocable and irrevocable trust agreements and testamentary trusts or as agent or custodian pursuant to agreement, or to serve as executor or administrator of probate estates, or guardian of estates of minors or incompetents, and to provide all services permitted by applicable law and related to and required by its exercise of full fiduciary powers under its charter as a national trust company. The activities will be conducted from offices in Palm Beach, Florida, serving Palm Beach County, Florida, and the surrounding area. Comments on this application must be received not later than May 13, 1982.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia (insurance activities; Southwestern Virginia): To engage through its subsidiary, Dominion Bankshares Services, Inc., in acting as insurance agent or broker with respect to the following types of insurance related to or arising out of loans made or credit transactions involving The First National Exchange Bank of Virginia, an affiliate of Dominion Bankshares Corporation; credit life insurance, credit accident and health insurance and credit disability insurance; mortgage redemption insurance and mortgage accident and health insurance; nonconvertible term life insurance; physical damage insurance on motor vehicles, mobile homes, motor homes, boats, trailers and other kinds of personal property or attachments designed for use in connection therewith. These activities will be conducted through offices of The First National Exchange Bank of Virginia, serving the city of Galax and portions of the counties of Carroll and Grayson.

D. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, April 23, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-11604 Filed 4-28-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 18, 1982.

A. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorp*, Minneapolis, Minnesota (investment advisory activities; United States, Puerto Rico, Canada, and Mexico): To engage, through its subsidiary, Northwest Growth Management, Inc., in acting as an investment advisor as defined by the Investment Company Act of 1940 to an investment company registered under the Act. This activity will be conducted from offices in Minneapolis, Minnesota, Portland, Oregon, and Lakewood, Colorado, serving the United States, Puerto Rico, Mexico, and Canada.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Central Pacific Corporation*, Bakersfield, California (management consulting services; United States): To engage, through its subsidiary, Human Resource Dimensions, providing management consulting services to nonaffiliated bank and depository institutions, including commercial banks, savings and loan associations, mutual saving banks, credit unions, industrial banks, Morris Plan banks, cooperative banks and industrial loan companies, as to planning operations with respect to management succession, manpower utilization, corporate growth and expansion, corporate organization, and short-term and long-term goals; personnel operations such as recruitment, training, orientation,

placement, management and employee search activities, management/personnel relations, compliance with governmental regulations, development of personnel policies, incentive compensation and benefit plans, employee compensation, and employee productivity evaluation; and sales of manuals, instructional materials and courses as incidental and related to all the above activities. These activities would be conducted from an office in Bakersfield, California, serving the United States. Comments on this application must be received not later than May 13, 1982.

2. *First Interstate Bancorp,* Los Angeles, California (commercial finance activities; nationally): To engage, through its subsidiary, First Interstate Funding Company, in making or acquiring loans and other extensions of credit, and servicing loans. These activities would be conducted from an office in Los Angeles, California, serving the fifty states.

3. *U.S. Bancorp* ("Bancorp"), Portland, Oregon (real estate appraisal activities; Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Texas and Wyoming): To engage, through its subsidiary, U.S. Bancorp Financial, Inc. ("Bancorp Financial"), in performing appraisals of commercial and residential real estate for its customers and outside clients in conformance with the provisions of Section 225.4(a)(14) of Regulation Y. These activities would be conducted through each of the Bancorp Financial offices in the states of California, Missouri, and Texas, and serving the states listed in the caption above.

4. *U.S. Bancorp,* Portland, Oregon (industrial banking activities; Colorado): To engage, through its wholly-owned subsidiary, Boulder U.S. Industrial Bank, in performing the activities of making, acquiring and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including but not limited to, commercial, consumer loans; installment sales contracts and other forms of receivables; issuing passbook and investment certificates; making investments as permitted by Colorado law; and, acting as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit by its proposed subsidiary. These activities would be conducted from an office in Boulder, Colorado, serving a three-mile radius from the site of the proposed subsidiary (2725 Iris Avenue, Boulder, Colorado).

5. *Security Pacific Corporation,* Los Angeles, California (finance and credit life and credit accident and health insurance activities; New Jersey): To engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life and credit accident and health insurance. These activities would be conducted from an office of Security Pacific Finance Corp. located in Moorestown, New Jersey, serving the State of New Jersey and would constitute a relocation of an existing office of Security Pacific Finance Corp. which is currently located at 8 North Forklanding Road—Store #9, Maple Shade, New Jersey 08052. Comments on this application must be received not later than May 12, 1982.

C. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, April 22, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-11605 Filed 4-28-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Council on the Aging; Meeting

AGENCY HOLDING THE MEETING: Federal Council on the Aging.

TIME AND DATE: Meeting begins at 9:30 am on Wednesday, May 19, 1982 and ends at 3:00 pm on Thursday, May 20, 1982.

PLACE: Room 800, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

STATUS: Meeting is open to the public.

CONTACT PERSON: Ed Marcus, Room 305F, HHH Bldg. 245-7458.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-453, U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting May 19-20, 1982 from 9:30 am to 5:00 pm and from 9:00 am to 3:00 pm respectively in Room 800, HHS Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

The Secretary of the Department of Health and Human Services, Richard S. Schweiker, will install new council members. They are: Adelaide Attard (chairman), Margaret Arnold, Nelda Barton, Edna Bogosian, James Broder, Syd Captain, Charlotte Conable, Katie Dusenberry, Frances Lamont, Josephine Oblinger, and Edna Russell.

The agenda will consist of status reports on the Council's 1981 Report, the 1981 amendments to the Older Americans Act and new regulation development, the World Assembly on Aging housing and the aged, and recent Medicare and Medicaid developments. Other issues pertinent to the concerns of the aged will be discussed.

Dated: April 23, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82-11713 Filed 4-28-82; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Board of Scientific Counselors, Division of Resources, Centers, and Community Activities; Amended Notice of Meeting

Notice is hereby given of an amendment to the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, May 6-7, 1982; which was published in the **Federal Register** on March 23, 1982 (47 FR 12392). Originally, the meeting was completely open, but will now be partially closed. On May 6 the meeting will be open to the public from 8:30 a.m. to approximately 3:15 p.m., and on May 7 from 8:30 a.m. to adjournment.

In accordance with the provisions set forth in Section 552b(c)(9)(B), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on May 6 from approximately 3:5 p.m. to adjournment, for discussion of the Division's financial plans for fiscal year 1982 and future years.

For further information, please contact Dr. Robert G. Burnight, Executive Secretary, Board of Scientific Counselors, DRCCA, National Cancer Institute, Blair Building, Room 614C, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8630).

Dated: April 21, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-11608 Filed 4-28-82; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Amended Notice of Meetings

Notice is hereby given of a change in the date or location of the meetings of the following National Institutes of Health Study Sections which were published in the **Rederal Register** on April 13, 1982 (FR 47 15912).

The Biomedical Sciences Study Section, Subcommittee 4, was to have met at the National Institutes of Health, Building 31, Conference Room 7 on May 26, 1982. It will now meet on May 27, 1982, at the same location. The opening session will convene at 8:30 a.m.

The Clinical Sciences Study section, Subcommittee 4, was to have met at the Ramada Inn on May 6–7, 1982. It will now meet on May 7, 1982, at the National Institutes of Health, Westwood Building, Room 428. The opening session will convene at 8:30 a.m.

The meetings will be open to the public for approximately one hour at the beginning of the first session of each meeting.

Dated: April 23, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-11609 Filed 4-28-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF INTERIOR

Bureau of Land Management

[Serial Numbers: A17000-L]

Arizona; Notice of Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a letter of intent to acquire and a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000–L.

2. Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the **Federal Register** (until June 28, 1982.) Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602) 241–2854.

4. Until June 28, 1982, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the Authorized Officer who will issue a notice of determination to proceed with, modify, or cancel the action. In the absence of any action by the Authorized Officer, this classification action will become the final determination of the Department of Interior. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expanse of a hearing.

5. The lands included in this classification are located in Mohave County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000–L

Gila and Salt River Meridian, Arizona

T. 16½N., R. 18 W.
Sec. 20: Those portions of S½NE¼SE¼, E½SE¼NW¼SE¼, E½NE¼SW¼SE¼, E½SE¼SW¼SE¼, NW¼SE¼SE¼ lying outside the I–40 R/W [9] [21] [22]
Sec. 28: NW¼NW¼ [9] [21] [22]
Total: Approximately 74.00 acres.
T. 17 N., R. 18 W.
Sec. 1: S½NE¼SE¼, SE¼NW¼SE¼, SW¼SE¼, SE¼ SE¼ [1] [10]
Total: Approximately 110.00 acres.
T. 19 N., R. 17 W.
Sec. 18: Those portions of lots 2, 8, 9, 12, 13, 17, 18, 19, 21, lying east of I–40 R/W and west of the R/R R/W [1] [2] [11] [21]
Total: Approximately 225.00 acres.
T. 21 N., R. 17 W.
Sec. 8: S½SW¼NW¼, N½NE¼SW¼, SW¼NE¼SW¼, N½NE¼SE¼ NE¼SW¼, W½SW¼, SE¼SW¼, S½S½SW¼NW¼SE¼, S½SW¼SE¼, NW¼SE¼, N½SW¼SE¼ [1] [2] [3] [12] [13] [18] [23]
Total: Approximately 195.00 acres.
T. 21 N., R. 18 W.
Sec. 8: W½NE¼, E½NW¼, S½ [1] [2] [4] [12] [14] [23]
Total: Approximately 480.00 acres.
T. 22N., R. 18 W.
Sec. 4: Lots 1—4 incl., SW¼NE¼, W½NE¼SE¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, S½NW¼, S½ [1] [2] [5] [14] [15] [16] [19] [23]
Sec. 36: Lots 1—4 incl. W½E½, W½ [1] [2] [12] [13]
Total: Approximately 1344.20 acres.
T. 23 N., R. 18 W.
Sec. 32: S½S½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, S½NE¼SW¼, SE¼SW¼, SE¼ [1] [2] [6] [7] [12] [20]
Total: apporoximately 280.00 acres.
T. 23 N., R. 19W.
Sec. 12: Lots 1—4 incl. NW¼NE¼, W½, W½SE¼ [1] [2] [8] [17] [23]
Total: Approximately 571.98 acres.

The total acreage described above for Application A 17000–L is approximately 3280.18 acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits and/or rights-of-way on the public lands described in Paragraph 5 above:

Rights-of-way

[1] Arizona Department of Transportation; 205 S. 17th Avenue, Phoenix, AZ 85007—PHX 077512, PHX 077805, PHX 079151, PHX 085419, AR 04168, AR 028187, AR 032972, AR 033721, A 5981, A 6300.

[2] Citizens Utilities Co., Box 191, Kingman, AZ 86401—PHX 066944, PHX 078948, AR 04565, AR 033291, AR 033296, AR 033347, AR 034826, A 5877, A 8488, A 11509, A 16122.

[3] Black Mesa Pipeline Inc., 610 South Main, Los Angeles, CA 90014; and P. R. Quick Engineering Management Inc., P.O. Box 3965, San Francisco, CA 94119—A 438.

[4] Duval Corporation, P.O. Box 2967; Houston, TX 77001—AR 032609.

[5] Western AZ Railroad, Los Angeles, CA 90001—PHX 043230.

[6] TSC Enterprises Inc., 255 E. Lincoln Way, Sparks, NV 89431—A 16379 (Apln).

[7] El Paso Natural Gas, Box 1492, El Paso, TX 79978—A 2825, A 6682.

[8] Don and Mary Vincent, 4351 Twain Avenue, Las Vegas, NV 89109—PHX 081417.

Grazing Lessees

[9] James A. Wilson, 12323 E. Appaloosa Place, Scottsdale, AZ 85259.

[10] Jerre J. Cavalliere, P.O. Box 52, Yucca, AZ 86438.

[11] Lazy YU Ranch, c/o Vernon Statler, Box 591, Kingman, AZ 86401.

[12] John F. Gross, Jr., P.O. Box 768, Kingman, AZ 86401.

[13] Kenneth Short, P.O. Box 3052, Kingman, AZ 86401.

[14] James E. Briggs, 2201 B N. Camino Principal, Suite 2, Tucson, AZ 85715.

[15] Oscar Reed, Dave Burt, 4095 Mazatzal, Golden Valley Star Route, Kingman, AZ 86401.
[16] Leon Holyoak, Chloride Star Route, 2530 N. Longview, Kingman, AZ 86401.
[17] Charles W. Hamilton, Box 800, Las Vegas Star Route, Kingman, AZ 86401.

Range Improvements

[18] No. 0754; Pipeline; John F. Gross.
[19] A-844-880; Fence; James E. Briggs.
[20] AZ-4-274; Fence; John F. Gross.

Oil and Gas Leases and Applications

[21] Irex Overthrust Acreage Partners, 1670 Broadway, Suite No. 3301, Denver, CO 80202—A 14765 (Apln), A 16229 (Apln).
[22] Nareco Corporation, 500 Denver Club Building, Denver, CO 80202—A 16209 (Apln).
[23] Juniper Petroleum, 1660 Lincoln Street, Suite 2410, Denver, CO 80264—A 10490, A 10493, A 10505, A 10522.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State and Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: April 20, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82-11613 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-10612]

Idaho; Notice of Termination of Proposed Withdrawal and Reservation of Lands

April 22, 1982.

Notice of an application, serial number I-10612, for withdrawal and reservation of lands was published as FR Doc. No. 76-7367 on page 11042 of the issue for March 16, 1976. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be, at 7:45 A.M. on May 24, 1982, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Payette National Forest

T. 20 N., R. 1 E.,
Sec. 24, SE¼NE¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the center line over and across the above-cited subdivision.

The area described aggregates 72 acres in Adams County.

William E. Ireland,

Acting Chief, Branch of L&M Operations.

[FR Doc. 82-11616 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

[M 21435]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

April 22, 1982.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from operation of the public land laws, including location and entry under the mining laws. The Notice of Proposed Withdrawal was published in the **Federal Register** on June 1, 1972, Volume 37, No. 106, page 10964, and republished on August 26, 1977, Volume 42, No. 166, p. 43132. The applicant agency has cancelled its application in part as to the following:

Principal Meridian

Deer Lodge National Forest

East Fork of Rock Creek Trail Head Facilities

T. 4 N., R. 14 W.
Sec. 17, W½SW¼NE¼ and E½SE¼NW¼.
Total Area—40 acres.

Carp Lakes Trail Head Facilities

T. 3 N., R. 15 W.,
Sec. 11, N½NW¼NW¼.
Total Area—20 acres.

Fuse Lake Recreation Area

T. 6 N., R. 17 W.,
Sec. 27, S½NW¼NW¼ and N½SW¼NW¼;
Sec. 28, SE¼NE¼NE¼ and NE¼SE¼NE¼.
Total Area—60 acres.

The total area described aggregates 120 acres in Granite County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(B)(1), at 8 a.m. on June 12, 1982, such land will be relieved of the segregative effect of the above mentioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-11617 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

Availability Draft Environmental Impact Statement, West Socorro Rangeland Management Program, Catron, Cibola, Socorro, and Valencia Counties, New Mexico

Pursuant to Section 102(2) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has completed a Draft Environmental Impact Statement (DEIS) for a proposed rangeland management program. This rangeland management program entails implementing grazing management actions, rangeland improvements, and vegetative land treatments within the Divide Planning Area. The Divide Planning Area, located in Catron, Cibola, Socorro, and Valencia Counties in west-central New Mexico, contains 986,092 surface acres administered by the BLM Socorro, N. M. District.

Public hearings are scheduled for June 8, 1982, at the Grants State Bank Community Room, 824 West Santa Fe Avenue, Grants, New Mexico and June 9, 1982, at the Community Hall at the rodeo grounds in Datil, New Mexico. Both hearing sessions will begin at 7 p.m. The purpose of these hearings is to receive verbal and written testimony on the contents of this DEIS.

A limited number of copies of the DEIS are available upon request at the following BLM Offices:

New Mexico State Office, U.S. Post Office & Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501
Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107
Las Cruces District Office, 1705 N. Valley, Drive, P.O. Box 1420, Las Cruces, New Mexico 88001
Roswell District Office, 1717 W. Second Street, Featherstone Farm's Building, P.O. Box 1397, Roswell, New Mexico 88201
Socorro District Office, 198 Neel Avenue, NW, P.O. Box 1219, Socorro, New Mexico 87801

Reading copies are also available at public and university libraries in the following cities:

Albuquerque, New Mexico
Gallup, New Mexico
Las Cruces, New Mexico
Santa Fe, New Mexico
Socorro, New Mexico
St. Johns, Arizona
Truth or Consequences, New Mexico
Window Rock, Arizona

Dated: April 22, 1982.

Charles W. Luscher,

Bureau of Land Management, State Director, New Mexico.

[FR Doc. 82-11615 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

Socorro District Office; Notice of Realty Action

Notice is hereb given that, pursuant to Section 302 of the Federal Land Policy and Management Act of 1976 (Title 43 of the Code of Federal Regulations, Part 2920), as amended January 19, 1981, the following described land is available for non-Federal use under a long-term lease for a sawmill site.

New Mexico Principal Meridian, New Mexico

T. 1 N., R. 13 W.
Section 24: SE¼NE¼ (23.3 acres in Catron County)

The sawmill site will be used for the production and shipping of cross ties and firewood and other miscellaneous lumber products.

The lease will be issued through non-competitive negotiation with H. L. Barnett Company, the current user of the site. Rental will be established by fair market appraisal.

Interested persons should submit their comments to the District Manager, Bureau of Land Management, P.O. Box 1219, Socorro, New Mexico 87801, within 30 days of the date of this notice. Adverse comments will be evaluated by the New Mexico State Director, who may vacate or modify this Notice of Realy Action and issue a final determination. If no adverse comments are received, this notice will be the final land use determination.

Arlen P. Kennedy,

District Manager.

March 22, 1982.

[FR Doc. 82-11612 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

[U-5496]

Utah; Termination of Classification for Multiple-Use Management and Termination of Mineral Segregation

1. Pursuant to the authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), the Bureau of Land Management Multiple-Use Classification Order U-5496 published in the Federal Register October 29, 1968, Vol. 33, No. 211, Pages 15915 is hereby terminated, except for lands described in paragraph 3 of this notice.

The public lands involved aggregate 1,948.303 acres in Sevier and Emery Counties.

2. The public lands described in the notice were classified for Multiple-Use Management and segregated from appropriation under the Agricultural Land Laws (43 U.S.C. Parts 7 and 9; 25 U.S.C Sec. 334), and from sales under Section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). Paragraph 3 also segregated 1,337 acres of the lands from all forms of appropriation, entry, location or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

3. The lands described in this paragraph will remain segregated under the terms of the original classification, including location for minerals under the general mining laws; and are not affected by this termination.

Salt Lake Meridian, Utah

Cleveland—Lloyd Dinosaur Quarry

T. 17 S., R. 11 E.,
Sec. 21, SE¼SE¼;
Sec. 28, NE¼NE¼.

Cedar Mountain Recreation Area

T. 19 S., R. 11 E.,
Sec. 13, NE¼NW¼.
T. 19 S., R. 12 E.,
Sec. 18, lots 2 and 3.
Aggregating 184.89 Acres.

4. Pursuant to the regulations set forth in (43 CFR 2461.5(c)(2)), the above classification, except for lands in paragraph 3 of this notice, is hereby terminated. At 10:00 a.m., on May 20, 1982, the lands described in said Notice of October 29, 1968 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 20, 1982 shall be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. The lands described in paragraph 3 of the above notice will also be open to location under the United States Mining Laws at 10 a.m. on May 20, 1982.

Inquires concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: April 15, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82-11614 Filed 4-28-82; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0310, Blocks 211, 212, 217, and 218, South Marsh Island 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 22, 1982.

Lowell G. Hammons,

Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-11618 Filed 4-28-82; 8:45am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We Find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It Is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79565. By decision of April 12, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to HERB BRUINGTON D/B/A H. F. TRUCKING of Permit No. MC–144629 (Sub-No. 2F) issued to B&W Trucking Company, A Corporation authorizing contract carrier service transporting *lumber, lumber products, wood products and roofing materials* throughout certain named states under contract with Viking Homes, Inc., Bismarck, ND. Representative: Charles E. Johnson, Box 773, Bismarck, ND 58502. TA lease is not sought. Transferee is not a carrier.

MC–FC–79608. By decision of April 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WILLIAM L. BUNTON, DBA BAR-TRAN CO., of Rock Port, MO, of Certificate Nos. MC–151302 and MC–151302 (Sub-No. 1), issued to DONALD E. REYNOLDS, DBA BAR-TRAN CO., also of Rock Port, MO, which authorize the transportation of (1) *petroleum and petroleum products,* in tank vehicles, between points in Wyandotte County, KS, on the one hand, and, on the other, points in DeKalb, Clay, Holt, and Atchison Counties, MO; and (2) *petroleum, natural gas and their products,* (a) between points in Wyandotte, Johnson, and Doniphan Counties, KS, on the one hand, and, on the other, points in MO, and (b) between points in Cass and Douglas Counties, NE, on the one hand, and, on the other, points in Atchison and Holt Counties, MO. Representative: John K. Weilert, P.O. Box 1078, 115 West Lexington, Independence, MO 64051.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79711. By decision of 4/16/82 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to JOHN R. ALLEN doing business as JOHN ALLEN TRUCKING of Certificate No. MC–8335 issued to EDITH R. YUCHA doing business as J. J. YUCHA TRUCKING authorizing: over irregular routes, *bricks,* from Sugargrove, PA, and points in Pennsylvania within 15 miles of Sugargrove, to Buffalo, NY, and points in New York within 25 miles of Buffalo. *Wooden articles,* from Warren, PA, to points in that part of New York on and west of New York Highway 16. *Lime* and *fertilizer,* from Buffalo, NY, to Sugargrove, PA, and points in Pennsylvania within 15 miles of Sugargrove. Representative: John R. Allen, RD #3, Box 34, Sugargrove, PA 16350. TA lease is not sought. Transferee is not a carrier.

MC–FC–79718. By decision of April 12, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Professional Drive Services, Inc., of Nashville, TN of Certificate No. MC–127379 (Sub-No. 2) issued to Drive-U-Service, Inc., Nashville, TN authorizing transportation equipment, between Nashville, TN and points within 75 miles thereof, on the one hand, and, on the other, points in the United States. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. TA lease is not sought. Transferee is a carrier.

Note.—The transfer will result from a merger of transferor into transferee.

MC–FC–79722. By decision of April 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to EXPRESSCO, INC., of Nashville, TN, of Certificate Nos. MC–98438 (Sub-Nos. 3, 5, and 6), issued to EXPRESSCO, INC., of KENTUCKY, of Nashville, TN, which authorize the transportation as follows: (1) *general commodities* (usual exceptions), over regular routes, (a) between Louisville, KY, and junction KY Hwy 63 and the KY–TN State line, serving the intermediate points of Glasgow, KY, and all points south of Glasgow, with restrictions, (b) between Tompkinsville and Center Point, KY, serving the intermediate point of Meshack, KY, (c) between Gamaliel and Fountain Run, KY, serving the intermediate point of Flippin, KY, (d) between junction KY Hwy 100 and Interstate Hwy 65 and Fountain Run, KY, serving the intermediate point of Holland, KY, (e) between Gamaliel, KY, and Red Boiling Springs, TN, serving no intermediate points, with restriction, and (f) between Louisville, KY, and junction Interstate Hwy 65 and KY Hwy 100, as an alternate route for operating convenience only, serving no intermediate points; and (2) *general commodities* (except classes A and B explosives), over irregular routes, between points in Allen and Monroe Counties, KY, on the one hand, and, on the other, points in the U.S. Representative: Roland M. Lowell, 5th Floor, 501 Union Street, Nashville, TN 37219.

Notes.—The transfer will result from the merger of transferor into transferee. TA has not been filed. Transferee holds authority under MC–152763 and subs thereunder.

MC–FC–79730. By decision of April 14, 1982, issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to WAFL Radio, Inc., of License No. MC–130489 issued February 15, 1979 to Broadcasters, Inc., doing business as B.I. Tours (now known as Mid-Atlantic Communications, Inc.) authorizing the holder to engage in operations as a broker at Milford, DE, for the transportation of passengers and their baggage, in round-trip tours, in special or charter operations, beginning and ending at points in Kent and Sussex Counties, DE, and extending to points in the United States (including Alaska, but

exclusing Delaware and Hawaii). Representative: Chester Azyblut, 366 Executive Bldg., 1030 15th Street, Washington, DC 20005.

MC–FC–79731. By decision of April 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to A. FAZIO MOVING & STORAGE, INC., of Ramsey, NJ, of Certificate No. MC–36426 (Sub-No. 2), issued to ADAMS WORLD WIDE MOVERS, INC., of Ramsey, NJ, which authorizes the transportation of *household goods* as defined by the Commission, (a) from New York, NY, and points in CT, NJ, NY, and PA within 50 miles of New York, NY, to points in FL, and (b) from points in FL, to Philadelphia, PA, points in CT, NJ. NY, and those in that part of DE on and north of a line beginning at the MD–DE State line and extending eastward along U.S. Hwy 40 to junction DE Hwy 273, and then along DE Hwy 273 to New Castle, DE. Representative: John M. Zachara, P.O. Drawer Z, Paterson, NJ 07509.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79732. By decision of April 16, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TIGER EXPRESS, INC. of Certificate No. MC–43963 and (Sub-Nos. 1, 4, 7, 8, 9, 10, 11, 12F, 13F, 15F, 16F, 19F, 20F, 21F, 23F, 24F, 25F, 26F, 28, 30, 31, 32, 34 and a portion of 33X) issued to CHIEF TRUCK LINES, INC. authorizing the transportation of *specified commodities* such as lime, metal articles, scrap metal, lumber and pallets, plastic pipe, such commodities as are dealt in or used by manufacturers or grading and road-making equipment, and machinery and articles requiring specialized handling or rigging because of size and weight, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602.

Note(s).—Transferee is a non carrier.

MC–FC–79737. By decision of April 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to BULLOCKS TOWING, INC., of Salt Lake City, UT, of Certificate No. MC–133579 (Sub-No. 2), issued to RICK WARNER FORD, of Salt Lake City, UT, which authorizes the transportation of *wrecked, disabled, stolen, repossessed and abandoned motor vehicles, and replacement vehicles therefor,* by use of wrecker equipment only, between points in UT, NV, ID, CA, CO, WY, AZ (except points in Mohave County), NM, MT, WA, and OR. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111.

Notes.—TA has not been filed. Transferee is not a carrier.

MC–FC–79740. By decision of April 16, 1982, issued under 49 U.S.C. 10924 and the transfer rules at 49 C.F.R. 1133.1 Review Board Number 3 approved the tranfer to GEORGE KRESS, JR. AND KENNETH P. KRESS, a partnership d/b/a PITTSBURG-VERONA-OAKMONT EXPRESS of Certificate No. MC–16832 issued to GEORGE KRESS and KENNETH P KRESS, a partnership d/b/a PITTSBURGH—VERONA–OAKMONT EXPRESS authorizing the transportation of *general commodities* usual exceptions, over regular routes between Pittsburgh, PA and Universal, PA, serving all intermediate points. Representative: Robert Mauro, 1400 Frick Building, Pittsburgh, PA 15219.

Notes.—Transferee is a non-carrier.

MC–FC–79743. By decision of April 19, 1982 issued under 49 U.S.C. 10924 and the transfer rules at 49 C.F.R. 1133, Review Board Number 3 approved the transfer to J. PATRICK SMITH doing business as MADISON TRAVEL AGENCY of Huntsville, AL of License No. MC–12927 issued to WILLIAM B.WHITFIELD, doing business as WHITFIELD EDUCATIONAL TOURS of Huntsville, AL [Annie S. Whitfield (Executrix) and Kathleen W. Perry (Executrix) authorizing *broker* operations at Huntsville, AL, authorizing the transportation of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Madison County, AL, and extending to points in the United States (including AK and HI). Representative: J. Patrick Smith, P.O. Box 1828, Huntsville, AL 35807. Transferee is not a carrier.

MC–FC–79745. By decision of April 19, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SPOT, INC. of Lenoir, NC of Certificate No. MC–98039 (Sub-No. 5) issued to LENOIR TRANSFER CO., INC. of Lenoir, NC authorizing *furniture and fixtures,* between points in NC. Representative: E. Murray Tate, Jr., 419 Second St., N.W., Hickory, NC 28601. TA lease is not sought. Transferee is not a carrier.

MC–FC–79736. By decision of April 16, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to TRAVELWAYS MAPLE LEAF LTD. of Certificate No. MC–101408 and (Sub-Nos. 1 and 2) issued to TRAVELWAYS TOURS LTD. (formerly Trailways of Canada, Limited) authorizing the transportation of (1) *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter operations, (a) from ports of entry on that portion of the United States—Canada Boundary line extending from the WI-MS state line to the MI-OH State line, and from the PA-NY State line to the NY-VT State line, to points in MI, NY, PA, and OH, (b) from ports of entry on the United States-Canada Boundary line to points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY and DC; (2) *passengers and their baggage,* in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at the ports of entry on the United States-Canada Boundary line, and extending to points in the United States (except AK and HI). Representative: Jeremy Kahn, 1511 K Street, NW, Investment Building, Washington, DC 20005.

Note.—(1) Transferee is a non-carrier.

MC–FC–79680. By modified decision of April 19, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Reva Bracht dba Bracht Transportation Company, of Milbank, SD, of Certificate No. MC–10095 and Sub-No. 4 issued to Raymond Bracht, dba Bracht Transportation Company, of Milbank, SD (First Northwestern Trust Company of South Dakota, Administrator), authorizing (a) regular-route transportation *general commodities* (usual exceptions) from St. Paul, MN to Milbank, SD, serving named intermediate and off-route points; and *livestock* from Milbank, SD to St. Paul, MN; and (b) irregular-route transportation *general commodities* (usual exceptions) between points in SD within 25 miles of Nassau, MN, on the one hand, and, on the other, Minneapolis, St. Paul, and S. St. Paul, MN; *lactose,* in bags, from Milbank, SD, to Sturgis, MI, and Columbus, OH; and *wooden cheese containers disassembled,* from Springfield, MO, to Milbank, SD. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101.

Note.—This decision revises the prior decision published in the **Federal Register** on April 6, 1982 by authorizing transfer of all transferor's authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–11654 Filed 4–28–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on 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. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. 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 become 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 commeroe 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. OP4–140

Decided: April 23, 1982.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 42866 (Sub-22), filed April 13, 1982. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same addres as applicant), (312) 450–2900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 150806 (Sub-8) , filed April 12, 1982. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603, (913) 232–0601. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 161546 , filed April 16, 1982. Applicant: SUNBELT LINE, INC., 1926 Damon Dr., Florence, SC 29501. Representative: Terrell C. Clark P.O. Box 25, Stanleytown, VA 24168 (703) 629–2818. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 161536 , filed April 16, 1982. Applicant: TOMMY R. TAYLOR, 4420 E. 61st N., Wichita, KS 67220. Representative: Tommy R. Taylor (same address as applicant) (316) 744–1831. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 161556 , filed April 19, 1982. Applicant: TRANSPORTATION LOGISTICS, INC., P.O. Box 986, 1834 N. Kelly Ave., Upland, CA 91786. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786 (714) 981–9981. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–147

Decided: April 21 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 161467 , filed April 12, 1982. Applicant: CARMAN ENTERPRISE, INC., P.O. Box 58163, Raleigh, NC 27658. Representative: Phil A. Carman, III (same address as applicant) (919) 876–5529. Transporting *food and other products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5–91

Decided: April 21 1982.

By the Commission, Review Board No. 3, Member Krock, Joyce, and Dowell.

MC 142859 (Sub-2), filed April 7, 1982. Applicant: HARVEY L. CAUGHEY d.b.a. COY CARTAGE & STORAGE, 600 N. Roberts, P.O. Box 30370, Amarillo, TX 79120. Representative: Harvey L. Caughey (same address as applicant) (806) 372–5531. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 148978 (Sub-4), filed April 12, 1982. Applicant: OHIO SWIFTWAY, INC., 105 Jamison Ave., Cadiz, OH 43907. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. (412) 471–1800 Transporting *general commodities*, between Cadiz, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 161459, filed April 12, 1982. Applicant: JOHN R. SNIFFIN, P.O. Box 144, Broadheadsville, PA 18322. Representative: Irene Gebe, 635. S.E. 11th Portland, OR 97214 (503) 233–5766. Transporting *food and other edible*

products and byproducts intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc 82-11655 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-121)]

Rail Carrier; Baltimore and Ohio Railroad Co., Exemption for Contract Tariff ICC-BO-C-0025

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Baltimore and Ohio Railroad Company (BO) filed a petition on April 8, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-BO-C-0025 to become effective on one day's notice. The tariff was filed to become effective May 8, 1982. The tariff provides for terminal service to a facility adjacent to BO tracks.

Under 49 U.S.C. 10713(e), contracts must be filed on not les than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The facility was recently purchased by the contracting shipper. There are no tariff provisions presently published, which would allow petitioner to perform the pertinent terminal service. The contracting shipper has advised petitioner that it is ready to begin shipping. Advancing the effective date will prevent a loss of sales for the shipper and provide additional traffic for BO. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

BO's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it service 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 those 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 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11656 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-119)]

Rail Carriers; Kansas City Southern Railway Co., Exemption for Amended Contract Tariff ICC-KCS-C-0003

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 amended contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Kansas City Southern Railway Company (KCS) filed a petition on April 9, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit an amendment to contract tariff ICC-KCS-C-0003 to become effective on one day's notice.

The original contract became effective September 20, 1981. It covers the transportation of corn, grain sorghums, wheat, and soybeans in bulk in covered hoppers from Kansas City, MO, to various locations.

The amended tariff was not filed. However, petitioner states that it seeks to amend the rate in the contract to match the rates of its competitors.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The rates offered by certain other rail carriers to points competitive with those named in the original contract have been drastically reduced. Petitioner emphasizes that the grain business is very competitive, and that even a small difference in rates may exclude a shipper from a market. Thus, petitioner submits that the recent rate changes have, in effect, excluded the involved shipper from its pertinent markets. Petitioner further argues that the shipper has been forced to incur a storage cost until a lower rate can be made effective. Additionally, petitioner points out that it has a substantial excess capacity of covered hopper cars suitable for transporting grain and grain products.

Granting this exemption would allow KCS to use some of its excess cars and reduce or eliminate storage costs being incurred by the shipper. We find this to be the type of exceptional circumstance which warrants a provisional exemption. However, in the future, petitioner is directed to file the amended tariff concurrently with or before the petition for short notice. See Ex Parte No. 387 (Sub-No. 108), *Pittsburgh and Lake Erie Exemption for Contract Tariff ICC-PLE-C-12,* served April 9, 1982.

Petitioner's amended contract tariff ICC-KCS-C-0003 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that

this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint to review this contract.

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 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Divesion for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11657 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 117)]

Rail Carriers; Seaboard Coast Line, Exemption for Contract Tariff ICC-SCL-C-0022

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 to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Seaboard Coast Line Railroad Company (SCL) filed a petition on April 7, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit to its contract ICC-SCL-C-0022 to become effective on one day's notice. The contract was filed to become effective on April 29, 1982 and involves movements of anhydrous ammonia.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provisions for waiving this requirement. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. The parties had previously filed an almost identical contract, ICC-SCL-C-0020, with an effective date of April 17, 1982. This contract was rejected because it had a retroactive provision. The parties were not aware of the Commission's policy under 49 U.S.C. 10713(e) that contracts cannot have a retroactive effective date. This is not sufficient reason, however, to warrant granting an exemption. On the other hand, we are concerned that there be no further delay on this matter. Since shipper owned cars will be used in this contract, an exemption will not subject shippers to an abuse of market power. Moreover, no protests were filed to the original contract. Given the limited scope of this transaction, we find that a provisional exemption under 49 U.S.C. 10505 is warranted.

SCL's contract ICC-SCL-C-0022 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to instutute a proceeding on its own initiative or on complaint, or review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

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

(49 U.S.C. 10505)

Dated: April 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11659 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 123)]

Rail Carrier; Soo Line Railroad, Exemption for Contract Tariff ICC-SOO-C-0036 (Supplement)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff supplement 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: Soo Line Railroad filed a petition on April 14, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit a supplement to contract tariff ICC-SOO-C-0036 to become effective on three days' notice.[1] The tariff was filed to become effective May 13, 1982. The tariff provides for an allowance on certain in-transit shipments of barley at Minneapolis, MN destined to Milwaukee and Manitowoc, WI.

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. Recently, petitioner reduced its proportional rates on barley from certain country origins. Similar reductions were made by petitioner's competitors. The shipper has a large quantity of barley in transit, which was

[1] The petition was dated April 13, 1982. Petitioner seeks to advance the effective date to April 16, 1982. As we have said on numerous occasions, our administrative processes simply do not permit action as quickly as petitioner requests. Typically, grants in these cases require 7-10 days from petition filing to service. Accordingly, we will treat the petition as one requesting the contract to become effective as soon as possible.

shipped inbound to Minneapolis prior to the effective dates of the reduced rates. Through the contract, petitioner seeks to equalize the rates applicable to the traffic in transit with the recently reduced rates. Petitioner submits that the contract will allow the shipper to remain competitive while it is depleting its supply of the transited barley tonnage.

We find this to be the type of circumstance which warrants a provisional exemption. The purpose of the contract is to allow the shipper to enjoy similar freight rates as those available to its competition.

Petitioner's contract tariff IC–SOO–C–0036 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on compliant to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

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

(49 U.S.C. 10505)

Dated: April 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Taylor, and Andre. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11660 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29892]

Rail Carrier; Burlington Northern Railroad Co.-Exemption-Abandonment Between Orting and Lake Kapowsin, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505 the Interstate Commerce Commission exempts the abandonment by Burlington Northern Railroad Company of 5.30 miles of track in Pierce County, WA, from the requirements of 49 U.S.C. 10903 *et seq.*

DATES: Exemption effective on May 28, 1982. Petitions for reconsideration must be filed by May 19, 1982, and petitions for stay must be filed by May 10, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's Representative, Thomas A. Ehlinger 176 East Fifth Street, St. Paul, MN 55101 (612) 293–2772.

Pleadings should refer to Finance Docket No. 29892.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Locally, copies may be purchased by calling TSI at 289–4357 or by pickup from Room 2227 at Commission headquarters. Outside the metropolitan area, copies may be purchased by calling TSI at (800) 424–5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11661 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29896]

Dakota Rail, Inc.—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts the operation by Dakota Rail, Inc., of certain track in South Dakota from prior approval under 49 U.S.C. 10901.

DATES: Exemption effective on May 28, 1982. Petitions to reopen must be by May 19, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, DC 20423;

(2) Petitioner's Representative, John C. Wiles, 3 East Kemp, Suite 200, P.O. Box 325, Watertown, SD 57201; (605) 886–5881.

Pleadings should refer to Finance Docket No. 29896.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. For a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; (202) 289–4357—D.C. Metropolitan Area; (800) 424–5403—toll free for outside D.C. area.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11761 Filed 4-28-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–152, 153 (Preliminary); and 731–TA–89 (Preliminary)]

Important Investigations; Prestressed Concrete Steel Wire Strand From Brazil, France, and the United Kingdom

This opinion refers to Investigations Nos. 701–TA–152, 153 (Preliminary); and 731–TA–89 (Preliminary), Prestressed concrete steel wire strand from Brazil, France, and the United Kingdom. Opinions of the other Commissioners were previously published on April 28, 1982. This opinion appears separately from the others since it was completed subsequent to the statutory deadline.

Views of Commissioner Eugene J. Frank

Introduction

On the basis of available information and the record before me, I have determined that there is not a reasonable indication that an industry in the United States is suffering material injury or is threatened with material injury by reason of allegedly subsidized imports of prestressed concrete steel wire strand from Brazil and France and imports from the United Kingdom allegedly sold at less than fair value.

I note that the statute and legislative history require the Commission in its preliminary determinations in both antidumping and countervailing duty investigations to exercise only a low threshold test based upon the best information available to it at the time of such determination that the facts reasonably indicate that an industry in the United States could *possibly* be suffering injury, threat thereof or material retardation.[1]

Notwithstanding this "low threshold test" which I believe Congress mandated the Commission to apply in these preliminary investigations, in analyzing pertinent economic data available to me in these investigations, I have been unable to ascertain a

[1] H.R. Rep. No. 96–317, 96th Cong., 1st Sess., 52 (1979).

reasonable possibility of a causal relationship and link existing, pursuant to this less rigorous standard than that applied in final investigations, *at this time* between the state of the domestic industry and the allegedly subsidized or dumped imports subject to these investigations both in terms of present material injury or threat thereof.[2]

Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [3] Section 771(10) defines "like product" as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[4]

The imported article subject to these investigations is Prestressed Concrete Steel Wire Strand (PC Strand). It is a product consisting of one center wire and six helically placed outer wires, made to ASTM specification A416–74, and is available in two grades, 250 and 270. The most common size in which the product is sold is ½" diameter, although it is also sold in ¼", 5/16", 3/8", 7/16", and 9/8" diameters. Most PC strand is sold coiled in standard packs of 12,000 feet of continuous strand and is purchased by construction firms which tension the strand to elastic limits for use in compressing concrete to provide increased load resistance. PC strand is produced from uncoated round high-carbon steel wire which has been cold-drawn from wire rods to suitable sizes, then fabricated by a stranding machine into required strand sizes.[5]

In conformance with the statute for the purpose of these preliminary investigations, I must concur with the recommendations of the Office of the General Counsel [6] that the product that is like the imported product is all wire strand of steel, other than stainless steel, for prestressing concrete. The domestic product, as is the imported product, is made to the same ASTM specifications and has the same characteristics and uses. I note that testimony at the conference by those in opposition to the petition indicated that there are quality differences between the imported product and the domestic product. However, there is no indication at this time that the domestic product is dissimilar to a material extent with respect to characteristics and uses so as not to be a "like product."

From this statutorily mandated "like product" perspective, the domestic producers of the "like product" comprising the "domestic" industry, therefore would be American Spring Wire Corp., ARMCO Steel Corp., Bethlehem Steel, CF&I Steel Corp., Florida Wire & Cable Co., Pan American Rope Co., Shinko Wire Co., and Sumiden, Inc.

It should be noted from the onset that over half of 1981 domestic shipments of PC Strand were accounted for by "domestic" producers who are foreign-owned and controlled, namely: Florida Wire & Cable Co., principally owned by Ivaco of Canada; Shinko Wire American, Inc., principally owned by Shinko Wire Co., Ltd. of Japan; Sumiden Wire Product Corp., principally owned by Sumitomo Electric Industries, Ltd., with other ownership by Sumitomo Corp. and Kurt Orban Co., Inc.[7] [8]

An issue arises which involves application of the "related party" provision of Section 771(4)(B) of the Tariff Act which states:

> When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term "industry" may be applied in appropriate circumstances by excluding such producers from those included in that industry.[9]

From the information available to us, it does not appear at this time that the foreign producers located in the United States of the *like product in question* would constitute "related parties" pursuant to this section of the statute nor do "appropriate circumstances" exist at this time for their exclusion from the domestic industry comprised by producers of the *like product*. However, there are some significant relationships in this connection that have a bearing on overall domestic industry and import trends that I considered to be relevant economic factors in my analyses which are discussed further herein.

Reasonable Indication of Material Injury by Reason of Imports

Section 771(7)(B) directs the Commission in making material injury determinations to consider among other factors (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of imports of such merchandise on domestic producers of like products.[10]

Imports

In analyzing import trends of the product subject to these investigations, I aggregated the impact of alleged unfairly traded imports of PC Strand from Brazil, France, and the United Kingdom, as well as from Spain and South Africa.[11] [12] On this basis, it is readily apparent that imports from the five cited countries from 1978 to 1981 increased irregularly on an absolute basis, 50 percent or approximately 22.9 million pounds, and also increased U.S. market share relative to domestic consumption. However, during the same period, overall U.S. imports declined 36 percent or over 80 million pounds, and penetration by U.S. producers of the U.S. market increased dramatically, more than offsetting gains by target countries. In fact, viewing such trends from a 1975 to 1981 time period (1974 being somewhat atypical in terms of heightened consumption and domestic demand for these products with shortages of available product), one can see a significant transformation of a domestic market in basically a growth profile previously characterized as dominated by imports, primarily from Japan, to one in which the expanded domestic industry has made enormous inroads and now accounts for a majority of the market vis-a-vis total imports, utilizing of course the statutorily mandated determination as set forth

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[2] Material retardation was not alleged by petitioners in these investigations. For an extensive discussion on how I believe the legislative intent on the "low threshold" test in these preliminary investigations should be applied, see Certain Steel Products from Belgium . . . Inv. Nos. 701–TA–86–144, 146, 147, and 731–TA–53–86 (Preliminary), USITC Pub. 1221, February 1982, Views of Commissioner Eugene J. Frank at 121–124.

[3] 19 U.S.C. 1677(4)(A).

[4] 19 U.S.C. 1677(10).

[5] Report at A–2 through A–4.

[6] Office of General Counsel Memorandum GC–F–109.

[7] Report at A–13.

[8] Memorandum INV–F–042 dated April 13, 1982.

[9] 19 U.S.C. 1677(4)(B).

[10] 19 U.S.C. 1677(7)(B).

[11] *See* pages A–1 to A–2 of the Report. In November 1981 Counsel for U.S. producers filed petitions with Commerce alleging subsidies were bestowed on P.C. Strand imported from Spain and South Africa. These countries, however, were not signatories to the International Subsidy Code at the time of the instant investigation and therefore are not entitled to any injury test by the Commission. By memorandum of April 15, 1982, XL–F–022 from the Office of Executive Liaison and Special Advisor for Trade Agreements, I was advised that on April 14, 1982, Spain acceded to the subsidies code subject to a certain reservation, and on that date was designated as a "Country under the Agreement" for U.S. countervailing duty purposes. I believe the imports from these two countries could be cumulated with the other 3 countries subject to these Commission preliminary investigations. For my reasoning on cumulation, *see* Certain Steel Products from Belgium * * * at 127–129. See also April 8, 1982, General Counsel's memorandum GC–F–109.

[12] Much of the data pertinent to this area has been designated as confidential and the discussion by necessity will, where appropriate, focus on generalized trends.

earlier herein.[13] Furthermore, during the 1978 to 1981 period, the decrease in imports from Japan was over 4 times greater than the increase in imports during the same period from the 5 target countries with 1981 particularly evidencing a dramatic drop in imports from Japan.[14]

It is not of little consequence to observe in this regard that, subsequent to the 1981 dumping order issued against Japan concerning the importation of this product that is still in effect today,[15] the two largest Japanese producers of PC Strand accounting for the majority of the PC Strand found to be sold at LTFV during the aforesaid antidumping investigation opened two facilities with stranding machines located in Texas and California, two prime U.S. markets for this product; and both these companies plan additional expansion to their existing production capacity in the very near future.[16] These observations are especially pertinent with respect to assessing the impact of the alleged unfairly traded imports on the domestic industry. Notwithstanding the fact that the first criteria has obviously been met, such imports must be viewed in the context of overall trends in imports as well as the composition and character of the firms comprising the "domestic" industry, perhaps going beyond the definition and resultant determination of the domestic industry. This will be treated in the discussion on the condition of the domestic industry.

There are indications at this point of possible price suppression in reviewing domestic pricing patterns for this product which have essentially been flat since January 1979, in the context of a period of economic inflation affecting costs of critical productive inputs, although there were evidently substantial price fluctuations occuring for both imports and domestic products during the period.[17] It is important to reiterate that expansion of domestic producers penetration and manifestations of other positive economic indicators of the industry occurred during this period. It is also noted that the staff apparently did extensive work in investigating lost sales which corroborated during the cause of such inquiry a considerable number of instances, evidently representative, of underselling from the three cited countries subject to the Commission injury test in these preliminary investigations—despite certain pricing data on the bulk of United Kingdom imports that show such imports' prices exceeded domestic prices on average, and the fact that there were apparently instances in which the imported strand was more expensive than U.S. produced strand.[18] In fact, I must commend the staff for the work done in pricing and lost sales area, which appears more extensive for some reason than was done in other recent Title VII preliminary investigations. Of note particularly was intensive inquiry made of purchasers of PC Strand of *delivered prices* quoted by domestic producers and importers to *the same purchasers* and prices paid of a representative article which shows underselling by imports in cited typical examples of competing quotes.[19] I have always held that actual delivered prices factoring in freight transportation cost absorption potentials, as well as the terms and conditions of payment of a representative article, can be more meaningful than indexes or tables comprised of pricing data comparing f.a.s. port or importers warehouse with domestic f.o.b. mill or of aggregate published indices on a time-series basis of composite data. I am pleased to see recognition in this particular report in this preliminary investigtion that such comparisons for this product "* * * do not reflect the respective competitive positions of domestic producers and importers."[20]

Domestic Industry[21]

Although the profit-and-loss experience manifests a decline on an aggregate basis since 1979, other industry indicators evidenced a predominantly positive industry profile which, even utilizing the "low threshold" standard I have consistently maintained to be the legislative intent in the conduct of these preliminary investigations, do not provide sufficient assurance of causal link necessary for a determination of "reasonable indication" of *possible* material injury suffered by the domestic industry by reason of such imports at this time.

During the 1979 through 1981 period, U.S. producers' capacity and actual production markedly increased by over 50 percent respectively, while capacity utilization declined somewhat irregularly, with the 1981 decline attributed to the additional new capacity outpacing the increase in production, but still at relatively acceptable levels compared with lower 1975–1977 results. Moreover, certain producers state that PC steel wire strand-producing machinery efficiency decreases when such machinery is operated above certain capacity utilization rates; and when these levels are attained additional new machinery is preferred rather than operating the existing machinery at high levels. Discounting 1974 as atypical, going back to 1975–1981, growth in U.S. producers' capacity and actual production registered evern more dramatic increases.[22] U.S. producers' shipments of PC Strand followed similar most favorable trends during the same periods as production and increased at a significant annual average rate from 1975 to 1981 with exports accounting for only a minor share of such shipments.[23] Year-end inventories of U.S. producers, as a percent of shipments, decreased 46 percent from 1975 to 1976 and remained fairly stable thereafter.[24] Employment indices such as total number of hours worked per employee, productivity (measured by pounds produced per hour), and average total compensation increased also during the 1974–1981 period.[25]

U.S. consumption of PC Strand, which fell substantially from 1973 to 1976 subsequently increased irregularly during the ensuing period through 1981 at a farily significant average annual growth rate.[26] Construction firms purchase steel wire strand and tension the strand to its elastic limit to compress concrete providing increased resistance to loads. Such prestressed concrete is widely employed in the construction of bridge girders, beams, pilings, railroad ties as well as in a variety of building products such as columns, roofs and floors.[27] U.S. consumption of prestressed concrete steel wire strand, according to the Prestressed concrete Institute (PCI) and one of the petitioners at the conference[28] is expected to increase at a rate of 5 to 6 percent per year for the next few years. The following have been cited as growth markets: bridges, interstate highways, condominiums, apartments, parking garages, government buildings, and airports.[29] Moreover, although the U.S. Construction Sector is currently depressed, prestressed concrete is capturing an increasing share of the

[13] Report at A–29, Table 17, A–30, A–32.
[14] Report at A–28, Table 16.
[15] Report at A–1.
[16] Report at A–14.
[17] Report at A–36, Table 21.
[18] Report at A–33 through A–41.
[19] Report at A–39.
[20] Report at A–38.
[21] Industry data have been designated confidential; consequently the discussion here by necessity focuses on generalized trends.
[22] Report at A–20 to A–21.
[23] Report at A–21.
[24] Report at A–22, Table 8.
[25] Report at A–22 to A–23.
[26] Report at A–9 to A–10.
[27] Report at A–4.
[28] Transcript of the Conference, page 48.
[29] Report at A–10.

stagnant market. For example, in 1973, prestressed concrete accounted for 7 percent of total U.S. consumption of walls, floors, and roofs. In 1982, according to projections by the PCI, prestressed concrete will account for 30 percent of such construction. So one can see end-use markets for PC Strand are projected to remain in a growth mode at least for the next few years.

Although net sales of PC Strand decreased in 1975 and 1976 from 1974 levels, they subsequently increased each year through 1981.[30] As noted earlier, profit-and-loss experience manifests a decline on aggregate basis since 1979 both on gross profit and net profit results, which may be reflective in part of unfavorable pricing patterns incurred. Yet critical cost components of the domestic producers on a quarterly basis such as rod costs, labor cost increases (cited by petitioners in testimony), and energy costs evidently were not provided by petitioners on a quarterly basis although such important data was requested by staff at the hearing.[31] Such information, along with manufacturing variances from standard or equivalents, might better enable the Commission to winnow out the effects of start-up of new productive machinery from other adverse cost/price/volume relationships attributable to unfavorable prices therefore dampening gross margins. This would be helpful because opponents to the petitioners have claimed significant start-up costs in 1980 and 1981 should be factored into an analysis of the profitability of the domestic producers for those years.[32] In fact, Counsel for petitioners during his testimony at the Conference cited interest costs on the part of the domestic industry ". . . of carrying the working capital and, indeed, commanding funds required for the enlargement of capacity has increased quite markedly during the period 1979 to 1981, as you can appreciate."[33] In view of these contentions, I requested from staff by my memorandum dated April 13, 1981,[34] a break-out of interest expenses incurred by firms for the domestic industry *segregating that attributable to carry indebtedness to support new capital investment from that to support working capital.* On that same date I received a response from staff providing aggregate interest expense captions per firm which showed a fairly substantial increase from 1979 to 1981 in this expense caption, but indicated that a differentiation of such expenses attributable to new capital investment vis-a-vis working capital "is not available."[35] Such information is obviously germane in assessing adverse net profit margins (and for that matter cash flow from operations) and the role new indebtedness incurred relating to expansion may have played as opposed to that incurred to support normal continuing operations i.e. working capital.

One must also note fairly positive trends in investment by the domestic industry in research and development and capital expenditures during the 1975 to 1981 period.[36]

As stated earlier, there has been substantial increases in new productive capacity and production by the two Japanese owned firms, previously accounting for the majority of LTFV imports, subsequent to the imposition of the antidumping order which is still in effect. Counsel for petitioners stated in testimony that the Commission should give special attention to the fact that ". . . the new capacity correspond almost exactly to the decline in supply of strand from Japan."[37] In 1981, a Canadian steel concern, Ivaco, acquired a principal ownership interest in Florida Wire, the largest U.S. producer of PC Strand. These three forms, all foreign owned and controlled, plan to add substantial additions to capacity in the near future[38] and already account for well over half of the industry in terms of aggregate share of 1981 U.S. shipments.[39]

The "related party" provision of the statute has already been cited herein. Pertinent legislative history of the Trade Agreements Act of 1979 in this respect provides the following:

> The ITC is given discretion not to include with the domestic industry those domestic producers *of the like product* which are either related to exporter or importers of the imported product being investigated, or which import that product. Thus, for example, where a U.S. producer is related to a foreign exporter and the foreign exporter directs his exports to the United States so as not to compete with his related U.S. producer, this should be a case where the ITC would not consider the related U.S. producer to be a part of the domestic industry.[40] (emphasis added)

So we must focus solely on producers of the like product in applying the provision.

Although most domestic producers employ company salesmen to call on potential customers and solicit orders[41] it is my understanding at least one of the two Japanese-owned domestic producers utilizes a different and, what some might consider to be an unusual marketing arrangement. Further, it should be noted that it is my belief that IVACO, principal owner of Florida Wire also owns Atlantic Steel Corp. of Atlanta, Georgia, a producer of wire rod. I believe it is imperative in the conduct of a final investigation, should the Commission be requested to undertake same, that it obtain detailed and verifiable information from all domestic producers, especially these three cited that are essentially foreign-owned, regarding the source, terms and conditions including credit and related support, of the major critical raw material component of PC Strand, *wire rod,* that they obtain for the manufacture of this product.

In view of discernible recent trends in overall imports of the product and concomitant trends in domestic productive expansion, it is essential to obtain this data to forestall or confirm the presumption perhaps held by some that trade laws may be circumvented or used by establishing "downstream" "on-shore" productive capacity providing "value-added" fabrication to the perhaps real and critical steel product relevant to these proceedings, *wire rod.* If such is indeed the case, I would suggest the "related party provision" in the statute might be inadequate to the task of insuring such backdoor circumvention does not take place in other areas, and perhaps ought to be revised. For example, a possible scenario could ensue where for some reason shortages of this increasingly important component of concrete construction by certain domestic producers could occur in the future, forcing up prices to end-users and creating higher margins that could cover losses incurred in importing sourced wire rod. I considered these trends as relevant economic factors in my determinations.

In view of the above, I have determined that there is *not* a reasonable indication that an industry in the United States is suffering material injury by reason of aforesaid alleged unfairly traded imports.

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[30] Report at A–23.

[31] Transcript of Conference, p. 41 and 58, and conversation with Mr. Howard Gooley on April 14, 1982.

[32] See e.g. Transcript of Conference, pp. 105–106.

[33] Transcript of Conference, pp. 38–39.

[34] Memorandum C05–F–067 dated April 13, 1982.

[35] Memorandum INV–F–044 dated April 13, 1982.

[36] Report at A–26.

[37] Transcript of Conference, page 44.

[38] Report at A–21.

[39] Report at A–13.

[40] S. Rep. No. 96–249, 96th Cong., 1st Sess., 83 (1979).

[41] Report at A–33.

Threat of Material Injury

The Report of the Committee on Finance of the United States Senate on the Trade Agreements Act of 1979 provides in part with respect to threat:

> In determining whether an industry in the United States is threatened with material injury, the ITC will consider the likelihood of actual material injury occurring. It will consider any economic factors it deems relevant, and consider the existing and potential situation with respect to such factors. An ITC affirmative determination with respect to threat of material injury *must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture . . .*
>
> Economic factors which may indicate that a threat of material injury is present vary from case to case and industry to industry. The ITC will continue to focus on the conditions of trade and competition and the *nature of the particular industry* in each case.[42] (emphasis added)

The report of the Committee on Ways and Means of the House of Representatives on this same statute provides in part with respect to threat:

> **In examining threat of material injury, the** ITC will determine the *likelihood of a particular situation developing into actual material injury. In this regard,* demonstrable trends—for example, the rate of increase of the subsidized or dumped imports to the U.S. market taking into account the availability of other export market * * *[43] (emphasis added)

There is no doubt imports from the accused countries have increased both absolutely and relative to market share, but this must be viewed in the context of overall total import trends and the nature and character of new domestic participants in the U.S. market and increased U.S. productive capability during the period.

I have been informed data and trends on foreign productive capacity have been designated confidential and therefore my observations herein must be even more generalized. In reviewing data available with respect to French and United Kingdom foreign capacity, utilization, potential export market opportunities cited as well as historical export trends to the U.S. etc., I am not sufficiently convinced exports from these countries pose a reasonable indication of a real threat of imminent injury to the domestic industry at this time. There is some indication that Brazil has sufficient capacity that could pose a threat to the U.S. which I did take into consideration.[44]

However, in considering the above as well as the preponderance of the aforesaid positive economic indicators demonstrated by the domestic industry, overall import trends, and the fact that certain domestic producers already having substantial market presence in the U.S. have not renounced plans for further increases in productive capacity in the near future commensurate with further expected growth in PC Strand end-user market applications (notwithstanding the supposed threat), I believe at this time that finding a reasonable indication of threat of material injury would indeed be indulging in mere supposition or conjecture.

Accordingly, I have determined that there is *not* a reasonable indication that an industry in the United States is threatened with material injury by reason of alleged unfairly traded imports from the cited countries.

By Order of the Commission.

Issued: April 23, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-11010 Filed 4-28-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States of America v. The Stroh Brewery Company; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the District of Columbia in *United States* v. *The Stroh Brewery Company*, Civil Action No. 82–1059.

The Complaint in this case alleges that the proposed acquisition of the Jos. Schlitz Brewing Company ("Schlitz") by The Stroh Brewery Company ("Stroh") may substantially lessen competition in the production and sale of beer in the Southeast, in violation of Section 7 of The Clayton Act, 15 U.S.C. 18. The geographic market alleged in the suit consists of Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

The proposed Consent Judgment requires Stroh to divest its entire interest, absolutely and unconditionally, in either the Schlitz Memphis, Tennessee brewery or the Schlitz Winston-Salem, North Carolina brewery. If Stroh does not accomplish this divestiture within twelve months from the date of entry of the Final Judgment, a trustee will be appointed to sell either plant. The proposed Judgment also provides that if it is necessary to accomplish the required divestiture, the trustee is authorized to offer to prospective purchasers the Schlitz container plant associated with the Winston-Salem brewery; the trustee also is authorized to offer an arrangement under which the prospective purchaser would produce a specified volume of beer in the divested brewery for Stroh for a specified period.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, United States Department of Justice, Antitrust Division, Room 3266, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530, telephone (202) 633–2541.

Joseph H. Widmar,

Director of Operations.

U.S. District Court, for the District of Columbia

United States of America, Plaintiff v. *The Stroh Brewery Company*, Defendant.

Civil Action No. 82–1059.

Filed: April 16, 1982.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form attached hereto may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing the notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipluation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: April 16, 1982.

For the Plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Anthony V. Nanni, L. John Schmoll, Michael H. Byowitz, *Attorneys, U.S. Department of Justice, Antitrust Division, Attorneys for Plaintiff, Washington, D.C., (202) 633–2477.*

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[42] S. Rep. No. 96–249, 96th Cong., 1st Sess., 88–89 (1979).

[43] H.R. Rep. No. 96–317, 96th Cong., 1st Sess., 47 (1979).

[44] *See* Report at A–14 to A–17.

For the Defendant: Robert L. Wald, George A. Avery, Thomas W. Brunner, Robert A. Skitol, *Wald, Harkrader & Ross, 1300 Nineteenth Street, NW., Washington, D.C. 20036, Attorneys for the Defendant, (202) 828-1200.*

U.S. District Court, for the District of Columbia

United States of America, Plaintiff v. *The Stroh Brewery Company*, Defendant.

Civil Action No. 82-1059.

Filed: April 16, 1982.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on April 16, 1982, and defendant, The Stroh Brewery Company, having appeared, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence, or an admission by any party, with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered, adjudged and decreed:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The compliant states a claim upon which relief may be granted against the defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

As used in this Final Judgement:

A. "Defendant" means The Stroh Brewery Company, including each division, subsidiary or affiliate thereof, its parent organization, and each officer, director, employee, attorney, agent or other person acting for or on behalf of any of them.

B. "Person" means any natural person, corporation, association, firm, partnership or other business or legal entity.

C. "Beer" means any fermented beverage containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute for malt.

D. "Winston-Salem plant" means the manufacturing plant, real property, capital equipment and any other interests, tangible assets or improvements, associated with the facility for brewing beer owned as of April 16, 1982 by the Jos. Schlitz Brewing Company and located in Winston-Salem, North Carolina. The "Winston-Salem plant" does not include the Schlitz container manufacturing plant located in Winston-Salem, North Carolina, except as provided in Section IV-D hereinbelow.

E. "Memphis plant" means the manufacturing plant, real property, capital equipment, and any other interests, tangible assets or improvements, associated with the facility for brewing beer owned as of April 16, 1982 by the Jos. Schlitz Brewing Company and located in Memphis, Tennessee.

F. "Eligible purchaser" means any person not owned or controlled by the defendant, directly or indirectly, which desires to acquire the Winston-Salem plant or the Memphis plant pursuant to this Final Judgment for the purpose of producing and selling beer, and which is approved by plaintiff or, failing such approval, by the Court; provided, however, that under no circumstances shall Anheuser-Busch Companies, Inc., or Miller Brewing Co., or any division, subsidiary, affiliate or parent organization thereof, directly or indirectly, qualify as an eligible purchaser under this Final Judgment.

III

The provisions of this Final Judgment shall apply to the defendant, to its subsidiaries, successors and assigns, to each of their officers, directors, agents, and employees and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Defendant shall divest its entire interest in either the Winston-Salem plant or the Memphis plant to an eligible purchaser within twelve (12) months of the date of entry of this Final Judgment. The required divestiture shall be absolute and unconditional and upon terms and conditions approved by the plaintiff or, failing such approval, by the court. Defendant shall use its best efforts to accomplish the required diverstiture during the aforesaid period.

B. Defendant shall promptly report the details of any proposed sale of the Winston-Salem plant or the Memphis plant and produce all relevent documentation thereof to plaintiff. Plaintiff shall have thirty (30) days in which to object to the proposed sale or to request additional information. If plaintiff requests additional information, plaintiff shall have fifteen (15) days from the date such information is received by plaintiff in which to object to the proposed sale. If plaintiff does not object, the sale may be consummated; if plaintiff objects, the sale shall not be consummated unless and until defendant thereafter obtains the Court's approval or plaintiff withdraws its objection. The period set forth in Section IV-A shall be tolled during any period or periods utilized by plaintiff pursuant to this Section IV-B and during the pendency of any proceeding in this Court under this Final Judgment relating to approval of a proposed sale.

C. If defendant has not accomplished the required divestiture within twelve (12) months from the date of entry of this Final Judgment, the Court shall, upon application of the plaintiff, appoint a trustee who shall have full power and authority to sell either the Winston-Salem plant or the Memphis plant to an eligible purchaser subject to the Court's prior approval of the terms and conditions of the proposed sale. Plaintiff may petition the Court for the appointment of a trustee after ten (10) months from the date of entry of this Final Judgment. Upon the filing of such a petition, plaintiff and defendant shall promptly begin negotiations to identify a mutually acceptable candidate for trustee. Should the parties agree on such a candidate, the candidate's name will be submitted to the Court; should the parties fail to agree on a candidate within fifteen (15) business days, then each party shall identify not more than two (2) candidates for trustee no later than two (2) weeks after such fifteen (15) business days and submit the names of such candidates to the Court. The Court shall appoint a trustee from the candidates so named.

D. If the trustee deems it necessary to accomplish divestiture pursuant to this Final Judgment, he may offer prospective purchasers (1) the option of purchasing the Schlitz container manufacturing plant located in Winston-Salem, North Carolina, in conjunction with the purchase of the Winston-Salem plant, and/or (2) as to either the Memphis plant or the Winston-Salem plant and with the prior approval of plaintiff, an arrangement on reasonable terms and conditions under which, for a specified phase-out period, the purchaser will produce for defendant a specified volume of beer under a brand or brands now or subsequently owned by defendant.

E. Prior to granting any approval of a sale by a trustee, the Court shall provide the parties an opportunity for a hearing on the proposed sale, taking into consideration all factors urged by the parties. The trustee shall serve at the cost and expense of defendant, on such reasonable terms and conditions as the Court may prescribe, and shall account for all monies derived from said divestiture and all costs and expenses so incurred. The compensation of such trustee shall be based in significant part on a commission arrangement which shall be contingent upon its causing the sale of the assets and which shall provide an incentive for the trustee to sell the plant as soon as possible and to obtain the best possible price for the plant being sold. Defendant shall use its best efforts to assist the trustee in accomplishing a sale. After approval by the Court of the trustee's accounting, including fees for its services, all remaining monies shall be paid to defendant and the trust shall then be terminated.

F. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to sell the Winston-Salem plant and the Memphis plant. If the trustee has not sold the Winston-Salem plant or the Memphis plant within six (6) months after its appointment, the trustee shall thereupon promply file with the Court and the parties a report setting forth the reasons, in the trustee's judgment, why an eligible purchaser has not been found. At the plaintiff's option, the trustee shall be given full power and authority to sell either the Winston-Salem plant or the Memphis plant (in the manner specified in Sections IV-C and IV-D above) for an additional period of up to six (6) months in duration from the date of plaintiff's receipt of the trustee's six (6) month report. If after a total of one (1) year from the effective date of its appointment the trustee has not succeeded in selling the Winston-Salem plant or the Memphis plant to an eligible purchaser approved by the Court, the trustee shall thereupon promptly file with the Court a report setting forth (1) the trustee's efforts to sell the plant, and (2) the trustee's recommendations. The trustee shall

at the same time furnish a copy of such report to both parties, who shall each have the right to be heard and to make additional recommendations. The Court shall thereafter enter such orders as it shall deem appropriate, which may include terminating the trust and relieving defendant of any further divestiture obligation.

V

A. Defendant shall maintain records of its efforts to accomplish the required divestiture, including but not limited to, identification of each person to whom the Winston-Salem plant or the Memphis plant has been offered or who has expressed an interest in acquiring said plant or plants, the terms and conditions of each offer to purchase or sell, and all correspondence between defendant and prospective purchasers.

B. Each three (3) months after entry of this Final Judgment until the divestiture has been completed, defendant shall file with plaintiff an affidavit together with all relevant documentation (including the name and address of each person who has been contacted) as to the fact and manner of compliance with Sections IV and V of this Final Judgment.

C. No information or documents obtained by plaintiff under Sections IV or V of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for purposes of securing compliance with this Final Judgment, or as otherwise required by law.

VI

Until the divestiture required by this Final Judgment has been accomplished, defendant shall maintain the Winston-Salem plant and the Memphis plant in good working condition and shall not remove any assets used in connection with or otherwise relating to the maintenance or operation of said plants except as required in the ordinary course of business or with plaintiff's approval.

VII

Defendant is ordered and directed to notify plaintiff at least forty-five (45) days prior to its entry into any final agreement to sell any brewery or container manufacturing plant which is owned by defendant or by the Jos. Schlitz Brewing Company on the date of entry of this Final Judgment and for which no filing under the Hart-Scott-Rodino Antitrust Improvements Act is required: *Provided, however,* That defendant shall not sell the Schlitz container manufacturing plant located in Winston-Salem, North Carolina prior to accomplishing the divestiture required by Section IV of this Final Judgment without first obtaining the approval of plaintiff.

VIII

Defendant is ordered and directed to notify plaintiff at least forty-five (45) days prior to its entry into any final agreement to acquire, directly or indirectly, any brewery brewing or selling beer in the United States and for which no filing under the Hart-Scott-Rodino Antitrust Improvements Act is required.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees and agents of defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XI

This Final Judgment will expire on the fifth anniversary of the date of entry, or with respect to any particular provision, on any earlier date specified.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court, for the District of Columbia

United States of America, Plaintiff v. *The Stroh Brewery Company,* Defendant

[Civil Action No. 82–1059].

Filed: April 16, 1982.

Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On April 16, 1982, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. § 25, challenging the acquisition of The Jos. Schlitz Brewing Co. ("Schlitz") by The Stroh Brewery Company ("Stroh") as a violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. The complaint alleges that the acquisition eliminates actual and potential competition between Schlitz and Stroh in the production and sale of beer; that competition generally in the production and sale of beer may be substantially lessened; and that concentration in the production and sale of beer may be substantially increased. The complaint alleges that the acquisition will have these effects in "the Southeast Market," consisting of the states of Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. The complaint seeks divestiture of one of two plants to be acquired by Stroh when it obtains control of Schlitz: either the Schlitz plant located in Memphis, Tennessee or the Schlitz plant located in Winston-Salem, North Carolina.

The United States and Stroh have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction to construe, modify or enforce the proposed Final Judgment. The Stipulation between Stroh and the United States will no longer be in effect upon entry of the proposed Final Judgment.

II

Description of Practices and Events Giving Rise to the Alleged Violation in the Complaint

On or about March 29, 1982, Stroh announced a cash tender offer to buy 67 percent of Schlitz's common stock at $16 per share for a total consideration of approximately $316 million. On or about

April 15, 1982, Stroh and Schlitz announced that they had entered into an Agreement of Merger whereby Stroh's tender offer price was increased to $17 per share for a total consideration of approximately $336 million. By the terms of the tender offer Stroh is precluded from purchasing any Schlitz common stock before April 17, 1982. Once Stroh receives binding tenders for the Schlitz stock, it plans to acquire the remaining 33 percent of the outstanding Schlitz common stock, whereupon the merger will be consummated and Schlitz will become a wholly-owned subsidiary of Stroh.

Stroh was the nation's seventh largest brewer with total shipments of 9.7 million barrels in 1980 (including approximately one million barrels shipped to Puerto Rico) and 9.1 million barrels in 1981 (including approximately 925,000 barrels shipped to Puerto Rico). The Company owns two breweries, one in Detroit, Michigan, which has a capacity of about 7.2 million barrels, and one in Allentown, Pennsylvania, which has a capacity of about 5 million barrels. The Company also owns a production facility in Ohio where it manufactures aluminum cans for its brewing operations. Stroh markets beer in 28 states, the District of Columbia, Puerto Rico and the Caribbean. Its brands include Stroh's Bohemian, Stroh Light, Schaefer, Schaefer Light, Goebel and Piels.

Schlitz was the nation's third largest brewer in 1981 with shipments of 14.3 million barrels. In 1980 Schlitz was the nation's fourth largest brewer with shipments of 14.9 million barrels. The company operates five breweries located in Los Angeles, California; Tampa, Florida; Longview, Texas; Winston-Salem, North Carolina; and Memphis, Tennessee. The Company has a total operating capacity of about 18.8 million barrels, the Winston-Salem plant accounting for about 5 million barrels and the Memphis plant accounting for about 5.5 million barrels. Schlitz also owns five plants where it manufactures aluminum cans for its brewing operations, one of which is associated with the Winston-Salem brewery. Schlitz's brands include Schlitz, Schlitz Light, Erlanger, Old Milwaukee, Old Milwaukee Light, Schlitz Malt Liquor and Primo. All the Schlitz brands are sold throughout the United States except Primo, which is sold mainly in Hawaii.

In 1980 a total of approxmately 31.4 million barrels of beer were sold in the Southeast Market. The six largest brewing companies in this region accounted for approximately 97 percent of total shipments. The two leading brewing companies in the Southeast Market—Anheuser-Busch Companies, Inc. ("Anheuser-Bush") and Miller Brewing Co., a subsidiary of Phillip Morris, Inc. ("Miller")—together controlled approximately 63 percent of the market. Stroh was the fifth largest brewer selling approximately 2.2 million barrels and accounting for 6.9 percent of total beer sales; Schlitz was the third largest brewer, selling approximately 4.2 million barrels and accounting for 13.4 percent of total beer sales.

In 1980 the combined Stroh/Schlitz firm would have been the third largest brewer in the southeast Market with shipments of approximately 6.4 million barrels accounting for 20.3 percent of the market. In this region such a combination would have increased the four-firm concentration ratio of sellers by 6.9 percent from 85.2 percent to 92.1 percent; it would have increased total seller concentration as measured by the Herfindahl Index by 186 points from 2345 to 2531. [1]

III

Explanation of the Proposed Final Judgment and its Anticipated Effects on Competition

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (1974). The proposed Final Judgment constitutes no admission by either party as to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

A. *Divestiture*

The proposed Final Judgment requires Stroh to divest its entire interest in the Schlitz Winston-Salem, North Carolina plant or the Schlitz Memphis, Tennessee plant, absolutely and unconditionally, by its own efforts within twelve months from the date of entry of the Final Judgment. The divestiture will be upon terms and conditions approved by the plaintiff or, failing such approval, by the Court. If Stroh cannot accomplish the required divestiture after a year, the proposed Final Judgment provides that plaintiff may petition the Court for the appointment of a trustee who will be given full power and authority to sell either plant. Any divestiture must be to purchaser who intends to brew beer in the facility and who is approved by plaintiff, or failing such approval, by the Court. Under no circumstances will either plant be divested to Anheuser-Busch or Miller, the two dominant companies in the Southeast Market.

If it is necessary to accomplish the required divestiture, the trustee is authorized under the proposed Final Judgment to offer prospective purchasers the option of purchasing the Schlitz Winston-Salem container manufacturing plant in conjunction with the purchase of the Winston-Salem brewery; with the prior approval of the plaintiff, the trustee also may offer prospective purchasers an arrangement whereby the purchaser will produce a specified volume of beer at the divested brewery for defendant for a specified period.

The proposed Final Judgment further provides that Stroh must report periodically to plaintiff regarding the status of its efforts to sell the plants. The details of any proposed sale must be reported to the plaintiff, which is given time to investigate the proposed sale and to seek additional information from Stroh. Should plaintiff object to a proposed sale, it connot be consummated until plaintiff withdraws its objections or the Court approves the sale.

If a trustee is appointed, the proposed Final Judgment provides that Stroh will pay all costs and expenses of the trustee. The trustee's fee shall be based primarily on a commission contingent upon its causing the sale of the assets. The commission shall also provide an incentive for the trustee to sell the plant as soon as possible and at the best possible price. The trustee will initially serve for six months, but, at the plaintiff's option, its appointment can be extended for another six months. If after a year the trustee has not sold either plant, the trustee and the parties shall make recommendations to the Court and the Court shall enter such orders as it deems appropriate.

B. *Miscellaneous Provisions*

The proposed Final Judgment provides that Stroh must give plaintiff 45 days notice of any final agreement to buy any brewery in the United States, or to sell any brewery or container facility that it or Schlitz owns on the date of entry of the judgment. Stroh may not sell the container plant associated with the Winston-Salem brewery prior to accomplishing the required divestiture without first obtaining plaintiff's approval.

The Final Judgment also contains a number of provisions which enable the plaintiff to secure and determine compliance.

The Final Judgment will be in effect for five years.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair not assist the bringing of any private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

The proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the Government written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive

[1] The Herfindahl Index is a measure of seller concentration in a market which takes into account the number and size distribution of all sellers in the market. It is computed by squaring the market shares of each firm in the market and then adding them. For example, the index for a market where 10 firms each have 10 percent would be 1000.

The four firm concentration ratio is the sum of the market shares of the four largest firms in the market.

Impact Statement in the **Federal Register**. The United States will evaluate and respond to any comments, and determine whether it should withdraw its consent. The comments and the responses of the United States will be filed with the Court and published in the Federal Register.

Written comments should be submitted to:
Anthony V. Nanni,
Chief, Trial Section, U.S. Department of Justice, Antitrust Division, Room 3266, 10th Street & Constitution Avenue, NW., Washington, D.C.

The proposed Final Judgment provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The United States considered one alternative to the proposed Final Judgment: to conduct a trial on the merits. The proposed Final Judgment achieves the objectives of the lawsuit and also saves the United States the expense of litigation. The anticompetitive effect alleged in the complaint was the lessening of competition in the manufacture and sale of beer in the Southeast Market. In other parts of the country, the merger will be competitively neutral at best and may be procompetitive. This divestiture to a person other than Anheuser-Busch or Miller, the two largest beer producers in the country, will promote competition in the Southeast Market. Had there been a full trial on the merits, and had the plaintiff prevailed, the prayer for relief would have been substantially similar to the relief in the proposed Final Judgment. Thus, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Documents

Pursuant to 15 U.S.C. 16(b), there are no determinative documents. Consequently none are filed with this Competitive Impact Statement.

Respectfully submitted,
L. John Schmoll,
Michael H. Byowitz, *Attorneys, Department of Justice, Room 3244, Main Justice Building, Washington, D.C. 20530, 202/633-2477.*

[FR Doc. 82-11619 Filed 4-28-82; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology, Cellular, and Molecular Biology Subpanel on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Cell Biology, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.
Date and time: May 19 and 20, 1982; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, DC 20550.
Type of meeting: Closed.
Contact person: Dr. Jack Pate, Program Director, Cell Biology Program, Room 332, National Science Foundation, Washington DC 20550, Telephone: 202/357-7474.
Purpose of subpanel: To provide advice and recommendations concerning support for research in Cell Biology.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c) Government in the Sunshine Act.
Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,
Committee Management Coordinator.
April 26, 1982.
[FR Doc. 82-11718 Filed 4-28-82; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular, and Molecular Biology, Subpanel on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Developmental Biology of the Advisory Panel for Physiology, Cellular, and Molecular Biology
Date and time: May 20, 21, 1982, starting at 9:00 a.m. to 5:00 p.m.
Place: Room 523, National Science Foundation, 1800 G. Street NW., Washington, DC.
Type of meeting: Closed.
Contact person: Dr. Susan V. Bryant, Program Director, Developmental Biology Program, Rom 332-E, National Science Foundation, Washington, DC 20550, Telephone: 202/357-7989.
Purpose of subpanel: To provide advice and recommendations concerning support of research in developmental biology.
Agenda: To review and evaluate research proposals as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(c) Government in the Sunshine Act
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
April 26, 1982.
[FR Doc. 82-11719 Filed 4-28-82; 8:45 am]
BILLING CODE 7555-01-M

Group "A" of the Subpanel on Neurobiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences, Group "A."
Date and Time: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. May 17 and 18, 1982. 9 a.m. to 5 p.m.
Type of Meeting: Closed.
Contact Person: Steven E. Kornguth, Program Director for Neurobiology, National Science Foundation, Room 320, 1800 G Street, NW., Washington, D.C. 20550. Telephone (202) 357-7471.
Purpose of Subpanel: To provide advice and recommendations concerning support for research in Neurobiology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 26, 1982.

[FR Doc. 82-11716 Filed 4-28-82; 8:45 am]

BILLING CODE 7555-01-M

Subpanel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences Subpanel for Sensory Physiology and Perception

Date and Time:
May 19, 1982, 7:30 p.m. to 9:00 p.m.;
May 20 and 21, 1982, 9:00 a.m. to 5 p.m.

Place: Rom 1224, at The National Science Foundation, 1800 "G' Street, NW., Washington, D.C. 20550

Type of Meeting:
Partially open—open, 7:30 p.m. to 9:00 p.m., May 19;
Closed: 9:00 a.m. to 5:00 p.m., May 20 and 21.

Contact Person: Dr. Terrence R. Dolan, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, D.C. 20550; telephone 202/357-7428

Summary Minutes

May be obtained from the Contact Person, Dr. Terrence R. Dolan at the address listed above.

Purpose of Panel

To proivde advice and recommendations concerning support for research in sensory physiology and perception.

Agenda

Open—Discussion of the future of the scientific field of Sensory Physiology & Perception.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(C), Government in the Sunshine Act.

Authority To Close Meeting

This determination mas made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 26, 1982.

[FR Doc. 82-11715 Filed 4-28-82; 8:45 am]

BILLING CODE 7555-01-M

Subpanel on Marine Biological Laboratories; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Marine Biological Laboratories of the Advisory Panel for Environmental Biology.

Date and Time: May 21, 1982-8:30 a.m. to 5:00 p.m.

Place: Room 628 National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. James C. Tyler, Program Director, Biological Research Resources (202) 357-7475, Room 336, National Science Foundation, Washington, D.C. 20550.

Purpose of Meeting: To provide advice and recommendations concerning support for marine biological laboratories.

Agenda: To review and evaluate proposals for the purchase of major equipment, refurbishing of facilities, and acquisition of other scientific tools important to research at marine biological laboratories as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 26, 1982.

[FR Doc. 82-11717 Filed 4-28-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before June 1, 1982. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Excutive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 22nd day of April, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (Export)

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
General Electric; Apr. 7, 1982; Apr. 15, 1982; XSNMO1944	4.0% Enriched uranium	44,810	1,323	Routine reload fuel for Fukushima I, Unit 6.	Japan.
Transsnuclear; Apr. 13, 1982; Apr. 13, 1982; XSNMO1947	3.30% Enriched uranium	24,252.12	800.32	Reload fuel for Koeberg, Unit I	South Africa.
Edlow International; Apr. 19, 1982; Apr. 20, 1982; XSNMO1954.	2.85% Enriched uranium	13,640	389	Reload fuel for Takahama Unit 2	Japan.

FEDERAL REGISTER (Export)—Continued

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear; Apr. 15, 1982; Apr. 16, 1982; XSNMO1948	93.3% Enriched uranium	4.911	4.582	Use of fuel in the McMaster University Research Reactor.	Canada.

[FR Doc. 82-11728 Filed 4-28-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 30-6931; Renewal of Byproducts Material License No. 19-08330-03]

Armed Forces Radiobiology Research Institute (Cobalt-60 Storage Facility); Assignment 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 assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding: Gary J. Edles, Chairman, Dr. W. Reed Johnson, Stephen F. Eilperin.

Dated: April 23, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82-11728 Filed 4-28-82; 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 proposed revision to a guide in 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 needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, OP 706-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 10.9 and is entitled "Guide for the Preparation of Applications for Licenses for the Use of Gamma Irradiators." The guide is being developed to describe the type of information that the NRC staff needs to evaluate an application for a license to use sealed radioative sources for the gamma irradiation of materials. This proposed revision to the guide is a result of recent experience and additional staff review.

The draft guide and the associated value/impact statment 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 25, 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 avaiable for inspection at the Commission's Public Document Room, 1717 H Street, N.W., 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 Rockville, Maryland this 22d day of April 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-11729 Filed 4-28-82; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-31, and Amendment No. 79 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments correct the Hot Channel Factor Normalization Operating Envelope.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 1 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments:

For further details with respect to this action, see (1) the application for amendments dated April 21, 1982, as supplemented April 22, 1982, (2) Amendment Nos. 86 and 79 to License

Nos. DPR–31 and DPR–41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 22nd day of April, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–11725 Filed 4–28–82; 8:45 am]

BILLING CODE 7590–01–M

[NUREG–0902]

Site Suitability, Selection, and Characterization for Near-Surface Disposal of Low-Level Wastes

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of availability of technical position.

SUMMARY: The Low-Level Waste Licensing Branch, Division of Waste Management, has published NUREG–0902, "Technical Position on Site Suitability, Selection, and Characterization." This technical position paper addresses the site suitability requirements in the proposed 10 CFR Part 61, the site selection process as related to the consideration of alternatives (NEPA requirements), and site characterization activities to be performed in order to develop the site-specific data needed to support a license application and environmental report.

ADDRESS: Copies of NUREG–0902 are available from the NRC GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555.

FOR ADDITIONAL INFORMATION CONTACT: David L. Siefken, Low-Level Waste Licensing Branch, Division of Waste Management, Nuclear Regulatory Commission, Washington, D.C., 20555, telephone (301) 427–4571.

Dated at Silver Spring, Maryland, this 16th day of April, 1982.

R. Dale Smith,

Chief, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 82–11727 Filed 4–28–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. the amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to the Fire Protection System and revises the License Condition related to Fire Protection by deleting the requirement to install a Reactor Coolant Pump Foam Suppression System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pusuant 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 October 19, 1979, as revised by letter dated April 16, 1980, (2) the Commission's letter dated April 21, 1982, (3) Amendment No. 39 to License No. DPR–43 and (4) the Commission's related Safety Evaluations dated December 12, 1978, February 13, 1981 and January 26, 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of April 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–11723 Filed 4–28–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–305]

Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to Heatup and Cooldown Limit Curves for Normal Operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 7, 1981, (2) Amendment No. 40 to License No. DPR-43, 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 Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. 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 21st day of April, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 82-11724 Filed 4-28-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 26, 1982.

The purpose of this notice is to announce that OMB has discontinued publication of notices of proposed information collections in the **Federal Register**. The final OMB notice was published on April 15, 1982. Federal agencies were previously notified that to assure continuity they should begin publishing **Federal Register** notices of proposed information collections to be sent to OMB for review. These notices will be published on the days that each agency regularly publishes its **Federal Register** notices and will be included in each agency's *Register* listing. This new procedure should provide the public with an earlier opportunity to comment on proposed information collections.

Nathaniel Scurry,

Chief, Reports Management Branch.

[FR Doc. 82-11730 Filed 4-28-82; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I., 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on May 6, 1982 at the Securities and Exchange Commission, Room 876, 500 North Capitol Street, Washington, D.C. 20549, beginning at 9:00 a.m.

The purpose of the meeting is to review the preliminary draft of the Committee's Report and discuss a possible recommendation relating to former Form N-1Q.

Further information may be obtained by contacting: Gregory H. Mathews, Division of Corporation Finance, Securities and Exchange Commission, 500 N. Capitol Street, Washington, D.C. 20549; (202) 272-2589.

Dated: April 22, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11721 Filed 4-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12395; 812-5114]

Paramount Mutual Fund, Inc. and Mitchel, Schreiber, Watts & Co., Inc.; Filing of an Application

April 22, 1982.

Notice is hereby given that Paramount Mutual Fund, Inc. ("Fund") 1888 Century Park East, Los Angeles, CA 90067, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Mitchel, Schreiber, Watts & Co., Inc. ("Distributor", hereinafter referred to collectively with the Fund as "Applicants"), filed an application on February 12, 1982, for an order, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit the sale of shares of the Fund at net asset value to the directors and certain employees of the Angeles Corporation and its subsidiaries, who are participants in a non-tax-qualified employee benefit plan. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Fund, a Delaware corporation, is currently engaged in the continuous public offering of its shares through its Distributor, a Delaware corporation, at public offering prices equal to net asset value plus a sales charge. Applicants state that sales charges imposed on sales of the Fund's shares vary with the size of the purchase as set forth in the Fund's prospectus and range from 8.5% to .90% of the public offering price of the Fund's shares. A minimum initial investment of $1500 is required from all public investors other than retirement plans unless the investment is made pursuant to the Fund's Systematic Investment Plan, and any subsequent investments must be a minimum of $100. Applicants represent that investors may establish a Systematic Investment Plan with a minimum initial investment of $500 and an expressed intention to increase the initial investment to $1500 within twelve months. Retirement plans may be opened with an initial investment of $100 and an expressed intention to increase the investment to $1500 within twelve months.

As stated in the application, First Pacific Advisors, Inc. ("Adviser"), a California corporation, serves as investment adviser to the Fund. Applicants state that both the Adviser and Distributor of the Fund are wholly-owned subsidiaries of the Angeles Corporation ("Angeles"), a California corporation. (Adviser, Distributor, Angeles, other present subsidiaries of Angeles and any Angeles subsidiaries, or other similar entities controlled directly or indirectly by Angeles, acquired or formed subsequent to the date of the application, are hereinafter referred to as the "Angeles Companies.") Applicants further state that as of December 31, 1981, the directors and employees of the Angeles Companies (hereinafter referred to as the "Angeles Affiliated Employees") totaled approximately 720, five of whom are directors who are not employed by the Angeles Companies in any other capacity ("Outside Directors").

Applicants state that they propose to permit the Angeles Affiliated Employees participating in an employee benefit plan ("Plan") sponsored by the Angeles Companies to purchase shares of the Fund at net asset value on a direct purchase basis and, except in the case of the Outside Directors, through payroll deductions. Applicants state that to be eligible to participate in the Plan, an Angeles Affiliated Employee must have completed six months service with the Angeles Companies. The Plan would permit Angeles Affiliated Employees desiring to make investments in the Fund on a direct purchase basis to establish an account under the Plan with a minimum initial investment of $500 or more and an expressed intention to increase the initial investment to $1500 within twelve months. Subsequent investments of $100 or more may be made at any time. The Plan would also permit Angeles Affiliated Employees who wish to invest in the Fund through payroll deductions to establish an

account by making a minimum initial investment of $250, by signing an authorization for specified monthly deductions of a minimum of $50 from their paychecks and by expressing an intention to increase their paychecks and by expressing an intention to increase the initial investment to $1500. A single check representing all payroll deduction investments will be submitted to the Fund within one to two days after the date of which the payroll checks from which the deductions are made are distributed. In addition, Angeles Affiliated Employees participating in the payroll deduction portion of the Plan may make direct investments of $100 or more at any time.

Applicants further state that a participating Angeles Affiliated Employee may suspend payroll deductions at any time; however, once suspended, the deductions may not be resumed for a period of six months. Moreover, if an Angeles Affiliated Employee's total investment in the Fund is less than $500 when he or she suspends payroll deductions, or when an Angeles Affiliated Employee's employment with the Angeles Companies is terminated, such employee will no longer be permitted to purchase shares through the Plan and will be expected at that time to resell his or her shares to the Fund. In addition, Angeles Affiliated Employees who close their accounts in the Plan may not reopen them for twelve months.

According to the application, the opening of an account under the Plan will require the prior approval of Angeles after it has made a determination of the eligibility of the Angeles Affiliated Employee to participate in the Plan. Applicants further state that certificates for shares acquired through participation in the Plan will not be issued and dividends and capital distributions with respect to such shares will automatically be reinvested at net asset value.

As stated in the application, all participants in the Plan will agree not to resell Fund shares acquired through their participation in the Plan except by repurchase or redemption by or for the account of the Fund. Applicants further state that redemption of Fund shares purchased under the Plan may not occur more ofter than once a year.

Applicants represent that no individual sales solicitations or face-to-face group sales solicitations concerning the Plan will be made and that the Angeles Affiliated Employees will receive, at least annually, notice from Angeles or one of the other Angeles Companies concerning the Plan. Applicants state that this notice, which will be furnished at the expense of the Angeles Companies, will describe the Fund and its investment objectives, indicate that investments in the Fund can be made at net asset value, and detail the methods by which investments can be made. The notice will also indicate that additional information concerning the Plan and the Fund can be obtained from the Angeles Companies and will inform the Angeles Affiliated Employees of the availability of prospectuses and application forms from the Angeles Companies. Applicants state that each prospectus will contain appropriate disclosure concerning the Plan.

Applicants represent thta all expenses of administering the Plan, such as those associated with notification of eligible Angeles Affiliated Emloyees of the existence of the Plan, preparation, review and approval of account applications, and administration of the payroll deduction investments, will be borne by the Angeles Companies and not by the Fund.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Rule 22d–1 permits reductions in, or eliminations of, the sales load charged upon the sale of shares under certain circumstances.

Applicants submit that the sale of shares of the Fund to certain of the eligible Angeles Affiliated Employees at net asset value under the Plan may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. While Rule 22d–1(i) would permit sales without any sales charge to certain employees of affiliated persons of the Fund, Applicants assert that this would not be available to exempt the sale of Fund shares of net asset value to certain of the Angeles Affiliated Employees because they are employees and directors of Angeles Companies other than its Adviser and Distrbutor, or because such persons are in positions that do not directly provide investment advice to, or distribute shares of, the Fund, or supervise persons employed in such positions. Applicants further claim that sales of the Fund's shares at net asset value under the Plan to ceratin Angeles Affiliated Employees would be permitted by Paragraph (f) of Rule 22d–1, which permits the elimination of sales charges in a sale pursuant to a uniform offer descibed in a prospectus and made to, *inter alia*, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expense. Applicants submit, however, that those Angeles Affiliated Employees who are Outside Directors might not be deemed to be "employees" within the meaning of Rule 22d–1(f) and have determined to seek an exemption from Section 22(d) of the Act and the rules thereunder, pursuant to Section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that investment by the Angeles Affiliated Employees in shares of the Fund at net asset value should result in demonstrable economies in sales effort and sales-related expense as compared with other sales effort and would not be unjustly discriminatory. Applicants further assert that granting the exemption requested is appropriate in the public interest and consistent with the protection of investors and purposes of Section 22(d) of the Act. Applicants represent that the association of the Fund with the Angeles Companies and the relationship of the Angeles Companies to the Adviser, Distributor and the Fund will result in economies in sales effort and sales-related expense that justify elimination of all sales charges on Fund shares purchased by the Angeles Affiliated Employees without discrimination against other employee benefit plans or other purchasers of Fund shares. Applicants further assert that sales of Fund shares to such persons serve legitimate corporate purposes by promoting employee incentive, good will and loyalty. Applicants represent that the Plan will not adversely affect the interests of investors and that such sales do not involve any of the abuses against which Section 22(d) is directed.

According to the application, features of the Plan which are expected to give rise to economies of scale in sales effort and sales-related expense are as follows: (i) The Fund's Adviser and Distributor, their representatives or other broker dealers will not engage in any personal solicitation of participants; (ii) Angeles Affiliated Employees purchasing shares through payroll deductions will have shares purchased for their accounts monthly with payment for such shares being made by a single check; and (iii) Angeles Affiliated Employees will be sent notices periodically, at the expense of the Angeles Companies, with information about the Plan and the fact that the Fund's shares may be purchased without a sales charge.

Applicants further submit that sales of the Fund's shares to the Outside Directors will result in the same economies of sales effort and sales-related expense as result from sales to the other Angeles Affiliated Employees. Applicants argue that because many of the Angeles Affiliated Employees have a basic understanding of the nature of an investment company as well as general familiarity with, and loyalty to, the Fund no individual or group solicitation is necessary for sales of the Fund's shares to such individuals under the Plan. Applicants further allege that this rationale for the elimination of sales charges is even stronger in the case of the Outside Directors of the Angeles Companies. Applicants assert that because the Outside Directors participate (in most cases) in the overall management of Angeles and its subsidiaries, including the Fund's Adviser and Distributor (which are intimately involved in the Fund's operations) they possess a greater knowledge of the Fund than many of the other Angeles Affiliated Employees. Moreover, Applicants submit that Outside Directors of the Angeles Companies other than Angeles who do not have such an overall supervisory role will be sufficiently knowledgeable concerning the Fund and its operations so that sales of the Fund's shares to such individuals will result in the same economies of sale effort and sales-related expense as sales to other Angeles Affiliated Employees. For these reasons, Applicants submit that no rational basis exists for distinguishing between sales of the Fund's shares to the Outside Directors and sale to other Angeles Affiliated Employees under the Plan.

Notice is further given that any interested person may, not later than May 17, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–11720 Filed 4–28–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Application No. 06/06–0257]

Independence Financial Services, Inc.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of Independence Financial Services, Inc., 323 Main Street, Batesville, Arkansas 72501, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the rules and regulations promulgated thereunder.

The proposed officers, directors, and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship, and Percent of Ownership

Preston Grace, Jr., 55 Bluff View Drive, Batesville, AR 72501—President Director (14.7 (Indirect)) (None)

Jeffrey Hance, 727 Vine Street, Batesville, AR 72501—Secretary, Treasurer, Director (None)

Jack Plumlee, 2815 Cedar, Batesville, AR 72501—Vice-President, Director (None)

Batesville Service Corporation, P.O. Box 2276, Batesville, AR 72501—Shareholder (100)

Independence Federal Savings & Loan Association, 12th and Main Streets, Box 2276, Batesville, AR 72501—100 percent shareholder of Batesville Service Corporation

Preston Grace, Jr., is a 14.7 percent shareholder of Independence Federal Savings and Loan Association.

The Applicant will begin operations with $500,100 of private capital derived from the sale of 5,010 shares to Batesville Service Corporation.

The Applicant will conduct its operations principally in the State of Arkansas.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may on or before May 14, 1982, submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Batesville, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 22, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–11722 Filed 4–28–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice CM–8/515]

Overseas Schools Advisory Council; Meeting

The Executive Committee of the Overseas Schools Advisory Council, Department of State, will be meeting Tuesday, June 8, 1982 at 9:30 a.m. in Conference Room 2722B of the

Department of State building, 2201 C Street, NW., Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome to Council Members.

II. Greetings from Assistant Secretary.

III. Status Report for 1981/1982.

IV. Report on Local Fund-Raising Programs by the Schools and Activities of Regional Schools Associations.

V. Progress Report on Council's Activities Discussed at the Annual Meeting in Connection with Proposal Submitted to the Council Regarding Additional Benefits to the American Sponsored Overseas Schools.

VI. Council Communications with U.S. Business and Foundation Communities.

VII. Other Business.

VIII. Selection of Date for Full Annual Council Meeting.

For the purpose of fulfilling building security members of the public wishing to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9600, prior to June 8. The public may participate in discussions at the Chairman's discretion.

Dated: April 8, 1982.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 82-11620 Filed 4-28-82; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-81514]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on May 13, 1982, at 9:30 a.m., in Room 8334–8336 of the Department of Transportation, 400 7th Street, SW, Washington, D.C.

The purpose of the meeting is to prepare position documents for the Twenty-first Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on December 13, 1982. In particular, the working group will discuss the following topics:

—Performance standards for shipboard radio equipment.

—Maritime distress system.

—Digital selective calling.

—Matters related to the ITU WARC for Mobile Telecommunications.

—Matters related to CCIR Study Group 8.

—Satellite EPIRB's.

—Narrow Band Direct Printing.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. R. L. Swanson, U.S. Coast Guard (G–TPP–3/63), 2100 Second Street, SW, Washington, D.C. 20593. Telephone (202) 426–1231.

Dated: April 8, 1982.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 82-11622 Filed 4-28-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/513]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the SOLAS Subcommittee Working Group on Containers and Cargoes will conduct an open meeting on June 2, 1982, at 10:00 a.m., in Room 3201, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C.

The purpose of the meeting is to review progress of position papers preparation for presentation at the Twenty-fourth Session on Containers and Cargoes to be held at IMCO Headquarters in London. Particular comments will be directed to the Code of Safe Practice of Bulk Cargoes including Appendix B entries for Ammonium Nitrate, Cereal (Grain), Charcoal, Coal, Ore Concentrates and Zinc Ashes.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. John F. McAnulty, U.S. Coast Guard (G-MHM), 2100 2nd Street, SW, Washington, D.C. 20593. Telephone (202) 426–1577. Or contact Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York 10048. Telephone (212) 432–1280.

Dated: April 9, 1982.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 82-11621 Filed 4-28-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Burleigh County, North Dakota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Bismarck, North Dakota.

FOR FURTHER INFORMATION CONTACT: Marvin I. Espeland, Division Administrator, Federal Highway Administration, P.O. Box 1755, Bismarck, ND 58502. Telephone Number is (701) 255–4011. (FTS 783–4204)

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota State Highway Department and the city of Bismarck, will prepare an Environmental Impact Statement (EIS) on a proposal for improvements to the Washington Street Corridor.

The proposed improvement would involve the reconstruction of Washington Street from Sweet Avenue to Avenue D. The proposed improvement would provide a new underpass at the Burlington Northern Railroad tracks and possibly a grade separation structure at Main Street, depending on the selected alternative. The proposed improvement is intended to provide for improved safety, increased traffic capacity, and reduced travel times and distances.

Two alternate corridors to Washington Street, an alternate using Washington Street as part of a one-way pair, two alternate concepts involving the Washington Street/Main Avenue intersection, and the "No Action" alternate are under consideration.

Letters soliciting views and comments on the proposed project were sent to various Federal, state and local agencies. The project has been discussed at local meetings in Bismarck. The Draft EIS will be available for public and agency review and comment. A public hearing will be held to discuss alternates and impacts of the proposed action. Public notice will be given for the time and place of the public hearing. No formal scoping meeting will be held.

Issued on April 19, 1982.

Marvin I. Espeland,

Division Administrator, Bismarck, North Dakota.

[FR Doc. 82-11557 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Orange, County, California

April 21, 1982.

AGENCY: Federal Highway Administration (FHWA). DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an

Environmental Impact Statement will be prepared for a package of multi-modal transportation improvements within the Santa Ana Transportation Corridor.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUPPLEMENTARY INFORMATION: The FHWA will prepare an Environmental Impact Statement (EIS) on a proposed package of multi-modal transportation improvements within the Santa Ana Transportation Corridor (a broad corridor generally paralleling Interstate Route 5 and State Route 55) in Orange County, California, in cooperation with UMTA. The California Department of Transportation (Caltrans) will cooperate with FHWA as a representative for the Orange County Transportation Commission (OCTC), the Orange County Transit District (OCTD), and the Southern California Association of Governments (SCAG). The following four modal elements are being considered as improvement alternatives within the Santa Ana Corridor:

- *Highway Element:* Widening of I–5 to eight lanes with the two additional lanes devoted to either mixed flow or high-occupancy vehicle lanes.
- *Commuter Rail Element:* Upgrading existing Amtrak service with additional trains operating between San Clemente and Los Angeles Union Station.
- *Transit Element:* Construction of a busway or medium capacity rail transit system between the Los Angeles County line and south central Orange County. Construction of the fully or partially grade separated guideways would utilize existing public rights of way such as arterials and the Pacific Electric right-of-way.
- *Arterial Element:* Arterial improvements such as the development of parallel facilities in South Orange County as well as capacity increasing improvements in other parts of the County.

To insure that the full range of issues relating to these proposed alternatives are addressed and incorporated into the planning process, three scoping meetings will be held on the following dates:

Date	Time	Location
May 25, 1982, Tuesday.	7:30 to 9:30 p.m..	Garden Grove Community Center, 11200 Stanford Avenue, Garden Grove.
May 26, 1982, Wednesday.	7:30 to 9:30 p.m..	City of Irvine—Council Chambers, 17200 Jamboree Rd., Irvine.
May 28, 1982	9:00 a.m. to Noon.	Orange County Hall of Administration, Planning Commission Chambers, 10 Civic Center Plaza, Santa Ana, (Corner Civic Center Drive and Broadway)

Those persons interested in attending a scoping meeting or participating on a citizens task force should call Beverly Kenefick, Citizen Participation Coordinator, Orange County Transportation Commission, at (714) 834–7581. Additional comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on April 22, 1982.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 82-11599 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

[Inconsistency Ruling, IR–3]

City of Boston Rules Governing Transportation of Certain Hazardous Materials by Highway Within the City

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Transportation (DOT).

SUMMARY: This notice of Decision on Appeal is the opinion of the MTB concerning whether the City of Boston's regulations implementing the "Ordinance Regulating the Transportation of Hazardous Materials" are inconsistent with the Hazardous Materials Transportation Act (HMTA) or regulations issued thereunder and thus preempted as set forth in Section 112(a) of the HMTA.

DATE: Effective April 16, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia S. Crockett, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590 (telephone (202) 755–4972).

William J. Driscoll,

Chief Counsel, Research and Special Programs Administration.

April 16, 1982.

Mr. John R. Devereaux,

Assistant Corporation Counsel, Boston City Hall, Boston, Massachusetts 02201

Dear Mr. Devereaux: This responds to your letter of July 10, 1981, as modified by your July 13 letter, appealing IR–3 (46 FR 18918, March 26, 1981) as far as it dealt with through-traffic restrictions (§§ 5.01, 5.02, 5.04 and 5.05) and reporting requirements (§§ 9.0–9.1) of the Boston regulations. We also have examined depositions taken of State and local officials provided by American Trucking Associations, Inc. (ATA) (related to *American Trucking Associations, Inc. v. Boston,* D. Mass., CA81–628–MA), as requested in their letter of June 22, 1981. However, in light of your letter of June 30, 1981, those depositions were not considered in responding to your appeal. We note that ATA indicated by letter of July 21, 1981, that it had no further comments on your appeal.

As a result of examining the materials submitted, I hereby withdraw my previous conclusions of inconsistency for §§ 5.01, 5.02, 5.04 and 5.05 of the Boston regulations concerning restrictions on through-traffic, and state that I am unable to reach a conclusion as to whether those sections are inconsistent with the Federal Hazardous Materials Regulations (HMR). For those sections, the inconsistency ruling is indeterminate. My previous finding of inconsistency for section 9, regarding written incident reports, I confirm unchanged. No other aspects of IR–3 were raised in Boston's appeal or are considered here. My basis for this result is addressed in detail below.

I. Through-traffic restrictions

A. Appellant's First and Second Arguments

MTB's ruling that Boston's routing requirement is inconsistent does not conform with the criteria adopted in its own regulations (49 CFR 107.209(c)). IR–3 does not find that Boston rules *will* cause an unnecessary delay. IR–3 does not cite a basis in the HMR or the HMTA for a required safety analysis. MTB can't conclude that the Boston rule is an obstacle unless it compares route alternatives, and it can't rely on diversion of traffic into other jurisdictions for such a conclusion because there is no basis in the HMR or HMTA.

MTB's ruling on Boston's routing requirement fails to comply with court-established rules concerning the validity of State and local laws regarding highway safety (i.e., the assumption that the historic police powers of the States are not superceded by Federal law unless that is the clear and manifest purpose of Congress).

Response: In IR–3, we stated the view that if the safety benefits to Boston as a result of its circuitous routing rules do not exceed the risks imposed thereby on other jurisdictions, the delay is unnecessary and the rules are inconsistent with the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1801 *et seq.*) and the HMR (49 CFR Parts 171–179). Delay is significant in hazardous materials transportation because it threatens public safety by increasing the total amount of time the public is exposed to risk between loading and delivery. Under the HMR, the *carrier,* not local or State jurisdictions, must judge

whether a delay is necessary or not. (49 CFR 177.853(a)).

An examination of the map suggests, and the Boston's appeal data show, a longer travel time on the bypass route than the through-City route. Since Boston is, in essence, construing 49 CFR 177.853(a) and eliminating carier judgment by directing carriers away from the City, IR–3 concluded that Boston must show that a carrier, if presented the information the City used to make its routing decision, would reach the same conclusion. The safety analysis suggested in IR–3, including participation of affected parties, is an elementary way to demonstrate that Boston's through-traffic restrictions produce a net public safety improvement. Use of "Guidelines for Applying Criteria to Designate Routes for Transporting Hazardous Materials" (FHWA–IP–80–15) is sufficient for that purpose.

The power to ban, as contrasted with the power to channel and guide the flow of hazardous materials highway traffic, in our view, is exclusively Federal. The nature of the subject matter and the structure and purpose of the HMR and the HMTA support this view. Hazardous materials, packaged and handled as required by the HMR, are safe for movement in interstate commerce. The HMR assume that they move freely and expeditiously under levels of local regulation appropriate to local highway traffic flow management considerations and emergency response planning and management. A unilateral local ban is a negation, rather than an exercise, of local responsibility, since it isolates the local jurisdiction from the risks associated with the commercial life of the nation.

The Federal power to ban commercial transportation of specific hazardous materials existed and was administratively exercised even before the HMTA was enacted, a fact that we believe was known to Congress when it passed that act, since the HMTA expressly recognized the preexistence of a hazardous materials regulatory program (see section 114, HMTA). The Materials Transportation Bureau (MTB) continues to exercise that power by banning unsafe materials, "forbidden materials", from commercial transportation. The MTB recently reviewed the list of forbidden materials and substantially augmented it (see HM–159 at 45 FR 34570–34571, May 22, 1980; 44 FR 43861, July 26, 1979; 43 FR 7449, February 23, 1978).

Local transportation bans export risks from one jurisdiction to another. IR–3 addressed the problems caused when a local jurisdiction does not evaluate the effects of an exported risk on another jurisdiction or does not consult other jurisdictions and consider their risks in comparing them with the risks it is avoiding by resorting to a ban. While a jurisdiction can be assumed to have reduced its own risk by exporting it, there is no reason to think that overall risk is reduced unless the changes in risk have been analyzed from all perspectives, including the perspectives of the jurisdictions to which the risk is shifted. Even where the long-term risk is reduced by avoiding a local jurisdiction, those jurisdictions to which risk is shifed are likely to be unaware of the nature and extent of the risk until it acutally materializes and they may be unprepared to deal with it unless some prior consultation has occurred. In short, a unilateral ban, lacking interjurisdictional perspective and driven by the isolated interest of one jurisdiction, is entitled to no practical assumption in favor of increased public safety. Such action may be assumed only to move the risks from one place to another.

While a local ban is not a reasonable public safety tool, complete avoidance of a local jurisdiction may be justified and can be accomplished in particular circumstances. Those circumstances can be accommodated by a waiver of Federal preemption under section 112(b) of the HMTA, action by a State agency, or joint action by all affected local jurisdictions. The two latter courses of action, in our view, result in regulation that is not truly a ban, since they involve the selection of the safest from among routes available within the combined jurisdictions taking action. A local jurisdiction need not act in isolation and there are good reasons why it should not.

For the proposition that IR–3 is at odds with court-established criteria regarding preemption of local by Federal regulation, Boston cites both Commerce Clause and Supremacy Clause cases. Commerce Clause cases occur when preemption of local law is asserted in the absence of Congressional legislaiton on a subject. Since Congress has legislated on the subjects at issue in IR–3, Commerce Clause cause are not directly relevant, except as they provide context. Recent Commerce Clause cases suggest, however, that even in the absence of Federal legislation, resolution of a local transportation problem by exporting that problem to another jurisdiction is not a legitimate local purpose. The U.S. Supreme Court in 1978 seems to have reached this conclusion in *Philadelphia* v. *New Jersey*, 437 U.S. 617. In striking down a New Jersey prohibition against the interstate movement of solid waste, the Court held:

(W)hatever New Jersey's ultimate purpose, it may not be accomplished by discriminating against articles of commerce coming from outside the State unless there is some reason, apart from their origin, to treat them differently. (626–627)

* * * * *

What is crucial is the attempt by one State to isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade. (628)

In *Consolidated Freightways Corp.* v. *Kassel*, 475 F. Supp. 544 (S.D. Iowa, 1979), the District Court applied the holding of *Philadelphia* v. *New Jersey* to strike down an Iowa ban on 65-foot twin trailer truck units from interstate highways:

(If) the safety consideration is the reduction of accidents and casualties in Iowa by diverting traffic around Iowa with an overall increase in accidents elsewhere, the fact that interstate highways are involved becomes an important factor in the decision. There is a parochialism about such a local approach to public health and safety that gives it less weight in the balance between legitimate local concerns for the health and economic welfare of its citizens and the burden on interstate commerce. (at p. 551)

While these cases postdate enactment of the HMTA, they represent well-established principles which make it difficult for us to conclude that Congress, in enacting the HMTA, intended to endorse a form of local regulation that "overtly blocks the flow of interstate commerce" (*Philadelphia v. New Jersey*, at 624), particularly when the Federal Government has long possessed and exercised the power to ban items of commerce too dangerous to be transported. The Commerce Clause cases which Boston cites do not contradict this.

The more relevant inquiry into Supremacy Clause cases brings us to a recent statement of the proposition to which Boston refers in its second argument, found in *Jones v. Rath Packing Co.*, 430 U.S. 519 (1977). That case concerned three Federal statutes that permitted certain reasonable variations between contents and labels of packaged goods. The contested State provisions did not allow similar variance between contents and labels for goods sold within California. Agreeing that Congress did not intend to completely exclude State regulation of subjects addressed in the Federal laws, the Supreme Court nevertheless decided, in certain respects, that the California laws were preempted. Prior to concluding that State law was not totally excluded by the Federal statutes, the Court stated that

The first inquiry is whether Congress, pursuant to its power to regulate commerce * * * has prohibited state regulation of the particular aspects of commerce involved in this case. Where, as here, the field which Congress is said to have preempted has been traditionally occupied by the States * * * "we start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress". This assumption provides assurance that "the federal-state balance," will not be disturbed unintentionally by Congress or unnecessarily by the Courts. But when Congress has "unmistakably * * * ordained" that its enactments alone are to regulate a part of commerce, state laws regulating that aspect of commerce must fall. (citations omitted)

It then added:

Congressional enactments that do not exclude all state legislation in the same field nevertheless override State laws with which they conflict * * * Our task is "to determine whether, under the circumstances of this particular case (the State's) law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines v. Davidowtiz*, 312 U.S. 52, 67 (1941). (525, 526)

Thus, the rule that State and local law are not displaced without a clear indication that Congress so intended necessitates an initial inquiry into general Congressional purpose. In *Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 157 (1978), the formulation is similar, and *Hines* is again cited for situations where "Congress has not completely foreclosed State legislation in a particular area" (*Id.*, at 158). In *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230–231 (1947), the discussion is less precise. The Court there suggests that one

way the "clear and manifest purpose" of Congress may be evidenced is by existence of State policy that "may produce a result inconsistent with the objective of the federal statue" (*Id.*, at 230). See also *De Canas v. Bica*, 424 U.S. 351 (1976).

The presumption in favor of local law therefore raises a threshold question about general Congressonal intent that is answered in any review of the HMTA by section 112(a). There Congress preempted inconsistent State and local laws; that is, it preempted some, but not all, State and local law on the same subject. In 49 CFR Part 107, this Department established a procedure for interpreting that policy and acknowledged that the standard to be applied is stated in *Hines*.

Clearly, Congress' fundamental purpose in enacting the HMTA was to enhance overall public safety. If the effect of a State or local requirement is to reduce overall public safety, then, applying the *Hines* test, that requirement "stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress." Therefore, in determining preemption under the HMTA in this context, the critical issue is the actual effect of the requirement in question on overall public safety. The argument that this inquiry is foreclosed by the presumption of validity of local laws is both circular, in that it takes the inquiry back to its starting point, and irrelevant, in that the issue is the effect on safety as a matter of fact, rather than as a matter of legal presumption. In a recent decision, the U.S. District Court for the District of Rhode Island concurred fully with the Department's interpretation of the *Hines* test as the appropriate test for determining preemption under the HMTA. *National Tank Truck Carriers, Inc. v. Burke*, C.A. No. 78–0621, D.C. Rhode Island, decided March 17, 1982.

B. Appellant's Third Argument

MTB's requirement that Boston use a particular governmental process in formulating its hazardous materials regulations lacks a legal basis and is unconstitutional as a violation of the powers reserved to the States by the Tenth Amendment to the United States Constitution.

Response: The legislative history of the HMTA clearly indicates that the intent of Congress in enacting section 112 was to preclude State and local governments from enacting piecemeal restrictions on hazardous materials transportation. In the portion of the Committee report relating to section 112, the Senate Commerce Committee stated: "The Committee endorses the principle of Federal preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation." (S. Rept. 93–1192, p. 37)

As expressed in IR–3, it is MTB's view that local bans are almost invariably the sort of piecemeal requirements that Congress intended to preempt unless they are adopted through "a process that adequately weighs the full consequences of its (the local government's) routing choices and ensures the safety of citizens in other jurisdictions that will be affected by its rules." (46 FR 18922) MTB does not, however, require a particular governmental process or regulate the City's administrative functions. The process suggested in IR–3, a documented risk analysis and joint action with other affected jurisdictions (or State action) would normally suffice for MTB to conclude that the delays imposed result in safety effects that are beneficial from a national standpoint. The actual method used to demonstrate a safety impact that is beneficial can vary, constrained by available analytical tools and methods of validating the analysis.

It is well settled that the Tenth Amendment does not restrict the Federal Government's authority to preempt State or local regulation of a private activity, such as the routing of hazardous materials transportation. In the recent case of *Hodel v. Virginia Surface Mining and Reclamation Assn.*, 452 U.S. 264 (1981), the Supreme Court rejected the claim that the preemption provision of the Surface Mining Control and Reclamation Act was invalid under the Tenth Amendment:

> A wealth of precedent attests to congressional authority to displace or preempt state laws regulating private activity affecting interstate commerce when these laws conflict with federal law. Moreover, it is clear that the Commerce Clause empowers Congress to prohibit all—and not just inconsistent—state regulation of such activities. Although such congressional enactments obviously curtail or prohibit the States' prerogatives to make legislative choices respecting subjects the States may consider important, the Supremacy Clause permits no other result * * *. We fail to see why the Surface Mining Act should become constitutionally suspect simply because Congress chose to allow the States a regulatory role. (Citations omitted) Id., 452 U.S. at 290.

Similarly, the Tenth Amendment does not limit preemption under the HMTA of State and local requirements that are inconsistent with the Federal requirements.

Boston argues, however, that the discussion in IR–3 of an appropriate process for the adoption of routing requirements constitutes an attempt to regulate an "integral governmental function" of Boston, and that such an attempt is invalid under the Tenth Amendment as interpreted by the Supreme Court in *National League of Cities v. Usery*, 426 U.S. 833 (1976).

In *Hodel*, the Supreme Court examined *National League of Cities* at length and observed:

> * * * In order to succeed, a claim that congressional commerce power legislation is invalid under the reasoning of *National League of Cities* must satisfy *each* of three requirements. First, there must be a showing that the challenged statute regulates the "States as States." Second, the federal regulation must address matters that are indisputably "attributes of state sovereignty." And, third, it must be apparent that the States' compliance with the federal law would directly impair their ability "to structure integral operations in areas of traditional functions." (Emphasis in original, citations omitted.) 452 U.S. 287, 288.

The Court found that the Tenth Amendment challenge failed because the first requirement was not met:

> The States are not compelled to enforce the * * * standards, to expend any state funds, or to participate in the federal regulatory program in any manner whatsoever. If a State does not wish to submit a proposed permanent program that complies with the Act and implementing regulations, the full regulatory burden will be borne by the Federal Government. Thus, there can be no suggestion that the Act commandeers the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program. Id.

Similarly, the essential element of compulsion is absent from the current situation. As discussed above, IR–3 does not purport to require any particular governmental process or compel any particular action. Rather, it expresses MTB's view that, if a local government chooses to adopt routing restrictions that affect other jurisdictions, it must consider certain factors and views in order to reach a result that will not be preempted. We continue to regard this view as being a sound interpretation of section 112 of the HMTA and as being well within the limits of Federal authority imposed by the Tenth Amendment.

C. Appellant's Fourth Argument

The governmental process used by the City in formulating its hazardous materials regulations ensures the safety of citizens in other jurisdictions and complies with "Guidelines for Applying Criteria to Designate Routes for Transporting Hazardous Materials", FHWA–IP–80–15, September 1980. The City relied on expertise from City officials and also from the scientific community and industry. DOT's own previous study supports the results. Public hearings, and this inconsistency ruling proceeding, resulted in changes. State law, requiring approval, was met. Although much press attention was devoted to it, no comments were received from neighboring jurisdictions.

Response: The principal impacts of Boston's rules are measurable, although subjective judgments may be necessary in applying those measurements. Routing impacts are strongly influenced by traffic accident rates and the population and property at risk. These factors should be examined in any risk analysis for each alternative route that can be used.

It is less difficult to compare alternatives than it is to arrive at an absolute risk estimate for a single highway. The alternatives need only be treated evenly in a comparative analysis. In "Guidelines for Applying Criteria to Designate Routes for Transporting Hazardous Materials" (Guidelines, FHWA–IP–80–15, September 1980), a simple method of conducting a comparative risk analysis for alternate highway routes is described. The method presumes involvement in data collection and analysis of the various interests which may be affected by route selection. Their participation ensures that the factors influencing a routing decision will be evenly developed and considered. The scope of participation is one measure of the reliability of the decision reached. We continue to

believe very strongly that the best place for a routing decision to be made is in a State agency with State-wide authority. A group of jurisdictions, however, can participate with each other to reach a defensible decision. Choice of the actual process and the time and resources used is ultimately up to the participating jurisdictions.

In attachment B to its appeal, Boston provides information on accident rates and population between I–93 through Boston and I–95/I–93, the most likely route around Boston. Boston's principal contentions, summarized here, are that the through-City route involves a higher traffic density, more hazardous design charactertistics, proximity of a closed drain system, tunnels, subway stations, high-rise office buildings, and a greater total exposed population than does the bypass route. Appellant also states that the bypass "was used routinely by hazardous materials carriers prior to implementation of Boston's regulations" and that it offers a 10 to 15 mph advantage in average speed over the through route. Appellant also states that the accident rate on the through route is about double that on the bypass route. Appellant notes that, by comparison, the bypass route, also part of the Interstate System, has a cleared right-of-way at least fifty feet on each side of the highway in which there are no buildings except service stations, and that "a significant portion of the land along and immediately adjacent to the route is in conservation of one form or another." The bypass is not elevated except for a one-half mile section in Somerville and "a number of overpasses", nor are there any tunnels or required detours from the Interstate System. The bypass does not pass in the vicinity of subway stations, tunnels, or near closed drains except for the previously mentioned elevated sections in Somerville.

Accident data provided does not reflect the Dewey Square Tunnel detour on the through route, which as described for loaded southbound carriers, appears to be 8 to 10 blocks of City streets. Boston notes that the accident rate for city streets is generally conceded to be higher than for the Interstate System.

Although correctly noting that use of the Guidelines is not required by DOT, Boston concludes that the governmental process used by the City ensures the safety of citizens in other jurisdictions and complies with the Guideline. A review of that conclusion follows.

The Guidelines describe in essence a four-part analysis that includes defining issues and responsibilities, analyzing mandatory legal and physical routing constraints, determining risk among available alternative routes, and considering subjective factors.

Definition of issues and responsibilities. Boston's process employed a Special Committee on Emergency Preparedness, which included representation from its Fire, Police, Public Works, Health and Hospitals, and Traffic and Parking departments. The Committee relied on expertise from the scientific community and industry, as well as the earlier DOT contract study by Arthur D. Little concerning LNG transportation in the Boston area.

The Committee proposed an ordinance on which the Boston City Council held hearings and which it enacted, directing the Fire Commissioner and the Commissioner of Health and Hospitals to promulgate joint regulations to implement the ordinance. Subsequent to the filing of the request for an inconsistency ruling, those regulations were promulgated.

The regulations were approved as required by State law by the specified State department, and were considered at a public hearing in accordance with State administrative law. Boston states that although the regulations were further modified in response to comments at the public hearing by several State agencies, "(n)o comment was received from neighboring jurisdictions pro or con although the regulations and the hearing received considerable attention in the principal metropolitan newspapers." However, those jurisdictions or their responsible officials, are not identified. We believe they should have been actively involved by Boston as the moving party. The Guidelines observe that:

"Decisions about routing requirements for hazardous materials will affect a broad spectrum of community members (including) (m)otor carriers, public safety officials, * * * State and local government officials, the general public, and industries serving motor carriers * * * . The first step in the process is to compile a comprehensive list of all potentially affected parties and contact representatives of these groups. Participation by these representatives early on in the analysis has the dual benefit of introducing multiple perspective on the issues and building consensus on what approach to take."

Little information is provided on the City's administrative process or the State approval process, but neither appears to have been a functional substitute for active involvement of affected jurisdictions. The process used provided public notice, as well as resulting news articles, in Boston newspapers, and public hearings were held on both the ordinance and the regulations. However, from the information provided in the proceeding on IR–3 and this appeal, it appears that Boston did not identify affected jurisdictions outside Boston or contact those jurisdictions, in preparation of either the ordinance or the regulations. We also cannot tell whether a risk analysis, or any other clear statement identifying possible impacts of the proposed actions and where those impacts might occur, was available at the time the regulations were considered.

This lack of interjurisdictional coordination leaves open a variety of questions. If neighboring jurisdictions have the authority under State law to prescribe routes that affect Interstate highways (they may not), will the bypass route, as Boston describes it, continue to be permitted for use by highway carriers of hazardous materials? If not, additional routes should have been considered along the bypass corridors. Is the data considered by Boston accurate and representative? Are there other more effective ways for the affected jurisdictions to improve public safety, such as a day/night routing distinction? It may not be necessary to document answers to such questions, given the specific circumstances in the Boston area, but the jurisdictions that might have raised them were not involved in the discussion leading to Boston's routing decision.

Analyze mandatory routing factors. The City's appeal does not address physical limits on the two routes, but states that both are built to Interstate System standards, except for the tunnel detour. The only legal restraint noted, the prohibition on use of the Dewey Square Tunnel, is recognized by the HMR at 49 CFR 177.810.

Risk determination. Boston's Exhibit C contains population and accident data for the through and bypass routes to which the Guidelines can be applied. The data, first presented in this appeal, are shown as based on the "1979 Massachusetts Registry of Motor Vehicle Dat(a)". We understand the data to be measured rather than estimated. Population data represents a 200-ft. band on either side of the highways and excludes "conservation areas" on the bypass route (areas devoid of significant populations). The Guidelines recommend a ½-mile impact radius for LNG, the same as is recommended in the "Hazardous Materials 1980 Emergency Response Guidebook" for evacuation where an LNG cargo tank is involved in a fire. If the larger, ½-mile impact radius were used, the analysis would consider a larger part of Boston's population as well as uninhabited floodplain and parts of the harbor and the Mystic River near the through route. On the bypass, the larger impact radius would include both more population and more of the areas which Boston describes as held in conservation. The small impact radius used by Boston is probably representative of the larger radius. No data is provided on property values in the impact areas along both routes.

Boston's appeal does not indicate whether any discontinuities exist in accident or population data on either route that would justify a segmented analysis, and it excludes quantified accident rates on city streets used to bypass Dewey Square Tunnel.

Using the data as presented, the guidelines indicate the following results:

BILLING CODE 4910–60–M

V = vehicle; M = mile(s); VM = vehicle mile

	Thru-City	Bypass
Accident Rate	$\frac{1.67}{VM \times 10^6}$	$\frac{0.87}{VM \times 10^6}$
Accident probablity per vehicle	$\frac{1.67}{VM \times 10^6} \times 16.7M = \frac{2.7889 \times 10^{-5}}{V}$	$\frac{0.87}{VM \times 10^6} \times 39.37M = \frac{3.4292 \times 10^{-5}}{V}$
Accident probability per HM vehicle	$\frac{2.7889 \times 10^{-5}}{V} \times 2.34 \times 10^{-5} = \frac{6.4145 \times 10^{-10}}{V}$	$\frac{3.4292 \times 10^{-5}}{V} \times 2.34 \times 10^{-5} = \frac{7.8872 \times 10^{-10}}{V}$
Population risk per HM vehicle (population risk factor)	$\frac{6.4145 \times 10^{-10}}{V} \times 26{,}974 = 1.7302 \times 10^{-5}/V$	$\frac{7.8872 \times 10^{-10}}{V} \times 7{,}435 = 5.8641 \times 10^{-6}/V$

$$1.7302 \times 10^{-5}/V = 2.950 \times 5.8641 \times 10^{-6}/V$$

BILLING CODE 4910-60-C

The population risk factor on the through-City route is almost 3 times the population risk factor on the bypass route. Property risk factors cannot be computed.

The risk determination could be further refined by increasing the specificity of the data if more detailed data is available. The fact that high-speed accidents are more likely than low-speed accidents to produce spills might be factored in. In view of the results, further refinement of the quantitative data probably will not be of any substantial effect.

Subjective routing factors. Beyond the previous discussions, Boston does not identify any special population groups or facilities.

Comparing alternatives. Boston's data indicate that a hazardous materials vehicle traveling on the bypass route poses a substantially lesser risk to the population within a 200-ft. bank on either side of the road than a vehicle traveling the through-City route. Because of the difference in relative populations along both routes, the risk is greater on the through route even though a vehicle is more likely to suffer an accident while traveling the greater distance on the bypass. The population risk factors differ by almost 300%.

To summarize, application of the Guidelines to the information in Boston's appeal strongly supports Boston's chosen route. If a distinction were made between daytime and nighttime routes, we think it likely that for day travel, Boston's choice might be even stronger. Consideration of property values might also strengthen Boston's choice.

The data must be taken at face value to reach this result. Boston's process was largely completed before DOT had addressed highway routing of hazardous materials in any detail and was not conducted with a view to evaluation in an inconsistency ruling. As discussed above, we are of the view that Boston's apparent failure to consult with, or to consider safety impacts on, other affected jurisdictions, makes it impossible for us to conclude that the routing requirements are consistent. However, we are sensitive to the argument that, since Boston could not have known our views at the time it adopted its requirements, those requirements should not be held invalid solely on procedural grounds if there net effect is an overall increase in public safety. Therefore, if there were substantive interjurisdictional consultation or agreement that the data presented in the appeal is both accurate and representative, we would find required use of the bypass route to be consistent with the HMTA and the HMR. Because no such consultation or agreement appears to have occurred, we consider the results of the analysis indeterminate.

II. Reporting requirements.

Appellant's argument: MTB's statement that a written report is not important to agencies responsible for emergency response is without a rational basis. Any casualty serious enough to require a DOT accident report should be thoroughly investigated by those responsible for providing emergency response to such accidents. To say otherwise is to say we can learn nothing from inquiring into the circumstances of an accident or that the driver, carrier or others involved in the accident don't have information that can be of assistance to local casualty control agencies.

Response: Carriers are required by DOT to report incidents rather than accidents. "Incident" means any inadvertent release of a hazardous material. Section 171.15 of the HMR, which requires immediate notice, is conditioned upon the occurrence of casualties, serious injury or property damage as a direct result of a hazardous material incident. Section 171.16, which requires a written report from the carrier within 15 days of the time a hazardous material incident is discovered, is required for essentially every incident. The vast majority of reports submitted under § 171.16 concern inadvertent releases that did not generate casualties or injuries or even extensive property damage, and did not require emergency response by local officials.

Written incident reports under § 171.16 do not provide time-sensitive data to MTB. That function is served by immediate telephone reports under § 171.15. The major uses of the written incident reports are analysis of packaging integrity and rulemaking support. Information from the volume of written reports received must be processed before entry into a computer data base, a course that results in practical availability of individual incident reports about a month after receipt by MTB. Of course, MTB can provide a copy of a specific written report before that time if it is sufficiently identified, but to search the incidents for all those that occur in Boston, for example, is not practical until the information can be accessed by computer.

Including the two-week period permitted to carriers between a hazardous material incident and submission of an written incident report, and the time for transmittal of the report to MTB, data on a particular incident may not show up in the computer data base for seven weeks after the incident. Subsequently, copies are made and sent to States that have requested copies for incidents within those States (Massachusetts is not now included). MTB is not willing to perform this continuous "hard-copy" service for local governments because of the clerical burden and the limited value to the large number of local governments that might desire it.

Because of this clerical burden, MTB is now encouraging governmental agencies, State or local and Federal, to directly access the computer data base where all of the information from written incident reports is kept. Direct access (by telephone) requires a minimum of resources and permits the incident report data base to be searched, manipulated, and prepared in hard copy by the user in any form desired. MTB is willing to assist Boston if it wishes to directly access the data. In addition to examining incidents reported to have occurred in Boston, direct access would permit a comparison with incidents reported in other cities.

For an incident that requires the City to undertake emergency response, we reiterate our agreement that the City must be able to require the carrier to notify it immediately. If the City wishes to conduct a thorough investigation of the events at the scene, it may do so then. We see no reason to think that data from a written incident report will be any less useful five weeks after the carrier submits it to MTB, when it can be directly accessed. For data the City thinks it must have immediately from the carrier, the appropriate time to acquire it is in the emergency response phase.

In summary, MTB does not maintain that the information in a written incident report submitted to MTB never is useful to local emergency preparedness programs, but that it will very often be of only limited usefulness, is not time-sensitive, and in any event can be obtained by the City from MTB with a minimum of effort. If the City in fact intends to make serious use of the information in DOT incident reports, the effort to obtain it from MTB rather than directly from the carrier should not be significant. Accordingly, we reaffirm our previous conclusion that Boston's requirement that carriers submit written incident reports is redundant, unnecessary and inconsistent with the HMTA and HMR. In its recent decision, the U.S. District Court for the District of Rhode Island concurred fully with the Department's conclusion that a similar written reporting requirement of the State of Rhode Island was inconsistent with the HMTA. *National Tank Truck Carriers v. Burke,* supra.

Sincerely,

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-11560 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

[Docket No. 82-E]

Policy Statement Regarding Bonding Requirements in Grantee Transit Bus Procurement

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Proposed Policy.

SUMMARY: The Urban Mass Transportation Administration (UMTA) proposes a policy regarding the inclusion of bonding requirements in transit bus procurements by grantees under UMTA capital assistance programs. The policy would also include guidelines to assist grantees in following this policy and in complying with applicable procurement requirements.

DATES:

1. This Notice would take effect on July 1, 1982, and apply to any procurement for which bids are advertised on or after that date. In the case of solicitations pending but unopened on July 1, 1982, the grantee would be encouraged but not required to

issue an addendum consistent with this policy.

2. Comments on this Notice must be received within 45 days of publication.

ADDRESS: Comments on the guidelines should be submitted to UMTA Docket No. 82-E, Urban Mass Transportation Adminsitration, Room 9237, 400 Seventh Street, SW, Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Colleen Weule, Chief Counsel's Office, UMTA, Room 9315, 400 Seventh Street, SW, Washington, D.C. 20590, 202/426-1936.

BACKGROUND INFORMATION: Although UMTA does not presently have any bonding requirements relative to UMTA-assisted equipment purchases, many grantees have imposed bonding requirements as a matter of State or local procurement practice and to reduce risk. Bid bonds are used to ensure that the successful bidder will execute a contract in accordance with the terms of the solicitation document, and performance bonds are used to ensure that the contractor will satisfactorily complete the contract.

During the past several months such local bonding requirements have been challenged by certain manufacturers of transit buses on the grounds that such requirements have an exclusionary and discriminatory impact on new or small manufacturers.

The only applicable federal guidelines on this matter are contained in Office of Management and Budget (OMB) Circular A-102, Attachment O, which prescribes Government-wide procurement requirements applicable to grants to States and local public bodies. Attachment O directs such grantees to conduct all procurement transactions in a manner that provides maximum open and free competition, and cites "unnecessary" bonding requirements as one example of what is considered restrictive of competition. There are no specific existing guidelines beyond the general principles set forth in OMB Circular A-102, Attachment O.

POLICY DISCUSSION: There is a potential conflict between maximum open and free competition in transit bus procurements and the imposition of bonding requirements in connection with those procurements. This conflict has led to numerous protests to grantees, to UMTA, and to GAO.

Grantees, on the one hand, claim that bonding requirements serve legitimate and useful functions in protecting both the federal and local investment in equipment procurements. If a manufacturer defaults on the contract, the performance bond is forfeited, protecting the grantee against losses associated with the default. Without the bond, a grantee would have to attempt collection of such costs directly from the manufacturer, which could be both a costly and lengthy process. Certain manufacturers, on the other hand, claim that bonding requirements add unnecessary cost to procurements and make it difficult for some new and small manufacturers to submit bids at competitive prices. At least one manufacturer of transit buses has declined to bid in certain bus procurements because of bonding requirements, thereby reducing competition.

Both grantees and manufacturers have voiced legitimate concerns. It is UMTA's experience, however, that bonding requirements in excess of realistic estimates of possible loss unduly interfere with the free play of the market, and create an atmosphere in which competition among responsible suppliers of transit equipment may be restricted. In addition, unnecessary bonding requirements can operate to restrict the entry of new and small manufacturers into the bus market. In an effort to resolve this conflict outside the parameters of individual bid protests, UMTA has developed the following guidelines. It is UMTA's belief that these guidelines offer the least intrusive method of resolving such disputes, consistent with OMB requirements.

GUIDELINES: The following guidelines are intended to offer reasonable protection for grantees who wish to impose bonding requirements in UMTA assisted transit bus procurements, consistent with the concept of maximum open and free competition.

1. State and local governments and their instrumentalities should carefully examine their existing bonding requirements to determine if, and to what extent, these requirements are really necessary to protect against losses in the procurement of transit equipment.

2. In the event either a bid bond or a performance bond is essential, neither bond individually should normally exceed the non-federal share of the procurement costs (generally 20 percent for bus procurements). It is UMTA's experience that this is a sufficient amount to insure against potential losses which may be occasioned by failure to execute or perform such a contract. For example, where the non-federal share is 20%, if a grantee imposes a performance bond in the amount of 20% and a bid bond in the amount of 5% it would be in compliance with this policy, but a grantee imposing a 25% performance bond would not be.

3. Consistent with Item No. 2, UMTA will not participate in any transit bus procurement specifying individual bonding requirements in excess of the non-federal share, unless there is a State or local law mandating (without possibility of waiver) a bond in excess of that amount.

4. In those cases where a grantee does not require any bonds and nonperformance results in higher reprocurement cost, UMTA will consider amending the grant to increase the federal share.

5. In those cases where the bond is insufficient to cover losses, UMTA will permit the grantee to apply the bond proceeds first to the non-federal share of reprocurement costs in order to minimize losses to the grantee. Furthermore, UMTA will consider amending the grant to increase the federal share when and if it becomes necessary.

This Notice is being published in order to give notice to all interested and affected parties as well as to provide an opportunity to comment.

Issued on: April 20, 1982.

Arthur E. Teele, Jr.,

Administrator.

[FR Doc. 82-11498 Filed 4-28-82; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 83
Thursday, April 29, 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).

CONTENT

	Items
Civil Aeronautics Board	1
Federal Communications Commission	2
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Federal Home Loan Bank Board	4
Federal Maritime Commission	5
Federal Mine Safety and Health Review Commission	6
Parole Commission	7

1

CIVIL AERONAUTICS BOARD

Short Notice of Meeting for April 26, 1982

TIME AND DATE: 7 p.m., April 26, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Docket 40534, Joint application of Braniff Airways, Inc. and Pan American World Airways, Inc. for approval of an agreement and for other relief. (BIA, OGC)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, *the Secretary* (202) 673–5068.

[S–632–82 Filed 4–27–82; 3:37 pm]

BILLING CODE 6320–01–M

2

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From April 29th Open Meeting

April 23, 1982.

The following item has been deleted at the request of the Chairman's office from the list of agenda items scheduled for consideration at the April 29, 1982, Open Meeting and previously listed in the Commission's Notice of April 22, 1982.

Agenda, Item No., and Subject

General—1—*Title:* Amendment of Parts 2, 21, 87 and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services. *Summary:* The Commission considers petitions for reconsideration of the First Report and Order in Docket 79–188, which request modification of technical standards for digital termination systems (DTS) and of policy, procedural, and legal matters relating to the use of DTS in the Digital Electronic Message Service.

Issued: April 26, 1982.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–626–82 Filed 4–27–82; 11:16 am]

BILLING CODE 6712–01–M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, May 4, 1982 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, May 6, 1982 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1982–28: Chris McNeil, Sealaska Corporation
Appropriations and budget
Routine administrative maters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–631–82 Filed 4–27–82; 2:53 pm]

BILLING CODE 6715–01–M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 17914, Monday, April 26, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 28, 1982.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been put back on the open portion of the Bank Board meeting scheduled for Wednesday, April 28, 1982:

Branching in Connection with Supervisory and Non-Supervisory Mergers and Acquisitions

[No. 27, April 27, 1982]

[S–627–82 Filed 4–27–82; 11:16 am]

BILLING CODE 6720–01–M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., May 5, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken pursuant to delegated authority.
2. Agreements Nos. 8760–11 and 9247–8: Modifications of the West Coast United States & Canada/India, Pakistan, Ceylon & Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast United States Rate Agreement to revise procedures for exercising independent action.
3. Agreement No. 10429 between Naviera Central, C.A. and Naviera Continental, S.A. establishing a common management arrangement in the U.S.—Venezuelan trade.
4. Docket No. 81–40: Exemption of Exclusive Equipment Interchange Agreements from the Filing and Approval Requirements of Section 15, Shipping Act, 1916—Consideration of comments proposed final rule.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–628–82 Filed 4–27–82; 2:34 pm]

BILLING CODE 6730–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 21, 1982.

TIME AND DATE: 10 a.m., Wednesday, April 28, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following case:

1. Jones & Laughlin Steel Corporation, Docket No. PENN 81–96–R. (Issues include whether the judge properly determined that 30 CFR 75.303 does not require preshift examination of coal-carrying conveyer belts.)

* * * * *

TIME AND DATE: Following oral argument, April 28, 1982.

PLACE: Same.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Jones & Laughlin Steel Corporation, Docket No. PENN 81–96–R.

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5632.

[S–629–82 Filed 4–27–82; 2:34 pm]

BILLING CODE 6735–01–M

7

PAROLE COMMISSION

Public Announcement

TIME AND DATE: 2 p.m., Monday, May 3, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S–630–82 Filed 4–27–82; 2:34 pm]

BILLING CODE 4410–01–M

federal register

Thursday
April 29, 1982

Part II

Department of the Treasury

Comptroller of the Currency

Customs Service

Internal Revenue Service

Bureau of Alcohol, Tobacco and Firearms

Office of the Secretary

Bureau of Government Financial Operations

Regulatory Agenda

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous agenda on October 15, 1981 (46 FR 50890).

FOR FURTHER INFORMATION CONTACT: For additional information about a regulation contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows. Section A presents new rules and regulations under consideration; Section B lists currently-effective rules under review; Section C lists existing rules scheduled to be reviewed in the next six months; and Section D presents a summary of recent Office regulatory actions.

The Office has determined that none of the entries in Section A or B requires a regulatory flexibility analysis; those entries either have been determined not to have a "significant impact on a substantial number of small entities," are interpretive rulings, or were the subject of a Notice of Proposed Rulemaking prior to December 31, 1980. Such items are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. EO 12291 defines a "major" rule to be one "likely to result in:

(1) An annual effect on the economy of $100M or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Dated: April 6, 1982.

C. T. Conover,

Comptroller of the Currency.

SECTION A: NEW RULES UNDER DEVELOPMENT

12 CFR Part 30—Real Estate Loans; Due-on-Sale Clauses

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

On September 23, 1981, the Office issued for comment a proposed regulation which would validate the inclusion of due-on-sale clauses in real estate loans made by national banks and make such loans fully enforceable (46 FR 46964).

A growing number of states, currently approaching 20, have laws limiting the enforceability of due-on-sale clauses. These laws, in the form of judicial decisions or statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The proposed regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by according them the opportunity to invest at market rates of interest funds they reasonably expected would be available, given the average turnover rate for real property. The comment period ended November 23, 1981. Over 1,100 comments have been reviewed and are being considered in the final drafting.

For further information, contact Jonathan Feichter, Director, Banking Research and Economic Analysis Division, (202) 447–1914, Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division, (202) 447–1954, or Francis Rath, Attorney, Legal Advisory Services Division, (202) 447–1880.

12 CFR Part —Accrual Accounting

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a.

The Office is developing a new regulation to require the adoption of accrual accounting by all national banks as recommended by the Federal Financial Institutions Examination Council. The proposed regulations would make uniform the method by which all national banks maintain their financial records. Currently, banks with assets in excess of $25 million routinely maintain internal accounts on an accrual basis.

The proposed regulation is intended to assist bank management in making more informed operating and policy decisions, and to assure that the financial data national banks provide to federal regulators and make available to bank shareholders, customers, and the general public are timely, consistent, and fairly presented.

For further information, contact Rhoger H. Pugh, National Bank Examiner, Program Analysis Division, (202) 447–1723.

SECTION B: EXISTING REGULATIONS UNDER REVIEW

12 CFR Part 5—Rules, Policies, and Procedures for Corporate Activities

Legal Authority: 12 U.S.C. *et seq.*

The Office is currently engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. Several revisions of those regulations have already been issued. However, several other amendments and policy revisions are still being developed or are under review. These include the Office's policies and procedures concerning:

—Mergers
—Trust bank charters
—Appraisal rights
—Capital applications
—Operating subsidiaries
—Employee benefit plans

On July 30, 1981, the Office proposed amendments (46 FR 38925) to its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's.

Significant streamlining was achieved in all of these areas. Consistent with the policy already enunciated in other revisions, these proposed policies announce a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities. Comments received during the public comment period ending September 28, 1981, have been reviewed and a final rule is expected to be issued shortly.

Recently, the Office began developing a proposed revision to the application and decision process for title change requests by national banks. After conducting a study of this subject, the Office soon will propose to define the application and decision process by formal regulation rather than policy statement, as is currently done. This change is intended to minimize regulatory interference with bank management's judgment in choosing a title and to clarify the standards which the Office uses in evaluating corporate title change applications.

For further information, contact Patrick M. Frawley, Deputy Director, Bank Organization and Structure Division. Telephone (202) 447–1184.

12 CFR Part 7—Interpretive Rulings

Definition of Capital (7.1100)

Legal Authority: 12 U.S.C. 84.

The amount defined as capital affects the maximum which a bank may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing this ruling to make it reflect more accurately current banking practices. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276), on which more than 800 comment letters were received.

After lengthy analysis, the Office issued a revised proposal on August 10, 1981 (46 FR 40520), that would redefine capital to include 100 percent of the reserve for loan losses. Mandatory convertible instruments would be included for the first time, and an amortization schedule would be applied to determine when limited life preferred stock and subordinated notes and debentures are to be included. In addition, a policy statement was proposed, setting out an analytical framework by which the Office would evaluate a bank's capital for purposes of capital adequacy. Comments, received until October 9, 1981, have been reviewed, and final revisions are being made.

For further information, contact Robert B. Norris, National Bank Examiner. Telephone (202) 447–1165.

Other Real Estate Owned (7.3025)

Legal Authority: 12 U.S.C. 29.

The Office is revising this ruling to take advantage of the new flexibility provided under the Depository Institutions Deregulation and Monetary Control Act (Pub. L. 96–221) by granting national banks greater leeway in the disposition of "other real estate." In addition, a proposal is being developed to establish for this ruling a uniform definition of "real estate" that all national banks could use. Currently, State law applies.

For further information, contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447–1880.

Data Processing Services (7.3500)

Legal Authority: 12 U.S.C. 24(7)

This ruling concerns national bank data processing activity. Revision is currently under consideration in light of recent major technological advances.

For further information, contact Sharon Miyasato, Attorney, Securities and Corporate Practices Division. Telephone (202) 447–1954.

Indemnification (7.5217)

Legal Authority: 12 U.S.C. 24.

The Office is reviewing this ruling which sets forth the conditions under which a national bank may indemnify bank directors and personnel. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of national banks with a veiw toward developing uniform federal standards.

For further information, contact Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division. Telephone (202) 447–1954.

Reporting of Bank-Related Crimes and Mysterious Disappearances of Funds (7.5225)

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 1818, 1881 *et seq.*

This ruling governs crimes involving bank personnel or bank funds. The Office is considering changing the ruling into a regulation and making revisions to decrease the reporting requirements of banks. Topics under review include the number of offices with which reports must be filed, the $1,000 threshold for reporting mysterious disappearances of funds, and the range of crimes intended to be covered by the reporting requirements.

For further information, contact Peggy Shriner, Commercial Examinations Division. Telephone (202) 477–1165.

Charitable Foundations and Contributions (7.7445 and 7.7479)

Legal Authority: 12 U.S.C. 24(8)

These rulings permit national banks to establish and contribute to charitable foundations as well as limit the amount which a national bank may contribute. Both interpretations are being reviewed to determine whether any modifications or futher guidance are necessary. Subjects under review include defining the term charitable, including in contributions grants of the right to receive income from assets (commonly securities) owned by the bank, changing the contribution limitation to be consistent with higher tax limitations in the Economic Recovery Tax Act of 1981, and aggregating contributions to charitable trusts and other charities.

For further information, contact Alan Priest, Attorney, Legal Advisory Services Division. Telephone (202) 447–1880.

12 CFR Part 9—Fiduciary Powers of National Banks and Collective Investment Funds

Legal Authority: 12 U.S.C. 92a.

On October 29, 1980, the Office published a series of proposals to amend its rules governing the exercise of fiduciary powers by national banks (45 FR 71571). The proposed amendments concern the revocation of a bank's fiduciary powers, the retention of fiduciary records, the valuation of collective investment fund assets, marketability requirements for common trust funds, the valuation of short-term investment funds, the disclosure of policies and practices for commissions paid in effecting securities transactions, and the deposit of funds awaiting investment or distribution. The proposal also asked for public comment on any other section of Part 9 felt to be in need of improvement. A final rule is expected to be published during 1982.

For further information, contract Dean E. Miller, Deputy Comptroller for Specialized Examinations. Telephone (202) 447–1731.

12 CFR Part 11—Securities Exhange Act Disclosure Rules

Legal Authority: 15 U.S.C. 78.

On January 29, 1981, the Office proposed a series of amendments to its securities disclosure regulation (46 FR 9618). The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks.

The proposed amendments are intended to conform the Office's regulations to the corresponding rules of the Securities and Exchange Commission.

For further information, contact Eric Thompson, Assistant Director, Securities and Corporate Practices Division. Telephone (202) 447–1954.

12 CFR Part 17—Required Notification To Nominate Bank Directors

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the **Federal Register** on April 14, 1980 (45 FR 2478). Because of the comments received on that proposal, the Office is

now considering retaining the regulation in revised form. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

For further information, contact Jerome Edelstein, Attorney, Legal Advisory Services Division. Telephone (202) 447–1880.

12 CFR Part 20—International Operations

Legal Authority: 12 U.S.C. 1 *et seq.*

This regulation requires prior notifications and reports to the Office on specified international activities of national banks. It also requires banks to file copies of monthly and weekly Treasury Foreign Currency Forms. The Office is exploring alternative means of collecting information on transactions in foreign currency with a view toward reducing both the information collected and the number of banks affected.

For further information, contact William Ryback, Director, International Banking Activity. Telephone (202) 447–0413.

12 CFR Part 26—Management Interlocks

Legal Authority: 12 U.S.C. 3206–3207.

The Office is developing amendments to this regulation to clarify, simplify, and relax current restrictions on management interlocks. The changes are intended to limit the extent to which the prohibitions apply to depository holding companies and certain management officials to reduce the need for institutions to seek exceptions under the regulations. Proposed amendments are being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration.

For further information, contact Jerome Edelstein, Attorney, Legal Advisory Services Division. Telephone (202) 447–1880.

12 CFR Part 29—Adjustable-Rate Mortgages

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

The Office is currently reviewing this regulation in light of recent developments in the mortgage loan market. Specifically, revisions are being considered to the ceiling on negative amortization, restrictions on interest rates, and the frequency of payment adjustments.

Since the regulation was issued on March 27, 1981, the offering of adjustable-rate mortgage instruments has become commonplace among various types of financial institutions. Other regulatory agencies have issued rules which differ from the Comptroller's regulation, and the two principal purchasers of these instruments in the secondary market, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, have established criteria which effectively disqualify adjustable-rate mortgages issued by national banks. The proposed revisions would permit national banks to be more competitive with other federally-regulated mortgage lenders, to participate more fully in the secondary mortgage market, and to increase the liquidity of their home mortgage loan portfolios.

For further information, contact David Nebhut, Banking Research and Economic Analysis Division, (202) 447–1825, or Francis Rath, Attorney, Legal Advisory Services Division, (202) 447–1880.

SECTION C: EXISTING REGULATIONS SCHEDULED TO BE REVIEWED

12 CFR Part 8—Assessment of Fees

Legal Authority: 12 U.S.C. 482.

The bulk of the funding for the Office's activities is provided by assessments paid semiannually by national banks and District of Columbia banks. The Office's current assessment schedule, adopted in 1976, features a declining marginal rate of assessment. Recent statutory changes giving the Office greater flexibility in scheduling examinations call the current schedule into question. As a result, the Office is considering a proposal to revise its existing assessment schedule in the coming months.

For further information, contact William A. Longbrake, Acting Senior Deputy Comptroller for Policy. Telephone (202) 447–1790.

12 CFR Part 27—Fair Housing Home Loan Data System

Legal Authority: 15 U.S.C. 301; 12 U.S.C. 1 *et seq.*, 481, 1818; 15 U.S.C. 1691 *et seq.*; 42 U.S.C. 3601 *et seq.*

This regulation requires national banks to record and retain information on the age, race, sex, and marital status of applicants for loans for the purchase or construction of residential real property. Its purpose is to gather data necessary to detect prohibited credit discrimination. The Office intends to review this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes.

For further information, contact Patrick J. Marr, Consumer Examinations Division. Telephone (202) 447–1600.

SECTION D: RECENT OFFICE REGULATORY ACTIONS

12 CFR Part 1—Eligibility of Securities for Purchase, Dealing in, Underwriting and Holding by National Banks

Legal Authority: 12 U.S.C. 1 *et seq.*, 24(7).

On February 8, 1982, the Office issued a final rule containing guidelines which summarize its past decisions concerning a national bank's ability to purchase, deal in, underwrite, or hold securities (47 FR 5701). The guidelines reflect those areas of the law which have been clarified through repeated individual rulings. The purpose of these guidelines is to decrease the need for bank to seek specific rulings and for banks counsel to conduct detailed legal research on similar securities.

For further information, contact Radcliffe Park, Assistant Director or Raija Bettauer, Senior Attorney, Legal Advisory Services Division. Telephone (202) 447–1880.

12 CFR Part 2—Disposition of Credit Life Insurance Income

Legal Authority: 12 U.S.C.1 *et seq.*, 24(7), 60, 73, 92, 93a, 1818(n).

On January 26, 1982 (47 FR 3555), the Office proposed amendments to this regulation to reflect recommendations of the Federal Financial Institutions Examination Council. Those amendments would permit limited bonuses and incentives to bank employees for credit life insurance sales and would define the compensation to be paid to a national bank by an affiliate which receives credit life insurance income. The Office also proposed the repeal of certain provisions thought to be unnecessary.

For further information, contact Ford Barrett, Assistant Chief Counsel. Telephone (202) 447–1896.

12 CFR Part 5—Rules, Policies, and Procedures for Corporate Activities

Legal Authority: 12 U.S.C. 1 *et seq.*

On December 4, 1981 (46 FR 59232), the Comptroller issued several amendments to this regulation to correct various technical errors and discrepancies that resulted when the Office consolidated all of Parts 4, 5, 13, 14, and 15, and portions of Parts 8 and 28 relating to corporate activities into Part 5 on October 15, 1980 (45 FR 68586). The corrections are intended to clarify for the public the Office's requirements regarding the corporate activities of national banks and increase the public's

ability to contribute to the review process.

For further information, contact James E. Brennan, Manager, Bank Structure and Analysis, Bank Organization and Structure Division. Telephone (202) 447–1184.

12 CFR Part 29—Adjustable-Rate Mortgages

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

On April 1, 1982 (47 FR 13775), the Office published two technical amendments to the regulation. The regulation, originally published on March 27, 1981 (46 FR 18932), establishes a framework within which national banks may make or purchase adjustable-rate mortgage loans.

The amendments expand the number of indexes to which adjustable-rate mortgage interest rates may be tied and provide national banks with more flexibility in their selection of initial index values. National bank participation in mortgage markets will be facilitated without altering the protections provided to the banks or their customers.

For further information, contact Francis S. Rath, Attorney, Legal Advisory Services Division, (202) 447–1880, or David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, (202) 447–1825.

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Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96–354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Knowledgeable Official." Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

Background

Pub. L. 96–354, the "Regulatory Flexibility Act" (RFA), and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are or, in the case of the RFA after July 1, 1981 will be under agency review. Customs combined agenda will include a brief description of the subject area of each regulatory project ("project") being considered, the objective and legal basis for the action being taken, the name and telephone number of a knowledgeable agency official and, where applicable, an approximate schedule of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

Executive Order 12291 revoked Executive Order 12044, "Improving Government Regulations." However, to maintain continuity with projects previously listed on Customs semiannual agenda of "significant" regulations published on August 1, 1980, pursuant to E.O. 12044 (45 FR 51496), those projects are listed in this combined agenda.

The following is the third semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291. The project listed as a regulation under agency review (Part 22, Customs Regulations (19 CFR Part 22)), however, is being considered under the mandate for review of currently effective rules set forth in that Order. The projects that Customs has determined are likely to have the requisite economic impact specified in the RFA are identified by an asterisk to the left of the "Description/Citation" line in the agenda listing and a "(RFA)" at the end of that line.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Basis" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal basis for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies, may be taken on any project for which a notice of proposed rulemaking had not been published prior to May 22, 1978, without Secretarial approval of a "work plan." Notice documents for some of the described projects have been published in the **Federal Register** and, therefore, no work plan will be prepared. For those projects, and others which are in an early stage of preparation, no work plans are available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM), or a final rule-Treasury Decision (T.D.), are identified by work plan number or **Federal Register** citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2426, Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: April 12, 1982.

William von Rabb,

Commissioner of Customs.

PART I.—REGULATIONS UNDER DEVELOPMENT

Description/citation (19 CFR—)	Additional information
Air Commerce/Parts 6, 10, and others	*Summary:* Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S.-registered civil aircraft. *Objective:* To implement Title VI, Civil Aircraft Agreement, of Pub. L. 96–39, "Trade Agreements Act of 1979." *Legal Basis:* General. *Knowledgeable Official:* John Mathis (202–556–5706). *Status:* Work Plan 79–30 approved; NPRM published January 8, 1980 (45 FR 1633); T.D. under development.
Air commerce/§§ 6.3 and 6.8	*Summary:* Simplication and clarification of Aircraft procedures. *Objective:* To facilitate clearance of aircraft departing U.S. *Legal Basis:* 49 U.S.C. 1509. *Knowledgeable Official:* John Mathis (202–566–5706). *Status:* Work Plan 79–6 approved: T.D. in review at Treasury Department.
Petroleum/Part 10	*Summary:* Regulation of petroleum exports from Canada. *Objective:* Conforming amendment required by Pub. L. 95–159. *Legal Basis:* General. *Knowledgeable Official:* Scott Shreve (202–566–8121). *Status:* T.D. 81–292 published November 30, 1981 (46 FR 58069).

PART I.—REGULATIONS UNDER DEVELOPMENT—Continued

Description/citation (19 CFR—)	Additional information
Endangered species-Antiques/Parts 10 and 12	*Summary:* Provide for importation of specified antique articles otherwise prohibited entry by Endangered Species Act of 1973 at designated ports of entry. *Objective:* Implement provisions of Pub. L. 95-632, "Endangered Species Act Amendment of 1978." *Legal Basis:* 19 U.S.C. 1202. *Knowledgeable Official:* Harrison Feese (202-566-8651). *Status:* Work Plan 79-28 approved; NPRM published November 9, 1981 (46 FR 55273); T.D. under development.
Carnents (E.C.S./A.T.A.)/Parts 10 and 14	*Summary:* Substitute use of A.T.A. carnet for E.C.S. carnet in relation to the entry of commerical samples *Objective:* United States withdrawal from Customs Convention on E.C.S. carnets (TIAS 6632) and accession to the Conversion on A.T.A. carnets (TIAS 6631). *Legal Basis:* General. *Knowledgeable Official:* Jerrald Worley (202-566-8551). *Status:* NPRM published October 1, 1981 (46 FR 48235); T.D. under development.
*Entry of American goods exported and returned/Parts 10 and 143 (RFA)	*Summary:* Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. *Objective:* To implement provisions of Pub. L. 96-609. *Legal Basis:* 19 U.S.C. 1481, 1484, 1498. *Knowledgeable Official:* Herbert Geller (202-566-5307). *Status:* Work Plan 81-14 approved; NPRM published March 18, 1982 (47 FR 11706); comment period closes May 17, 1982.
*Transportation in bond; short shipment/§ 18.6 (RFA)	*Summary:* Require entry, for statistical purposes, of merchandise at port of destination in event of nondelivery to Customs of entire shipment or one or more packages in shipment, even if merchandise not recovered intact. *Objective:* Implement provision of Pub. L. 95-410, "Customs Procedural Reform and Simplification Act of 1978." *Legal Basis:* 19 U.S.C. 1484, 1552, 1553. *Knowledgeable Official:* William Marehi (202-556-2967). *Status:* Work Plan 81-23 approved; NPRM published January 14, 1982 (47 FR 2125); T.D. under development.
*Transportation in bond/§ 18.8 (RFA)	*Summary:* Increase amount of liquidated damages required by carrier's bond for shortage, failure to deliver of irregular delivery of duty-free merchandise. Carrier also would be liable for duty on dutiable merchandise, as well as liquidated damages. *Objective:* To clarify carrier's obligations under required bond and provide for liquidated damages as deterrent to violations. *Legal Basis:* 19 U.S.C. 1551, 1623. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* Work Plan 79-11 approved; NPRM published December 30, 1980 (45 FR 85780); T.D. 82-13 published January 14, 1982 (47 FR 2086); no RFA analysis required.
*Customhouse brokers/Part 111 (RFA)	*Summary:* Amend regulations relating to responsibilities of customhouse brokers. *Objective:* To clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. *Legal Basis:* 19 U.S.C. 1641. *Knowledgeable Official:* Scott Shreve (202-566-8121). *Status:* Work Plan 79-5 approved; NPRM in review at Treasury Department.
*Customs bonds/Part 113(RFA)	*Summary:* Consolidation of Customs bonds and related forms. *Objective:* To simplify bond structure and language preparatory to expansion of AMPS program. *Legal Basis:* 19 U.S.C. 1623. *Knowledgeable Official:* Jospeh Goody (202-566-4434). *Status:* ANPRM published May 26, 1981 (46 FR 28172); NPRM under development.
Customs bonds, letter of credit/Part 113	*Summary:* Authorize use of letter of credit in lieu of foreign-trade zone bond to guarantee payment of claims made by Customs against a foreign-trade zone operator. *Objective:* To facilitate the use of foreign-trade zones. *Legal Basis:* 19 U.S.C. 81c, 1623. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* Work Plan in Customs Review. Project withdrawn.
*Contiguous countries, railroad equipment/§123.12(RFA)	*Summary:* Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. *Objective:* To clarify permitted use of foreign railroad equipment. *Legal Basis:* General. *Knowledgeable Official:* John Mathis (202-566-5706). *Status:* Work Plan 81-7 approved; NPRM under development.
Copyright/Part 133	*Summary:* Amendments to regulations relating to recordation of copyrights with Customs. *Objective:* To implement provisions of Pub. L. 94-533, "Copyright Act of 1976." *Legal Basis:* 17 U.S.C. 1603. *Knowledgeable Official:* Samuel Crandle (202-266-5765). *Status:* NPRM under joint development by Customs and Copyright Office.
*Entry of merchandise, special permits for immediate delivery/Part 141 and 142 (RFA).	*Summary:* Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures. *Objective:* To implement provisions of Pub. L. 95-410, "Customs Procedural Reform and Simplication Act of 1978." *Legal Basis:* 19 U.S.C. 1484. *Knowledgeable Official:* William Wagner (202-566-5307). *Status:* Work Plan 80-18 approved; revision of CF 7501 under development.
Entry of merchandise/§ 141.1 (RFA)	*Summary:* Permit an importer who uses a broker's service to satisfy obligations to broker and Customs by making payment with two separate checks. *Objective:* To afford importer an optional method of payment to broker and Customs. *Legal Basis:* 19 U.S.C. 197, 198, 1505. *Knowledgeable Official:* James Bartley (202-566-5765). *Status:* NPRM published July 2, 1979 (44 FR 38571); 2nd NPRM published September 3, 1981 (46 FR 44195); T.D. under development.
*Entry of merchandise; bonds/Part 142 (RFA)	*Summary:* Acceptance of formal entries with unsecured bonds for certain importations. *Objective:* Decrease costs to importer of merchandise valued less than $1,000. *Legal Basis:* 19 U.S.C. 1623. *Knowledgeable Official:* Herbert Geller (202-566-5307). *Status:* Work Plan 81-15 approved; NPRM under development.
*Foreign-trade zones/§ 146.25 (RFA)	*Summary:* Remove zone-restricted status from merchandise admitted to foreign-trade zone from Customs bonded warehouse. *Objective:* Permit use of formerly "zone-restricted" merchandise in zone manufacturing operations. *Legal Basis:* 19 U.S.C. 1557(a). *Knowledgeable Official:* Russel Berger (202-566-5856). *Status:* Work Plan 81-27 approved; NPRM in review at Treasury Department.
Trade Fairs/§ 147.45	*Summary:* Removal of trade fair merchandise from foreign-trade zones for consumption without permission of Foreign-Trade Zone Board. *Objective:* Amendments required to implement provisions of Pub. L. 91-692. *Legal Basis:* 19 U.S.C. 81h. *Knowledgeable Official:* William Rosoff (202-566-5856). *Status:* Work Plan in review at Treasury Department.

PART I.—REGULATIONS UNDER DEVELOPMENT—Continued

Description/citation (19 CFR—)	Additional information
Registration of Merchandise/§ 148.1	*Summary:* New instructions for registration of personal effects taken abroad. *Objective:* To ensure uniform registration procedures. *Legal Basis:* 19 U.S.C. 1498. *Knowledgeable Official:* Joseph O'Gorman (202-566-8157). *Status:* Work Plan 80-22 approved; NPRM published September 21, 1981 (46 FR 46594); T.D. in review at Treasury Department.
Personal declaration and exemptions/§ 148.73	*Summary:* Execution of written baggage declarations by military personnel. *Objective:* To conform Customs and DOD regulations. *Legal Basis:* General. *Knowledgeable Official:* Kevin Cummings (202-566-5607). *Status:* Work Plan 81-16 approved; NPRM under development.

*Projects noted with an asterisk and designated "(RFA)" are subject to the provisions of the Regulatory Flexibility Act.

PART II. EXISTING REGULATIONS TO BE REVIEWED

	Discusion
Drawback/Part 22	*Summary:* Drawback. *Objective:* To modernize procedures relating to claims for drawback. *Knowledgeable Official:* George Steuart (202-566-5856). *Status:* NPRM in review at Treasury Department.

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Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of March 1, 1982, that the Internal Revenue Service will be developing from March 1, 1982, through September 30, 1982. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T 202–566–3902, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Treasury Directive 50–04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all requires that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Friday, October 15, 1982.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of February 28, 1982, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into four parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive 50–04.F. Part IV lists the various regulation projects closed since August 31, 1981, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.SC. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically required or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. *1954 Code Section, File Number, and RFA.* The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained. If the project is subject to the Regulatory Flexibility Act, the note "RFA" appears in this column.

2. *Subject, Drafter, and Reviewer.* The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel,

Department of the Treasury, is also named. Where a section of an act of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. *Office in which Pending and Status.* The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. *Regulatory Analyses.* If the regulation project is subject to the Regulatory Flexibility Act and a notice of proposed rulemaking has been published with respect to the project, a target date for publication of final regulations appears in this column. If a regulatory analysis or a regulatory flexibility analysis is required for a project, a note to this effect and whether the regulatory analysis or regulatory flexibility analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury.

Rosco L. Egger, Jr.,

Commissioner of Internal Revenue.

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144, LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971, §§ 206, 301 (b), (c); TRA 1976, § 501) (Hanglund/Saverude—TLC-Roche/Lerman/Levinson).	LR. In LR for prep of notice	
§§ 11, 21, LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2))(Saverude-TLC-Roche/Brown).	LR. In LR for prep of notice	
§ 44A, LR-214-81	Inc. Tax—Part 1—Increase in child care credit (ERTA 1981, § 124) (Kroening/Woo).	LR. In LR for prep of notice	
§ 44C (b)(2), (c)(2), (5), LR-73-80.	Inc. Tax—Part 1—Joint ownership of energy items & renewable energy source expenditures for purposes of the residential energy credit to conform to §§ 201 (a) & 202 of the Crude Oil Winfall Profit Tax Act 1980 (Woo/Bromell).	LR. In LR for prep of notice	
§§ 44C, 6050D, LR-74-80	Inc. Tax—Part 1—Secretarial authority under residential energy credit (Crude Oil Winfall Profit Tax Act 1980, § 201 (b)) (Woo/Bromell—TLC-Roche/Schuldinger).	Treas. 10/15/80 Notice pub. 4/30/81 Hrg. held 1/26/82 T.D. to Treas. for formal approval.	
§ 44D, LR-75-80	Inc. Tax—Part 1—To add provisions under Code sec. 44D (re. credit for producing fuel from a non-conventional source) to conform to sec. 231, Crude Oil Winfall Profit Tax Act of 1980 (Baughman/Francis—TLC-Roche/Schuldinger).	TLC. 11/20/81 Draft of notice to TLC and T:C. 12/14/81 Comments from T:C.	
§ 44E, LR-76-80	Inc. Tax—Part 1—Alcohol used as fuel (Crude Oil Windfall Profit Tax Act of 1980, § 232) (Kroening/Saverude—TLC-Roche/Schuldinger).	TLC and Tech. 2/26/82 Draft of notice to TLC and Tech.	
§ 44F, LR-6-82	Inc. Tax—Part 5c—Temp. Regs.—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis).	LR. In LR for prep of T.D.	
§ 44F, LR-236-81	Inc. Tax—Part 1—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis—TLC-Baneman/Levinson).	LR. In LR for prep of notice	
§ 46, LR-169-79	Inc. Tax—Part 1—Investment credit for commuter highway vehicles (Energy Tax Act 1978, § 241 (a)) (Weinstein/Duffy—TLC-Roche/Schuldinger).	TLC and Tech. 12/21/81 Final draft of notice to TLC and Tech.	
§§ 46, 47, LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (TRA 1978, § 316) (Kissel/Blumkin—TLC-Pike/Brown).	LR. 10/13/81 Notice ret'd. to LR for revision	
§§ 46, 47, LR-92-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Weinstein/Blumkin—TLC-Yecies/Brown).	LR.Treas. 11/15/79 Notice to Treas. for formal approval.	
§§ 46, 48, LR-239-81	Inc. Tax—Part 1—Changes in applicable percentage of cases or cost; provision of progress expenditure rules (ERTA 1981, §§ 211 (a)-(d), (e)(2)-(3), (h), 213, 214) (Stanley/Blumkin—TLC-Yecies/Levinson).	LR. In LR for prep of notice	
§§ 46, 48, 191, LR-238-81	Inc. Tax—Part 1—Increase in investment tax credit for qualified rehabilitation expenditures (ERTA 1981, § 212) (Schmalz/Woo—TLC-Baneman/Levinson).	LR. In LR for prep of notice	
§§ 46, 47, 48, LR-73-75	Inc. Tax—Part 1—Change in investment credit (§§ 301, 302, 604, TRA 1975, P.L. 94-12) (Weinstein/Blumkin—TLC-Yecies/Brown).	LR. 1/30/79 Notice pub. 6/27/79 Hrg. held 1/19/82 Draft of T.D. ret'd to LR for revision.	
§ 46 (a), LR-150-80	Inc. Tax—Part 1—Changes made by § 222 (a) and 223 (b) of the Crude Oil Windfall Profit Tax Act of 1980 (Pearson/Whedbee—TLC-Roche/Schuldinger).	LR. In LR for prep of notice	
§§ 46 (c) (8), (9) 47 (d), LR-240-81.	Inc. Tax—Part 1—At risk limitations on investment credit (ERTA 1981, § 211 (f)) (Stanley/Blumkin).	LR. In LR for prep of notice	
§§ 46 (f), 167 (l), LR-342-81.	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules for public utility property (ERTA 1981, § 209) (Rosenthal/Parcell).	LR. In LR for prep of T.D.	
§§ 46 (g), LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Duffy/Blumkin—TLC-Yecies/Brown).	LR. In LR for prep of notice	
§ 47, LR-315-81	Inc. Tax—Part 1—Amendment of recapture rules (ERTA 1981, § 211 (g)) (Stanley/Blumkin).	LR. In LR for prep of notice	
§ 48, LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC-Yecies/Brown).	Treas. 11/28/80 Notice pub. 3/20/81 T.D. to Treas. for formal approval.	
§ 48, LR-88-79	Inc. Tax—Part 1—Single purpose agricultural structure (RA 1978, § 314) (Pellervo/Blumkin—TLC-Yecies/Brown).	LR. 1/23/81 Notice pub. 6/25/81 Hrg. held	
§ 48, LR-191-78	Inc. Tax—Part 1—Investment credit for rehabilitated structures (RA 1978, § 315) (Schmalz/Woo—TLC-Baneman/Brown).	T:C. 10/28/80 Notice pub. 3/31/81 Hrg. held 10/30/81 Rev. draft of T.D. to TLC & T:C 12/16/81 Comments from TLC.	
§ 48(k), LR-143-80	Inc. Tax—Part 1—Definition of films that are "topical or otherwise essentially transitory in nature" (Pearson/Dickinson—TLC-Yecies/Levinson).	Treas. 5/12/81 Notice to Treas. for formal approval	
§ 48(j), (k), LR-223-78	Inc. Tax—Part 1—Investment credit in case of property used by tax exempt organizations & governmental units (Weinstein/Blumkin).	LR. In LR for prep of notice	
§ 48(l), LR.-79-80	Inc. Tax—Part 1—Definition of energy property, to reflect addition by sec. 222(h) of the Crude Oil Windfall Profit Tax Act of 1980 of qualified intercity buses as category of property for business energy credit (Weinstein/Blumkin—TLC-Roche/Schuldinger).	LR. 12/9/81 Notice to DED for formal approval	
§ 48(l), LR.-80-80	Inc. Tax—Part 1—Definition of energy property qualifying for business energy credit (Crude Oil Windfall Profit Tax Act 1980, § 222(a)) (Pearson/Whedbee—TLC-Roche/Schuldinger).	LR. In LR. for prep of notice	

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1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 48(l), LR.-176-80	Inc. Tax—Part 1—Special rules added by sec. 223(c) of Crude Oil Windfall Profit Tax Act 1980, relating to reduction of credit where property is financed by subsidized energy financing or industrial development bonds (Pearson/Blumkin—TLC-Roche/Schuldinger).	LR. 1/26/82 Notice pub.	
§ 48(l) LR.-81-80	Inc. Tax—Part 1—Definition of energy property; Items qualifying under alternative energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (b), (g), and (d)) (Pearson/Whedbee—TLC-Roche/Schuldinger).	LR. In LR. for prep of notice	
§ 48(l)(5), LR.-78-80	Inc. Tax—Part 1—Definition of energy property; Criteria to be used by the Secretary in adding items to the list of specially defined energy property (Crude Oil Windfall Profit Tax Act 1980, § 222(d)) (Pearson/Blumkin—TLC-Roche/Schuldinger).	Treas. 1/7/81 Notice pub. 4/30/81 Hrg. held. 1/26/82 T.D. to Treas. for formal approval.	
§§ 50A, 50B, LR.-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Schmalz/Bromell—TLC-Cunningham/Levinson).	LR. 4/30/80 Notice pub. T.D. Pending Treas. review	
§ 52, LR.-199-78	Inc. Tax—Part 1—Amount of jobs credit (Schmalz/Woo—TLC-Reinhold/Levinson).	LR. TLC and T:I. 12/28/79 Notice pub. 4/24/80 Hrg. held. 2/26/82 Final draft of T.D. to TLC and T:I..	
§ 52, LR.-218-81	Inc. Tax—Part 1—Adjustments to new jobs credit (ERTA 1981, § 261) (Schmalz/Woo—TLC-Reinhold/Levinson).	LR. TLC and T:I. 2/26/82 Final draft of notice to TLC & T:I..	
§ 55, 3(b), 5(a), 57 (a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666 (b), (c), 871(b), 877(b), 904(h), 6015(c), 6363(b), 6654(f), LR-210-78.	Inc. Tax—Part 1—Alternative minimum tax (RA 1978, §§ 401(b)(1), 421, 423; Technical Corrections Act 1979, §§ 104(a)94), 107(a)(1)(A); P.L. 96-603, § 4) (Clark/Smith—TLC-Hevener/Levinson).	LR. TLC. 4/29/81. Draft of notice to TLC and T:I. 11/6/81 Comments from T:I..	
§§ 56, 57, 58, LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR§ SA 1977, § 308; RA 1978, § 421 (b), (c), 423, 701; Technical Corrections Act 1979, §§ 107(a)(1)(A), 104(a)(4)(E) & (F); ERTA 1981, § 205) (Coplan/Smith—TLC-Hevener/Brown).	LR. TLC. 2/17/81 Rev. draft of notice to TLC and T:I. 11/6/81 Comments from T:I.	
§ 57, LR-209-78	Inc. Tax—Part 1—Minimum tax—TRA 1976, § 301; TR§ SA 1977, § 308; Energy Tac Act 1978, §§ 402, 403; RA 1978, § 422) (Coplan/Smith—TLC-Hevener/Brown).	LR. In LR. for prep of notice	
§ 61, LR.-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Tolleris/Coulter—TLC-Hevener/Levinson).	LR. 2/3/78 Notice pub. 5/4/78 Hrg. held. 6/11/79 News Release issued soliciting further comment. 11/27/79 Hrg. held In LR. for prep of T.D..	
§§ 61, 162, 174, 263, 471 LR-253-76.	Inc. Tax—Part 1—Prepublication expenditures of publishers (Roth/Fischer—TLC-Roche/Koppelman).	LR. Notice pending Treas. review	
§ 72, LR-19-80	Inc. Tax—Part 1—Unisex annuity tables (Parcell/Fischer—TLC-	LR. In LR for prep of notice	
§ 79, LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Fischer—TLC-Pike/Levinson).	CC. 2/23/82 Notice to CC/JDS for formal approval	
§ 83, LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Bosco/Fischer—TLC-Hevener/Koppelman).	LR. 9/20/77 Notice pub. 3/20/78 Hrg. held. Withdrawal notice pending Treas. review.	
§ 83, LR-16-80	Inc. Tax—Part 1—To make certain amendatory changes to rules relating to property transferred in connection with performance of services (ERTA, § 252) (Bosco/Fischer).	LR. In LR for prep of notice	
§ 103, LR-17-82	Inc. Tax—Part 1—Deep discount industrial development bonds (Kroupa/MacMaster—TLC-Woodward).	TLC and T:I. 2/18/82 Draft of notice to TLC and T:I	
§ 103(b), LR-192-81	Inc. Tax—Part 1—IDB's for vehicles used for mass commuting (ERTA 1981, § 811) (Thompson/Coulter—TLC-McCarty/Koppelman).	LR. 12/31/81 Notice pub	
§ 103(c), LR-102-79	Inc. Tax—Part 1—To simplify the rules relating to arbitrage bonds (Flanagan/Coulter).	LR. In LR for prep of notice	
§ 103(i), LR-193-81	Inc. Tax—Part 1—Obligations of certain volunteer fire departments (ERTA 1981, § 812) (Thompson/Coulter—TLC-Pike/Levinson).	TLC and T:I. 1/27/82 Draft of notice to TLC and T:I	
§§ 103, 61, 162, 163, 165, 171, 249, 1232, LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder & industrial user (Thompson/Coulter—TLC-Woodward/Koppelman).	LR. 12/6/77 Notice pub. 3/15/78 Hrg. held. 2/6/79 2d Notice pub. Revised notice pending Treas. review.	
§ 103(a), LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Woodward/Koppelman).	LR. 2/2/76 Notice pub. 4/26/76 Hrg. held. T.D. pending Treas. review.	
§ 103(b)(4), LR-190-78	Inc. Tax—Part 1—Exemption for industrial development bonds for water facilities (RA 1978, §§ 332, 333) (Tolleris/Coulter—TLC-Reinhold/Koppelman).	LR. Notice pending Treas. review	
§ 103-8, LR-182-79	Inc. Tax—Part 1—To clarify the "substantially all" test (MacMaster/Coulter—TLC-Reinhold/Koppelman).	LR. Notice pending Treas. review	
§ 103-8, LR-51-79	Inc. Tax—Part 1—To clarify the "public use" and "functionally related" requirements (Wold/Coulter—TLC-Reinhold/Koppelman).	LR. Notice pending Treas. review	
§ 103-10, LR-245-79	Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Kroupa/Coulter—TLC-Woodward/Koppelman).	LR. Notice pending Treas. review	
§ 103(b)(8), LR-87-80	Inc. Tax—Part 1—Exemption for industrial development bonds for qualified hydroelectric generation facilities (Crude Oil Windfall Profit Tax Act 1980, § 242) (Tolleris/Coulter—TLC-Reinhold/Koppelman).	LR. In LR for prep of notice	
§ 103(b)(6), LR-264-81	Inc. Tax—Part 1—To clarify the definition of the term "issue" (Flanagan/MacMaster).	LR. 10/8/81 Notice pub. 11/12/81 Hrg. held T.D. pending Treas. review.	
§ 103(b)(4)(A), LR-161-81	Inc. Tax—Part 1—Industrial development bonds for multi-family residential rental housing (Omnibus Reconciliation Act 1980, §§ 1103, 1104(k)) (Flanagan/MacMaster).	LR. In LR for prep of notice	
§ 103(b), LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Tolleris/Coulter—TLC-Gallaher/Koppelman).	CC. 2/11/82 Notice to CC/BJW for formal approval	
§ 103(b)(6)(D), LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Tolleris/Coulter—TLC-Woodward/Koppelman).	TLC. 12/19/79 Final draft of notice to TLC and T:I 7/10/80 Comments from T:I.	
§ 103(b), LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche/Koppelman).	LR. 8/20/75 Notice pub. 11/21/75 Hrg. held T.D. pending Treas. review.	
§ 103-10(b)(2), LR-50-80	Inc. Tax—Part 1—Manner of electing $10 million limitation on exempt small issues (Tolleris/Coulter—TLC-Woodward/Koppelman).	CC. 1/4/82 Notice to CC/JDS for formal approval	
§ 103(b)(6), LR-227-80	Inc. Tax—Part 1—To define the term "facility" (Wold/Coulter)	LR. In LR for prep of notice	
§ 103(c), LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanangan/Coulter—TLC-Pike/Koppelman).	LR. In LR for prep of notice	
§ 103(b)(4), LR-6-81	Inc. Tax—Part 1—Effective date of provisions relating to hotels adjacent to airports (Thompson/Coulter—TLC-Reinhold/Koppelman).	LR. 2/24/82 Notice pub	
§ 103A, LR-10-81	Inc. Tax—Part 1—Mortgage subsidy bonds (Omnibus Reconciliation Act of 1980, §§ 1100-1103) (Flanagan/Coulter—TLC-McCarty/Koppelman).	LR. 7/1/81 Notice pub. 11/5/81 Hrg. held 11/10/81 Rev. notice pub..	

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1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 103-8(f), LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility and to conform to statutory exemption for industrial development bonds for qualified steam generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, § 241) (MacMaster/Coulter—TLC-Roche/Koppelman).	LR. Notice pending Treas. review	
§ 103(h), LR-86-80	Inc. Tax—Part 1—Industrial development bonds that must be in registered form and not guaranteed or subsidized under an energy program (Crude Oil Windfall Profit Tax Act 1980, § 244) (kroupa/Coulter—TLC-Roche/Koppelman)..	LR. Notice pending Treas. review	
§§ 104(a), (b) 105(d), LR-159-76.	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer).	LR. 7/9/80 Notice pub. T.D. pending Treas.	
§§ 108, 1017, LR-91-81	Inc. Tax—Part 1—Discharge of indebtedness (Bankruptcy Tax Act 1980, § 2) (P.L. 96-589) (Kissel/Whedbee—TLC-McCarty/Levinson).	LR. In LR for prep of notice	
§ 111, LR-136-81	Inc. Tax—Part 1—To clarify the proper recovery exclusion for State income tax refunds (Coplan/Smith).	LR. In LR for prep of notice	
§ 116, LR-83-80	Inc. Tax—Part 1—Partial exclusion of dividends and interest received by individuals (Mix/Francis—TLC-Cunningham/Levinson).	LR. 2/9/81 Notice pub.	
§ 117(c), LR-72-81	Inc. Tax—Part 1—Relating to Federal grant not includable in gross income in certain cases (P.L. 96-541, § 5(a)) (Alexander/Smith).	LR. In LR for prep of notice	
§ 118(b), LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Pearson/Blumkin—TLC-Gallagher/Brown).	LR. 5/30/78 Notice pub. 9/27/78 Hrg. held 9/22/81 Rev. notice ret'd. to LR for further rev.	
§ 124, LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Roth/Fischer—TLC-Yecies/Levinson).	LR. Notice pending Treas. review	
§§ 126, 1255, LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under government programs (RA 1978, § 543) (Mix/Fischer—TLC-Cunningham/Levinson).	LR. 5/21/81 Notice pub. 12/1/81 Hrg. held	
§ 128, LR-232-81	Inc. Tax—Part 1—Exclusion of interest on certain savings certificates (ERTA 1981, § 301) (Small/Smith—TLC-Woodward/Levinson).	LR. 10/20/81 Notice pub. 11/23/81 Hrg. held	
§ 128, LR-234-81	Inc. Tax—Part 1—Partial exclusion of interest (ERTA, § 302) (Small/Smith—Woodward/Levinson).	LR. In LR for prep of notice	
§§ 162, 62, 262, 3121, 3306, 3401, LR-173-77.	Inc. Tax—Part 1—Empl. Tax—Part 21—Deductibility of certain transportation expenses (Baughman/Saverude—TLC-Reinhold/Levinson).	Tech. 6/22/81 Draft of notice to TLC and Tech 12/2/81 Comments from TLC.	
§ 162, LR-5-82	Inc. Tax—Part 1—To add provisions relating to State legislators travel expenses (ERTA 1981, § 127) (Kroening/Francis).	LR. In LR for prep of notice	
§§ 162, 4945, LR-190-77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising grassroots lobbying (Haglund/Francis—TLC-Woodward/Levinson).	LR. 11/25/80 Notice pub.	
§§ 163(d), 703(b), LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969; Rev. Act 1971, § 304; TRA 1976, §§ 209, 901(b)(21)(F)) (Parcell/Fischer—TLC-Pike/Levinson).	LR. 11/28/77 Notice ret'd. to LR for revision	
§ 166(f), LR-1173	Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Mix/Fischer—TLC-Roche/Brown).	TLC and Tech. 7/11/80 Notice pub. 12/15/81 Final draft of T.D. to TLC and Tech.	
§ 167 LR-261-79	Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter—TLC-Hutton).	Commr. 12/30/81 Notice pub.; 11/20/81 T.D. to Commr. for formal approval.	
§ 167(a)-11(c)(2)(iv) LR-66-81.	Inc. Tax—Part 1—Application of CLADR conventions (Kissel/Blumkin—TLC-Yecies/Brown).	CC. 1/27/82 Notice to CC/BJW for formal approval	
§ 167(k), LR-195-81	Inc. Tax—Part 1—Amortization of low-income housing (ERTA 1981, § 264) (Flanagan/MacMaster—TLC-Baneman).	TLC & T:I. 2/24/82 Final draft of notice to TLC and T:I	
§ 167(l), LR-172-79	Inc. Tax—Part 1—Ratemaking treatment of public utility property (Rosenthal/Parcell—TLC-Pike/Brown).	LR. In LR for prep of notice	
§ 167(q), LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act, § 301(e)) (Magnatta/Coulter—TLC-Roche/Schuldinger).	LR. Notice pending Treas. review	
§§ 168, 179, 1245, 453, 167, 1250, 57(a)(12), 312(k), 172(b), 812(b), 46(b), 53(c), 381(c), LR-185-81.	Inc. Tax—Part 1—Accelerated cost recovery system (ERTA 1981, §§ 201(a), 202-209) (Magnatta/Flanagan/Tolleris/Coulter).	LR. In LR for prep of notice	
§ 168(e)(3), LR-244-81	Inc. Tax—Part 1—Normalization requirement for public utility property (ERTA 1981, § 201) (Rosenthal/Fischer).	LR. In LR for prep of notice	
§ 169(d)(1), (4), LR-193-76	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112 (b), (c)) (Wold/Coulter—TLC-Roche/Levinson).	LR. In LR for prep of notice	
§ 170, LR-219-81	Inc. Tax—Part 1—Charitable contributions of scientific property used for research (ERTA 1981, § 222) (Kroening/Bromell).	LR. In LR for prep of notice	
§§ 170(f)(3), 2055(e)(2), 2522(c)(2), LR-200-76.	Inc. Tax—Part 1—Est & Gift Taxes—Parts 20 and 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124(e); TR&SA 1977, § 309)—To extend certain temporary tax provisions (Small/Smith—TLC-Hutton/Levinson).	LR. Notice pending Treas. review	
§§ 170(i), 63(b), LR-255-81	Inc. Tax—Part 1—Charitable contributions deduction for nonitemizers (ERTA 1981, § 121) (Kroening/Bromell).	LR. Notice pending Treas. review	
§§ 172, 537(b), LR-218-78	Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, § 371) (Magnatta/Coulter—TLC-Hutton/Brown).	LR. 7/22/81 Notice to DED for formal approval	
§ 172(b)(1)(E), LR-26-81	Inc. Tax—Part 1—Net operating loss carryover for certain REITS (Act of 12/24/80, P.L. 96-595) (Magnatta/Coulter).	LR. In LR for prep of notice	
§ 179, LR-233-81	Inc. Tax—Part 1—Election to expense certain depreciable assets (ERTA 1981, § 202) (Zyskind/Smith).	TLC & T:I. 2/1/82 Draft of notice to TLC and T:I	
§ 183(e), LR-61-74	Inc. Tax—Part 1—Election to postpone application of sec. 183(d) presumption (RA 1971, § 311; TRA 1976, § 214) (Roth/Fischer—TLC-Baneman/Levinson).	TLC & T:I. 3/6/81 Final draft of notice to TLC and T:I	
§ 189, LR-145-76	Inc. Tax—Part 1—Amortization of real property construction period interest & taxes (TRA 1976, § 201; RA 1978, §§ 701(m)(1) & 701(e)) (Keesler/Fischer—TLC-Yecies/Brown).	TLC. 3/20/79 Draft of notice to TLC and T:I; 4/16/79 Comments from T:I.	
§ 192, LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Havener/Levinson).	EO. 3/27/80 Draft of notice to TLC, T:C, E:O; 4/23/80 Comments from T:C; 7/17/80 Comments from TLC.	
§ 193, LR-77-80	Inc. Tax—Part 1—To add provisions relating to tertiary injectants to conform to § 251, Crude Oil Windfall Profit Tax Act 1980 (Hagland/Francis-Schuldinger/Levinson).	TLC. 2/26/82 Draft of notice to TLC	

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1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 194, LR-224-80	Inc. Tax—Part 15b—Temp. Regs—Amortization of certain reforestation expenditures (Title III, RBS & FI Act of 1980 (P.L. 96-451) (Coplan/Smith—TLC-Schuldinger/Levinson).	LR. In LR for prep of T.D.	
§§ 194, 48, 62, 1245, LR-189-80.	Inc. Tax—Part 1—Amortization of certain reforestation expenditures (Title III of the Recreational Boating Safety & Facilities Improvement Act of 1980) (Coplan/Smith).	LR. In LR for prep of notice	
§ 195, LR-36-81	Inc. Tax—Part 1—To add provisions relating to start-up expenditures (Miscellaneous Revenue Act of 1980, § 102—P.L. 96-605) (Haglund/Francis).	LR. In LR for prep of notice	
§ 274(h), LR-114-81	Inc. Tax—Part 1—To add provisions relating to foreign conventions (as amended by sec. 4 of P.L. 96-608) (Thompson/Francis).	LR. In LR for prep of notice	
§ 274(a), LR-203-78	Inc. Tax—Part 1—Disallowance of certain entertainment expenses—To conform to sec. 361, RA 1978 (P.L. 95-600) (Stevenson/Saverude—TLC-Reinhold/Levinson).	TLC. 12/18/80 Draft of notice to TLC and T:I; 1/19/81 Comments from T:I.	
§ 274(b), LR-252-81	Inc. Tax—Part 1—Deductibility of gifts by employers (ERTA 1981, § 265) (Ginsburgh/Bromell).	LR. In LR for prep of notice	
§ 277, LR-1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (TRA 1976, § 121(b)(3)) (Keesler/Fischer—TLC-Hevener/Levinson).	LR. 5/6/72 Notice pub.; 8/8/72 Hrg. held; 11/8/79 Draft of rev. notice ret'd. to LR.	
§ 280, LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210 (a), (b)) (Roth/Fischer—TLC-Roche/Levinson).	LR. Notice pending Treas. review	
§ 280A, LR.-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601) (Stevenson/Francis—TLC-Baneman/McKee).	Treas. 8/7/80 Notice pub. 12/14/81 Rev. notice to Treas. for formal approval.	
§ 280A, LR.-4-82	Inc. Tax—Part 1—Travel expenses of Members of Congress as amended by sec. 116 of the Black Lung Benefits Rev. Act (P.L. 97-119) (Felton).	LR. 1/21/82 Notice pub.	
§ 280B, LR.-35-80	Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA 1976, § 2124) (Small/Saverude—TLC-Baneman/Levinson).	LR. Notice pending Treas. review	
§§ 302, 337, 1371, 351, 312, LR.-71-81.	Inc. Tax—Part 1—Misc. Corporate amendments (Bankruptcy Tax Act, § 5, P.L. 96-589) (Weinstein/Whedbee).	LR. In LR. for prep of notice	
§ 303, LR.-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§ 305, LR.-241-81	Inc. Tax—Part 1—Relating to reimbursement of dividends in the stock of public utilities (ERTA 1981, § 321) (Pearson/Blumkin—TLC-Roche/Levinson).	Treas. 1/12/82 Notice to Treas. for formal approval	
§ 305, LR.-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Yecies/Levinson).	LR. Notice pending Treas. review	
§ 305(e), LR.-277-81	Inc. Tax—Part 5c—Temp. Regs.—Dividend reinvestment in stock of public utilities (ERTA 1981, § 321) (Pearson/Blumkin—TLC-Roche/Levinson).	Treas. 1/12/82 T.D. to Treas. for formal approval	
§ 334(b)(2), LR.-114-80	Inc. Tax—Part 1—To establish rules with respect to recapture items (Weinstein/Blumkin—TLC-Yecies/Levinson).	LR. In LR. for prep of notice	
§ 337, LR.-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, § 2118; RA 1978, § 207(i)) (Swift/Whedbee—TLC-Yecies/Levinson).	TLC and Tech. 2/26/82 Draft of notice to TLC and Tech.	
§ 351, LR.-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferee (Swift/Whedbee—TLC-Yecies/Levinson).	TLC and T:C. 3/31/81 Rev. draft of notice to TLC and T:C..	
§ 355, LR.-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Blumkin—TLC-Yecies/McKee).	LR. 1/13/77 Notice pub. 1/21/77 Notice repub. T.D. pending Treas. review.	
§ 358, LR.-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Swift/Blumkin—TLC-Yecies/McKee).	LR. 1/2/81 Notice pub.	
§ 367(a)(1), LR-24-81	Inc. Tax—Part 1—Relating to ruling requests (TRA 1976, § 1042(a)) (Kadue/Saverude—ITC-Granwell).	LR. 12/30/77 Notice pub. under LR-230-76. 10/5/79 Temp. Regs. pub.—T.D. 7646. 10/5/79 Notice pub. 2/27/80 Hrg. held. In LR for prep of T.D.	
§ 367(a)(2), LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042(a)) (Dean/Saverude—ITC-Cranwell).	LR. In LR for prep of notice	
§ 367(b), LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements for sec. 367(b) transactions (TRA 1976, § 1042(a)) (Schreiner/Saverude—ITC-Granwell).	LR. 12/30/77 Notice pub. under LR-230-76. 10/5/79 Temp. Regs. pub.—T.D. 7646. 2/27/80 Hrg. held. In LR for prep of T.D.	
§§ 368, 382, LR-230-81	Inc. Tax—Part 5c—Temp. Regs.—Reorganizations involving financially troubled thrift institutions (ERTA 1981, §§ 241, 242) (Weinstein/Blumkin—TLC-Yecies/Brown).	TLC. 10/2/81 Draft of T.D. to TLC and T:C. 11/6/81 Comments from T:C.	
§ 368, LR-63-81	Inc. Tax—Part 1—Corporate reorganization amendments (Bankruptcy Tax Act 1980, § 4, P.L. 96-589) (Weinstein/Whedbee—TLC-Cunningham/Levinson).	TLC and T:C. 10/2/81 Draft of notice to TLC and T:C.	
§§ 368(a)(2)(E)(b)(2), LR-1994.	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (P.L. 91-693) (Swift/Blumkin—TLC-Yecies/McKee).	LR. 1/2/81 Notice pub.	
§§ 368(a)(2)(F), 721, 722, 723, 683, LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR. 1/7/81 Notice pub.	
§ 385, LR-75-81, RFA	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (TRA 1969, § 415 (P.L. 91-172) (Swift/Blumkin—ITC-Schreyer/Baneman).	LR. 1/5/82 Notice pub. 3/10/82 Hrg. to be held	Final reg. target date May, 1982; draft regulatory flexibility analysis prepared.
§ 414 (b), (c), LR-209-74	Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Weinstein/Blumkin—TLC-Oppenheimer/Levinson).	Tech and EP. 11/5/75 Notice pub. 9/23/80 Draft of T.D. to Tech and EP.	
§422A, LR-279-81	Inc. Tax—Part 1—Creation and treatment of incentive stock options (ERTA 1981, § 251) (Bosco/Fischer—TLC/Hevener/Koppelman).	LR. In LR for prep of notice	
§ 442, LR-25-82	Inc. Tax—Part 5c—Temp. Regs.—Change of annual accounting period from fiscal year to calendar year (Roth/Parcell).	TLC. 2/2/82 Draft of T.D. to TLC and T:C. 2/25/82 Comments from T:C.	
§ 446(e), LR-188-79	Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Bennett/Parcell—TLC-Hutton/Brown).	TLC and Tech. 2/17/81 Final draft of notice to TLC and Tech.	
§ 446(e), 481, LR-47-80	Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Parcell/Fischer—TLC-Hutton/Brown).	LR. Notice pending Treas. review	
§ 447, LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Keesler/Fischer—TLC-Hutton/Brown).	TLC. 6/18/81 Draft of notice to TLC and T:C. 7/14/81 Comments from T:C.	

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 451, LR-274-81, RFA	Inc. Tax—Part 1—To clarify treatment of certain costs incurred with respect to long term contracts (Rosenthal/Fischer—TLC-Hutton).	CC. 2/25/82 Notice to CC/BJW for formal approval	Draft regulatory analysis required; not yet prepared.
§ 451, LR-273-81	Inc. Tax—Part 5d—Temp. Regs.—Revision of § 1.451-4 relating to long term contracts (Rosenthal/Fischer).	C and CC. 10/21/81 Discussion draft of T.D. to C and CC.	
§ 453, LR-187-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions in which gain or loss is not recognized (Mix/Fischer—TLC-Roche/Levinson).	TLC. 3/19/81 Final draft of T.D. to TLC and Tech	
§§ 453, 453B, 1001, 72, LR-103-81.	Inc. Tax—Part 15A—Temp. Regs.—Treatment of gain realized on the exchange of appreciated property for a private annuity (Mix/Fischer—Roche/Levinson).	LR. T.D. Pending Treas. review	
§ 453, LR-185-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received from a liquidating corp. (Mix/Fischer—TLC-Roche-Levinson).	Treas. 11/12/81 T.D. to Treas. for formal approval	
§ 453, LR-173-80, RFA	Inc. Tax—Part 1—General rules and contingent sales (Mix/Fischer—TLC-Roche/Levinson).	TLC. 2/4/81 Notice pub. 10/1/81 Hrg. held 1/25/82 Draft of T.D. to TLC, T:I and T:C.	Final reg. target date June 1982; draft regulatory flexibility analysis prepared.
§ 453, LR-184-80, RFA	Inc. Tax—Part 1—Installment obligations received from a liquidating obligation (P.L. 96-471) (Mix/Fischer).	LR. In LR for prep of notice	Draft regulatory analysis required; not yet prepared.
§ 453, LR-186-80, RFA	Inc. Tax—Part 1—Installment obligations received in transactions in which gain or loss is generally not recognized (P.L. 96-471) (Mix/Fischer).	TLC. 3/19/81 Final draft of notice to TLC and Tech 2/17/82 Approved by Tech.	Draft regulatory analysis required; not yet prepared.
§ 453, LR-2-81, RFA	Inc. Tax—Part 1—Related party resales (P.L. 96-471) (Mix/Fischer)	TLC. 1/28/82 Final draft of notice to TLC and Tech 2/24/82 Comments from T:I.	Draft regulatory analysis required; not yet prepared.
§ 453, LR-1-81	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions between related parties (Mix/Fischer—TLC-Roche/Levinson).	LR. 11/6/81 Rev. draft of T.D. to TLC, T:C and T:I. 11/10/81 Comments from TLC. 12/15/81 Comments from T:I.	
§ 453A, LR-146-81	Inc. Tax—Part 15A—Temp. Regs.—Installment method reporting by dealers in personal property (Mix/Fischer—TLC-McCarty/Brown).	LR. T.D. Pending Treas. review	
§ 458, LR-195-78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and record returns after close of taxable year (RA 1978, § 372) (Bennett/Fischer—TLC-Hutton/Levinson).	Treas. 10/6/81 Notice to Treas. for formal approval	
§ 461, LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901(a)(69)) (Parcell/Fischer—TLC-Hutton/Brown).	LR. Notice pending Treas. review	
§§ 463, 81, LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (P.L. 93-625) (Bennett/Fischer—TLC-Hutton/Brown).	LR. Notice pending Treas. review	
§§ 464, 278(b), LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207 (a), (b)) (Keesler/Fischer—TLC-Hutton/Brown).	TLC and Tech 8/31/81 Final draft of notice to TLC and Tech.	
§ 465 LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Bennett/Parcell/Fischer—TLC-McCarty/Levinson).	TLC. 6/5/79 Notice pub. 9/27/79 Hrg. held 11/7/79 Draft of T.D. to TLC and T:I 12/28/79 Comments from T:I.	
§ 466, LR-217-78	Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Bennett/Fischer—TLC-Hutton/Brown).	LR. 2/1/82 Notice to DED for formal approval	
§ 471, LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Roth/Fischer—TLC-Hutton/Brown).	TLC. 6/1/77 Final draft of notice to TLC	
§§ 472(d), 474, LR-254-81	Inc. Tax—Part 1—Three-year averaging for increases in inventory value when electing LIFO method of accounting; Use of one inventory pool by small businesses electing LIFO method of accounting (ERTA 1981, §§ 236, 237) (Roth/Fischer—TLC-Hutton).	T:C. 2/25/82 Draft of notice to T:C	
§ 473, LR-82-80	Inc. Tax—Part 1—Qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Rosenthal/Fischer—TLC-Hutton/Brown).	LR. Notice pending Treas. review	
§ 482, LR-307-76	Inc. Tax—Part 1—Allocation of income and deductions among taxpayers to revise percentage applied in determining rental change for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Saverude—TLC-Baneman/Levinson—ITC-Shay/Lainoff).	T:C. 12/17/80 Rev. draft of notice to ITC and T:C 2/4/81 Comments from ITC.	
§ 483(g), LR-246-81	Inc. Tax—Part 1—Maximum rate of imputed interest for sale of land between related persons (ERTA 1981, § 126) (Rosenthal/Fischer).	LR. In LR for prep of notice	
§ 512(a)(3), LR-1744	Inc. Tax—Part 1—Social clubs, Unrelated business income (TRA 1969, § 121 (b) (1) (Mix/Fischer—TLC-Hevener/Levinson).	LR. 5/13/71 Notice pub. 8/13/71 Hrg. held 11/15/81 Draft of T.D. ret'd. to LR for rev.	
§ 527, LR-243-81	Inc. Tax—Part 1—Rates of tax for principal campaign committees (ERTA 1981, § 128) (Thompson/Coulter—TLC-Reinhold/Levinson).	CC.12/18/81 Notice to CC for formal approval	
§ 532, LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Doran/Saverude—ITC-Shay/Lainoff).	LR. 12/22/80 Notice pub	
§ 535(c), LR-198-81	Inc. Tax—Part 1—Increase in accumulated earnings credit (ERTA 1981, § 232) (Thompson/Coulter).	LR. In LR for prep of notice	
§§ 541-45, 551-55, LR-680.	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225 in part), (RA 1964, also P.L.'s 89-809, §§ 104 (h), 206; 91-172, § 101 (j) (16); TRA 1976, §§ 211, 2106) (Thompson/Saverude—TLC-Gallagher/Levinson).	LR. 9/5/68 Notice pub. Revised notice pending Treas. review.	
§ 565 LR-29-80	Inc. Tax—Part 1—Accumulated earnings tax (Thompson/Coulter—TLC-Gallagher/Levinson).	Tech. 12/12/80 Notice fwd. for formal approved	
§§ 584(a)(1), (c) (1) (A) and (B), (c) (2), (e), 6032, LR-133-76.	Inc. Tax—Part 1—Tax treatemt of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138 (a), 1402 (b), 1901 (b), 2131(d)) (Schreiner/Coulter—TLC-Baneman/Levinson).	TLC. 9/22/80 Notice pub. 2/19/81 Hrg. held 5/7/81 Draft of T.D. to TLC and TI: 6/17/81 Comments from T:I.	
§ 585, LR-190-81	Inc. Tax—Part 1—Limitation on additions to bank loss reserves (ERTA 1981, § 267) (Thompson/Coulter).	TLC. 1/11/82 Final draft of notice to TLC and T:C 2/16/82 Notice approved by Tech.	
§ 591 LR-191-81	Inc. Tax—Part 1—Mutual savings banks with capital stock (ERTA 1981, § 245) (Magnatta/Coulter).	TLC and T:I. 12/10/81 Draft of notice to TLC & T:I 2/1/82 Comments from T:C.	
§593, LR-152-79	Inc. Tax—Part 1—Additions to reserves for losses on loans of mutual savings banks, etc. (ERTA 1981, § 243) (Thompson/Coulter).	TLC. 12/15/81 Draft of notice to TLC and T:C 2/19/82 Comments from T:C.	
§593(b)(3), (4), (5), LR-152-73.	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432 (a)) (ERTA 1981, § 243) (Thompson/Coulter—TLC-Roche/Brown).	LR. Notice pending Treas. review	
§§ 612, 613, LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell-TLC—Schuldinger/Levinson).	TLC and T:C. 12/22/81 Rev. draft of notice to TLC & T:C.	

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§613, LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil & gas wells (Woo/Bromell—TLC-Schuldinger/Levinson).	LR. Notice pending Treas. review	
§613(b) LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); also (P.L. 89-809, §§ 207, 208, 209) (Woo/Bromell—TLC-Schuldinger/Levinson).	LR. Notice pending Treas. review	
§§ 613A, 703 (a), 705(a), LR-105-75.	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901 (a) (86), 2115) (Woo/Bromell—TLC-Schuldinger/Levinson).	LR. 5/13/77 Notice pub. 8/31/78 Hrg. held 2/25/82 Draft of T.D. ret'd. to LR for revision.	
§613A (c) LR-35-81	Inc. Tax—Part 1—To conform to § 3 of the Act of 12/28/80 (P.L. 96-603) (Haglund/Woo—TLC-Schuldinger/Levinson).	LR. Notice pending Treas. review	
§ 642(g), LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009 (d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR. 2/9/82 Notice to DED for formal approval	
§§ 644, 641(b), LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701 (e)) (RA 1978, § 701 (p)) (Clark/Smith—TLC-Woodward/Levinson).	LR. In LR for prep of notice	
§§ 664, 170A, 25.2522, LR-42-73.	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Haglund/Woo—TLC-Baneman/Levinson).	LR. Notice pending Treas. review	
§§ 667, 666(e), 668, 665(b), (e)-(g), 669, 1302(a) (2)(B), (b)(2)(B), 6401(b), LR-184-76.	Inc. Tax—Part 1—Proc. and Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014) (Harman/Smith—TLC-Woodward/Levinson—ITC-Wold/Lainoff).	TLC and T:I. 10/23/81 Draft of notice to TLC and T:I	
§§ 679, 678(b), 643(a), (c)(C), (D), (d), 6048, 6677, LR-187-76.	Inc. Tax—Part 1—Proc. and Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Harman/Smith—ITC-Wold/Lainoff).	TLC and Tech, 9/14/81 Final draft of notice to TLC and T:I.	
§ 704(b), LR-262-76	Inc. Tac—Part 1—Determination of partner's distributive share (TRA 1976, § 213 (d)) (Schmalz/Bromell—TLC-Gallagher/Levinson).	TLC, 11/30/78 Draft of notice to TLC and T:I 1/79 Comments from T:I.	
§§ 706(c)(2)(B), 704, LR-265-76.	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213 (c)) (Ginsburgh/Francis—TLC-Gallagher/Levinson).	LR. 10/1/81 Draft of notice ret'd. to LR for revision	
§ 707(c), LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213 (b) (3) or TRA 1976 and to the *Miller* & *Carey* decisions (Charnas/Francis—TLC-Gallagher/Levinson).	LR. 2/13/81 Draft of notice ret'd to LR for revision	
§ 709, LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 203 (b)) (Haglund/Bromell—TLC-Gallagher/Levinson).	Tech. 1/11/80 Notice pub. 5/21/80 Hrg. held 11/30/81 Final draft of T.D. to TLC and Tech 12/11/81 Comments from TLC.	
§ 731, LR-39-82	Inc. Tax—Part 1—Amendment of § 1.731-1 (c) to clarify the tax treatment of a distribution of property by a partnership to a partner who had recently contributed other property to the partnership (Stevenson/Bromell).	LR. In LR for prep of notice	
§§ 761, 6031, LR-36-80	Inc. Tax—Part 1—Certain compliance problems where elections out of Subch. K are made (Schmalz/Francis—TLC-Gallagher/Levinson).	LR. 6/17/81 Draft of notice ret'd. to LR for revision	
§§ 809, 811, 820, LR-275-81.	Inc. Tax—Part 13a—Temp. Regs.—Certain amounts refunded in reinsurance transactions (Bennett/Fischer).	LR. In LR for prep of T.D.	
§§ 809, 811, LR-276-81	Inc. Tax—Part 1—To clarify the treatment of certain amounts refunded in reinsurance transactions (Bennett/Fischer).	Treas. 2/11/82 Notice to Treas. for formal approval	
§ 860, LR-183-78	Inc. Tax—Part 1—Real estate investment trusts and regulated investment companies (RA 1978, § 362) (Pellervo/Whedbee—TLC-Baneman/Levinson).	TLC. 3/31/80 Notice pub. 10/28/81 Rev. draft of T.D. to TLC and T:I 12/11/81 Comments from T:I.	
§ 861(a), LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-Shay/Lainoff).	Treas. 6/10/81 Notice to Treas. for formal approval	Draft regulatory analysis required; not yet prepared.
§ 861(a)(1)(F), LR-185-79	Inc. Tax—Part 1—Gross income from sources within the U.S. (RA 1978, § 540 (a)) (Kadue/Saverude).	LR. In LR for prep of notice	
§ 861(a)(7), LR.-71-77	Inc. Tax—Part I—Source of income of underwriting income (TRA 1976, § 1036) (Bennett/Fisher—ITC-Shay/Lainoff).	LR. In LR. for prep of notice	
§ 861(e), LR.-57-81	Inc. Tax—Part I—Income from certain leased aircraft, vessels, and spacecraft treated as income from sources within the U.S. (P.L. 96-605, § 104) (Kadue/Saverude).	LR. In LR. for prep of notice	
§ 861(f), LR.-184-79	Inc. Tax—Part I—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Saverude—ITC-Wold/Lainoff).	ITC. 12/12/80 Draft of notice to ITC and T:C 1/22/81 Comments from T:C.	
§ 864, LR.-34-80	Inc. Tax—Part I—To prevent a foreign bank with branch office in U.S. from avoiding U.S. taxation by booking a loan in its foreign home office (Kadue/Renfroe—ITC-Shay/Lainoff).	ITC and T:C. 11/23/81 Draft of notice to ITC and T:C	
§ 871, LR.-9-80	Inc. Tax—Part I—Clarification of the computation of taxable income of dual status taxpayer (Feldmand/Saverude—ITC-Shay/Lainoff).	ITC and T:C. 11/30/81 Rev. draft of notice to ITC and T:C.	
§§ 871, 881, 1441, 1442, LR.-2043.	Inc. Tax—Part I—Original issue discount (RA 1971, § 313) (Schreiner/Saverude—ITC-Shay/Lainoff).	ITC. 7/12/76 Notice pub. 11/18/76 Hrg. held 1/28/81 Draft of T.D. to ITC and T:C 4/17/81 Comments from T:C.	
§ 892, LR.-110-80	Inc. Tax—Part I—Rules for determining whether loans or net leases are commercial activities (Kadue/Saverude—ITC-Wold/Lainoff).	LR. 7/22/80 Notice pub. 3/20/81 Draft of T.D. ret'd to LR. for reconsideration.	
§§ 897, 6039C, 6652, LR.-30-81.	Inc. Tax—Part 6a—Temp. Regs.—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (P.L. 96-499); ERTA 1981, § 831) (Renfroe/Saverude—ITC-Lainoff/Schreyer).	Commr. 11/2/81 T.D. to Commr. for formal approval	
§ 897, LR.-130-81	Inc. Tax—Part 6a—Temp. Regs.—Nonrecognition, reorganization, partnership, trusts, estate and REIT rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (ERTA 1981, § 831) (Schreiner/Saverude—ITC-Lainoff/Schreyer).	ITC and T:C. 2/12/82 Draft of T.D. to ITC and T:C	
§ 897(e)(2), LR.-36-82	Inc. Tax—Part 6a—Temp. Regs.—Partnership, trust and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldman/Saverude).	LR. In LR. for prep of T.D.	
§ 897(e)(2)(g), LR.-37-82	Inc. Tax—Part I—Partnership, trust, and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldman/Saverude).	LR. In LR. for prep of notice	
§ 901(f), LR.-65-75	Inc. Tax—Part I—Certain payments for oil or gas not to be considered as taxes (TRA 1975, P.L. 94-12, §§ 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Schreyer/Gramwell).	LR., 11/17/80 Notice pub. 5/29/81 Hrg. held in LR. for prep of T.D..	

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 901, 903, LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Bouma/Saverude—ITC-Lainoff/Schreyer).	LR. 6/20/79 Notice pub. 10/11/79 Hrg. held 11/17/80 Temp. Regs. T.D. 7739 pub. 11/17/80 Notice pub. 5/28/81 Hrg. held in LR for prep of T.D..	
§ 902, LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. & amount of creditable foreign taxes (Schreiner/Saverude—ITC-Lainoff/Schreyer).	ITC. and T:C. 2/26/81 Rev. draft of notice to ITC & T:C.	
§ 904(b)(2)&(3), LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c) (2)&(3)) (feldman/Saverued—ITC-Lainoff/Schreyer).	ITC. and T:C. 2/16/81 Rev. draft of notice to ITC & T:C.	
§ 904(e), LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treas. 1/6/82 Notice to Treas. for formal approval	
§ 904(f), LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Dean/Renfroe—ITC-Lainoff/Schreyer).	ITC. 9/29/80 Draft of notice to ITC and T:C 4/22/81 Comments from T:C.	
§§ 905(c), 6689, LR-34-81	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Amendment of regs. as required by P.L. 96-603, § (2)(c) (1)&(2)—Interest and penalties for failure to notify following receipt of refunds of foreign tax (Doran/Schreiner).	LR. In LR for prep of notice	
§ 907, LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil & gas income (TRA 1975, § 601; TRA 1976, § 1035) (Duffy/Blumkin—ITC-Schreyer/Granwell).	LR. 11/17/80 Notice pub. 5/29/81 Hrg. held in LR for prep of T.D..	
§§ 911, 119, 913, 3401(a)(8), LR-208-81.	Inc. Tax—Part 1—Income of U.S. citizens & residents working abroad; Exemption from withholding (Subtitle B of Title I of ERTA 1981, §§ 111, 112, 113) (Doran/Renfroe—ITC-Lainoff/Schreyer).	LR. In LR for prep of notice	
§ 936(d)(2), LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico & possession tax credit (TRA 1969, § 1051) (Feldman/Saverude—ITC-Lainoff/Schreyer).	Treas. 5/5/81 Notice to Treas. for formal approval	
§§ 951, 954, 955, LR-68-75.	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, § 602(d); TRA 1976, § 1024) (/Saverude—ITC-Schreyer/Granwell).	Commr. 8/9/76 Notice pub. 8/22/77 Temp. Regs. T.D. 7503 Pub. 7/1/81 T.D. to Commr. for formal approval.	
§§ 951(a), 954(b)(1)(f), 955, LR-67-75.	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (TRA 1975, P.L. 94-12, § 602(a)(3) (B) &(C) (other than(c)(6)) (/ Saverude—ITC-Schreyer/Granwell).	Commr. 2/9/78 Notice pub. 7/1/81 T.D. to Commr. for formal approval.	
§§ 952, 955, 964, LR-234-76.	Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Schreiner/Saverude—ITC-Wold/Lainoff).	ITC. 2/3/81 Notice pub. 8/10/81 Draft of T.D. to ITC and T:C 9/24/81 Comments from T:C.	
§ 960(a)(1), LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Saverude—ITC-Shay/Lainoff).	Treas. 11/19/80 Notice pub. 6/17/81 T.D. to Treas. for formal approval.	
§§ 993(d), 995(c), 751(c), 996(a)(2), LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, § 1101 (c), (d), (e) & (g) (1)-(4)) (Bouma/Saverude—ITC-Shay/Lainoff).	ITC and T:C 1/2/81 Notice pub. 1/28/82 Rev. draft of T.D. to ITC and T:C.	
§ 993, LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Saverude—ITC-Shay/Lainoff).	LR. 4/10/80 Notice to DED for formal approval	
§ 995, LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales & incremental export gross receipts (TRA 1976, § 1101 (a), (g)(1) & (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas. 7/22/81 Notice to Treas. for formal approval	
§ 1014(e), LR-235-81	Inc. Tax—Part 1—Basis of certain appreciated property transferred to decedent, etc. (ERTA 1981, § 425) (Small/Smith).	LR. In LR for prep of notice	
§§ 1056, 1245, LR-222-76	Inc. Tax—Part 1—Basis limitation & recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901 (b)(11)(D), 1951 (c)(2)(C), 2122 (b)(3), 2124 (a)(2)) (Keesler/Fischer—TLC-McCarty/Levinson).	LR. Notice pending Treas. review	
§ 1058, LR-182-78	Inc. Tax—Part 1—Transfers of securities under certain agreements (P.L. 95-345, § 2) (Keesler/Fischer—TLC-Gallagher/Levinson).	TLC and T:I. 8/19/81 Final draft of notice to TLC and T:I.	
§§ 1092, 6653, 263(g), 1256, 1212, 1236, 1234A, LR-187-81.	Inc. Tax—Part 1—Tax straddles (ERTA 1981, §§ 501-509) (Wold/MacMaster—TLC-Gallagher/Koppelman).	LR. In LR for prep of notice	
§§ 1092, 1256, 6653, 263(g), 1212, 1221, 1236, 1234A, LR-186-81.	Inc. Tax—Part 5c—Temp. Regs.—Tax straddles (ERTA 1981, § 501-509) (Wold/MacMaster—TLC-Gallagher/Koppelman).	LR. In LR for prep of T.D.	
§§ 1092, 1256, LR-280-81	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules relating to tax straddles (ERTA, § 508-509) (Wold/MacMaster—TLC-Gallagher/Koppelman).	LR. In LR for prep of final T.D.	
§§ 1092(a),(c), 1256, LR-281-81.	Inc. Tax—Part 5c—Temp. Regs.—Tax straddle identification rules (ERTA 1981, §§ 501(a), 503(a)) (Wold/MacMaster—TLC-Gallagher/Koppelman).	LR. 11/17/81 Draft of T.D. to TLC and T:I 12/28/81 Comments from TLC 12/30/81 Comments from T:I.	
§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601, LR-286-76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (P.L. 94-453) (Swift/Blumkin).	LR. Notice pending Treas. review	
§§ 1201, 1202, LR-187-78	Inc. Tax—Part 1—Alternative tax on capital gains (RA 1978, §§ 401, 402, 403) (Flanagan/Francis—TLC-Hevener/Brown).	LR. In LR for prep of notice	
§ 1202, LR-242-81	Inc. Tax—Part 5c—Temp. Regs.—Application of increased capital gains deduction for individuals to gains of pass-thru entities (ERTA 1981, § 102(d) (Flanagan/Francis—TLC-Beneman/Brown).	TLC. 10/15/81 Draft of T.D. to TLC and T:I 11/23/81 Comments from T:I.	
§ 1231(b), LR-129-80	Inc. Tax—Part 1—Inclusion of timber within the definitioan of "property used in the trade or business" (Tolleris/Coulter—TLC-Gallagher/Levinson).	Commr. 8/19/81 Notice to Commr. for formal approval	
§§ 1236, 1244, 1372, LR-180-78.	Inc. Tax—Part 1—To include put and call options within the definitions of stock or securities (Magnatta/Francis—TLC-Gallagher/Levinson).	TLC. 4/7/81 Draft of notice to TLC and Tech 5/8/81 Comments from Tech.	
§ 1239, LR-104-81	Inc. Tax—Part 1—Applicability of sec. 1239 to a sale or exchange where seller acquires 80% control over a corporation (Magnatta/Coulter).	LR. In LR for prep of notice	
§ 1244(c)-2, LR-163-81	Inc. Tax—Part 1—Manner of computing capital receipts ceiling amount in transitional year (Thompson/Coulter—TLC-McCarty/Levinson).	CC. 12/21/81 T.D. to CC for formal approval	
§§ 1248, 751, LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Bouma/Saverude—ITC-Shay/Lainoff).	ITC. 10/1/79 Final draft of notice to ITC and T:C 10/25/79 Comments from T:C.	
§ 1250, LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis—TLC-Yecies/Brown).	LR. In LR for prep of notice	
§ 1253, LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Coulter—TLC-Cunningham/Levinson).	LR. 7/15/71 Notice pub. 9/9/81 Rev. notice to DED for formal approval.	
§ 1253, LR-183-81	Inc. Tax—Part 1—To clarify treatment of basis in transfers of franchises, trademarks, and trade names (Tolleris/Coulter).	LR. In LR for prep of notice	

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1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 1254, 751(c), LR-276-76.	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Kroupa/Saverude—TLC-Schuldinger.	TLC. 6/11/80 Notice pub. 9/9/80 Hrg. held 3/30/81 Rev. draft of T.D. to TLC and Tech Comments from Tech.	
§ 1371, LR-215-81	Inc. Tax—Part 1—Shareholders of Subchapter S corps. (ERTA 1981, §§ 233, 234) (Ginsburgh/Saverude).	LR. In LR for prep of notice	
§ 1371, LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude—TLC-Baneman/Levinson).	LR. Notice pending Treas. review	
§§ 1371, 1372, LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976, §§ 902(a) and (c); 1901(a) (149)) (Ginsburgh/Saverude—TLC-Baneman/Levinson).	TLC. 4/17/80 Notice pub. 10/8/80 Hrg. held 2/26/82 Rev. draft of T.D. to TLC.	
§§ 1382-2, 1388-1, LR-268-79.	Inc. Tax—Part I—Distributions qualifying as patronage dividends (Keesler/Fischer—TLC-Pike/Koppelman).	LR. Notice pending Treas. review	
§§ 1385, 1388, LR-1175	Inc. Tax—Part I—Relating to tax treatment of per unit retain allocations (P.L. 89-809, § 211) (Parcell/Fischer—TLC-Pike/Koppelman).	LR. Notice pending Treas. review	
§§ 1398, 1399, LR-48-81	Inc. Tax—Part I—Rules relating to title 11 cases for individuals (Bankruptcy Tax Act of 1980, § 3, (P.L. 96-589)) (Swift/Whedbee—TLC-Cunningham/Levinson).	LR. In LR. for prep of notice	
§ 1441, LR-40-79	Inc. Tax—Part I—To provide for a certification method of withholding on dividends paid to nonresident aliens (Doran/Renfroe—ITC-Cranwell).	CC, 11/27/81 Notice to CC for formal approval	
§ 1441, LR-165-78	Inc. Tax—Part I—Personal services income of nonresident individuals (Kadue/Saverude—ITC-Wold/Lainoff).	ITC and Tech. 8/11/81 Final draft of notice to ITC and Tech 10/5/81 Changed pages fwd.	
§§ 1491, 1057, LR-236-76	Inc. Tax—Part I—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC and T:C. 5/29/81 Draft of notice to ITC and T:C	
§ 1502, LR-1086	Inc. Tax—Part I—Revision of regs. under sec. 1502 re. personal holding companies (Kissel/Blumkin—TLC-McCarty/Brown).	LR. 7/5/79 Notice ret'd to LR. for revision	
§ 1502, LR-140-73	Inc. Tax—Part I—Misc. and tech. amendments to consolidated return regs. (Weinstein/Blumking—TLC-Pike/Brown).	LR. 3/21/78 Notice ret'd to LR. for revision	
§ 1502, LR-222-81	Inc. Tax—Part I—Accelerated depreciation in investment adjustments (Weinstein/Blumking—TLC-McCarty/Brown/Levinson).	LR. Notice pending Treas. review	
§ 1502, LR-70-81	Inc. Tax—Part I—To reflect the addition of sec. 473 to the Code dealing with qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Weinstein/Blumkin).	LR. In LR. for prep of notice	
§ 1502, LR-97-79	Inc. Tax—Part I—Credit and deductions etc., for consolidated returns (Kissel/Blumkin—TLC-Pike/Brown).	LR. 12/11/81 Notice ret'd to LR. for revision	
§ 1502, LR-94-74	Inc. Tax—Part I—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. L (Duffy/Blumkin—TLC-Pike/Brown).	LR. 1/15/82 Draft of notice ret'd to LR. for revision	
§ 1502, LR.1386	Inc. Tax—Part I—Consolidated return regs.—Revision of regs. re. accumulated earnings tax (Whedbee/Blumkin—TLC-McCarty/Brown).	TLC. 7/9/68 Notice pub. 9/12/68 Hrg. held 8/25/71 Notice withdrawn 5/14/79 Rev. notice pub. 10/3/79 Hrg. held 11/30/79 Draft of T.D. to TLC and T:C 12/14/79 Comments from T:C.	
§ 1502, LR-256-79	Inc. Tax—Part I—Consolidated return/Accumulated earnings tax—Earnings and profits when personal holding company is a member (Whedbee/Blumkin—TLC-McCarty/Brown).	TLC. 12/26/79 Draft of notice to TLC and T:C 2/4/80 Comments from T:C.	
§ 1502, LR-29-76	Inc. Tax—Part 1—To reflect amdmts. of consolidated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine & Fisheries Capital Construction Funds (Duffy/Blumkin—TLC-Pike/Brown).	LR. Notice pending Treas. review	
§ 1502-32, LR-113-77, RFA.	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Weinstein/Blumkin—TLC-McCarty/Brown).	LR. In LR for prep of notice	Draft regulatory analysis required; not yet prepared.
§ 1502-42, LR-108-80	Inc. Tax—Part 1—To modify the percentage bad debt deduction for thrift institutions that file consolidated returns (Kissel/Blumkin—TLC-Pike/Brown).	TLC and T:C. 1/30/81 Notice pub. 9/9/81 Hrg. held 2/3/82 Draft of T.D. to TLC and T:C.	
§ 1502-45, LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Weinstein/Blumkin—TLC-McCarty/Levinson).	TLC. 12/27/79 Rev. draft of notice to TLC	
§ 1504(c)(2), LR-18-82	Inc. Tax—Part 7—Temp. Regs.—Consolidated returns under §§ 1501 and 1502 to be filed by life-nonlife groups (TRA 1976, § 1507) (Duffy/Blumkin).	LR. In LR for prep of T.D.	
§ 1502-76, etc., LR-216-79.	Inc. Tax—Part 1—Filing of separate returns for period not included in a consolidated return (Kissel/Blumkin—TLC-McCarty/Brown).	LR. Notice pending Treas. review	
§ 1502-80, LR-249-79	Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee—TLC-McCarty/Brown).	LR. Notice pending Treas. review	
§ 1504, LR-189-77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Swift/Whedbee—ITC-Wold/Lainoff).	LR. Notice pending Treas. review	
§ 1563(a)(2) LR-35-82	Inc. Tax—Part 1—To reflect the U.S. Supreme Court in *U.S. v. Vogel Fertilizer Co.*, holding that each member of stockholder group must own stock in each brother-sister corp. for purposes of 80% test (Pearson/Whedbee).	LR. In LR for prep of notice	
§§ 2001, 2010, 2011, 2012 (a), (e), 2013 (b), (e), (f), 2014 (b) (2), 2035, 2038 (a), 2044, 2052, 2104, 2106, 2101, 2102, 2206-2207, 2502, 2504, 2505, 2521, 6018, LR-212-76.	Est. & Gift Taxes—Parts 20 & 25—Unified rate schedule for estate & gift taxes & unified credit in lieu of exemptions (TRA 1976, § 2001; Technical Corrections Act 1979, 107 (a) (1) (F); ERTA 1981, §§ 401, 402, 424) (Grundeman/Smith—TLC-Woodward/Levinson).	LR. 10/7/81 Draft of notice ret'd to LR for revision	
§§ 2032A, 2013(f), 1016(c), 1040, LR-209-81.	Est. Tax—Part 20—Valuation of certain farm, etc. real property (TRA 1976, § 2003 (a), (c); RA 1978, § 702; ERTA 1981, § 421) (Grundeman/Smith).	LR. In LR for prep of notice	
§§ 2030(a), LR-181-76	Est. & Gift Taxes—Parts 20 & 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702 (i)) (Harman/Smith—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§ 2040(b) LR-180-76	Est. Tax—Part 20—Property held jointly by husband & wife (TRA 1976, § 2002 (c), (d) (3); ERTA 1981, § 403(c)) (Small/Waltuch—TLC-Woodward/Levinson).	LR. 10/8/81 Draft of notice ret'dns. to LR for revision	

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1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 2055(e), 2522, 170, LR-259-74.	Est. & Gift Taxes—Parts 20 & 25—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (P.L. 93-483, § 3; P.L. 94-455, § 13.04 (a); RA 1978, § 514 (a), (b); Technical Corrections Act 1978, § 105 (a)(4)) (Grundeman/Smith—TLC-Baneman/Levinson).	LR. 12/19/75 Notice pub. 3/30/76 Hrg. held T.D. Pending Treas. review.	
§ 2055, LR-210-81	Est. Tax—Part 20—Treatment of certain contributions of works of art, etc. (ERTA 1981, § 423) (Coplan/Smith).	LR. In LR for prep of notice	
§§ 2056, 2044, 2207A 2519, 2523, LR-211-76.	EST. & Gift Taxes—Parts 20 & 25—Increase in limitations on marital deductions (TRA 1976, § 2001 (a), (b), (d), 2006 (a); RA 1978, § 702 (g); ERTA 1981, § 403 (a), (b), (d)) (Harman/Waltuch—TLC-Woodward/Levinson).	LR. 10/30/81 Draft of notice to TLC and T:I 12/3/81 Comments from T:I 12/15/81 Comments from TLC.	
§ 2503, LR-211-81	Gift Tax—Part 25—Increase in annual gift tax exclusion and the unlimited exclusion for certain transfers (ERTA 1981, § 441) (Alexander/Smith).	LR. In LR for prep of notice	
§ 2518(c), LR-212-81	Gift Tax—Part 25—Certain transfers treated as a qualified disclaimer (ERTA 1981, § 426) (Zyskind/Waltuch).	LR. In LR for prep of notice	
§§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504, LR-213-76.	Est. & Gift Taxes—Parts 20 & 25—Disclaimers (TRA 1976, § 2009 (b); RA 1978, § 702 (m)) (Waltuch/Smith—TLC-Woodward/Levinson).	Commr. 7/22/80 Notice pub. 11/18/80 Hrg. held 11/23/81 T.D. to Commr. for formal approval.	
§§ 2601-2603, LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006 (a)) (Waltuch/Smith—TLC-Woodward/Levinson).	LR. In LR for prep of notice	
§ 2601, LR-338-81	Generation-skipping transfer tax—Part 26—Effective date provisions (ERTA 1981, § 428) (Grundeman/Smith).	LR. 2/24/82 T.D. 7812 approved by Treas.	
§§ 2611-2614, LR-205-76	Est. & Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006 (a); Technical Corrections Act 1979, § 107(a)(2)(B)) (Waltuch/Smith—TLC-Woodward/Levinson).	LR. 1/2/81 Notice pub. 5/20/81 Hrg. held In LR for prep of T.D.	
§ 2621, LR-20-82	Temp. Generation-skipping transfer tax regs.—Part 26a—Generation-skipping transfer tax return requirements (TRA 1976, § 2206 (a)) (Waltuch/Smith).	CC. 1/29/82 T.D. fwd. to CC/JDS for formal approval	
§ 2621, LR-234-79	Est. & Gift Tax—Part 26—Generation-skipping transfers tax return requirement, etc. (TRA 1976, § 2006 (a)) (Waltuch/Smith—TLC-Woodward/Levinson).	LR. 8/5/80 Notice pub. 11/5/80 Hrg. held T.D. Pending Treas. review.	
§§ 2622, 2013(g), 691(c), 303(d), LR-202-76.	Inc. Tax—Est. Tax—Parts 1, 20, 26—Tax on certain generation-skipping transfers—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006 (a)) (Waltuch/Smith—TLC-Woodward/Levinson).	LR. In LR for prep of notice	
§ 3121(t), LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdmts. of 1977, § 315) (Baughman/Bromell—TLC-Hevener/Levinson).	LR. Notice pending Treas. review	
§§ 3121, 3231, LR 23-82	Empl. Tax—Part 31—To require withholding of FICA & RRTA from certain payments of sick pay (Act of 2/29/81, § 3) (P.L. 97-123)) (Olson/Coulter).	LR. In LR for prep of notice	
§§ 3121, 3231, LR-24-82	Empl. Tax—Part 31—Temp. Regs.—To require withholding of FICA & RRTA from certain payments of sick pay (Act of 2/29/81, § 3) (P.L. 97-123) (Olson/Coulter).	LR. In LR for prep of T.D.	
§§ 3201, 3231, LR-196-81	Empl. Tax—Part 31—Increase in railroad retirement tax and clarification of definition of compensation (ERTA 1981, §§ 741, 743) (Kroupa/Coulter).	LR. In LR for prep of notice	
§ 3231(a), LR-38-80	Empl. Tax—Part 31—To clarify the definition of "employer" for purposes of RRTA (Tolleris/Coulter—TLC-Pike/Levinson).	LR. In LR for prep of notice	
§ 3401(a)-1, (b), LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (Wold/Coulter—TLC-Gallagher/Koppelman).	LR. 2/12/82 Notice pub	
§ 3402, LR-197-81	Empl. Tax—Part 31—Withholding (ERTA 1981, § 101(e)) (Wold/Coulter—TLC-Roche/Lerman/Koppelman).	TLC. 10/27/81 Notice pub. 1/29/82 Draft of T.D. to TLC and T:I. 2/24/82 Comments from T:I.	
§ 3402(o), LR-8-81	Empl. Tax—Part 31—Extension of withholding to payments of sick pay made by third parties (P.L. 96-601, § 4) (Wold/Coulter—TLC-Gallagher/Koppelman).	Treas. 5/1/81 Notice pub. 8/11/81 Hrg. held. 1/15/82 T.D. to Treas. for formal approval.	
§§ 3402(q), 6011, LR-188-80.	Empl. Tax—Part 31—To require recipient of certain gambling winnings to furnish information regarding aggregation of other winnings (MacMaster/Coulter—TLC-Gallagher/Koppelman).	LR. 9/23/81 Notice pub. 1/20/82 Hrg. held	
§§ 4041(b), 4063, 4081, 4093, 4221, 6416, LR-173-78.	Exc. Tax—Various amdmts. under the Energy Tax Act of 1978; §§ 221, 222, 231, 232, 233, 404; Rev. Act of 1978, § 701 (ff); Technical Corrections Act 1979, § 108(c)(5)) (Clark/Waltuch—TLC-Roche/Schuldinger).	LR. 1/2/81 Notice pub. T.D. Pending Treas. review	
§§ 4041(k), 4081(c), 6427(f), LR 84-80.	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Crude Oil Windfall Profit Tax Act 1980, § 232) (Clark/Smith—TLC-Pike/Levinson).	Commr. 9/28/81 Notice to Commr. for formal approval	
§§ 4041, 4042, 4054, 4058, LR-2118.	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR. 10/22/80 Notice pub. 4/8/81 Hrg. held T.D. pending Treas. review.	
§§ 4061, 4063, LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Pike/Levinson).	Treas. 10/13/81 Notice to Treas. formal approval	
§ 4064, LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Ginsburgh/Woo—TLC-Schuldinger/Levinson).	LR. 2/8/80 Notice pub. 6/19/80 Hrg. held T.D. pending Treas. review.	
§§ 4071(a) (1), (2), (d)(1), (f), 6416(b) (1), (2), (G), (d)(3), 6511(i), LR-28-81.	Mfgrs. and Rtlrs. Exc. Tax—Part 48—Excise tax refund in cases of certain uses of tread rubber & adjustments pursuant to warranty (P.L. 96-596; P.L. 96-596; § 4) (Alexander/Smith—Pike/Levinson).	LR. In LR for prep of notice	
§ 4071, LR-180-81	Mfgrs. and Rtlrs. Exc. Tax—Part 48—Relating to recapped or retreaded tires (Small/Smith).	LR. In LR for prep of notice	
§§ 4081-4084, 4091-4092, 4101, 4102, LR-2117.	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Roche/Levinson).	Treas. 1/6/81 Notice to Treas. for formal approval	
§ 4482, LR-225-79	Exc. Tax—Part 41—Definition of highway vehicle for purposes of the highway use tax (Weingstein/Whedbee—TLC-Pike/Levinson).	LR. In LR for prep of notice	
§§ 4611, 4612, 4661, 4662, LR-16-81.	Exc. Tax—Part 52 Environmental taxes—Imposition of taxes on petroleum and certain chemicals (P.L. 96-510, § 211) (Clark/Smith)—TLC-Yecies/Levinson).	TLC. 12/3/81 Draft of notice to TLC and T:I 12/21/81 Comments from T:I	
§§ 4681, 4682, LR-341-81	Exc. Tax—Part 52—Environmental taxes—Imposition of tax on hazardous wastes (P.L. 96-510, § 231) (Clark/Smith).	LR. In LR for prep of notice	

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 4986-4997, LR-48-80	Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Levinson).	LR. 4/4/80 Notice pub. 7/16/80 Hrg. held 11/5/80 Rev. notice pub. 12/11/80 2d Rev. notice pub. 1/19/81 3d Rev. notice pub. 2/23/81 4th Rev. notice pub. 6/18/81 Hrg. held In LR for prep of T.D.	
§§ 4986-4998, LR-225-81	Exc. Tax—Part 51—Issues arising where multiple parties share in production, including unitizations, partnerships, trusts and estates (Charnas/Bromell).	LR. In LR for prep of notice	
§ 4987, LR-227-81	Exc. Tax—Part 51—Definition of oil removed from the premises (Baughman/Bromell).	LR. In LR for prep of notice	
§ 4987, 4991, LR-224-81	Exc. Tax—Part 51—Definition of newly discovered oil (Ginsburgh/Bromell-TCL-Schuldinger/Levinson).	LR. 2/16/82 Draft of notice ret'd to LR for revision	
§ 4989-1(c), LR-152-80	Exc. Tax—Part 51—To provide rules relating to base prices of tier 2 & tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger/Levinson).	LR. 9/30/80 Notice pub. 11/14/80 Rev. notice pub. 3/3/81 Hrg. held.	Draft regulatory analysis prepared.
§ 4989-1(c)(2), LR-142-80	Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 & tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Charnas/Bromell—TLC-Schuldinger/Levinson).	LR. 9/24/80 Notice pub. In LR for prep of T.D	
§§ 4991, 4994, 4995, LR-313-81.	Exc. Tax—Part 51—Exempt royalty oil (ERTA 1981, § 601(b)) (Haglund/Woo—TLC-Schuldinger/Levinson).	LR. 2/17/82 Notice approved by Treas	
§§ 4991, 4994, 4995, LR-204-81.	Exc. Tax—Part 150—Temp. Regs.—Exempt royalty oil (ERTA 1981, § 601(b)) (Hauglund/Woo—TLC-Schuldinger/Levinson).	LR. 2/17/82 T.D. 7811 approved by Treas	
§ 4991, LR-226-81	Exc. Tax—Part 51—With respect to the definition of taxable crude oil (Charnas/Bromell).	LR. In LR for prep of notice	
§§ 4991, 4992, 4994, LR.-217-81.	Exc. Tax—Part 51—Exempt stripper well oil (ERTA 1981, § 603) (Schmalz/Woo).	T:C. 2/1/82 Draft of notice to TLC and T:C 2/18/82 Comments from TLC.	
§ 4991(e) LR.-228-81	Exc. Tax—Part 51—Tax consequence of mixing heavy oil with other oil (Kroening/Bromell).	LR. In LR. for prep of notice	
§ 4992(e), LR.-66-80	Exc. Tax—Part 51—Independent producer oil allocations within a related group under the Crude Oil Windfall Profit Tax Act 1980 (Baughman/Saverude—TLC-Schuldinger/Levinson).	LR. Notice pending Treas. review	
§ 4993, LR.-67-80	Exc. Tax—Part 51—Incremental tertiary oil (Crude Oil Windfall Profit Tax Act 1960) (Stevenson/Bromell).	T:C. 1/27/82 Draft of notice to T:C and T:I 2/26/82 Comments from T:I.	
§ 4994(c), LR.-68-80	Exc. Tax—Part 51—Exempt front-end oil under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Levinson).	TLC. 12/5/80 Notice pub. 2/24/81 Hrg. held 2/26/82 Draft of T.D. to TLC.	
§ 4995, LR.-71-80	Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (/ Bromell—TLC-Schuldinger/Levinson).	LR. 4/25/80 Notice pub. 7/16/80 Hrg. held In LR. for prep of T.D.	
§ 4996, LR.-34-82	Exc. Tax—Part 51—Definition of property under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell).	CC. 2/11/82 Discussion draft to JDS and BJW	
§ 4996, LR.-38-82	Exc. Tax—Part 51—Amendment of § 51.4996-1(b) with respect to the treatment of net profits interests for windfall profits tax purposes (Windfall Profit TAx Act 1980) (Charnas/Bromell).	LR. In LR. for prep of notice	
§ 4997(b), LR.-72-80	Exc. Tax—Part 51—Changes in the application of Department of Energy regulations for purposes of the Windfall Profit Tax Act 1980 (Charnas/Bromell).	LR. In LR. for prep of notice	
§ 6001, LR.-133-78	Inc. Tax—Part 1—Conditions under which books and records of controlled foreign corps. and orgs. will be required to be maintained in the U.S. (Bouma/Saverude—ITC-Shay/Lainoff).	LR. 1/23/81 Notice pub. 10/6/81 Hrg. held	
§§ 6001-6427, 4161, 4181, LR.-2115.	Exc. Tax—Part 52—Sporting goods and firearms and admin. provs. of special application to Mfgrs. and Rtlrs. Exc. Tax (Exc. Tax Reduction Act of 1965 and other subsequent legislation through Rev. Act 1971) (Alexander/Harman/Clark/Saverude—TLC-Hutton/Levinson).	LR. Notice pending Treas. review	
§ 6013 (g), (h), LR.-71-79	Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (/Saverude—ITC-Lainoff/Schreyer).	Treas. 9/12/80 Notice pub. 2/12/81 T.D. to Treas. for formal approval.	
§ 6015, LR.-199-81	Inc. Tax—Part 1—Declaration of estimated tax exception (ERTA, § 725) (Magnatta/Coulter).	TLC. 12/1/81 Draft of notice to TLC and T:I 1/6/82 Comments from T:I.	
§ 6039, LR.-49-80	Inc. Tax—Part 1—To conform the regs. to amdts. made by sec. 7 of P.L. 98-167 (Discontinuance of option reports) (Bosco/Fischer—TLC-Hevener/Koppelman).	LR. T.D. Pending Treas. review	
§ 6045, LR.-148-80	Inc. Tax—Part 1—Information returns on barter transactions (Parcell/Fischer—TLC-Hutton/Levinson).	LR. Notice pending Treas. review	
§§ 6075, 2501-2505, 2512, 2513, 2522, 1015, 6019, 6212(c), LR.-213-81.	Gift Tax—Part 25—Time for payment of gift taxes (ERTA 1981, § 442) (Zyskind/Waltuch).	LR. In LR. for prep of notice	
§ 6103 (l) (2), LR-3-81	Proc. and Admin.—Part 301—To authorize additional disclosures of returns and return information (Dickinson).	LR. 2/18/82 Notice to DED for formal approval	
§ 6103, LR-111-81	Proc. and Admin.—Part 301—Disclosure of return information to Bureau of the Census (Dickinson).	LR. 1/21/82 Notice pub.	
§§ 6109, 6049, LR-139-80	Inc. Tax—Part 1—Proc. and Admin.—Part 301—To require a resident having an interest in a nonresident alien's bank account to supply his SSAN (Tolleris/Coulter—ITC-Lainoff/Schreyer).	Treas. 9/1/91 Notice to Treas. for formal approval	
§§ 6154, 6655, LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (/Coulter—TLC-Hutton/Brown).	LR. In LR for prep of notice	
§§ 6166, 6166A, LR-210-76.	Exc. Tax—Part 20—Proc. and Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); ERTA 1981, § 422) (Zyskind/Smith—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§ 6302, LR-2-82	Inc. Tax—Part 1—To require deposit of estimated tax by individuals (Tolleris/Coulter).	LR. 2/10/82 Notice ret'd. to LR for revision	
§§ 6324A, 2294(c), LR-209-76.	Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for estate tax deferred under secs. 6166 and 6166A (TRA 1976, § 2004(d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§ 6324, LR-201-76	Est. Tax—Proc. and Admin.—Parts 20 and 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Grundeman/Smith—TLC-Woodward/Levinson).	TLC. 2/26/82 Draft of notice to TLC	
§ 6325-1(b)(l)(1), LR-90-80	Est. Tax—Part 20—Transfer certificates in nonresident estates (Alexander/Smith—TLC-Lainoff).	CC. 6/24/81 Notice pub. 12/14/81 T.D. to CC for formal approval.	
§ 6331-1, LR-160-81	Proc. and Admin.—Part 301—To provide for service of notice of levy by mail (Alexander/Smith—TLC-Hutton/Levinson).	LR. 2/26/82 Notice pub.	
§ 6402(c), LR-189-81	Proc. and Admin.—Part 301—To provide regs. relating to offset of past-due support against overpayments (Omnibus Reconciliation Act 1981, § 2331(b)) (Thompson/Saverude).	LR. 2/8/82 Notice pub.	

PART I.—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 6411, LR-45-79	Inc. Tax—Part 1—Tentative refund of tax under claim of right adjustment (Rev. Act 1978, § 504) (Weinstein/Whedbee—TLC-Hutton/Levinson).	LR. In LR for prep of notice	
§ 6501, LR-204-78	Inc. Tax—Part 1—Limitations on assessments and collection; To conform to sec. 212, RA 1978 (P.L. 95-600) (Stevenson/Francis—TLC-Hutton/Levinson).	LR. Notice pending Treas. review	
§ 6511, LR-94-80	Proc. and Admin.—Part 301—To conform changes made by P.L. 95-628, § 8(a), relating to period of limitations for credit or refund with respect to net operating loss or capital loss carryback (Roth/Fischer—TLC-Yecies/Levinson).	LR. T.D. pending Treas. review	
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204 (a), (b), LR-198-76.	Est. Tax—Proc. and Admin.—Parts 20 and 301—Misc. procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§ 6621, LR-245-81	Inc. Tax—Part 1—Change in rate of interest on underpayments & underpayments of tax to reflect 100% of prime rate adjusted annually (ERTA 1981, § 711) (Rosenthal/Fischer—TLC-McCarty).	CC. 2/26/82 T.D. to CC/BJW for formal approval	
§ 6652, LR-33-82	Proc. & Admin.—Part 301—To conform to changes made by ERTA 1981 relating to requirements to file certain information returns and penalties for failure to file (Doran/Renfroe).	LR. In LR for prep of notice	
§ 6652, LR-153-81	Inc. Tax—Part 1—Penalties for failure to make returns or furnish statements (as amended by sec. 1123 of Subtitle C of Title II—Omnibus Reconciliation Act of 1980) (Dean/Renfroe).	LR. In LR for prep of notice	
§§ 6654, 6655, LR-216-81	Inc. Tax—Part 1—Effect of royalty credit for 1981 on penalties for failure to pay estimated income tax (ERTA 1981, § 601(e)) (Charnas/Francis—TLC-Reinhold/Levinson).	LR. In LR for prep of notice	
§ 6655(h), LR-9-81	Inc. Tax—Part 1—Payment by large corps. of 60% of current year tax (Omnibus Reconciliation Act of 1980, § 1111; ERTA 1981, § 731) (Magnatta/Coulter—TLC-Yecies/Levinson).	TLC. 10/15/81 Draft of notice to TLC and T:I. 11/13/81 Comments from T:I.	
§ 6655(h), LR-29-81	Inc. Tax—Part 6A—Temp. Regs—Title XI of the Omnibus Reconciliation Act of 1980, § 111—Relating to payment by large corps. of at least 60% of current tax year (ERTA 1981, § 725) (Magnatta/Coulter—TLC-Hutton/Levinson).	T:C. 10/15/81 Rev. Draft of T.D. to TLC, T:C & T:I. 11/13/81 Comments from T:I. 2/16/82 Comments from TLC.	
§ 6656(b), LR-311-81	Proc. & Admin.—Part 301—Penalties for overstatement of deposits (ERTA 1981, § 724) (Kadue/Saverude).	ITC & T:I. 2/26/82. Rev. draft of notice to TLC & T:I	
§§ 6659, 6653, LR-272-81	Proc. & Admin.—Part 301—Addition to tax in the case of valuation overstatements, & increase in the negligence penalty (ERTA 1981, § 722) (Bennett/Fischer—TLC-McCarty/Levinson).	TLC & T:I. 2/1/82. Draft of notice to TLC & T:I	
§§ 6682, 7205, LR-194-81	Empl. Tax—Part 31—Penalties for false information with respect to withholding (ERTA 1981, § 721) (Wold/Sverude—TLC-McCarty/Levinson).	Treas. 2/18/82. Notice to Treas. for formal approval	
§ 6682, LR-343-81	Inc. Tax—Part 30—Temp. Regs.—False information with respect to withholding (ERTA 1981, § 721) (Wold/Saverude).	Treas. 2/18/82. T.D. to Treas. for formal approval	
§ 7502, LR-1406	Proc. & Admin.—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Roth/Fischer—TLC-Yecies/Levinson).	LR. 12/11/79. Notice pub. T.D. pending Treas. review	
§§ 7609, 7610, LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Keesler/Fischer—TLC-Hutton/Levinson).	TLC. 8/21/80. Notice pub. 12/15/80. Draft of T.D. to TLC and T:I 1/2/81 Comments from T:I.	
§ 7701, LR-232-78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Haglund/Francis—TLC-Gallagher/Levinson—ITC-Shay/Lainoff).	LR. 10/27/80 Notice pub. 3/20/81. Draft of T.D. to TLC and T:I 5/22/81 Comments from T:I. 11/2/81 Comments from TLC.	
§ 7701, LR-57-80	Proc. & Admin.—Part 301—To modify the application of the classification rules to limited liability companies (Baughman/Francis—TLC-Gallagher/Koppelman—ITC-Shay/Lainoff).	LR. 11/17/80. Notice pub.	
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (Duffy/Blumkin).	LR. 1/29/76. Notice pub. 7/7/76 Hrg. held In LR for prep of T.D..	
LR-202-81	Inc. Tax—Part 5c—Temp. Regs.—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith—TLC-Woodward/Levinson).	LR. 1/7/82. Ret'd to LR for prep of final draft of T.D.	
LR-203-81	Inc. Tax—Part 1—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith).	LR. In LR for prep of final draft notice	
LR-248-79	Statement of Procedural Rules—1979-2 Periodic Amendments (Weinstein/Whedbee—TLC-Hutton/Levinson).	GLS, D:L, D:O, Tech. 9/24/81. Final draft fwd.	
LR-25-81	Statement of Procedural Rules—Part 601—To provide for consolidated appeals hearings with respect to certain adjustments to windfall profit tax liability (Stevenson/Francis—TLC-Schuldinger/Levinson).	Tech & Compl. 10/9/81. Draft of regs. to Tech & Compl. 11/24/81 Comments from TLC.	
LR-13-81	Statement of Procedural Rules—Part 600—Conferences in criminal tax cases (Weinstein/Whedbee).	CC. 2/23/82. To CC for formal approval	
LR-120-81	Statement of Procedural Rules—Part 601—To provide for the Centralized Authorization File (CAF) (Swift/Whedbee).	CC. 2/24/82. To CC/BJW for formal approval	
LR-20-81	Statement of Procedural Rules—Part 601—Periodic revisions for 1982 parts 1 & 2 (Pearson/Whedbee—TLC-Yecies).	LR. In LR for prep of draft.	
LR-154-81	Statement of Procedural Rules—Part 601—Amendments to Statement of Procedural Rules—1981-1 (Stanley/Whedbee).	In LR for prep of draft	

PART II.—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 44G, 404(l), 409A, 46(a)(2), EE-151-81.	Inc. Tax—Part 1—Employee stock ownership plans (ERTA '81, §§ 331, 332) (Khil/Horowitz).	EE. In EE for prep of notice	
§ 46, EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements for Obtaining up to additional ½% investment credit (TRA 1976, § 803(d)) (Horowitz/Thrasher—TLC-Oppenheimer).	Commr. 8/17/79 Notice pub. 8/19/81 T.D. fwd to Commr. for signature.	
§§ 46, 401(a), EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b) (2), (3), (c) & (d)) (Horowitz/Thrasher—TLC-Oppenheimer).	Commr. 1/19/79 Notice pub. 6/28/79 Hearing held8/19/81 T.D. fwd to Commr. for signature.	

PART II.—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 62, 219, 220, 404(h), 408, 409, 2503, 3121, 3306, 4973, 4974, 6693, EE-7-78.	Inc. Tax—Part 1—Gift Tax—Part 25, Employment Taxes—Part 31, Retirement Income Plan Excise Taxes—Part 54, Procedure and Administration—Part 301—Spousal Individual Retirement Accounts, Simplified Employee Pensions, and Individual Retirement Account Technical Changes Act § 2002(a), (ERISA of '74 (P.L. 93-406), §§ 1501 and 1503, TRA of '76 (P.L. 94-455) §§ 152, 156(c), 156(d), and 157, Rev. Act of '78 (P.L. 95-600), §§ 101(a)(10), 101(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(ii), Tech. Corr. Act of '79 (P.L. 96-222)) (Gibbs/Wickersham—TLC-Oppenheimer/Levinson).	EE. 7/14/81 Notice pub. In EE for prep of T.D.	
§§ 72, 411, EE-44-80	Inc. Tax—Part 1—Clarification of the Income Tax Regulations with respect to the taxation of distribution from qualified plans providing life insurance protection (Watkins/Wickersham—TLC-Oppenheimer).	E:A. 12/4/81 Prelim. draft of notice to E:A.	
§§ 72 (o), (m), 405(d)(3), 401(d)(5), EE-149-81.	Inc. Tax—Part 1—Certain distributions, contributions, etc. (ERTA '81, §§ 311(b), 312(e), 313, 314(a)). Watkins/Wickersham.	EE. In EE for prep of notice	
§§ 120, 501(c)(2), EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Kerby/McGovern—TLC-Gallagher).	EE. 4/29/80 Notice pub. 9/4/80 Hrg. held 1/6/81 Prelim. draft of T.D. to TLC & E 1/30/81 Comments fm E 9/10/81 Comments fm TLC.	
§ 125, EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78, § 134) (Becker-Thrasher—TLC-Oppenheimer/Hevener).	TLC and E:A. 4/15/80 Rev'd prelim. draft of notice to TLC and E:A. 12/17/81 Comments fm E:A 2/24/82 2nd Rev'd prelim. draft of notice to TLC and E:A.	
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13), EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78, § 164) (Kerby/McGovern—TLC-Roche).	EE. 11/23/81 Notice pub. 3/24/82 Hearing to be held	
§ 129, EE-147-81	Inc. Tax—Part 1—Dependent Care Assistance Programs (ERTA '81, § 124(e)) (Rosenbaum/McGovern).	EE. In EE for prep of notice	
§§ 219, 402, 408, 409, 415, 2039(c), 2517(b), 6652, EE-148-81.	Inc. Tax—Part 1—Estate Tax—Part 20, Gift Tax—Part 25, Procedure and Administration—Part 301, Retirement savings (ERTA '81, § 311 (a), (c), (d), (f)-(h), 314(b)) (Gibbs/Wickersham).	EE. In EE for prep of notice	
§§ 263, 404, etc., EE-56-78.	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm. v. Idaho Power Co.*, 418 U.S. 1 (1974)) (Horowitz/Marget).	EE. 12/4/81 Notice approved by Tech	
§§ 401(a), 501(a), EE-39-78.	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (P.L. 93-406, § 1022(i)) (Raps/Thrasher—ITC-Hevener/Levinson).	EE. 11/17/81 Notice pub. In EE for prep of T.D.	
§ 401(a)(2), EE-133-80	Inc. Tax—Part 1—Refund of Mistaken Contributions (Multiemployer Pension Plan Amendments Act '80, § 210(b)) (P.L. 96-364) (Johnson/Thrasher).	EE. In EE for prep of notice	
§ 401(a)(5), EE-8-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	TLC and E:A. 2/7/80 Rev. prelim. draft of notice to TLC and E:A.	
§ 401(a)(11), EE-52-78	Inc. Tax—Part 1—Amdmt. of Qualified Joint and Survivor Annuity Regs. (Gibbs/Wickersham).	EE. In EE for prep of notice	
§ 401-4(c), EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Hoffman/Wickersham—TLC-Hevener/Levinson.	EE. 1/26/82 Notice pub.	
§§ 401(k), 402(a)(8), EE-169-78.	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of '78, § 135) (Watkins/Wickersham—TLC-Hevener/Levinson.	EE. 11/10/81 Notice pub. 4/20/82 Hearing to be held	
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii), 411(d)(1), EE-14-78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005), (TRA '76, § 1512) (Levontin/Wickersham—TLC-Hevener/Levinson.	Commr. 4/30/75 Notice pub. 8/12/75 Hearing held 8/21/81 T.D. to Commr. for signature.	
§§ 402(a) (5), (6), (7), 401(a)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c), EE-15-78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (P.L. 94-267; P.L. 95-458, § 4; Rev. Act '78, §§ 156 (a), (b), 157 (f), (g), (h) (1); Tech. Corr. Act '79, § 101(a)(6)*A)) (Levont/Wickersham—TLC-Hevener/Levinson.	TLC and E. 2/19/80 2nd rev. prelim. draft of notice to TLC and E.	
§ 403(b)(7), EE-17-78	Inc. Tax—Part 1—Taxability of benefitciary under annuity purchased by sec. 501(c) organization or public school (P.L. 93-406, § 1022(e); TRA 1976, § 1504) (Beker/Thrasher—TLC-Hevener/Levinson).	TLC and E. 2/10/78 Notice pub. 12/30/80 Partial rev. notice pub. 6/4/81 Hrg. held 6/23/81 Prelim. draft of T.D. to TLC and E.	
§§ 404(a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413(b)(7) and (c)(6), EE-141-79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (P.L. 93-406, §§ 1013, 1014, 4081(b); P.L. 94-12, § 402) (Beker/Marget—TLC-Oppenheimer/Levinson).	EE. In EE for prep of notice	
§§ 404(a)(10), 414(c)(6), EE-152-81.	Inc. Tax—Part 1—Employee stock ownership plan loan payments (ERTA '81) (Johnson/Horowitz).	EE. In EE for prep of notice	
§ 404(d), (b), EE-44-79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of '78, § 133) (Khil/Thrasher—TLC-Hevener/Levinson).	TLC and E. 10/19/81 3rd prelim. draft of notice to TLC and E.	
§§ 404(e), 401(a)(17), 408(k)(3), EE-150-81.	Inc. Tax—Part 1—"H.R. 10" plan contribution limits, etc. (ERTA '81, § 312) (Hoffman/Wickersham).	EE. In EE for prep of notice	
§§ 404 (g), 418A, EE-130-80.	Inc. Tax—Part 1—Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements (Multi-employer Pension Plan Amendments Act '80, §§ 205, 202) (P.L. 96-364) (Hoffman/Wickersham—TLC-Hevener/Levinson).	E:A.2/16/82 Prelim. draft of notice to E:A	
§ 404A, EE-14-81	Inc. Tax—Part 1—Deduction for certain foreign deferred compensation plans (Act of Dec. 28, 1980, § 2(A),(3)) (P.L. 96-603) (Raps/Thrasher).	EE. In EE for prep of notice	
§§ 409A, 48, 401, 6699, EE-49-80.	Inc. Tax—Part 1—With respect to requirements for ESOPs, Investment Credit ESOPs, and certain other plans holding employer securities (Horowitz/Thrasher—TLC-Oppenheimer/Levinson).	Commr.,TLC and E:A. 7/23/81 Notice (Part I) Fwd to Commr. for signature 2/24/82 Prelim. draft of Notice (Part II) to TLC and E:A.	
§ 411(d)(1), EE-164-78	Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA, § 1012(a)) (Hoffman/Wickersham—TLC-Oppenheimer/Levinson).	EE. 4/9/80 Notice pub. 6/12/80 Partial re. notice pub. 7/10/80 Hearing held 8/12/80 Prelim. draft of T.D. to TLC and E 10/7/80 Comments fm TLC and E.	
§§ 412, 413 (b), (5), (6)(c)(4), EE-99-78.	Inc. Tax—Part 1—Excise Tax Regulations—Funding for qualified plans (ERISA, §§ 1013 (a), (1014)) (Horowitz/Marget—TLC-Oppenheimer/Levinson).	EE. 2/19/82 Notice signed by Commr.	
§§ 412(b), (j), (k), 4971(d), 414(l), 412(a), 413(b)(6), EE-129-80.	Inc. Tax—Part 1—Pension Excise Taxes Part 54—Miscellaneous Funding Provisions (Multiemployer Pension Plan Amendments Act '80, §§ 203, 204, 208(a), (c), (d)) (P.L. 96-364) (Raps/Marget—TLC Hevener/Levinson).	TLC and E. 10/16/81 Prelim. draft of notice to TLC and E.	
§ 412(C)(3), EE-151-80	Inc. Tax—Part 1—Term, etc. funding for ancillary benefits (ERISA, § 1013 (a), 3 (31)) (Horowitz/Marget—TLC-Oppenheimer/Levinson).	EE. In EE for prep of notice	
§ 414(a), EE-22-78	Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (P.L. 93-406, § 1015) (Levontin/Wickersham—TLC-oppenheimer/Levinson).	TLC and E. 7/21/81 3rd prelim. draft of notice to TLC and E.	

PART II.—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION—Continued

1954 Code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 414(e), EE-123-80	Inc. Tax—Part 1—Church Plans (Multiemployer Pension Plan Amendments Act '80, § 407 (b), (c)) (P.L. 96-364) (Painter/Marget—TLC-Hevener/Levinson).	EE. In EE for prep of notice	
§ 414(f), EE-131-80	Inc. Tax—Part 1—Definition of multiemployer plan (Multiemployer Pension Plan Amendments Act '80, § 207) (P.L. 96-364) (Raps/Thrasher—TLC-Hevener/Levinson).	E:A. 2/18/82 Prelim. draft of notice to E:A	
§ 414(m), EE-3-81	Inc. Tax—Part 1—Employees of an Afiliated Service Group (Miscellaneous Revenue Act '80, § 201 (P.L. 96-605); § 5 (P.L. 96-613)) (Levontin/Wickersham—TLC-Oppendeimer-Hevener/Levinson).	Commr. 10/27/81 Notice fwd to Commr. for signature	
§ 418, EE-124-80	Inc. Tax—Part 1—Reorganization Status (Multiemployer Pension Plan Amendments Act '80, § 202) (P.L. 96-364) (Kerby-Accettura/Wickersham—TLC-Hevener/Levinson).	EE. In EE for prep of notice	
§ 418B, EE-125-80	Inc. Tax—Part 1—Minimum Contribution Requirement, In General (Multiemployer Pension Plan Amendments Act '80, § 202 (exc. sec. 418B (b) (3)) (P.L. 96-364) (Levontin-Gibbs/Wickersham-TLC-Hevener/Levinson).	EE. In EE for prep of notice	
§ 418B(b)(3), EE-126-80	Inc. Tax—Part 1—Minimum Contribution Requirement—Special Rule where Cash-Flow Amount Exceeds Vested Benefits Charge (Multiemployer Pension Plan Amendments Act '80, § 202) (P.L. 96-364) (Levontin/Wickersham—TLC-Hevener/Levinson).	EE. In EE for prep of notice	
§ 418C, EE-127-80	Inc. Tax—Part 1—Overburden Credit Against Minimum Contribution Requirement (Multiemployer Pension Plan Amendments Act '80, § 202) (P.L. 96-364) (Beker/Thrasher).	EE. In EE for prep of notice	
§§ 418D, 418E, 411(a) (3), (4), (d)(6), EE-128-80.	Inc. Tax—Part 1—Adjustments in Accrued Benefits; Insolvent Plans; Related Vesting Provisions (Multiemployer Pension Plan Amendments Act '80, §§ 202, 206) (P.L. 96-364) (Baker/McGovern).	EE. In EE for prep of notice	
§ 457, EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. '78, § 131) (Kerby/McGovern—TLC-Hevener/Levinson).	Commr. 12/24/80 Notice pub. 5/5/81 Hearing held 9/21/81 T.D. to Commr. for signature.	
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a), EE-53-79.	Inc. Tax—Part 1—Estate Tax—Part 20—Gift Tax—Part 25—Exemption of certain amateur athletic organizations from tax (Tax Reform Act of '76, § 1313 (K. Johnson/Thrasher—TLC-Yecies/Levinson).	EE. 5/10/79 Notice pub. under LR-172-76 10/9/79 Hearing held in EE for prep of T.D.	
§ 501(c)(7) and (i), EE-43-78.	Inc. Tax—Part 1—Tax treatment of certain social clubs and prohibition of discrimination by certain social clubs (P.L. 94-568) (Khil/Thrasher—TLC-Hevener/Levinson).	Commr. 8/19/81 Notice fwd to Commr. for signature	
§ 501(c)(12), EE-17-81	Inc. Tax—Part 1—Rules clarifying the regs. with respect to the computation of "gross income" of an electric cooperative (Levontin/Wickersham).	EE. In EE for prep of notice	
§§ 501(c)(12), 514(c), EE-27-81.	Inc. Tax—Part 1—Unrelated trade or business income (Miscellaneous Revenue Act '80, §§ 106, 110) (P.L. 96-605) (Robertson/McGovern).	EE. In EE for prep of notice	
§§ 501(c)(22), 194, EE-132-80.	Inc. Tax—Part 1—Withdrawal Liability Payment Funds (Multiemployer Pension Plan Amendments Act '80, § 209) (P.L. 96-364) (Robertson/McGovern).	EE. In EE for prep of notice	
§ 501(e), EE-44-78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 90-364, § 109) (Beker/Thrasher—TLC-Hevener/Levinson).	TLC. 8/31/78 Prelim. draft of notice to TLC and EPEO 10/6/78 Comments rec'd fm EPEO.	
§§ 501(h), 504, 4911, 170(f), EE-154-78.	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b)) (G. Baker/McGovern—TLC-Hevener/Levinson).	TLC. 1/29/82 Revised prelim. draft of notice of TLC	
§§ 512, 514, 851, 4940, EE-146-78.	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, § 2) (Kerby/McGovern—TLC-Gallagher/Levinson).	E. 11/28/81 Notice fwd for formal approval	
§ 513(d), EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976, § 1305) (Painter/Thrasher—TLC-Hevener/Levinson).	E. 12/9/80 Notice pub. 4/22/81 Hrg held 1/22/82 T.D. fwd for formal approval.	
§ 513(e), EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Hevener/Levinson).	EE. 3/27/79 Prelim. draft of notice to TLC and EO 4/9/79 Comments fm EO 9/15/81 Comments fm TLC.	
§ 527, EE-6-81	Inc. Tax—Part 1—Relationship between section 527 and the Federal Election Campaign Act (Act of Jan. 3, 1975, § 10(a)) (P.L. 93-625) (Accettura/McGovern).	EE. In EE for prep of notice	
§ 1379, EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Snyder/McGovern—TLC-Oppenheimer/Levinson).	TLC and E. 5/6/72 Notice pub. 7/24/72 Conference held 8/13/60 2nd rev. prelim. draft of T.D. to TLC and E.	
§§ 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, 4975, 4961, 4962; EE-16-81.	Foundation Excise Tax—Part 53—Procedure and Administration—Part 301—Revision of second tier excise tax provisions, etc. under Chapters 42 and 43 (P.L. 96-596, § 1) (Snyder/McGovern—TLC-Baneman/Levinson).	EE. In EE for prep of notice	
§ 4942, EE-69-80	Foundation Excise Tax—Part 53—Exclusion of future interest from the minimum investment return computation (G. Baker/McGovern—TLC-Baneman/Levinson).	EE. 1/26/82 Notice pub.	
§ 4942(d)(1), (j)(3), EE-153-81.	Foundation Excise Tax—Part 53—Definition of "distributable amount" and "qualifying distribution" (ERTA '81, § 823) (Rosenbaum/McGovern—TLC-Baneman/Levinson.	E. 2/24/82 Notice fwd for formal approval	
§ 4942(g)(2), EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, § 1302) (Kerby/McGovern—TLC-Baneman/Levinson).	EE. 8/26/80 Notice pub. 3/30/81 Prelim. draft of T.D. to TLC & E, 4/23/81 Comments fm E 6/11/81 Comments fm TLC.	
§ 4943, EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Watkins/Wickersham—TLC-Baneman/Levinson).	TLC. 5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg. held 11/13/80 3rd prelim. draft of T.D. to TLC & E 12/2/80 Comments fm E.	
§§ 6033, 6034, 6104, 6652, 6685, 7207, EE-35-81.	Inc. Tax—Part 1—Procedure & Admin.—Part 301—Return and reporting requirements (Act of Dec. 28, 1960, § 1) (P.L. 96-603) (Snyder/McGovern—TLC-Oppenheimer/Levinson).	EE. In EE for prep of notice	
§ 6104(a), EE-28-78	Proc. & Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, & stock bonus plans (P.L. 93-406, § 1022(g)) (Accettura/McGovern—TLC-Oppenheimer/Levinson).	TLC and E. 12/30/80 Notice pub. 11/24/81 Prelim. draft of T.D. to TLC & E.	
§ 6104(b), EE-111-80	Proc. & Admin.—Part 301—Public inspection of certain foreign exempt organization returns (Levontin/Wickersham—TLC-Yecies/Levinson).	EE. In EE for prep of notice	
§ 6211, EE-159-78	Proc. & Admin.—Part 301—Deficiency procedures, etc. relating to exicse taxes imposed by Chapters 42 and 43 (Watkins/Wickersham—TLC-Yecies/Levinson).	TLC. 8/25/80 Notice pub. 12/31/80 Prelim. draft of T.D. to TLC & E 2/19/82 Comments fm E 2/26/82 2nd Prelim. draft of T.D. to TLC.	

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144, LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971, §§ 206, 301 (b), (c); TRA 1976, § 501) (Haglund/Saverude—TLC-Roche/Lerman/Levinson).	LR. In LR for prep of notice	
§§ 11, 21, LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901(a), (c)(2))/Saverude—TLC-Roche/Brown).	LR. In LR for prep of notice	
§§ 104 (a), (b), 105(d), LR-159-76.	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer).	LR. 7/9/80 Notice pub. T.D. Pending Treas. review	
§ 303, LR-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Woodward/Levinson).	LR. Notice pending Treas. review	
§§ 368(a)(2)(F), 721, 722, 723, 683; LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR. 1/7/81 Notice pub.	
§ 512(a)(3), LR-1744	Inc. Tax—Part 1—Social clubs Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Fischer—TLC-Hevener/Levinson).	LR. 5/13/71 Notice pub. 8/31/71 Hrg. held. 11/15/81 Draft of T.D. ret'd. to LR for rev..	
§§ 584(a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032, LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Scheiner/Coulter—TLC-Baneman/Levinson).	TLC. 9/22/80 Notice pub. 2/19/81 Hrg. held. 5/7/81 Draft of T.D. to TLC and T:I. 6/17/81 Comments from T:I.	
§ 904(b) (2) and (3), LR-228-76.	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c)(2) and (3)) (Feldman-Saverude—ITC-Lainoff/Schreyer).	ITC and T:C. 3/16/81 Rev. draft of notice to ITC & T:C	
§ 904(e), LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treas. 1/6/82 Notice to Treas. for formal approval	
§ 995, LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas. 7/22/81 Notice to Treas. for formal approval	
§ 1250, LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis—TLC-Yecies/Brown).	LR. In LR for prep of notice	
§§ 1491, 1057, LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC and T:C. 5/29/81 Draft of notice to ITC & T:C	
§§ 4041, 4042, 4054, 4058, LR-2119.	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR. 10/22/80 Notice pub. 4/8/81 Hrg. held. T.D. pending Treas. review.	
§§ 4061, 4063, LR-2118	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Pike/Levinson).	Treas. 10/31/81 Notice to Treas. formal approval	
§§ 4081-4084, 4091-4092, 4101, 4102, LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Roche/Levinson).	Treas. 1/6/81 Notice to Treas. for formal approval	
§ 7502, LR-1406	Proc. & Admin.—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Roth/Fischer—TLC-Yecies/Levinson).	LR. 12/11/79 Notice pub. T.D. pending Treas. review	

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN SEPT. 1, 1981 AND FEB. 28, 1982

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§ 46(f), LR-241-74	Inc. Tax—Part 1—Ratemaking treatment of certain public utility property (Rosenthal/Percell—TLC-Pike/Brown)	Project closed without regulations 12-17-81.
§ 61, LR-87-78	Inc. Tax—Part 1—Gross income—Taxation of fringe benefits (Bosco/Fischer—TLC-Krupsky)	Project closed without regulations 10-30-81.
§ 103(b), LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Gallagher).	Project closed without regulations 9-14-81.
§ 103(b)(6), LR-263-81	Inc. Tax—Part 17—Temp. Regs.—To clarify the definition of the term "issue" (Flanagan/MacMaster)	Project closed without regulations 11-25-81.
§ 103A, LR-310-81	Inc. Tax—Part 6a—Temp. Regs. under Title II of the Omnibus Reconciliation Act of 1980—Modification of regs. relating to mortgage subdsidy bonds (Flanagan/Coulter—TLC/Gallagher/Goodman).	T.D. published in FR on 11-10-81.
§ 128, LR-231-81	Inc. Tax—Part 5c—Temp. Regs.—Exclusion of interest on certain savings certificates (ERTA 1981, § 301)(Small/Smith).	T.D. published in FR on 10-20-81.
§ 167, LR-177-78-	Inc. Tax—Part 1—To prevent treatment of regular sales of assets leased on purchase—option arrangements as ordinary retirements under ADR (Flanagan/Coulter—TLC-Krupsky).	Project closed without regulations 11-25-81.
§ 168, LR-229-81	Inc. Tax—Part 5c—Temp. Regs.—Est. Tax—Part 22—Temp. Regs.—Certain elections under the Economic Recovery Tax Act of 1981 (Francis—TLC-Levinson).	T.D. published in FR on 11-3-81.
§ 168(f), LR-312-81	Inc. Tax—Part 5c—Temp. Regs.—Modification of special rules for leases (ERTA 1981, § 201)(Tolleris/Coulter—TLC-Levinson).	T.D. published in FR on 11-13-81.
§ 168(f)(8), LR-184-81	Inc. Tax—Part 5c—Temp. Regs.—Accelerated cost recovery system with respect to leases (ERTA 1981, § 201)(Tolleris/Coulter).	T.D. published in FR on 10-23-81.
§ 168(f)-8(b)(3), LR-324-81	Inc. Tax—Part 5c—Temp. Regs.—Special rules for leasing qualified mass commuting vehicles (Tolleris/Coulter)	T.D. published in FR on 12-31-81.
§ 170, LR-272-76	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, §§ 2035, 205(c)(1), 1502(c)(2), 1307(c), (d)(1), 1212(b)(1), (c), 1901(a)(28), (b)(8), 2124(e)(1)) (/Saverude)—TLC-Pike/Levinson/Glickman).	T.D. published in FR on 2-1-82.
§ 179(d)(8), LR-256-76	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer—TLC-Yecies/Levinson).	Project closed without regulations 12-21-81.
§ 217, LR-230-78	Inc. Tax—Part 1—Moving expenses (Foreign EArned Income Act 1978, § 204, P.L. 95-617)(Hagland/Woo—TLC-Cunningham/Levinson).	T.D. published in FR on 2-10-82.
§ 263(c), LR-202-78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (/Woo—TLC-Schuldinger/Levinson)	T.D. published in FR on 1-28-82.
§ 427-8(e), LR-267-79	Inc. Tax—Part 1—Proposed revision to dollar-value LIFO regs. to allow small business to use Consumer Price Index (Bosco/Fischer—TLC-Hutton/Brown).	T.D. published in FR on 3-16-82.
§ 280A(f)(4)(B), LR-3-82-	Inc. Tax—Part 5e—Temp. Regs.—Travel Expenses of Members of Congress as amended by sec. 116 of the Black Lung Benefits Rev. Act (P.L. 97-119) (Felton—TLC-Cunningham).	T.D. published in FR on 1-21-82.
§ 385, LR-337-81	Inc. Tax—Part 1—Change in effective date (TRA 1969, §415) Swift/Blumkin)	T.D. published in FR on 1-5-82.
§ 422A, LR-278-81	Inc. Tax—Part 14a—Temp. Regs.—Rules relating to incentive stock option treatment (ERTA 1981, § 251(c)) (Bosco/Fischer—TLC-Hevener/Koppelman).	T.D. published in FR on 12-21-81.
§ 453, LR-68-81	Inc. Tax—Part 15A—Temp. Regs.—To change the effective date provisions of T.D. 7768 relating to wrap-around mortgages and selling expenses (Mix/Fischer—Roche).	T.D. published in FR on 10-5-81.
§ 671, LR-55-79	Inc. Tax—Part 1—Reporting requirements for grantor trusts (Small/Smith—TLC-Cunningham)	T.D. published in FR on 11-24-81.
§ 936, LR-247-76	Inc. Tax—Part 1—Tax Treatment of corps. conducting a trade or business in Puerto Rico and possessions of the U.S. (TRA 1976, § 1051) (/Felton—ITC-Fogarasi).	Project closed without regulations 1-20-82.

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN SEPT. 1, 1981 AND FEB. 28, 1982—Continued

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§ 956(b)(2), LR-12-81	Inc. Tax—Part 1—For taxable years beginning after December 31, 1953—Investment in U.S. property by controlled foreign corps. (Feldman/Felton—ITC-Fogarasi).	T.D. published in FR on 11-25-81.
§ 1040, LR-214-76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005(b), (c); Crude Oil Windfall Profit Tax Act 1980, § 401(c)(2)) (Small/Smith—TLC-Cunningham/Levinson).	T.D. published in FR on 2-2-82.
§ 1348, LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Keesler/Fischer—TLC-Roche)	Project closed without regulations 10-26-81.
§ 2031, LR-164-79	Est. Tax—Part 20—Valuation on self-created art in an artist's estate (Coplan/Smith—TLC-Woodward)	Project closed without regulations 9-14-81.
§ 2057, LR-182-76	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007) (Alexander/Smith—TLC-Woodward).	Project closed without regulations 11-17-81.
§ 2621, LR-169-81	Est. and Gift/s Tax—Part 26a—Temp. Regs—Generation-skipping transfers tax return requirements (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-Woodward).	T.D. published in FR on 11-3-81.
§ 3402(f), LR-50-81	Empl. Tax—Part 31—Withholding exemption certificates (Form W-4) (Wold/Saverude—TLC-Gallagher/Koppelman)	T.D. published in FR on 1-26-82.
§ 3402(i), LR-256-81	Empl. Tax—Part 30—Temp. Regs.—Increases or decreases in withholding (ERTA 1981, § 101(e)) (Wold/Coulter—TLC/Gallagher).	Project closed without regulations 10-26-81.
§ 3402(o), LR-157-80	Empl. Tax—Part 31—To delete temp. regs. and provide permanent regs. relating to extension of withholding to certain annuity payments (TRA 1969, § 805(g); Act of Dec. 24, 1980, § 4(d)) (Wold/Coulter—TLC-Gallagher/Koppelman).	T.D. published in FR on 1-26-82.
§ 3402(q), LR-264-76	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976, § 1207(d)) (MacMaster/Coulter—TLC-Gallagher).	
§ 4071, LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7-1-65 (P.L. 89-44) (Tolleris/Saverude—TLC-Pike/Levinson) T.D. published in FR 2-10-82..	
§ 4988(b), LR-64-80	Exc. Tax—Part 51—Net income limitation under the Crude Oil Windfall Profit Tax Act 1980 (Stevenson/Bromell—TLC-Schuldinger/Gallagher).	T.D. published in FR on 10-27-81.
§ 6059, EE-27-78	Proc. and Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (P.L. 93-406, § 1033) (G. Baker/McGovern—TLC-Hevener).	T.D. published on FR on 11-24-81.
§ 6332, LR-1891	Proc. and Admin.—Part 301—Enforcement of liens and levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith).	Project closed without regulations 1-6-82.
§ 6402(c), LR-188-81	Proc. and Admin.—Part 304—Temp. Regs.—Offset of past-due support against overpayments (Omnibus Reconciliation Act of 1981, § 2331(b)) (Thompson/Saverude).	T.D. published in FR on 2-8-82.
Vinson Act, LR-71-78	Exc. Tax—Parts 16 and 17—(1939 Code) Vinson Act—Amendment of T.D. 4906 and T.D. 4909—Recovery of excessive profits on Government contracts (Harman/Smith—TLC-Hutton/Brown).	Project closed without regulations 1-25-82.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ACTS OR TX	Office of Assistant Commissioner (Taxpayer Service and Returns Processing).
adj	adjustment.
admin	administration.
amdmt	amendment.
appvd	approve.
C or Comm'r. or Comm	Office of Commissioner.
CC	Office of Chief Counsel.
CC:I	Office of Chief Counsel Interpretive Division.
Co	company.
corp	corporation.
E or EPEO	Office of Assistant Commissioner (Employee Plans and Exempt Organizations).
EE	Office of Chief Counsel, Employee Plans and Exempt Organizations Division.
EO	Exempt Organizations Division.
EP	Employee Plans Division.
ERTA 1981	Economic Recovery Tax Act of 1981.
ERISA	Employee Retirement Income Security Act.
est	estate.
exc	excise.
F.R	Federal Register.
fwd	forwarded.
govt	government.
hrg	hearing.
inc	income.
ITC	Office of International Tax Counsel (Treasury).
LR	Office of Chief Counsel, Legislation and Regulations Division.
mfgr	manufacturer.
misc	miscellaneous.
org	organization.
perm	permanent.
P.L. or Pub. L	Public Law.
P & R	Office of Assistant Commissioner (Planning and Research).
prelim	preliminary.
prep	preparation.
proc	procedure.
prop	proposed.
prov	provision.
pub	published.
RA	Revenue Act.
rec'd	Received.
reg	regulation.

TABLE OF ABBREVIATIONS—Continued

Abbreviation	Meaning
repub	republished.
ret'd	returned.
rtlr	retailer.
rev	revenue, revised, or review (depending on context).
sec. or §	section.
soc. sec	social security.
subch	subchapter.
T or Tech	Office of Assistant Commissioner (Technical).
T:C	Corporation Tax Division.
T.D	Treasury decision.
temp	temporary.
T:I	Individual Tax Division.
T:FP	Tax Forms and Publications Division.
TLC	Office of Tax Legislative Counsel (Treasury).
T/P	taxpayer.
TRA	Tax Reform Act.
Treas.	Department of the Treasury.
TR & SA	Tax Reduction and Simplification Act.

TABLE OF ATTORNEYS

Name	Telephone (area code 202)
Legislation and Regulations Division	
Alexander, Annie R	566-3287
Baughman, Beverly	566-3297
Bennett, Alice	566-3238
Bley, Robert A	566-3331
Blumkin, Marcus B	566-3463
Bosco, Philip	566-3288
Bouma, Herman	566-3287
Bromell, John B	566-3326
Charnas, Douglas W	566-3297
Clark, Cynthia L	566-4336
Coplan, Robert B	566-3287
Coulter, John M., Jr	566-4473
Dean, Mary E	566-3289
Dickinson, David E	566-3373-3374
Doran, Carol	566-3289
Duffy, Donald K	566-4336
Feldman, Jacob	566-3289
Felton, Jason R	566-3218-3318
Fischer, John M	566-3336

TABLE OF ATTORNEYS—Continued

Name	Telephone (area code 202)
Flanagan, Harold	566-3294
Francis, Paul A	566-3930
Ginsburgh, Robert	566-3297
Grundeman, Frederic E	566-3287
Haglund, David	566-3459
Harman, John	566-4336
Kadue, Martha E	566-3238
Keesler, Patricia K	566-3288
Kissel, Benedetta	566-3238
Kroening, Linda	566-3459
Kroupa, Diane	566-3459
MacMaster, John P	566-3294
Magnatta, George	566-3459
Mix, Phoebe A	566-3297
Olsen, Pamela	566-3459
Parcell, John H	566-3288
Pearson, Mary Frances	566-3458
Pellervo, Duane H	566-3458
Renfroe, Diane L	566-3289
Rosenthal, Joseph	566-3268
Roth, Gregory	566-3238
Saverude, Charles C	566-3323
Schmalz, John	566-3288
Schreiner, Kent J	566-3289
Small, Stephen J	566-3238
Smith, Larry E	566-3287
Stanley, Keith E	566-3458
Stevenson, Donald W	566-3297
Swift, Carolyn	566-3458
Thompson, Susan K	566-3294
Tolleris, John A	566-3294
Waltuch, Robert H	566-3287
Weinstein, Yerachmiel	566-3458
Whedbee, Charles M	566-3458
Wold, Barry L	566-3288
Woo, Walter H	566-3297
Zyzkind, Neil	566-3289
Employee Plans and Exempt Organizations Division	
Accettura, Paul G	566-3544
Baker, George B	566-3422
Beker, Harry	566-3544
Gibbs, William D	566-3430
Hoffman, Marjorie	566-3430
Horowitz, Joel E	566-6212
Johnson, Kimley R	566-6212
Kerby, Charles K., III	566-3422
Khil, John C	566-3544
Levontin, Mary M	566-3430
Malloy, James F	566-4551

TABLE OF ATTORNEYS—Continued

Name	Telephone (area code 202)
Marget, Jonathan P	566-3651
McGovern, James J	566-4173
Painter, Janet S	566-3544
Raps, Eric A	566-6212
Robertson, Calder L., Jr	566-3422
Rosenbaum, Monice L	566-3422
Snyder, Timothy J	566-3422
Thrasher, Michael A	566-3961
Watkins, Charles M	566-3430
Wickersham, Richard J	566-3250

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BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 408]

27 CFR Ch. I

Federal Regulations; Semiannual Regulatory Agenda

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General Notice; Semiannual Regulatory Agenda of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section five of Executive Order 12291, entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the second column, subheading "Contact," for that regulatory project.

For general information about this general notice, contact Armida Stickney.

Unless otherwise noted, the telephone number for all staff contacts is 202-566-7626 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

General

Section five of Executive Order 12291 requires that a semiannual agenda of regulations under development and review be published in the **Federal Register.** In addition, section 602 of the Regulatory Flexibility Act contains a similar requirement.

The agenda is based on information available at the present time. The next Semiannual Regulatory Agenda will be published in the **Federal Register** of Friday, October 15, 1982.

This general notice is divided into two parts. Part I is entitled "Regulations under Development and Consideration," and Part II is entitled "Regulations under Review."

Regulatory projects listed under Part II are being reviewed either under the terms of Executive Order 12291 or under the terms of the ATF Regulatory Reform Program. The ATF Regulatory Reform Program has as its purpose the periodic review of each regulation to determine whether the regulation should be continued, revised, or eliminated. Factors under review are as follows:

1. Need for the regulation;
2. Alternative method of achieving the regulatory purpose;
3. Public reaction to the regulation;
4. Burdens imposed by the regulation;
5. Possible simplification or clarification of the regulation;
6. Need to eliminate regulatory duplication; and
7. Change in social, economic, or technological conditions since the regulation was last evaluated. All other regulatory projects are listed under Part I.

Both parts are set up in columnar form and are composed of the following divisions:

A. Title/Citation

The first column briefly states the subject of the regulatory project and the affected CFR part of Title 27: Alcohol, Tobacco Products and Firearms. When the regulatory project comes under the purview of the Regulatory Flexibility Act, it will be annotated with an "(RFA)" in the title line.

B. Summary

The second column includes—

1. *Description*—The objectives of the proposed or final regulation and need for the regulation.
2. *Legal basis*—The legal basis for the issuance of the regulation.
3. *Status*—If the status entry states "under development," it means that the regulatory project is being developed by agency staff for possible consideration by ATF and Treasury Officials.

If the status entry states "under consideration," it means that the regulatory project has been proposed and published in the **Federal Register** and is being evaluated (the FR citation will be stated). An approximate schedule for completing a final action on the notice of proposed rulemaking usually will be stated.

If the status entry states "under review by OMB," it means that the regulation project is subject to review under the terms of Executive Order 12291.

4. *Priority*—If the regulatory project is assigned the letter "A," it is considered top priority; a "B" regulatory project is considered high priority, and a "C" regulatory project is considered regular priority.
5. *Contact*—The name of the person to be contacted for additional information.
6. *Analysis*—If an analysis is required either under Executive Order 12291 or under the Regulatory Flexibility Act, a statement to that effect will appear. If an analysis is required under Executive Order 12291, the regulation project has been designated by OMB as "major."

If it is undetermined before the comment period closes on a notice of proposed rulemaking whether an analysis is required under the Regulatory Flexibility Act, the statement "none anticipated under the RFA" will appear.

Following Part II are a list of Treasury decisions that have been published in the **Federal Register** since the previous agenda (46 FR 50909) was published in the **Federal Register** on October 15, 1981, and a table of abbreviations used throughout the agenda.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Signed: March 12, 1982.

G. R. Dickerson,

Director.

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION

Title/citation	Summary
Alcohol	
375-ml Container for Distilled Spirits (RFA), 27 CFR Part 5.	*Description:* To provide for the bottling of distilled spirits in the proposed size; if adopted, will raise the total of authorized standards of fill to eight. (Rev.) Responds to a petition requesting the adoption of this size. *Legal basis:* 26 U.S.C. 5301, 27 U.S.C. 205. *Status:* Under development. *Priority:* C. *Contact:* Roger Bowling. *Analysis:* None anticipated under the RFA.
Multi-vintage Dates and Percentages for Wine under the FAA Act (RFA), 27 CFR Part 4.	*Description:* To provide for the labeling and advertising of vintage dates and the percentages of each vintage, which have been used to make a blended wine. Responds to a petition. *Legal basis:* 27 U.S.C. 205. *Status:* Under consideration (NPRM published August 5, 1981 (46 FR 39849);

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION—Continued

Title/citation	Summary
	comment period ended November 3, 1981); final action scheduled for the summer of 1982. *Priority:* C. *Contact:* Roger Bowling. *Analysis:* None anticipated under the RFA.
Vintage Wine, 27 CFR Part 4	*Description:* To extend the eligibility for vintage labeling to Class 5, fruit wines. Responds to a petition. *Legal basis:* 27 U.S.C. 205. *Status:* Under consideration (NPRM published November 5, 1981 (46 FR 54963); comment period closed February 3, 1982); final action scheduled for the fall of 1982. *Priority:* C. *Contact:* Joan Deerwester.
Vodka Additions (RFA), 27 CFR Part 5.	*Description:* To clarify the standard of identity for vodka or the addition of another class and type of vodka. Responds to results of recent tests conducted by the ATF Laboratory and to concerns of the industry. *Legal basis:* 27 U.S.C. 205. *Status:* Under consideration (ANPRM published January 11, 1982 (47 FR 1148); comment period closed April 12, 1982); NPRM scheduled for the fall of 1982. *Priority:* C. *Contact:* Joan Deerwester. *Analysis:* None anticipated under the RFA.
Foreign Appellations of Origin (RFA), 27 CFR Parts 4 and 12.	*Description:* To update names of geographical and viticultural significance; to provide for the recognition of all foreign appellations of origin recognized by ATF for use on labels of imported wine. Augments existing regulations by providing a centralized source of information concerning foreign appellations of origin. *Legal basis:* 27 U.S.C. 205. *Status:* Alternatives to a substantive rule are being considered. *Priority:* C. *Contact:* Roger Bowling or Norman Blake. *Analysis:* None anticipated under the RFA.
Implementation of the Distilled Spirits Tax Revision Act of 1979, 27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251, and 252.	*Description:* To eliminate the wine gallon method for imposing the distilled spirits tax and the rectification tax; to convert DSP's from the former distilled spirits tax system to an all-in-bond tax system; and to adopt other amendments from prior projects. Imposed by statute. *Legal basis:* 26 U.S.C. Chapter 51, as amended. *Status:* Under consideration (T.D. with N. published December 11, 1979 (44 FR 71612, 44 FR 71613); comment period ended December 1, 1980); T.D. targeted for publication in the FR in the spring of 1982. *Priority:* A. *Contact:* Edward Sheehan or Jim Whitley.
Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands, 27 CFR Part 19.	*Description:* To change the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic DSP's from the point these spirits enter the processing account to the point of tax determination; to require active coordination with the insular governments and with other Federal agencies involved with the transfer of tax revenues. *Legal basis:* 26 U.S.C. 5555, 26 U.S.C. 5207. *Status:* Under development. *Priority:* A. *Contact:* Richard Mascolo.
Grape Brandy (RFA), 27 CFR Part 5.	*Description:* To consider a standard of identity for "varietal grape brandy," "vintage grape brandy," and designations for grape brandy viticultural areas. Responds to a petition. *Legal basis:* 27 U.S.C. 205. *Status:* Under consideration (NPRM and ANPRM published November 19, 1981 (46 FR 56824); comment period closed February 17, 1982). *Priority:* A. *Contact:* James Hunt. *Analysis:* None anticipated under the RFA.
Implementation of Pub. L. 96-598 (RFA), 27 CFR Parts 5, 13, 19, 197, 250, 251 and 252.	*Description:* To restore the tax system which existed for distilled spirits containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; to permit spirits bottled for industrial purposes to be transferred in bond between DSP's. Imposed by statute. *Legal basis:* 26 U.S.C. 5010. *Status:* Under development. T.D. with N. targeted for publication in the FR in the spring of 1982. *Analysis:* None anticipated under the RFA. *Priority:* A. *Contact:* John Linthicum.
Credit to Retailers in Arrears, 27 CFR Part 6.	*Description:* To consider what approach to take regarding repayment of indebtedness where producers and wholesalers have extended credit to retail liquor dealers in excess of the usual and customary credit period of 30 days. Revenue Ruling 54-162 does not adequately address the "tied-house" relationship between wholesalers/producers and retail liquor dealers. *Legal basis:* 27 U.S.C. 205. *Status:* This project is being studied by the ATF Legislative Committee. *Priority:* A. *Contact:* Charles Bacon.
Transfer of Wine to Customs Bonded Warehouses (RFA), 27 CFR Parts 240 and 252.	*Description:* To implement Pub. L. 96-601 which permits withdrawal of wine without payment of tax from bonded wine cellars for transfer to customs bonded warehouses, and subsequent tax-free withdrawal, by foreign embassies, of wine so transferred. *Legal basis:* 26 U.S.C. 5362. *Status:* Under consideration (T.D. with N. published August 5, 1981 (46 FR 39812, 39853); retroactively effective April 1, 1981); final action scheduled for the spring of 1982. *Priority:* A. *Contact:* Steve Simon. *Analysis:* None anticipated under the RFA.
Geographic Brand Names (RFA) 27 CFR Part 4.	*Description:* To extend the mandatory compliance date of January 1, 1983, to January 1, 1985, for the use of brand names that have geographical significance in relation to wines (*e.g.*, viticultural areas). Responds to a petition from the Wine Institute. *Legal basis:* 27 U.S.C. 205. *Status:* Under development. *Priority:* B. *Contact:* Roger Bowling. *Analysis:* None anticipated under the RFA.
100-ml Container for Distilled Spirits (RFA), 27 CFR 19.632 and Part 5.	*Description:* To allow distilled spirits bottlers to bottle distilled spirits in a 100-ml (3.4-fl. oz.) container for use in interstate and foreign commerce. Responds to a petition. *Legal basis:* 26 U.S.C. 5301; 27 U.S.C. 205. *Status:* Under consideration (T.D. with N. published June 19, 1981 (46 FR 32224); comment period ended September 17, 1981); final action scheduled for the summer of 1982. *Priority:* A. *Contact:* Charles Bacon. *Analysis:* None anticipated under the RFA.
Proposed Viticultural Areas (RFA), 27 CFR Part 9.	*Description:* To establish American viticultural areas for purposes of labeling and advertising wine. Responds to petitions. *Legal basis:* 27 U.S.C. 205. *Status and Contact:* Refer to the following list of petitioned American viticultural areas.
Under Consideration (Treasury Decisions)	
Central Delaware Valley, PA and NJ.	NPRM published in the FR on December 4, 1981 (46 FR 59276); comment period closed March 4, 1982; final action scheduled for the autumn of 1982. (Steve Simon.)
Cienega Valley, CA	NPRM published in the FR on July 28, 1981 (46 FR 38536); comment period ended October 26, 1981; final action scheduled for the summer of 1982. (Robert White.)
Cole Ranch, CA	NPRM published in the FR on December 4, 1981 (46 FR 59273); comment period ended March 4, 1982; final action scheduled for the autumn of 1982. (Joan Deerwester.)
Edna Valley, CA	NPRM published in the FR on April 9, 1981 (46 FR 21195); final action scheduled for the spring of 1982. (Robert White.)

PART I.—REGULATIONS UNDER DEVELOPMENT AND CONSIDERATION—Continued

Title/citation	Summary
Finger Lakes, NY	Amended NPRM published in the FR on October 7, 1981 (46 FR 49597); comment period ended November 23, 1981; final action scheduled for the summer of 1982. (Norman Blake.)
Green Valley of Solano, CA	NPRM published in the FR on January 11, 1982 (47 FR 1149); comment period ended March 12, 1982; final action scheduled for the autumn of 1982. (Robert White.)
Hudson River, NY	NPRM published in the FR on October 21, 1981 (46 FR 51619); comment period ended January 19, 1982; final action scheduled for the summer of 1982. (John Linthicum.)
Isle St. George, OH	NPRM published in the FR on February 3, 1982 (47 FR 5011); comment period ended March 5, 1982; final action scheduled for the summer of 1982. (Charles Bacon.)
Lancaster Valley, PA	NPRM published in the FR on August 28, 1981 (46 FR 43468); comment period ended November 25, 1981; final action scheduled for the spring of 1982. (Charles Bacon.)
Leelanau Peninsula, MI	NPRM published in the FR on August 5, 1981 (46 FR 39852); comment period ended November 3, 1981; final action scheduled for the spring of 1982. (Norman Blake.)
Lime Kiln Valley, CA	NPRM published in the FR on October 7, 1981 (46 FR 49599); comment period ended December 7, 1981; final action scheduled for the spring of 1982. (Roger Bowling.)
Livermore Valley, CA	NPRM published in the FR on October 30, 1981 (46 FR 53688); comment period ended January 28, 1982; final action scheduled for the fall of 1982. (Robert White.)
Los Carneros, CA	NPRM published in the FR on December 15, 1980 (45 FR 82470); comment period ended February 13, 1981; final action scheduled for the summer of 1982. (Steve Simon.)
Madera, CA	NPRM published in the FR on January 26, 1982 (46 FR 3564); comment period ended March 12, 1982; final action scheduled for the summer of 1982. (Norman Blake.)
Monticello, VA	NPRM published in the FR on December 4, 1981 (46 FR 59274); comment period ended March 4, 1982; final action scheduled for the autumn of 1982. (Joan Deerwester.)
North Coast, CA	NPRM published in FR on January 11, 1982 (47 FR 1151); comment period ended March 12, 1982; final action scheduled for the summer of 1982. (Richard Mascolo.)
Paicines, CA	NPRM published in the FR on August 6, 1981 (46 FR 40045); comment period ended November 4, 1981; final action scheduled for the summer of 1982. (Robert White.)
The Pinnacles (Chalone), CA	Amended NPRM published in the FR on October 7, 1981 (46 FR 49600); comment period ended November 23, 1981; final action scheduled for the summer of 1982. (Norman Blake.)
Rocky Knob, VA	NPRM published in the FR on November 19, 1981 (46 FR 56828); comment period ended February 17, 1982; final action scheduled for the spring of 1982. (James Hunt.)
Shenandoah Valley, CA	Notice of hearings published in the FR on October 30, 1981 (46 FR 53691); hearings held on December 7 and 8, 1981, and on January 12 and 13, 1982; final action scheduled for the summer of 1982. (Richard Mascolo.)
Suisun Valley, CA	NPRM published in the FR on January 11, 1982 (47 FR 1153); comment period ended March 12, 1982; final action scheduled for the autumn of 1982. (Robert White.)
Under Development (Petitions Received and NPRM's)	
Alexander Valley, CA	(Jim Whitley.)
Arroyo Seco, CA	(Charles Bacon.)
Carmel Valley, CA	(John Linthicum.)
Catoctin, MD	(Jim Whitley.)
Chalk Hill, CA	(Joan Deerwester.)
Dry Creek Valley, CA	(Jim Whitley.)
El Dorado, CA	(Joan Deerwester.)
Green Valley of Sonoma, CA	(Robert White.)
King City, CA	(Charles Bacon.)
Knights Valley, CA	(Jim Whitley.)
Linganore Valley, MD	(Jim Whitley.)
Loramie Creek, OH	(Edward Sheehan.)
Musconetcong Valley, NJ	(Steve Simon.)
North Fork of the Roanoke, VA.	(James Hunt.)
Russian River Valley, CA	(James Hunt.)
San Lucas, CA	(Charles Bacon.)
Santa Ynez Valley, CA	(Charles Bacon.)
Shenandoah Valley, VA	(Richard Mascolo.)
Temecula, Murrieta, and Rancho California, CA.	(John Linthicum.)
	Priority: A. *Analysis:* None anticipated under the RFA.
Procedures and Practices	
Electronic Fund Transfers of Alcohol and Tobacco Products Excise Taxpayments, 27 CFR Parts 19, 70, 170, 240, 245, 270, and 275 (26 CFR Parts 301 and 601).	*Description:* To require that certain taxpayers make their taxpayments by electronic fund transfers directly to financial institutions. Ensures maximum cash flow through the most efficient and cost-effective method of collecting excise taxes as close as possible to the time when taxes are due. *Legal basis.* 26 U.S.C. 5061(a), 5703(b), and 7805. *Status:* Actual notice was sent to affected taxpayers, stating that the application of the EFT regulations is suspended until further notice.
ATF Procedural Rules, 27 CFR Parts 70 and 71 (26 CFR Parts 301 and 601).	*Priority:* A. *Contact:* Armida Stickney. *Analyses:* Draft and final regulatory analyses were prepared under E. O. 12044. *Description:* To incorporate all of the ATF procedural requirements which appear in the Internal Revenue Service regulations, 26 CFR Parts 301 and 601, into 27 CFR Parts 70 and 71. Eliminates confusion and places all of the ATF procedural regulations into Title 27: Alcohol, Tobacco Products and Firearms. *Legal basis:* 26 U.S.C. 7805. *Status:* Being held in abeyance due to pending reorganization.
Disclosure of Tax Return Information, 27 CFR Part 71.	*Priority:* C. *Contact:* Steve Simon. *Description:* To implement Title XII of Pub. L. 94-455, relating to disclosure of tax return information. Imposed by statute. *Legal basis:* 26 U.S.C. 6103, as amended. *Status:* Being held in abeyance due to pending reorganization.
Incorporation by Reference, 27 CFR Chapter I.	*Priority:* C. *Contact:* Armida Stickney. *Description:* To implement publication procedures on "incorporations by reference," as required by 1 CFR Part 51. ("incorporation by reference" is material considered as published in the FR by a citation of that material which has been published elsewhere and which has the legal status afforded by 5 U.S.C. 552(a).) Identifies clearly materials incorporated by reference and makes the regulations more responsive to the public by letting them know where to acquire materials they will need in order to comply with the regulations. *Legal basis:* 5 U.S.C. 552(a). *Status:* T.D. ATF-92 published on September 23, 1981 (46 FR 46910); effective September 23, 1981.
Paperwork Reduction Act of 1980 (Pub. L. 96-511), 27 CFR Chapter I.	*Priority:* B. *Contact:* Armida Stickney. *Description:* To amend all recordkeeping and reporting requirements that collect information from the public; to require that all such reporting requirements receive OMB approval and clearance numbers. Imposed by statute. *Legal basis:* 44 U.S.C. Chapter 35 (Pub. L. 96-511). *Status:* Legal issues being reviewed to determine future action. *Priority:* A. *Contact:* Roger Bowling.

PART II.—REGULATIONS UNDER REVIEW

Title/citation	Summary
Alcohol	
Ingredient Labeling for Wine, Distilled Spirits, and Malt Beverages, 27 CFR Parts 4, 5, and 7.	*Description:* To reconsider the ingredient labeling requirements of T.D. ATF-66, published in the FR on June 13, 1980 (45 FR 40538). (T.D. ATF-66 becomes mandatory on January 1, 1983, and requires that all domestic and foreign manufacturers of alcoholic beverage disclose on their labels certain ingredient information or address where consumer may request disclosure information.) Under section seven of E. O. 12291, AFT reconsidered T.D. ATF-66 to ensure that the potential benefits to society outweigh the potential costs to society. *Legal basis:* 27 U.S.C. 205. *Status:* T.D. ATF-94 published in the FR on November 6, 1981 (46 FR 55093) rescinded T.D. ATF-66; effective December 7, 1981. *Priority:* A. *Contact:* Norman Blake or Roger Bowling. *Analysis:* None anticipated under E. O. 12291. Final regulatory analysis prepared under E. O. 12044.
Health Hazards Related to Alcoholic Consumption, 27 CFR Parts 4, 5, and 7.	*Description:* To monitor the efforts of the beverage alcohol industry in their public awareness campaign on health hazard issues relating to alcohol consumption, as an alternative to requiring health warning labels on beverage alcohol products. *Legal basis:* 27 U.S.C. 205(e). *Status:* Under consideration; final action undetermined. *Priority:* A. *Contact:* Candace Moberly at 202-566-7591.
Advertising of Wine, Distilled Spirits, and Malt Beverages, 27 CFR Parts 4, 5, and 7.	*Description:* To modernize the advertising regulations under section 5(f) of the FAA Act. Identified for review under the ATF Reguatory Reform Program. *Legal basis:* 27 U.S.C. 205. *Status:* Another notice reopening the comment period on NPRM (Notice No. 362; 45 FR 83530) is under development. *Priority:* A. *Contact:* Roger Bowling.
Recpdification of 27 CFR Parts 211 and 213 as 27 CFR Parts 20 and 22.	*Description:* To liberalize qualification, bonding, the operational, recordkeeping, and reporting requirements imposed on users and delears of specially denatured spirits and users of tax-free alcohol. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 7805. *Status:* Under consideration (NPRM published in the FR on October 23, 1981 (46 FR 51929); comment period ended January 21, 1982; final action scheduled for the winter of 1983. *Priority:* A. *Contact:* Norman Blake or John Linthicum.
Production of Volatile Fruit-Flavor Concentrates (RFA), 27 CFR Part 18.	*Description:* To revise the regulations pertaining to volatile fruit-flavor concentrates by simplifying and modernizing certain requirements; to eliminate those requirements not mandated by statute. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 5511, 26 U.S.C. 5512, 26 U.S.C. 7805. *Status:* Under consideration (NPRM published in the FR on September 18, 1981 (46 FR 46340); comment period ended December 13, 1981); final action scheduled for the summer of 1982. *Priority:* A. *Contact:* Jim Whitley. *Analysis:* None anticipated under the RFA.
Distilled Spirits Liquor Bottles, 27 CFR Parts 19, 173, 194, 250, and 251.	*Description:* To eliminate registration of liquor bottle manufacturers with ATF; to amend the liquor bottle indicia requirements; and to simplify procedures for approval of distinctive liquor bottles. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 16 U.S.C. 5301 and 7805. *Status:* Under consideration (NPRM published in FR on September 2, 1981 (46 FR 44000); comment period ended December 1, 1981); final action scheduled for the summer of 1982. *Priority:* B. *Contact:* Robert White.
Wholesale Liquor Dealer; Elimination of Public Use Forms, 27 CFR Part 194, 250, and 251.	*Description:* To eliminate two public use forms currently required of wholesale liquor dealers and importers. Identified for review under the ATF Reguatory Reform Program. *Legal basis:* 27 U.S.C. 5114. *Status:* Under consideration (NPRM published in the FR on September 18, 1981 (46 FR 46347); comment period ended December 17, 1981); final action scheduled for the summer of 1982. *Priority:* A. *Contact:* Norman Blake.
Vinegar Regulations (RFA), 27 CFR Part 195 redesignated as Part of 27 CFR Part 19.	*Description:* To modernize regulations relating to the production of vinegar by the vaporizing process; to eliminate unnecessary regulatory requirements not mandated by statute. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 7805. *Status:* Under consideration (NPRM published in the FR on October 26, 1981 (46 FR 52129); comment period ended December 10, 1981); final action is being incorporated into the regulation project, entitled "Implementation of the Distilled Spirits Tax Revision Act of 1979," (listed under Part I).
Nonbeverage Drawback (RFA), 27 CFR Part 197.	*Priority:* C. *Contact:* Joan Deerwester. *Analysis:* None anticipated under the RFA. *Description:* To update, clarify, simplify, and recodify regulations relating to obtaining drawback of tax on distilled spirits used in the manufacture of nonbeverage products. Identified for review under the ATF Regulafory Reform Program. *Legal basis:* 26 U.S.C. 5131-5134. *Status:* Under development. *Priority:* C. *Contact:* Steve Simon. *Analysis:* An initial regulatory flexibility analysis will be prepared.
Formulas for Denatured Alcohol and Rum, 27 CFR Part 212.	*Description:* To update, clarify, simplify, and recodify the regulations relating to formulas of denatured alcohol and rum. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 5241. *Status:* Under consideration (NPRM published in the FR on January 29, 1981 (46 FR 9644); comment period ended March 30, 1981); final action scheduled for the winter of 1983. *Priority:* C. *Contact:* Steve Simon.
Recodification of Wine Regulations (RFA) 27 CFR Parts 170 (Subpart Z), 231, and 240 as 27 CFR Part 24.	*Description:* To update, simplify, and clarify regulations relating to wine; to incorporate pertinent ATF Rulings. Idenfitied for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 7805. *Status:* Under development. *Priority:* B. *Contact:* Joan Deerwester. *Analysis:* None anticipated under the RFA.
Recodification of Beer Regulations (RFA), 27 CFR Part 245 as 27 CFR Part 25.	*Description:* To update, simplify, and clarify regulations relating to the production and taxpayment of beer. Identified for revision under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 5051-5056, 26 U.S.C. 5401-5417. *Status:* Under development. *Priority:* A. *Contact:* Charles Bacon. *Analysis:* None anticipated under the RFA.
U.S. Customs Certification on Distilled Spirits from Puerto Rico, 27 CFR Part 250.	*Description:* To change the customs certification on distilled spirits entering the United States from Puerto Rico. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 7805. *Status:* Under development. *Priority:* B. *Contact:* James Hunt or Robert White.
Procedures and Practices	
Losses Resulting from Disaster, Vandalism, or Malicious Mischief, 27 CFR Part 170 (Subpart O redesignated) as 27 CFR Part 29 (Subpart A).	*Description:* To streamline the processing of claims for customs duties and other miscellaneous amendments.

PART II.—REGULATIONS UNDER REVIEW—Continued

Title/citation	Summary
	Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 5064 and 26 U.S.C. 7805. *Status:* Under development. *Priority:* C. *Contact:* Jim Whitley.
Tobacco Products	
Shipment of Tobacco Articles from Puerto Rico to the United States (RFA), 27 CFR Part 275.	*Description:* To eliminate U.S. Customs Service involvement on shipment of Puerto Rican tobacco products to the United States; to eliminate direct ATF supervision of tobacco product shipments from Puerto Rico. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 7651. *Status:* Under development. *Contact:* John Linthicum. *Priority:* B. *Analysis:* None anticipated under RFA.
Manufacturer's Identification on Tobacco Products Packages (RFA), 27 CFR Parts 270, 290, and 295.	*Description:* To liberalize requirements relating to the manufacturer's identification on tobacco product packages; and to permit additional means of identification. Identified for review under the ATF Regulatory Reform Program. *Legal basis:* 26 U.S.C. 5723. *Status:* Under development. *Priority:* C. *Contact:* Steve Simon.

LIST OF TREASURY DECISIONS PUBLISHED AFTER SEPT. 15, 1981, AND BEFORE MAR. 15, 1982

Title/citation	Document and effective date
American Viticultural Area: Fennville, MI 27 CFR Part 9.	Treasury Decision ATF-91 published in the FR on September 18, 1981 (46 FR 46318). Effective: October 19, 1981.
Incorporation by Reference, 27 CFR Parts 1, 4, 5, 7, 9, 13, 18, 19, 47, 55, 71, 72, 170, 178, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, and 296.	Treasury Decision ATF-92 published in the FR on September 18, 1981 (46 FR 46318). Effective: October 19, 1981.
Explosive Materials (Correction), 27 CFR Part 55.	Treasury Decision ATF-93 published in the FR on October 26, 1981 (46 FR 52105). Correction notice published in the FR on October 26, 1981 (46 FR 52105). Effective: October 5, 1981.
Recission of Ingredient Labeling Regulations for Wine, Distilled Spirits, and Malt Beverages, 27 CFR Parts 4, 5, and 7.	Treasury Decision ATF-94 published in the FR on November 6, 1981 (46 FR 55093). Effective: December 7, 1981.
American Viticultural Area: Guenoc Valley, CA, 27 CFR Part 9.	Treasury Decision ATF-95 published in the FR on November 19, 1981 (46 FR 56785). Effective: December 21, 1981.
American Viticultural Area: Sonoma Valley, CA, 27 CFR Part 9.	Treasury Decision ATF-96 published in the FR on December 4, 1981 (46 FR 59237). Effective: January 4, 1982.
American Viticultural Area: McDowell Valley, CA, 27 CFR Part 9.	Treasury Decision ATF-97 published in the FR on December 4, 1981 (46 FR 59241). Effective: January 4, 1982.

LIST OF TREASURY DECISIONS PUBLISHED AFTER SEPT. 15, 1981, AND BEFORE MAR. 15, 1982—Continued

Title/citation	Document and effective date
American Viticultural Area: Santa Cruz Mountains, CA, 27 CFR Part 9.	Treasury Decision ATF-98 published in the FR on December 4, 1981 (46 FR 59239). Effective: January 4, 1982.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled sprits plant.
E. O	Executive Order.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
OMB	Office of Management and Budget.
NPRM	Notice of proposed rulemaking.
Pub. L	Public Law.
RFA	Regulatory Flexibility Act.
T.D	Treasury decision.
T.D. with N	[Temporary] Treasury decision with notice.
T.D. w/o N	Treasury decision without notice.
Treasury	Department of the Treasury.

[FR Doc. 82-11540 Filed 4-28-82; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

31 CFR Subtitle A and Ch. I

Semiannual Agenda

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96–354, September 19, 1980) and Executive Order 12291 ("Federal Regulation", February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review. The Office of the Secretary has under development or review five regulation projects, two by the Office of the General Counsel and three by the Office of Revenue Sharing.

FOR FURTHER INFORMATION CONTACT: For additional Information about a regulation contained in the agenda, contact the individual identified as the contact person..

SUPPLEMENTARY INFORMATION:

Office of the General Counsel

The Office of the General Counsel has two regulatory projects underway. The first will implement the provisions of the Equal Access to Justice Act (Pub. L. No. 96–481, October 21, 1980), which requires each agency to "establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses." (5 U.S.C. 504(c)(1)). A temporary rule with request for comments was published in the Federal Register on October 28, 1981 (46 F.R. 53025). The comments received have been reviewed and its is expected that a final rule will be published shortly in the Federal Register.

These regulations have not been determined to be "major" under E.O. 12291, nor will they have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. Therefore, no regulatory analysis has been prepared.

These regulations will appear as 31 CFR Part 6, and will be issued under the authority of 5 U.S.C. 504(c)(1).

The second project would propose the revocation or amendment of a number of provisions contained in Title 31, Code of Federal Regulations, which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations proposed to be revoked pertain primarily to gold and silver and emergency banking regulations. Their revocation will reflect current practice.

It is not expected that these amendments will be deemed "major" under E.O. 12291, nor is it expected that there will be a significant economic impact on small entities under the Regulatory Flexibility Act. Accordingly, a regulatory analysis is not expected to be necessary. A draft notice of proposed rulemaking is presently being reviewed within the Department.

These amendments will revise 31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122 and 127 and will be issued under the authority cited in each of those parts.

For further information on Office of General Counsel regulations, contact Stephanie Dick, Attorney-Advisor, (202) 566–9947.

Office of Revenue Sharing

I. Past Regulatory Projects

In the Semi-Annual Agenda of October 15, 1981, (46 FR 50915) The Office of Revenue Sharing ("ORS") designated two regulatory projects under development and expected to be completed during fiscal year 1982. The projects are described below:

(1) The ORS is required pursuant to the Age Discrimination Act of 1975 to issue regulations implementing that Act. A proposed rule containing such regulations was issued on December 31, 1979, (44 FR 77356) as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and submitted for approval to the Department of Health and Human Services (HHS), lead agency in this area. The regulations will be issued shortly after HHS gives final approval. These regulations are not deemed to be major under Executive Order 12291 and a regulatory analysis will not be prepared. Similarly, the regulations are not found to have a substantial economic impact on a significant number of small entities under the Regulatory Flexibility Act of 1980 and a regulatory flexibility analysis will not be prepared. This position is supported in a work plan approved in August of 1979.

(2) The revenue sharing regulations implementing Section 504 of the Rehabilitation Act of 1973 as amended, currently in interim form, are expected to be revised and reissued at some time during the fiscal year. The HEW guidelines on which these regulations are patterned (45 CFR Part 85) are currently being revised by the Department of Justice, current lead agency in this area (46 FR 40687). New guidelines are expected to be issued in the near future. The ORS will issue new regulations based upon the Department of Justice guidelines in first proposed and then final form.

II. Regulatory Projects to be Completed This Fiscal Year

The ORS intends to revise the current definition of Indian population contained in Section 51.32(d) of the revenue sharing regulations. The purpose of the revision will be to reestablish a policy with respect to the definition of Indian tribes which has existed throughout most of the revenue sharing program. The ORS expects to issue first a proposed and then a final regulation before the end of the fiscal year. This regulation is not deemed to be major under Executive Order 12291; therefore a regulatory analysis will not be prepared. Similarly, the regulation is not found to have a substantial economic impact on a significant number of small entities under the Regulatory Flexibility Act of 1980; therefore a regulatory flexibility analysis will not be prepared.

III. Statutory Authority

All revenue sharing regulations are found in 31 CFR Part 51. The latest revision is found in the September 30, 1982, Federal Register at 46 FR 48034. The regulations implement the provisions of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*).

IV. Contacts

For further information, contact Richard S. Isen, Chief Counsel or Jacqueline L. Jackson, Attorney-Advisor, Office of Revenue Sharing, (202) 634–5182.

Dated: April 21, 1982.

By Direction of the Secretary of the Treasury.

David E. Pickford,

Executive Secretary.

[FR Doc. 82–11541 Filed 4–28–82; 8:45 am]

BILLING CODE 4810–25–M

Bureau of Government Financial Operations

31 CFR Ch. II

Semiannual Agenda

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of Pub. L. 96–354, September 19, 1980, the "Regulatory Flexibility Act", and Executive Order 12291, February 17, 1981, "Federal Regulation", which require the publication of a semiannual agenda of regulations under development or review. The Bureau of Government Financial Operations has two regulations under development.

FOR FURTHER INFORMATION CONTACT: Paul J. Gist, Assistant Director, Cash Management Planning and Development Staff, (202) 634–5772, concerning the revision of Treasury Department Circular 1075. For information concerning reclamations due from financial organizations, contact Michael D. Serlin, Assistant Commissioner, Governmentwide Accounting, (202) 566–5594.

SUPPLEMENTARY INFORMATION: The proposed revision to Circular 1075 would incorporate the Letter of Credit-Treasury Financial Communications System and would update and/or clarify Treasury's advance financing policies. The work plan is under review. Legal authority: 5 U.S.C. 301; 42 U.S.C. 4213.

The proposed rule to amend 31 CFR 240 which would permit Treasury to administratively recover reclamations due from financial organizations was published in the **Federal Register** on November 4, 1981. Legal authority: 31 U.S.C. 952 and implements authority recognized in *Clearfield Trust Co.* v. *United States,* 318 U.S. 363(1943).

The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act. Accordingly, regulatory analyses will not be prepared.

Dated: April 2, 1982.

By direction of the Secretary of the Treasury.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82–11542 Filed 4–28–82; 8:45 am]

BILLING CODE 4810–35–M

federal register

Thursday
April 29, 1982

Part III

Nuclear Regulatory Commission

Semi-annual Publication of Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semi-annual publication of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission is publishing its semi-annual Regulatory Agenda, pursuant to Pub. L. 96–354, "the Regulatory Flexibility Act", and Executive Order 12291, "Federal Regulations". The Agenda is a compilation of all rules on which the NRC has proposed or is considering action. This edition of the agenda has been expanded to include the quarterly report entitled "NRC Petitions for Rulemaking". The petitions report lists all petitions for rulemaking which have been received by the Commission and are pending disposition by the Commission.

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

The Agenda and any comments received on any rule or petition listed on the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the Agenda may be received upon request to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule or petition listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7086, persons outside the Washington, D.C. metropolitan area may call toll-free: 800–368–5642. For further information on the substantive content of any rule or petition listed in the agenda, contact the individual listed under the heading "contact" for that rule.

SUPPLEMENTARY INFORMATION: The NRC is publishing its April edition of the Regulatory Agenda which has been expanded to include the quarterly report on NRC Petitions for Rulemaking. This Agenda updates any action which has occurred on rules and petitions since issuance of the last NRC agenda on January 31, 1982.

With the inclusion of the Petitions, the Agenda consists of two parts. Part I entitled "Rules" includes: (A) Rules on which final action has occurred since January 31, 1982, the date of the last Regulatory Agenda; (B) Rules published previously as a notice of proposed rulemaking and on which the Commission has not taken final action (C) Rules published as advance notices of proposed rulemaking and for which neither a proposed nor final action has been issued, and (D) Unpublished rules on which the NRC expects to take action. Part II entitled "Petitions For Rulemaking" includes: (A) Petitions incorporated into final rules or petitions denied since December 31, 1981; (B) Petitions incorporated into proposed rules; (C) Petitions pending staff review, and (D) Petitions with deferred action.

In Part I of the Agenda, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part by date of most recent publication. If a rule contains changes to multiple parts, the rule is listed under the lowest affected part. In Part II of the Agenda, the petitions are ordered from lowest to highest CFR part and are identified with a petition for rulemaking (PRM) number. When more than one petition appears under the same CFR part, the petitions are arranged by PRM number in consecutive order within the CFR part.

The status and information included in Parts I and II of this Agenda have been updated through April 9, 1982. The date, included under the heading "timetable," for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules or petitions are considered tentative and are not binding on the Commission or its staff and are included for planning purposes only. This Regulatory Agenda is intended to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Those rulemaking entries in Part I of the Agenda which may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96–354), are indicated by an asterisk (*) by the title of the rule. The Regulatory Flexibility Act was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. In the case of the NRC, for example, the Act requires the NRC to consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

Part I of the Agenda contains twelve rules completed during the previous quarter; eleven rules that appear on the Agenda for the first time and are identified by the symbol "†" at the end of the title; eight rules that may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96–354), that are identified by an asterisk (*); and no major rules as defined in Section 1(b) of Executive Order 12291.

Dated in Washington, DC, this 23d day of April 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

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PART I—RULES

A—Final Rules

Rules that have been published as final rules since January 31, 1982 the date of the last NRC Regulator Agenda.

1. Delegation of Authority; Antitrust Determination (Parts 1, 2)

Federal Register Citation: March 9, 1982 (47 FR 9983).

Description. The final rule implements the Commission's delegation of authority to the Directors of the Offices of Nuclear Reactor Regulation and Nuclear Materials Safety and Safeguards to make "significant changes" determinations. A "significant changes" determination is a decision as to whether or not there have been changes of antitrust significance in an operating license applicant's activities or activities proposed under its license that have occurred after the antitrust review conducted in connection with the construction permit under Section 105(c)(2) of the Atomic Energy Act of 1954, as amended. The final rule will implement internal procedural changes withing the NRC and will have no substantive effect on licensees of any class.

Objective. To codify the provision that certain NRC office directors have been delegated the authority to make the required determination (as noted above).

Background. The comment period closed April 27, 1981. Three comments were received. The comments opposed certain implementation provisions of the proposed rule. On September 12, 1979, the Nuclear Regulatory Commission delegated its authority to make a "significant changes" determination under Section 105(c)(2) of the Atomic Energy Act of 1954, as amended, to the Director of the Office of Nuclear Reactor Regulation or the Director of the Office of Nuclear Material Safety and Safeguards, as appropriate. In connection with that delegation, the Commission approved procedures to be used until such time as effective regulations implementing those procedures were adopted.

Legal Basis. 42 U.S.C. 2201.

Timetable: Action completed.

Contact: Argil L. Toalston, Office of Nuclear Reactor Regulation, (301) 492–4891.

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2. Financial Qualifications; Domestic Licensing of Production and Utilization Facilities (Parts 2, 50)

Federal Register Citation: March 31, 1982 (47 FR 13750).

Description. The final rule eliminates requirements for NRC review and findings concerning the financial qualifications of applicants for construction permits and operating licenses for production or utilization facilities. The final rule also requires power reactor licensees to obtain on-site property damage insurance, or an equivalent amount of protection (e.g., letter of credit, bond, or self insurance), from the time that the Commission first issues an operating license for the nuclear reactor.

Objective. To remove a portion of the safety review which has done little to identify substantial health and safety concerns at nuclear power plants. In addition, the Commission determined that the adoption of the on-site property damage insurance requirement will better ensure that adequate protection of the health and safety of the public is achieved.

Background. An advance notice of proposed rulemaking was published May 25, 1978 (43 FR 22373). The comment period closed July 24, 1978. Most of the seven comments received favored the proposal. The proposed rule was published August 18, 1981 (46 FR 41786). The comment period on the proposed rule closed October 18, 1981. One hundred-seventy comments were received.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5841, 5842, 5846.

Timetable: Action completed.

Contact: Robert S. Wood, Office of State Programs, (301) 492–9883.

3. Administrative Claims Under the Federal Tort Claims Act (Part 14)

Federal Register Citation: March 3, 1982 (47 FR 8983).

3.Description. The final rule revises NRC's regulations on administrative claims under the Federal Tort Claims Act. The regulation explains when, where, and how a person files a claim, who may file a claim, what information may be required on a claim, who within the NRC may act on a claim and the limitations on NRC's authority to act, when a claim is referred to the Department of Justice and how a claim is denied or paid. The final rule conforms NRC procedures to the Department of Justice regulations and makes editorial and organizational changes to improve the clarity of the regulations.

Objective. To clarify procedures when the same claim is presented to NRC and one or more other agencies; to change the office where a claim is filed and the NRC officials who are authorized to act on a claim; and to provide procedures when NRC drivers are sued in state courts.

Background. The Federal Tort Claims Act allows the head of each Federal agency to act on a claim for money damages against the United States for property damage or personal injury caused by the negligent or wrongful act or omission of an employee of the agency acting within the scope of his or her employment. The agency head must act in accordance with the regulations prescribed by the Department of Justice (28 CFR Part 14). The NRC issued regulations and established procedures consistent with Department of Justice regulations on March 4, 1967 (32 FR 3731). The final regulation update NRC regulations in conformance with amendments to 28 CFR Part 14 issued January 14, 1980 (45 FR 2650).

Legal Basis. 28 U.S.C. 2672.

Timetable: Action completed.

Contact: David J. Clarke, Office of the Executive Legal Director, (301) 492–7241.

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4. Debt Collection Procedures (Part 15)

Federal Register Citation: February 22, 1982 (47 FR 46960).

Description. The final rule adds to NRC regulations a new part 15 which establishes the procedures which the NRC will follow to collect debts which are owed to it. The procedures are based upon the Federal Claims Collection Standards issued by the General Accounting Office (GAO) and the Department of Justice (DOJ), as amended on July 31, 1981. The Federal Claims Collection Act provides that

these procedures be issued as regulations.

Objective. To improve NRC debt collection.

Background. The comment period closed November 9, 1981. In response to two comments, the proposed rule was revised to provide clarification on the collection procedures. Recent studies by the Executive Branch Debt Collection Project and the GAO reveal that more than $25 billion of the $175 billion in debts owed to the United States are either delinquent or in default. The President directed in the 1982 Budget Revisions that the collection of amounts owed to the Government be improved. The Supplemental Appropriations and Rescission Act of 1980 (Pub. L. 96–304) requires agencies covered by the Act, including the NRC, to improve the collection of overdue debts owed to the United States and to bill interest on delinquent debts.

Legal Basis. 31 U.S.C. 952, 42 U.S.C. 2201, 5841.

Timetable: Action completed.

Contact: Graham D. Johnson, Office of the Controller, (301) 492–7535.

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5. Access to and Protection of National Security Information and Restricted Data, Minor Amendments (Parts 25, 95)

Federal Register Citation: March 4, 1982 (47 FR 9194).

Description. The amendments to Part 25 adjust the fee schedule for NRC access authorizations and clarify guidance regarding clearances granted to NRC employees. These changes permit the Commission to recover the cost of security investigations for licensee personnel charged by the Office of Personnel Management and assure that only NRC employees with the proper security clearances are granted access to classified information. The amendments to Part 95 provide for the granting of NRC security facility approval prior to an initial NRC on-site survey following a determination that doing so would not endanger the national security. The amendments to these Parts also contain other minor revisions of a clarifying nature.

Objective. To update the fee schedule for NRC's access authorizations, to assure proper protection of information falling under NRC's "Classification Guide for Safeguards Information," and to assure that other portions of these Parts are up-to-date and clearly understood.

Background. The final rule establishing procedures for access to and protection of National Security Information and Restricted Data (Parts 25 and 95) was published March 5, 1980, (45 FR 14476). These amendments will further clarify and update the final rule.

Legal Basis. 42 U.S.C. 2165, 2201, 5841, E.O. 10865 and E.O. 12065.

Timetable: Action completed.

Contact: Raymond J. Brady, Office of Administration, (301) 492–4472.

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6. Group Licensing for Certain Medical Uses; Disofenin (Part 35),

Federal Register Citation: March 26, 1982 (47 FR 12939).

Description This final rule adds a new reagent kit, used to prepare the radiopharmaceutical technetium-99m labeled disofenin, to its list of authorized radioactive drugs and reagent kits. This action includes the radiopharmaceutical in 35.100 where NRC lists groups of medical uses of byproduct material that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures. Licensees within Group III may use the radiopharmaceutical without obtaining a license amendment.

Objective. To reduce administrative costs by eliminating the need for Group III licensees to seek an amendment to their license to permit them to use the reagent kit used to prepare technetium-99m labeled disofenin.

Background. As indicated in NRC's medical policy statement published February 9, 1979 (44 FR 8242), NRC relies on FDA for approval of safety and effectiveness for radioactive drugs. FDA has recently approved a "New Drug Application" for a reagent kit that is used to prepare the radiopharmaceutical, technetium-99m labeled disofenin.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

Timetable: Action completed.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427–4580.

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7. Revocation of General License for Uranium Mill Tailings in Agreement States (Part 40)

Federal Register Citation: February 18, 1982 (47 FR 7205).

Description. The final rule revokes a temporary general license to authorize uranium mill operators in Agreement States to possess and dispose of mill tailings. The Uranium Mill Tailings Radiation Control Act of 1978 (the Act), gave the NRC licensing authority over this activity beginning November 8, 1981, unless a particular State retains jurisdiction pursuant to an agreement entered into prior to that date. Since the affected States (Washington, Colorado, Texas, and New Mexico) have taken action to exercise authority under state law over uranium mill tailings and Congress has indicated its intent to delay NRC jurisdiction in those States until October 1, 1982, the general license issued November 10, 1981 (46 FR 55505) serves no useful purpose.

Objective. To remove a regulation no longer necessary to prevent a technical violation of the Act.

Background. The Act gave the NRC jurisdiction over the possession and disposal of uranium mill tailings beginning November 8, 1981, unless an Agreement State entered into an agreement with respect to the particular by-product material prior to that date. Since none of the four affected Agreement States entered into an agreement, the NRC acquired jurisdiction on November 8, 1981. Since NRC regulations require a license for these activities, the final rule published November 10, 1981 (46 FR 55505) issued a temporary general license until agreements between the NRC and the affected Agreement States transfer jurisdiction to the Agreement States. This final rule revokes a temporary general license to authorize uranium mill operators in Agreement States to possess and dispose of mill tailings.

Legal Basis. 42 U.S.C. 2111.

Timetable: Action completed.

Contact: Robert Fonner, Office of the Executive Legal Director, (301) 492–8692.

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8. Rule To Require Applicants to Evaluate Differences from the Standard Review Plan (Part 50)

Federal Register Citation: March 18, 1982 (47 FR 11651).

Description. The final rule requires all nuclear power plant licensees and all applicants for operating licenses, construction permits, and manufacturing licenses to identify and justify deviations from the acceptance criteria of the applicable revision of the Standard Review Plan, NUREG–75–087 (SRP). The SRP ensures quality and uniformity in staff licensing reviews and presents a well-defined base from which proposed changes in the scope of these reviews may be evaluated. Because of the experience NRC has acquired in methods of review and techniques for the safety evaluation of nuclear power facilities, the SRP is periodically reviewed and revised to reflect the state of the art, resulting in a varying scope of review. Lack of uniform documentation makes it difficult to determine the extent to which plants reviewed in the past deviate from current acceptance criteria and if so the safety significance of the deviation.

Objective. To provide uniform documentation to the NRC of any deviation by the licensee from the current licensing acceptance criteria set out in the SRP. This would improve the quality of staff license applications review.

Background. The comment period closed November 24, 1980. Of the 39 comments submitted, 31 were submitted by industry organizations uniformly opposed to the rule. A final rule was sent to the Commission on January 8, 1981. On February 17, 1981, the staff sent to the Commission an outline of a revised plan to implement the proposed requirement only for operating reactors. The Commission, by memorandum dated June 22, 1981, requested that staff prepare a final rule relating only to pending and future applications with due consideration to the licensing schedules. A Commission decision for operating reactors is pending. The staff responded with a draft final rule in a memorandum dated November 12, 1981, and recommended that the Commission take no action until this draft final rule had been reviewed by the newly-formed NRC Committee for Review of Generic Requirements (CRGR). In a memorandum to the Commission dated March 1, 1982, the Executive Director for Operations (EDO) reported that the CRGR has recommended that the rule not be approved. The EDO recommended that a revised proposed rule prepared by the Office of Nuclear Reactor Regulation be published for public comment. The revised proposed rule would result in a reduction of regulatory impact since it reduces the number of plants to which the rule would apply and, in addition, it would apply only to operating license applications docketed after the effective date of the rule. This would permit a coordinated development of the Final Safety Analysis Report (FSAR) with the documentation needed to comply with the revised proposed rule.

Legal Basis. 42 U.S.C. 2132, 2133, 2201.

Timetable: Action completed.

Contact: Robert L. Tedesco, Office of Nuclear Reactor Regulation, (301) 492–7425.

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9. Need for Power and Alternative Energy Issues in Operating License Proceedings (Part 51)

Federal Register Citation: March 26, 1982 (47 FR 12940).

Description. The final rule provides that need for power and alternative energy source issues will not be considered in operating license proceedings for nuclear power plants and need not be addressed by operating license applicants in environmental reports at the operating license stage. The Commission considers and resolves these issues at the construction permit stage of its two-step licensing process. Although the National Environmental Policy Act of 1969 requires the Commission to consider alternatives, including the need for power and other energy sources, when considering construction of a nuclear power plant, it does not require that the Commission duplicate its review of these issues at the operating license stage, unless there is new information.

Objective. To avoid unnecessary litigation of the need for power and alternative energy issues and to eliminate the necessity for duplicating its review of the issues at the operating license stage.

Background. The comment period closed October 2, 1981. Fifty-three comments were received. Twenty-nine commenters supported the rule while twenty-four opposed. The proposed rule reflected Commission belief that case-specific need for power and alternative energy source evaluations need not be included in the environmental evaluation for a nuclear power plant operating license. Proper consideration of these issues must occur at the construction permit stage when there is little environmental disruption and a minimum capital investment has been made by the license applicant. It is at this stage that meaningful alternatives to the construction and operation of the proposed nuclear power plant exist.

Legal Basis: 42 U.S.C. 2201, 4332, and 5841.

Timetable: Action completed.

Contact: Darrel A. Nash, Office of State Programs, (301) 492–9882.

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10. Reporting, Recordkeeping, and Application Requirements (Parts 60, 72, 81)

Federal Register Citation: April 1, 1982 (47 FR 13774).

Description. The final rule indicates that Office of Management and Budget (OMB) clearance is not required for the information collection requirements in these parts.

Objective. To indicate that the information collection requirements in each of these parts pertain to nine or fewer persons and are, therefore, not subject to OMB approval.

Background. The Paperwork Reduction Act of 1980 (Pub. L. 96–511), transferred the responsibility for approving the information collection requirements imposed by the NRC on the public from the General Accounting Office to OMB. The Act requires that each agency "ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 * * * " of the Act.

Legal Basis. 42 U.S.C. 2201.

Timetable: Action completed.

Contact: Steve Scott, Office of Administration, (301) 492–8585.

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11. Reporting of Physical Security Events (Part 73)

Federal Register Citation: March 17, 1982 (47 FR 11511).

Description. The final rule amends notification requirements for reporting significant physical security events. The final rule requires that licensees of nuclear power plants and fuel fabrication facilities, that have access to the system, notify the NRC Operations Center via the Emergency Notification System (ENS) rather than the Regional Office, of a reportable physical security event.

Objective. To make the notification requirements for reportable physical security requirements consistent with those applicable to other significant events.

Background. Commission concern about the lack of timely and effective communication between licensees and the NRC concerning unusual events at operating reactor facilities resulted in a final rule concerning Notification of Physical Events published February 29, 1980 (45 FR 13434). This final rule conforms the requirements for reporting physical security events to the notification procedures of that rule.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Action completed.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5976.

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12. Export of Safeguards Samples pursuant to the US/IAEA Safeguards Agreement (Part 110)

Federal Register Citation: February 16, 1982 (47 FR 6610).

Description. The final rule exempts NRC licensees, Agreement State Licensees, and the U.S. Department of Energy (DOE) from the requirement to obtain an export license to ship safeguards samples of special nuclear material (SNM) from facilities designated by the International Atomic Energy Agency (IAEA) for the application of safeguards.

Objective. To permit the United States to implement that portion of the US/

IAEA Safeguards Agreement which involves the export of IAEA safeguards samples of SNM.

Background. The US/IAEA Agreement for the Application of Safeguards in the United States (the Agreement) provides for the application of IAEA safeguards to selected U.S. nuclear facilites. On July 29, 1980, the NRC published in the FEDERAl REGISTER (45 FR 50705) a final rule adding a new Part 75, and amending Parts 40, 50, 70, and 150 of 10 CFR. Part 75 and the conforming amendments establish the primary means by which the Agreement will be implemented with respect to NRC and Agreement State licensees. The purpose of the amendment to Part 110 is to facilitate certain safeguards activities, required by the Agreement, which will involve te export of IAEA Safeguards samples of special nuclear material from those facilities designated by the IAEA for application of safeguards.

Legal Basis. 42 U.S.C. 2071, 2073,2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2152, 2154–2158, 2201, 231–2233, 2239, 5841, 5842, 5846.

Timetable: Action completed.

Contact: J. Christian Kessler, Office of International Programs, (301) 492–8155.

B—Proposed Rules

Rules that have been published previously as proposed rules and on which the NRC has not taken final action.

Federal Register Citation: October 28, 1981 (46 FR 53189).

13. Procedures Involving the Equal Access to Justice Act: Implementation (Parts 1, 2)

Description. The proposed rule would add new provisions designed to implement the Equal Access to Justice Act which provides for the award of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications in which the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) which have been modified to conform to NRC's established rules of practice.

Objective. To further the Equal Access to Justice Act's (EAJA) intent to ensure the development of "uniform" agency regulations government wide, and to provide NRC procedures and requirements for the filing and disposition of EAJA applications.

Background. The comment period expired November 27, 1981. The EAJA (Pub. L. 96–481) was signed into law by President Carter on October 21, 1980, and became effective October 1, 1981. The Act provides that each agency, after consultation with the ACUS, is to establish uniform procedures for the submission and consideration of applications for awards of fees and expenses. To facilitate this statutory requirement, ACUS issued model rules for consideration and use of other agencies March 10, 1981 (46 FR 15895). This proposal is modeled after the ACUS rule.

Legal Basis. 5 U.S.C. 504.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact: Paul Bollwerk, Office of the General Counsel, (202) 634–3224.

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14. Ex Parte Communications, and Separation of Adjudicatory and Non-Adjudicatory Functions (Part 2)

Federal Register Citation: March 7, 1979 (44 FR 12428).

Description. The proposed rule would (1) codify the practices regarding *ex parte* communications the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules to the terminology of the Government in the Sunshine Act (Pub. L. 94–409). An *ex parte* communication is one in which one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons whose participation in the decision-making process is limited to appearance as witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually-related adjudications. The proposed rule also includes operative provisions of the *ex parte* rule, and an explanation of how proceedings to impose sanctions for violation of the *ex parte* rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94–880, Part I, 94th Cong., 2nd Sess, at 19–20, 1976.

Objective. To codify current *ex parte* communication practices the Commission now employs in its adjudicatory proceedings.

Background. The comment period closed April 23, 1979. One comment was received. A draft final rule was sent to the Commission in October, 1979, but Commission action has been suspended pending a broad review of the Commission's *ex parte* and separation of function rules. In March, 1980, the Commission was presented NUREG–0694, "A Study of the Separation of Functions and *Ex Parte* Rules in Nuclear Regulatory Commission Adjudications for Domestic Licensing." Public comments were obtained on that study and further work was done in order to propose further and more extensive revisions to the present rules. The Commission is presently reviewing proposals for a new rulemaking proceeding.

Legal Basis. 5 U.S.C. 554, 42 U.S.C. 2201.

Timetable: Commission action is unscheduled.

Contact: Harvey J. Shulman, Office of the General Counsel, (202) 634–1493.

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15. Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions (Parts 2, 30, 40, 50, 51, 70, 110)

Federal Register Citation: March 3, 1980 (45 FR 13739).

Description. The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Council's (CEQ) regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The current regulation contains procedures implementing NEPA requirements relating to the preparation and use of environmental impact statements. The proposed rule would implement each section 102(2) NEPA provision, thereby

making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation, subject to the NRC–NEPA review process.

Objective. To conform NRC's environmental review requirements to the CEQ procedural regulations to the extent possible; to ensure that environmental aspects are considered as part of the NRC decision-making process and to make environmental information available to the public.

Background. The comment period closed May 2, 1980. A majority of the 21 comments support the rule while suggesting numerous minor revisions. Executive Order 11991 (42 FR 26957) directed CEQ to issue regulations implementing all the procedural provisions of NEPA and directed Federal agencies to comply with these regulations unless compliance would be inconsistent with statutory authority. CEQ's procedural regulations were published November 28, 1978 (43 FR 55978). In a letter to the Chairman of the Council on Environmental Quality dated May 31, 1979, the Chairman of the Commission expressed the view, "that a sound accommodation could be reached between NRC's independent regulatory responsibility and CEQ's objective of establishing uniform NEPA procedures."

Legal Basis. 42 U.S.C. 2021, 2201, 4332, 4334, 4335, 5841, and 5842.

Timetable: Commission action on the final rule is unscheduled.

Contact: Jane R. Mapes, Office of the Executive Legal Director, (301) 492–8695.

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16. Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews (Parts 2, 50, 51)

Federal Register Citation: April 9, 1980 (45 FR 24168).

Description. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) Information requirements; (2) timing; (3) region of interest; (4) selection of candidate sites; (5) comparison of the proposed site with alternate sites; (6) reopening of the alternative site decision. The proposal is intended to be a comprehensive rule that will promote public understanding of and participation in the alternative site review process.

Objective. To develop written, understandable NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational, timely decision concerning the sufficiency of the alternative site analysis.

Background. The comment period closed June 9, 1980. The majority of the 27 comment letters supported the rulemaking but suggested improvements in the form of clarification or minor substantive changes. On May 28, 1981 (46 FR 28631) the Commission published a final rule on the issue of reopening the alternative site question after a favorable decision at construction permit or early site review stages. The staff is developing the remainder of the rule. Comments and suggestions received in response to Supplement No. 1 to NUREG–0499 and a Commission Workshop on alternative siting were considered in developing the proposed rule. NEPA requires the study and development of alternatives to any major Federal action that would significantly affect the quality of the human environment. Until recently the NRC did not initiate an extensive review of the applicant's site selection process unless substantial inadequacies were identified at the proposed site. The proposed rule reflects NRC's expanded review of the applicant's site selection process and the detailed investigation of alternative sites.

Legal Basis. 42 U.S.C. 2201, 4332, and 5841.

Timetable: Commission action on the final rule is scheduled for June 1982.

Contact: William Ott, Office of Nuclear Regulatory Research, (301) 427–4078.

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17. Possible Amendments to the "Immediate Effectiveness" Rule in Construction Permit Proceedings (Parts 2, 50)

Federal Register Citation: May 22, 1980 (45 FR 34279).

Description. The proposed rule indicates that the Commission is considering alternative amendments to the "immediate effectiveness" rule for construction permit proceedings and is also considering retaining this rule unchange. Under the "immediate effectiveness" rule, construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have adversely affected either the quality of the decision-making process or the public perception of it.

Objective. To determine, through rulemaking, if NRC should permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

Background. The comment period closed July 7, 1980. A majority of the 15 comments received favor retaining the rule with little or no change. NUREG–0646 presented a study of the effects of construction during adjudication. The staff is developing a final rule. The rule is presently suspended to allow for Commission review of construction permits prior to issuance.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for April 1982.

Contact: Richard Parrish, Office of the General Counsel, (202) 634–3224.

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18. Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions) (Part 2)

Federal Register Citation: June 8, 1981 (46 FR 30349).

Description. The proposed rule would facilitate expedited conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts, and limit the number of interrogatories that a party may file in an NRC proceeding.

Objective. To expedite the hearing process by among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute.

Background. The comment period closed June 29, 1981. Sixty comments were received. In recent months the Commission has been examining its hearing process to determine ways to expedite this process and thereby expedite the licensing process. The staff has proposed a series of procedural modifications to achieve this goal.

Legal Basis. 42 U.S.C. 2239a.

Timetable: Commission action on the proposed rule is scheduled for July 1982.

Contact: Trip Rothschild, Office of the General Counsel, (202) 634–1465.

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19. Age Discrimination (Part 4)

Federal Register Citation: September 21, 1981 (46 FR 46582).

Description. The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages.

Objective. To comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR Part 90.

Background. The comment period closed November 20, 1981. No comment letters were received during the comment period and no substantive changes have been made in the proposed text. On November 23, 1981, a copy of the proposed final regulations was transmitted to the Office of General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations shall not be published until the Secretary of HHS approves them.

Legal Basis. The Age Discrimination Act of 1975, as amended, Pub. L. 94–135, Pub. L. 95–478.

Timetable: Executive Director of Operations (EDO) action on the final rule cannot be scheduled until the regulation is approved by the Secretary of HHS, as required by law.

Contact: Alta B. Eddins, Office of Executive Legal Director, (301) 492–8654.

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20. Lower Radiation Exposure Levels for Fertile Women (Parts 19, 20)

Federal Register Citation: January 3, 1975 (40 FR 799).

Description. The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements in Report No. 39 that the radiation exposure to an embryo or fetus be minimized.

Objective. The proposed rule would help provide assurance that radiation exposure of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involving radiation and radioactive material. NRC regulations would be amended to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

Background. The comment period closed March 5, 1975. Twenty-nine comments were received. A majority of the comments supported the proposed rule. The subject of this proposed rule, employee radiation exposure, will be addressed further, in the context of planned EPA/NRC/OSHA hearings on radiation exposure levels and also will be included in the comprehensive revision of 10 CFR Part 20 (See Agenda item No. 51).

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: This rule will be incorporated into the comprehensive revision of Part 20 scheduled to be issued as a proposed rule in December 1982.

Contact: Walter Cool, Office of Nuclear Regulatory Research, (301) 427–4579).

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21. Changes in Radiation Dose-Limiting Standards (Parts 19, 20)

Federal Register Citation: February 20, 1979 (44 FR 10388).

Description. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC–4, Exposure History, and impose annual dose-limiting standards while retaining quarterly standards. The proposed rule was published because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards (PRMs–20–6 and 20–6A). See Agenda items Nos. 139 and 140.

Objective. The Commission believes that the changes contained in the proposed rule would benefit workers by increasing radiation protection for them. These changes should also encourage some NRC licensees to take further action to reduce occupational radiation doses. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions which would express, in terms of new annual standards, the standard for dose to minors, the requirement for provision of personnel monitoring equipment, and the requirement for control of total dose to all workers including transient and moonlighting workers.

Background. The comment period closed April 23, 1979. Eighty-three comments were received. Forty-seven of the comments opposed the rule on the grounds that the Commission should permit doses greater than 5 rem/yr under unusual circumstances. A final rule will be developed after joint EPA/OSHA/NRC hearings on Federal guidance for occupational radiation protection, and as part of the comprehensive revision of 10 CFR Part 20 (See Agenda item No. 51).

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: This rule will be incorporated into the comprehensive revision to 10 CFR Part 20, scheduled to be issued as a proposed rule in December, 1982.

Contact: Walter S. Cool, Office of Nuclear Regulatory Research, (301) 427–4579.

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22. Protection of Employees Who Provide Information (Parts 19, 30, 40, 50, 70, 71, 150).

Federal Register Citation: March 10, 1980 (45 FR 15184).

Description. The proposed rule would clarify the protection given to employees of licensees, permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This proposed rule is in response to section 10 of Public Law 95–601, which amended the Energy Reorganization Act of 1974 by adding a new section 210, "Employee Protection." This new section identifies specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority to investigate an alleged act of discrimination, and

provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The proposed rule would (1) change the types of information to include not only information on radiological working conditions but also information on antitrust, safety, and security matters, (2) make the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) make employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) make employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) require posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's pre-existing authority under section 161 of the Atomic Energy Act to investigate an alleged discrimination and take appropriate action, for example withholding of a license, suspension of a license, or imposing a civil penalty.

Objective. To provide greater protection for employees of licensees, contractors, etc., who provide information to the NRC.

Background. The comment period closed on May 9, 1980. Twenty-nine comments were received, and they are evenly divided in their support of the rule.

Legal Basis. 42 U.S.C. 2101, 2236, 2282, 5851.

Timetable: Commission action on the final rule is scheduled for June 1982.

Contact: William E. Campbell, Jr., office of Nuclear Regulatory Research, (301) 443–5981.

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23. Transuranic Waste Disposal (Parts 20, 150)

Federal Register Citation: September 12, 1974 (39 FR 32921).

Description. The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States.

Objective. To establish a limit on the disposal of TRU by shallow-land burial.

Background. Comment period ended November 11, 1974; fifteen comments were received. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and the accompanying proposed amendment to the Commission's Part 150 Agreement States rule will be issued.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273, 5842, 5846.

Timetable: Action on the notice withdrawing this proposed rule is scheduled for late 1982.

Contact: Paul H. Lohaus, Office of Nuclear Material Safety and Safeguards, (301) 427–4500.

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24. Codification of Regulatory Guide 8.15 (Part 20)

Federal Register Citation: November 9, 1981 (46 FR 55271).

Codification of Regulatory Guide 8.15 (Part 20)

Description. The proposed rule would amend NRC regulations by eliminating the existing incorporation by reference to Regulatory Guide 8.15 in 10 CFR Part 20 and codifying the provisions of the guide into the text of the regulations. In addition, the proposed rule would make certain minor changes to the existing standard.

Objective. To respond to a request by the Office of the Federal Register that the Commission amend its regulations to eliminate the incorporation by reference of Regulatory Guide 8.15, "Acceptable Programs for Respiratory Protection." The incorporation by reference of Regulatory Guide 8.15 was conditionally reapproved by the Office of the Federal Register on January 1, 1982. This reapproval was limited to one year to permit the NRC to take alternative action.

Background. The comment period closed January 4, 1982. Fourteen comments were received. The use of respirators, when other process, containment, and ventilation equipment and procedures are not practicable, must be carefully controlled. Regulatory Guide 8.15 contains several procedural and technical provisions for an acceptable program including bioassay, air sampling, specifications for high efficiency filters, and the quality of breathing air in supplied-air devices, to list a few. The addition of these items to the regulations is a change of an administrative nature since licensees are not required to comply with the provisions in Regulatory Guide 8.15 because of its incorporated status. The table in Regulatory Guide 8.15 listing protection factors for certain types of respiratory protection devices is being updated in accordance with work done since the guide was published.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2273.

Timetable: EDO action on the final rule is scheduled for April 1982.

Contact: Lynnette Hendricks, Office of Nuclear Regulatory Research, (301) 443–5970.

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25. Irretrievable Well-Logging Sources (Part 30, 70)

Federal Register Citation: September 28, 1978 (43 FR 44547).

Description. The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition.

Objective. To ensure that there is no damage to the source through drilling operations which might result in dispersal of the radioactive material to the biosphere.

Background. The comment period closed November 27, 1978. Ten comments generally supported the proposed regulation. Additional study was required to complete the value/impact analysis.

Legal Basis. 42 U.S.C. 2073, 2111, 2201(b), (i), and (o), 5841.

Timetable: Commission action on the final rule is scheduled for December 1982.

Contact: Donald E. Solberg, Office of Nuclear Regulatory Research, (301) 443–5825.

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26. Exemption of Technetium-99 and Low-Enriched Uranium as Residual Contamination in Smelted Alloys (Part 30, 32, 70, 150)

Federal Register Citation: October 27, 1978 (45 FR 70874).

Description. The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in the recycling of metal scrap contaminated with small amounts of these radioactive materials.

Objective. To remove a requirement that inhibits trade in scrap metal contaminated with small amounts of technetium-90 and low-enriched

uranium and prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials.

Background. The NRC issued the proposed rule in response to a Department of Energy request. The comment period closed December 11, 1980. The NRC received 3,604 comments, almost all opposing the proposed regulation. Public comments are being reviewed. Alternatives to unrestricted release are being considered.

Legal Basis. 42 U.S.C. 2073, 2077, 2111, 2201(b), 2021, 5841, 2273, 2201(o).

Timetable: Commission action on the final rule is scheduled for December 1982.

Contact: Donald E. Solberg, Office of Nuclear Regulatory Research, (301) 443–5825.

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27. Institutional Radiation Safety Committee (Part 35)

Federal Register Citation: April 9, 1979 (44 FR 21023).

Description. The proposed rule would replace the existing requirement for medical institutional licensees to appoint a Medical Isotopes Committee with a new requirement that medical institution licensees appoint a Radiation Safety Committee. The proposed rule would simplify committee membership requirements and focus committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program.

Objective. To emphasize radiation safety within medical institutions and to ease recruiting of qualified committee members for smaller institutions.

Background. The comment period closed June 8, 1979. Sixty comments were received. Approximately one-third favored the rule, one-third opposed, and one-third commented without indicating preference.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: Commission action on the final rule is scheduled for April 1982.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427–4580.

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28. Patient Dosage Measurement (Part 35)

Federal Register Citation: September 1, 1981 (46 FR 43840).

Description. The proposed rule would require specific medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries and (3) keep a record of each measurement. Currently each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would replace the individual licensing conditions with a single regulatory requirement.

Objective. (1) To simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and (2) to enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Background. The comment period closed on November 30, 1981.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: EDO action on the final rule is scheduled for June, 1982.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427–4580.

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29. General Design Criteria for Fuel Reprocessing Plants (Part 50)

Federal Register Citation: July 18, 1974 (39 FR 26293).

Description. The proposed rule would establish general criteria for designing fuel reprocessing plants. The general criteria contains the minimum requirements that an applicant must use in the selection of a principal design criteria for a fuel reprocessing plant. The principal criteria would establish design fabrication, construction, testing, and performance requirements for structures, systems and components important to the safety of the facility.

Objective. To provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public.

Background. This proposed rule was indefinitely deferred based on the Carter administration's policy that commercial reactor fuel will not be reprocessed.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on this proposed rule is unscheduled.

Contact: Charles W. Nilsen, Office of Nuclear Regulatory Research, (301) 443–5910.

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30. Fracture Toughness Requirements for Nuclear Power Reactors (Part 50)

Federal Register Citation: November 14, 1980 (45 FR 75536).

Description. The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to clarify the applicability of the fracture toughness requirements to old and new plants, modify certain requirements of Appendices G and H to Part 50, and simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

Objective. To update existing requirements to be more consistent with current technology and pertinent national standards (ASME Code).

Background. Comment period ended January 13, 1981. Thirteen comments were received. Several comments received from utilities sought more clarification or relief from the proposed requirements.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(i), and 5841.

Timetable: Commission action scheduled for May 1982.

Contact: Neil Randall, Office of Nuclear Regulatory Research, (301) 443–5904.

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31. TMI-Related Licensing Requirements for Pending Operating License Applications (Part 50)

Federal Register Citation: May 13, 1981 (46 FR 26491).

Description. The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would add the basic requirements contained in NUREG–0737 which address the problems of design deficiencies, equipment failure, and human error.

Objective. To codify the requirements of NUREG–0737 "Clarification of TMI-Action Plan Requirements" into the Commission's regulations applicable to operating license applications.

Background. The original comment period closed August 12, 1981. Most of the 50 comments received opposed the proposed rule. This proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG–0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. On November 2, 1981, the Commission

published a notice in the Federal Register (46 FR 54378) which extended the comment period on the proposed rule to November 30, 1981. Two additional comments were received. These comments and the comments made by the ACRS during the October 29, 1981 briefing have been considered in the development of the draft final rule. The proposed final rule has been scheduled for CRGR review and will be discussed with the ACRS in May, 1982.

Legal Basis. 42 U.S.C 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: Commission action on the draft final rule is scheduled for June 1982.

Contact: David M. Verrelli, Office of Nuclear Reactor Regulation, (301) 492–8434.

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32. Reporting of Changes to the Quality Assurance Program (Part 50)

Federal Register Citation: July 2, 1981 (46 FR 34595).

Description. The proposed rule would require holders of nuclear power plant construction permits and operating licenses to implement the approved quality assurance program. The proposal would also require the permit holders and licensees to inform the Commission in writing within 30 days of certain program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission. Because existing regulations do not require that changes to the accepted quality assurance progrm be reported to the Commission, some licensees have changed the quality assurance program without informing the Commission.

Objective. To ensure that quality assurance programs which are approved by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Background. Comment period closed September 8, 1981. Thirty-one comments were received equally divided in their opposition to and support of the proposal.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(o), 5841.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact: Steven D. Richardson, Office of Nuclear Regulatory Research, (301) 443–5942.

33. Safeguards Requirements for Nonpower Reactor Facilities Authorized to Possess Formula Quantities of Strategic Special Nuclear Material (Parts 50, 70, 73)

Federal Register Citation:September 18, 1981 (46 FR 46333).

Description. The proposed rule would establish additional physical security requirements for non-power reactor licensees who possess five formula kilograms or more of strategic special nuclear material (primarily uranium-235 contained in high-enriched uranium (HEU)). These licensees would be required to implement these additional security measures only when the amount of strategic special nuclear material (SSNM) possessed, having an external dose rate not exceeding 100 rem/hour at a distance of three feet from any accessible surface without interventing shielding, equals or exceeds five formula kilograms. However, all non-power reactor licensees authorized to possess five formula kilograms or more of strategic special nuclear material would be required to submit revised physical security plans describing how they would implement the additional requirements if a sufficient amount of the licensee's irradiated fuel falls below the 100 rem/hour at three feet external radiation dose rate exemption level resulting in the licensee possessing a formula quantity of fuel which is not self-protecting. These proposed amendments would replace the currently effective interim requirements in section 73.60 of 10 CFR which were published in the Federal Register on November 28, 1979 (44 FR 68199).

Objective. To provide protection for nonpower reactor licensees authorized to possess formula quantities of SSNM against an insider threat and to require a response by local law enforcement agencies in time to prevent a theft of a formula quantity of SSNM.

Background. The comment period closed on February 15, 1982. Twelve comments were received. Eleven of the comments were from industry and raised questions on several aspects of the rule. One public interest commenter felt the proposed rule was too weak. The rule is being revised based on the comments.

Legal Basis. 42 U.S.C. 2071, 2073, 2133, 2134, 2152, 2201, 2232, 2233, 2236, 2239, 2273, 5841, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for September, 1982.

Contact: Charles K. Nulsen, Office of Nuclear Materials Safety and Safeguards, (301) 427–4181.

34. Anticipated Transients Without Scram (ATWS) (Part 50)

Federal Register Citation: November 24, 1981 (46 FR 57521).

Description. The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking filed by twenty utilities (Electric Utilities Petition, PRM–50–29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking

Objective. To limit the likelihood and severity of a release of radioactivity to the environment as a result of an anticipated transient without scram event.

Background. The Commission believes that the likelihood of severe consequences arising from an ATWS event during the two to four year period required to implement a rule is acceptably small. This judgment is based on (a) the favorable experience with operating reactors, (b) the limited number of operating nuclear power reactors. (c) the inherent capability of some operating Pressurized Water Reactors (PWRs) to partially or fully mitigate the consequences of ATWS events, (d) the partial capability of the recirculation pump trip feature that has been added to all Boiling Water Reactors (BWRs) of high power level to mitigate ATWS events, and (e) the interim steps taken to develop procedures and train operators to further reduce the risk from some ATWS events. The implementation schedule

contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: The final rule is scheduled for Commission action in late 1983.

Contact: David Pyatt, Office of Nuclear Regulatory Research, (301) 443–5960.

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35. Low Power Emergency Planning and Preparedness (Part 50)

Federal Register Citation: December 15, 1981 (46 FR 61132).

Description. The proposed rule would provide that for the issuance of an operating license authorizing only fuel loading and low-power operation (up to 5% of rated power), findings and determinations on the state of off-site emergency preparedness will not be necessary beyond an assessment of those aspects of an applicant's emergency plan which involve off-site elements.

Objective. To clarify and codify the Commissions' position that the emergency preparedness requirements for a low-power license need not be as extensive as those requirements for a full-power operating license.

Background. The comment period closed February 12, 1982. The rule would amend the Commission's regulations in 10 CFR Part 50 to reflect the NRC's position as established in informal staff practice applied in low-power licensing reviews. On the basis of the experience gained in emergency preparedness reviews over the last year, the Commission believes that evaluations of the adequacy of off-site emergency preparedness and the capability of off-site response mechanisms as measured by the requirements of § 50.47 (a) and (b) and Appendix E, are not necessary prior to issuing a low-power license.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, and 2239.

Timetable: Commission action on a final rule is scheduled for April 1982.

Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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36. Emergency Planning and Preparedness; Exercises Required for Low Power Operation (Part 50)

Federal Register Citation: December 15, 1981 (46 FR 61134).

Description. The proposed rule would clarify that full-scale emergency preparedness exercises are part of the operational inspection process and are required prior to operation above 5% of rated power but not for a Licensing Board, Appeal Board, or Commission licensing decision. However, the proposed rule would provide that prior to license issuance a finding must still be made that there is reasonable assurance that the emergency plans can be implemented.

Objective. To clarify the role which the actual conduct of emergency preparedness exercises or the actual state of emergency preparedness would play in initial licensing decisions.

Background. The comment period closed January 4, 1982. In response to requests, the comment period is being extended to January 28, 1982. The Commission proposes to adopt this position for two reasons. First, making the conduct of a full-scale exercise, which includes participation by several Federal, State, and local agencies as well as the applicant, a prerequisite to license issuance would require that, as a practical matter, the exercises be conducted some months before license issuance so that the exercise results can be factored into the informal prelicensing review process and any pending adjudicatory hearings which are considering relevant emergency planning issues. Recent experience indicates that this could result in premature exercises that do not accurately reflect the abilities of the affected agencies. If the exercises are segregated from the prelicensing review, then they can be conducted at a later time during the early phase of operation when equipment and procedures are fully in place and the exercise will more accurately reflect emergency planning capabilities. Second, the actual state of implementation of emergency plans or state of emergency preparedness is something that can vary throughout the term of the license. The nature of NRC's regulatory oversight should be more or less constant throughout the license term, and there should be no special significance attached to the actual state of implementation or preparedness at the time just prior to license issuance. The important point is that exercises should take place early in the plant's lifetime and continue periodically during plant operation.

Legal Basis: 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for April 1982.

Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

37. Immediate Notification Requirement for Operating Nuclear Reactors (Part 50)

Federal Register Citation: December 21, 1981 (46 FR 61894).

Description. The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible and in all cases within one hour of any significant event; that is, an event that could pose a threat to public health and safety. The proposed rule would also clarify the list of reportable significant events contained in the regulations. The current regulations require licensees to notify NRC of certain "significant events". The proposed rule responds to the intent of Congress expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96–295) that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents.

Objective. To require that utilization facility licensees immediately notify the Commission of events that could result in an unplanned release of quantities of fission products in excess of allowable limits and to clarify further the types of significant events that must be immediately reported to the NRC.

Background. The comment period closed on February 12, 1982. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG–0654/FEMA–REP–1 issued November, 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued February 29, 1980; 45 FR 13445) indicte that the notification rule requires clarification. The proposed rule responds to the mandate of Section 201 of the Authorization Act and provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact:
Brian Grimes, Office of Inspection and Enforcement, (301) 492–4614.

Michael J. Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

38. Interim Requirements Related to Hydrogen Control (Part 50)

Federal Register Citation: December 23, 1981 (46 FR 62281).

Description. The proposed rule would require improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs), with ice condenser type containments. All light-water nuclear power reactors not relying on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

Objective. To improve hydrogen control systems for BWRs with Mark III type containments and for PWRs with ice condenser type containments.

Background. The comment period closed on April 8, 1982. In a Federal Register notice published on February 25, 1982 (47 FR 8203), the Commission extended the comment period an additional 45 days.

Legal Basis. 42 U.S.C. 2133, 2134, 2152, 2201, 2232, 2233, 2234, 2236, 2239, 2273, 5841, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for August 1982.

Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, (301) 443–5981.

39. Emergency Planning for Research and Test Reactors (Part 50)

Federal Register Citation: December 31, 1981 (46 FR 63315).

Description. The proposed rule would provide an extension of time for licensees authorized to operate a research or test reactor to submit emergency plans to the NRC for approval. The compliance period would be extended because of time required to reconcile inconsistencies between the regulation and published guidance.

Objective. To provide affected licensees with an extension of time for submitting emergency plans that meet emergency planning and preparedness requirements.

Background. The comment period closed February 1, 1982. The Commission upgraded emergency planning regulations in a final rule on August 19, 1980 (45 FR 55402). The criteria contained in Regulatory Guide 2.6, which was referenced in the final rule as guidance criteria for research and test licensees to use in establishing adequate emergency plans, was not consistent with the requirements of the final rule. The date for compliance with the final rule is being extended to allow additional time for licensees to submit emergency plans that meet the requirements of the rule. Regulatory Guide 2.6 is also being revised to conform to the requirements of the rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for April 1982.

Contact: Steve Ramos, Office of Inspection and Enforcement, (301) 492–9602.

40. Environmental Qualification of Electric Equipment for Nuclear Power Plants (Part 50)

Federal Register Citation: January 20, 1982 (47 FR 2876).

Description. The proposed rule would codify the current NRC practice with respect to environmental qualification of electric equipment and will apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The proposed environmental qualification methods are progressively less strict for older plants.

Objective. To clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification were subject to different interpretations and have not had the legal force of an agency regulation. Codification of the current qualification criteria would provide more uniform guidance to licensees and help assure that electric equipment is able to perform properly throughout its installed life.

Background. The comment period closes March 22, 1982. The requirements for environmental qualification would apply to operating nuclear power plants and all future nuclear power plants. The scope of the proposed rule does not include all electric equipment important to safety in its various gradations of importance. It includes only that portion of electric equipment important to safety, commonly referred to as "Class 1E" equipment in the Institute of Electrical and Electronics Engineers (IEEE) national standards and some additional non-class 1E equipment and systems.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the final rule is scheduled for June 1982.

Contact: Satish K. Aggarwal, Office of Nuclear Regulatory Research, (301) 443–5946.

41. Codes and Standards for Nuclear Power Plants (Part 50)

Federal Register Citation: February 3, 1982 (47 FR 5011).

Description. The proposed rule incorporates by reference the Summer 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. The comment period closes May 5, 1982.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(b) and (i), 5841.

Timetable: Commission action on the final rule is scheduled for September, 1982.

Contact: Edward Baker, Office of Nuclear Regulatory Research, (301) 443–5894.

42. Technical Specifications for Nuclear Power Reactors (Part 50)

Federal Register Citation: March 30, 1982 (47 FR 13369).

Description. The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposal would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety then technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of

disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.

Objective. To improve the safety of nuclear power plant operation by reducing the volume of technical specifications, place more emphasis on the those specifications of high safety significance, and provide more efficient use of NRC and license resources.

Background. Comment period for the advance notice of proposed rulemaking closed September 8, 1980. Thirty-three comments were received. Most comments supported the concepts set forth in the notice. The staff evaluated the comments and drafted a proposed rule. The Commission approved publication of the proposed rule on March 4, 1982. The proposed rule was published in the **Federal Register** on March 30, 1982. The comment period closes June 1, 1982.

Legal Basis. 42 U.S.C. 2201(o).

Timetable: Commission action on the final rule is scheduled for September 1982.

Contact: Donald J. Skovholt, Office of Nuclear Reactor Regulation (301) 492–4446.

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43. Explanation to Table S–3 Uranium Fuel Cycle Environmental Data (Part 51)

Federal Register Citation: March 4, 1981 (46 FR 15154).

Description. The proposed rule provides a narrative explanation of the numercial values established in Table S–3, "Table of Uranium Fuel Cycle Environmental Data", that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S–3 and the conditions governing the use of the table. The table also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would remove environmental impacts addressed in Table S–3 from consideration in individual reactor licensing proceedings for which a generic conclusion can be drawn that they cannot significantly affect the environmental cost-benefit balance for a light-water reactor.

Objective. To clarify the significance of the uranium fuel cycle environmental data contained in Table S–3 and to address important environmental fuel cycle impacts with may be handled generically thereby removing those impacts from consideration in individual licensing proceedings.

Background. The comment period closed May 11, 1981. Of the 11 comments received, three supported the proposal and eight opposed the rule. The narrative explanation to Table S–3, presented in the proposed rule was drawn to the extent possible, from WASH–1248, NUREG–0116, NUREG–0216 and other material in the S–3 hearing record. On July 27, 1979 (44 FR 45362) the Commission set out the revised environmental impact values for the uranium fuel cycle to be included in environmental statements and reports for reactors. That document also announced Commission intention to publish an explanatory narrative that provides the public with quantitative measures of the radiological impacts resulting from the releases of radioactive material specified in Table S–3.

Legal Basis. 42 U.S.C. 2011, 4321.

Timetable: Commission action on the final rule is scheduled for September 1982.

Contact: Glenn A. Terry, Office of Nuclear Material Safety and Safeguards (301) 427–4211.

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44. Disposal of High-Level Radioactive Wastes in Geologic Repositories (Part 60)

Federal Register Citation: July 8, 1981 (46 FR 35280).

Description. The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste.

Objective. To provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Background. The comment period closed November 5, 1981. To date 15 comments have been received. On December 6, 1979, the NRC published for comment in the **Federal Register** (44 FR 70408) proposed licensing procedures for geologic disposal of high-level radioactive wastes. The licensing procedures were published in the **Federal Register** in final form on February 25, 1981 (46 FR 13971). On May 13, 1980, the NRC published in the **Federal Register** (45 FR 31393) an advance notice of proposed rulemaking (ANPRM) which reqested comments on the technical criteria under development by the staff, a draft of which was included in the ANPRM. The technical criteria in the proposed rule are the culmination of a number of drafts, and were developed in light of the comments received on the ANPRM.

Legal Basis. 42 U.S.C. 2021a, 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 4332, 5842, and 5846.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact: Edward O'Donnell, Office of Nuclear Regulatory Research, (301) 427–4639.

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45. Licensing Requirements for Land Disposal of Radioactive Waste (Part 61)*

Federal Register Citation: July 24, 1981 (46 FR 38081).

Description. The proposed rule would specify performance objectives and general requirements for land disposal of radioactive waste, technical requirements for disposal of radioactive waste to near-surface disposal facilities, requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, provisions for consultation and participation in license reviews by state governments and Indian tribes, and procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

Objective. To establish procedures and technical standards and criteria for the licensing of facilities for the land disposal of radioactive wastes.

Background. The comment period closed January 14, 1982. The majority of the 120 comments received supported the proposed rule. An analysis of the comments is currently being circulated for staff review.

Legal Basis. 42 U.S.C. 2021a, 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 5842 and 5846.

Timetable: Commission action on the final rule is scheduled for November 1982.

Contact: R. Dale Smith, Office of Nuclear Material Safety and Safeguards, (301) 427–4433.

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46. Transportation of Radioactive Material—Compatibility with IAEA Regulations (Part 71)

Federal Register Citation: August 17, 1979 (44 FR 48234).

Description. The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Objective. To make NRC regulations for the transportation of radioactive material compatible with those of the IAEA and thus with those of most nuclear nations of the world.

Background. The comment period closed October 16, 1979. Twenty-eight comments have been received, with most generally supporting the proposed rule. More than half of the commenters made suggestions regarding the technical content of the requirements, and several were concerned specifically about the consistency of terminology and requirements among NRC, DOT, and the IAEA.

Legal basis. 42 U.S.C. 2073, 2093, 2111, 2232, 2233, 2273, 5842, and 5842.

Timetable: Commission action on the final rule is scheduled for July 1982.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

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47. Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions (Part 71)

Federal Register Citation: November 13, 1981 (46 FR 55992).

Description. The proposed rule would require that shipments of plutonium by air be contained in a package specifically certified as air crash-resistant. The rule would permit the air shipment of plutonium in other packages if the plutonium is in a medical device for individual human use or if the plutonium is shipped in quantities or concentrations small enough to prevent no significant hazard to the public health and safety, even were the plutonium released in an air crash. This rule was developed in response to an amendment to the NRC Authorization Act for Fiscal Year 1976, Public Law 94–79, which was passed on August 9, 1975. This amendment, known as the "Scheuer Amendment," prohibited the air transport of plutonium, except in medical devices, until the NRC certified to the Congress that an air crash-resistant package had been developed. On August 4, 1978, the Commission certified to the Congress that a package (Model PAT–1) would fulfill the requirements of the Scheuer Amendment. Now that the NRC plutonium air transport package certification program has been completed, the NRC has issued this proposed rule which would implement the mandate of Congress. All NRC licensees authorized to transfer plutonium are subject to the provisions of this proposed rule.

Objective. To require that plutonium transported by air in quantities or concentrations that pose a significant hazard to the public health and safety if released be shipped only in packages certified by the NRC as crash resistant.

Background. The comment period closed on January 12, 1982.

Legal Basis. 42 U.S.C. 2073, 2201, 5841.

Timetable: Commission action on the final rule is scheduled for October 1982.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

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48. Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part 73)

Federal Register Citation: March 12, 1980 (45 FR 15937).

Description. The proposed rule would require (1) the designation of vital areas (to allow vital islands), (2) access to vital islands, (3) the protection of certain physical security equipment, (4) key and lock controls, and (5) searches of hand-carried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection.

Objective. To Clarify several safeguards policy issues pertaining to nuclear power plant security.

Background. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published March 12, 1980 (45 FR 15937). Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This revised proposed rule will provide a balanced safeguards approach providing for a level of protection equivalent to that of the present requirements.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the revised proposed rule is scheduled for June 1982.

Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

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49. Searches of Individuals at Power Reactor Facilities (Part of Insider Rule Package) (Part 73)

Federal Register Citation: December 1, 1980 (45 FR 79492).

Description. The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down searches of employees would be required in certain situations.

Objective. To standardize the search procedures at the entry portals to protected areas of power reactor facilities.

Background. The comment period closed on January 15, 1981. Approximately 30 comments were received, and they were about evenly divided in their support for or opposition to the proposed rule. The staff is considering changes to the proposed rule which, in the final rule, would require utility employees and contractors who have been successfully screened in accordance with the requirements included in the proposed

rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published in the Federal Register on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical ("pat-down") searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for June 1982.

Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, (301) 427–4010.

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50. Physical Protection of Intransit Special Nuclear Material of Moderate Strategic Significance (Part 73)

Federal Register Citation: June 15, 1981 (46 FR 31267).

Description. The proposed rule would amend the NRC's physical protection regulations for special nuclear material (SNM) of moderate strategic significance to require licensees who transport this material to improve their safeguards capabilities for early detection of attempted theft of this material while it is intransit. These improvements include (1) the use of locked cargo compartments and temporary storage areas, (2) frequent enroute telephone communications, and (3) employment of exclusive use trucks or high surveillance signature service. The NRC has been concerned that multiple thefts of SNM of moderate strategic significance could result in the accumulation by an adversary of a formula quantity of strategic special nuclear material (SSNM). To prevent multiple thefts of less than formula quantities of SSNM, the NRC considers it necessary to improve licensee capabilities for early detection of thefts of intransit SNM of moderate strategic significance. Early detection of the loss or theft of a shipment of SNM of moderate strategic significance would provide time for the NRC to alert other licensees possessing similar types and quantities of material at fixed sites to delay any planned shipments or begin trace procedures for any shipment in progress.

Objective. To improve licensee safeguards capabilities for early detection of attempted theft of special nuclear material while it is intransit.

Background. The comment period closed August 15, 1981. Eight comments were received. The commenters were generally opposed to the requirements as being too severe. The Commission requested that LEU shipments be excluded from the additional security requirements contained in this rule.

Legal Basis: 42 U.S.C. 2073, 2201, 2273, 5841.

Timetable: Commission approved the final rule on March 18, 1982.

Contact: Charles K. Nulsen, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

C—Advance Notices of Proposed Rulemaking

Rules that have been published previously as advance notices of proposed rulemaking and for which neither a proposed nor final rule has been published.

51. Standards for Protection Against Radiation (Part 20)

Federal Register Citation: March 20, 1980 (45 FR 18023).

Description. The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Objective. To incorporate developments in radiation protection that have occurred since NRC radiation protection standards were issued in their present form.

Background. The comment period on the advance notice of proposed rulemaking closed June 18, 1980. Seventy-one comments were received. Although approximately 90% favored the proposal, industry comments generally reflect the view that current radiation protection standards are adequate. The staff is developing a proposed revision of Part 20.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201(b), (i), and (o), 2273, 5841, 5842.

Timetable: Commission action on the proposed rule is scheduled for December 1982.

Contact: Robert E. Baker, Office of Nuclear Regulatory Research, (301) 427–4570.

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52. Performance Testing of Personnel Dosimetry (Part 20)

Federal Register Citation: March 28, 1980 (45 FR 20493).

Description. The advance notice of proposed rulemaking sought comment on a proposal that would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service which is certified by a testing laboratory, approved by, or specified by the NRC.

Objective. To improve the accuracy and consistency of reported occupational radiation dose measurements by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees.

Background. The comment period on the advance notice of proposed rulemaking (ANPRM) closed June 27, 1980. The ANPRM summarized the results of the pilot study of dosimetry processors against a draft ANSI standard, N13.11, on performance testing of dosimetry processors and outlined four possible alternatives for the operation of a testing laboratory. As described in the ANPRM this program would involve an amendment to 10 CFR Part 20 which would establish a program of this type. The performance standard to be used in this testing program would be the final ANSI N13.11 standard. The competency of any proficiency testing laboratory would be monitored by the National Bureau of Standards (NBS). The four alternative methods for operation of a testing and certification laboratory include: (1) Unspecified Laboratory(s). This alternative would not name the testing laboratory(s). The processors and users would thereby be left to their own initiatives to establish one or more testing laboratories. The NRC would have no control over the laboratory(s), except through regulations applying to NRC licensees. NRC licensees could only obtain personnel dosimetry results from a processor who complies with these conditions; (2) NRC-Operated Laboratory. This alternative indicates that the testing laboratory would be a Government facility managed and operated by NRC employees; (3) NRC-Contracted Laboratory. This alternative describes a performance testing laboratory which would be operated by an NRC contractor, using the contractor's facilities; (4) Federal Government (non-NRC) Operated Laboratory. This testing laboratory would be operated by an agency of the Federal Government other than the NRC, preferably by one of the agencies experienced in laboratory testing work, and would be Government-owned. Existing expertise could be utilized, or qualified personnel could be employed. Most of the 31

comments received on the ANPRM favor a regulatory program for improving dosimeter accuracy. During the comment period, a fifth alternative was identified which would require NRC licensees to obtain personnel dosimetry processing services from an accredited processor. The NRC has held discussions with the DOC to examine the feasibility of accrediting personnel dosimetry processors through the National Voluntary Laboratory Accreditation Program (NVLAP) within the National Bureau of Standards (NBS). NVLAP accreditation would be based on three primary elements: (1) proficiency testing of personnel dosimetry processors in accordance with ANSI N13.11 to be performed by an NBS contracted laboratory; (2) information collected from the personnel dosimetry processor by questionnaire, and (3) onsite survey of routine dosimetry processing and QA techniques. This fifth alternative was described in detail in a letter sent to all known dosimetry processors and other interested persons. This letter was also included in a **Federal Register** notice published by the Department of Commerce (DOC) on January 29, 1981 (46 FR 9689). This notice also included a letter to the DOC from the NRC staff requesting that the DOC work with the NRC to establish a Laboratory Accreditation Program for Personnel Dosimetry Processors. The DOC has legislative authority to establish accreditation programs for Federal agencies when the need for a program is requested and documented. Nineteen comments were received on this fifth alternative, and they were unanimous in selecting this alternative. Public meetings were held May 28 and 29, 1980 to obtain further comments on the ANPRM and to discuss elements of quality assurance program for personnel dosimetry processors. The NRC and the NBS signed an Interagency Agreement on July 17, 1981, for the establishment of a Laboratory Accreditation Program for Personnel Dosimetry Processors.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2134, 2201, 2273, 5841, and 5842.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Nancy A. Dennis, Office of Nuclear Regulatory Research, (301) 443–5970.

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53. Decommissioning Criteria for Nuclear Facilities (Parts 30, 40, 50, 70, 72)*

Federal Register Citation: March 13, 1978 (43 FR 10370).

Description. The advance notice of proposed rulemaking seeks comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees.

Objective. To protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Background. The comment period on the advance notice of proposed rulemaking closed July 15, 1978. The majority of the 69 comments received supported the proposal. State workshops were held in September, 1978 and 1979. Notice of the availability of a draft generic environmental impact statement was published on February 10, 1981. The comment period on the environmental impact statement closed April 22, 1981.

Legal Basis. 42 U.S.C 2201.

Timetable: Commission action on the proposed rule is scheduled for October 1982.

Contact: Keith G. Steyer, Office of Nuclear Regulatory Research, (301) 443–5910.

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54. Upgraded Emergency Preparedness Procedures for Certain Fuel Cycle and Materials Licensees (Parts 30, 40, 70)

Federal Register Citation: June 3, 1981 (46 FR 29712).

Description. The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that the emergency preparedness planning and coordination are sufficient to minimize the danger to public health and safety.

Objective. To minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees.

Background. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary. Having strengthened requirements for nuclear power reactors, NRC is considering strengthening emergency prepareness requirements for certain fuel cycle and materials licensees.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for July, 1982.

Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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55. Design of Radiographic Exposure Devices (Part 34)

Federal Register Citation: March 27, 1978 (43 FR 12718).

Description. The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment.

Objective. To reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure.

Background. The comment period closed May 26, 1978. A public hearing was held April 18, 1978. Thirty-three comments were received generally favoring some type of equipment standard. Most users favored the proposal with little reservation. Manufacturers expressed no consensus on the particular features on the radiographic exposure devices that should be regulated. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for July, 1982.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

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56. Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Plants (Part 50)

Federal Register Citation: December 6, 1978 (43 FR 57157).

Description. The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency core cooling systems (ECCS) in light-water cooled nuclear power plants. Specifically, some of the questions to be commented on are (1) under what circumstance should corrections to ECCS models be used during licensing review without necessitating complete reanalysis of a given plant or an entire group of plants (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes and, (3) how should safety margins be quantified and how can acceptable safety margins be specified.

The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Objective. To modify the existing ECCS rule with technical and nontechnical changes. The technical changes would include new research information; nontechnical change would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant.

Background. The comment period closed March 5, 1979. Twenty-nine comments were received. Majority of comments favored the rule. Work on the rule was deferred, pending an assessment of Three Mile Island accident and its impact on ECCS rule. In June, 1981, the General Electric Corporation met with staff to discuss proposed changes to the rule.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the proposed rule scheduled for June 1982.

Contact: Mort Fleishman, Office of Nuclear Regulatory Research, (301) 443–5981.

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57. Storage and Disposal of Nuclear Waste (Parts 50, 51)

Federal Register Citation: October 25, 1979 (44 FR 61372).

Description. The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of; (2) to determine whether disposal or off-site storage will be available prior to expiration of facilities' licenses or if not, whether radioactive wastes can be stored on-site past the expiration of existing facility licenses. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *State of Minnesota* v. *NRC*, Nos. 78–1269 and 78–2032 (May 23, 1979) but also is a continuation of previous proceedings conducted by the Commission on this subject July 5, 1977 (42 FR 34391).

Objective. To reassess the Commission's degree of confidence that licensees can safely dispose of radioactive wastes produced by nuclear facilities.

Background. The comment period closed November 26, 1979. Approximately 50 participants filed statements of position. The Commission instructed the working groups to provide a summary of the record and identify issues and controversies. The working group prepared a report summarizing the comments and identified 26 major issues in controversy. Comments on the report were received from 24 participants. On January 11, 1982, the Commission heard oral presentation from four consolidated participant groups.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, and 2233.

Timetable: Commission action on the proposed rule is scheduled for May 1982.

Contact: Leo Slaggie, Office of the General Counsel, (202) 634–3224. Sheldon Trubatch, Office of the General Counsel, (202) 634–3224.

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58. Modification of the Policy and Regulatory Practice Governing the Siting of Nuclear Power Reactors (Parts 50, 51, 100)

Federal Register Citation: July 29, 1980 (45 FR 50350).

Description. The advance notice of proposed rulemaking seeks comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would also establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509).

Objective. To ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety and to obtain public comment on seven of the nine recommendations contained in NUREG–0625, "Report of the Siting Policy Task Force."

Background. The comment period on the advance notice of proposed rulemaking closed September 29, 1980. Notice of intent to prepare an environmental impact statement was published December 2, 1980 (45 FR 79820). The comment period on the notice of intent closed January 16, 1981. Seventy comments were received on the advance notice and 35 comments on the notice of intent to develop an environmental impact statement. The staff is continuing the analysis of comments received. This rulemaking also considers recommendations contained in Petitions for Rulemaking 50–20 filed by Free Environment Inc., *et al.* on May 19, 1977 (42 FR 25785) and 100–2 filed by Public Interest Research Group, *et al.* on July 1, 1976 (41 FR 27141).

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

Timetable: Commission action on the proposed rule is scheduled for December 1983.

Contact: William R. Ott, Office of Nuclear Regulatory Research, (301) 427–4078.

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59. Severe Accident and Rulemaking (Part 50)

Federal Register Citation: October 2, 1980 (45 FR 65474).

Description. The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the costs of the design improvements compared to expected benefits.

Objective. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melting events both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Background. The comment period closed December 31, 1980. Forty-six comments were received. A majority of the comments expressed opposition to the staff's proposal. The staff completed review of the comments in preparation for the start of preliminary rule drafting. An outline of actions planned by the staff was submitted to the Executive

Director for Operations on April 1, 1981. A briefing on the status and plans for Severe Accident Rulemaking was given to the Commission on January 6, 1982. The staff is revising the plan in response to the Commission's comments.

Legal Basis. 42 U.S.C. 2201.

Timetable: Final action on this rule is scheduled for 1985 with a policy statement expected to be published during 1982.

Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, (301) 443–5981.

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60. Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit (Part 50)

Federal Register Citation: December 11, 1980 (45 FR 81602).

Description. The advance notice of proposed rulemaking seeks comments on a proposal that would define more clearly the limitations on the changes a construction permit holder may make in a facility during construction. The proposal is intended to improve the present licensing process and develop specific descriptions of essential facility features to which a construction permit holder is bound.

Objective. To make the procedure for facility licensing more predictable by specifying the information to which a construction permit holder should be bound and controlling the ways a construction permit holder implements NRC criteria.

Background. The comment period on the advance notice of proposed rulemaking closed February 9, 1981. A majority of the 24 comments received were filed by industry, opposed the proposal, and recommended maintaining current procedures.

Legal Basis. 42 U.S.C. 2201(p).

Timetable: Commission action on the proposed rule is scheduled for September 1982.

Contact: William E. Campbell, Office of Nuclear Regulatory Research, (301) 443–5860.

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61. Operational Experience Data Reporting (Part 50)

Federal Register Citation: October 6, 1981 (46 FR 49134).

Description. The advance notice of proposed rulemaking requested public comment on a proposed rule that would revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC operated voluntary reporting system in which nuclear power plants provide primarily data concerning single reactor component failure events experienced by licensees. In addition, in this advance notice the Commission endorsed the Institute for Nuclear Power Operations (INPO) plan to assume responsibility for management of the existing equivalent industry program, the Nuclear Plant Reliability Data System (NPRDS).

Objective. To provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the safety of selected systems of these reactors.

Background. The comment period closes November 17, 1981. A total of six responses were received. One letter expressed opposition to the proposed rulemaking but was based at least in part upon a misconception of the proposed rule. Two letters provided the results of other LER studies and three letters endorsed the NRC decision to defer the IOERS rulemaking. The Commission, in a previous advance notice of proposed rulemaking, January 15, 1981 (46 FR 3541), stated its intention to integrate the NPRDS with the LER system to form a single, mandatory event reporting system for power reactor licensees. On July 8, 1981, INPO announced plans to assume responsibility for the management and the technical direction of the NPRDS. As a result, the Commission has decided to defer rulemaking on the integrated reporting system and to develop a proposed rule which would modify and codify the existing LER system.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission approved the proposed rule on March 25, 1982.

Contact: Frederick Hebdon, Office of Analysis and Evaluation of Operational Data, (301) 492–4730.

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62. Material Control and Accounting Requirements for Facilities Possessing Formula Quantities of Strategic Special Nuclear Material (Part 70)

Federal Register Citation: September 10, 1981 (46 FR 45144).

Description. The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). These proposed regulations are currently being considered for application to future spent fuel reprocessing plants. These amendments would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

Objective. To permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) if an actual loss occurred, facilitating the recovery of the lost material by providing evidence regarding the source of the loss, and (4) long-term assurance that no significant loss has occurred.

Background. The comment period closed February 9, 1982. Fourteen comments were received with approximately half of the commenters supporting the options designed to achieve more timely detection (options 3 thru 5). The other commenters favored retaining current procedures.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for March 1983.

Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, (301) 427–4181.

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63. Seismic and Geologic Siting Criteria for Nuclear Power Plants (Part 100)

Federal Register Citation: January 19, 1978 (43 FR 2729).

Description. The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state-of-the-art of earth sciences.

Objective. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions.

Background. The comment period closed March 1, 1978. Thirty-four comments were received. Nearly all comments supported preparation of a proposed rule to revise the siting criteria. Development of a proposed rule has been substantially delayed due to the allocation of staff to higher priority

work. The staff intends to begin initial rulemaking activities in March, 1983.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 5842.

Timetable: Commission action on a proposed rule is scheduled for 1986.

Contact: Leon L. Beratan, Office of Nuclear Regulatory Research, (301) 427–4370.

D—Unpublished Rules

Rules that have not been published previously and on which the NRC is considering to take action.

64. Jurisdiction of Adjudicatory Boards (Parts 1, 2)†

Federal Register Citation: Not yet published.

Description. The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of its adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the boards' authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

Objective. To make explicit the jurisdiction of the Commission's adjudicatory boards to hear and decide Part 70 matters arising during the course of an operating license proceeding.

Background. In a recent operating license proceeding, the licensing board conducting the proceeding declined to rule on a request for a Part 70 cold fuel license. this necessitated a Commission order appointing that same board to rule on the request. The proposed rule change would eliminate the potential for this circuitous and time-consuming procedure.

Legal Basis. 42 U.S.C. 2201, 2241.

Timetable: Commission action on the final rule is unscheduled.

Contact: William M. Shields, Office of the Executive Legal director, (301) 492–8693.

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65. Rules of Practice—Appeals from Intervention Rulings and Objections to Special Prehearing Conference Orders (Part 2)

Federal Register Citation: Not yet published.

Description. The final rule would clarify the appropriate procedure for appealing a special prehearing conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. Specifically, the amendment to § 2.751a(d) states that for all questions falling within the ambit of § 2.714a, an unsuccessful petitioner for intervention (or a party contending that an intervention petition should have been wholly denied) can challenge a special prehearing conference order only by way of appellate review under § 2.714a, and cannot file objections under § 2.751(d).

Objective. To clarify the method for appealing the grant or denial of a petition for leave to intervene in a nuclear power reactor licensing proceeding.

Background. The Rules of Practice are presently silent on the relationship, if any, between obtaining reconsideration of intervention rulings via § 2.751a(d) objections and seeking appellate review of these rulings under § 2.714a. This amendment clarifies this relationship by allowing challenges to a special prehearing conference order granting or denying a petition for leave to intervene only through existing avenues for appeal of intervention rulings.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the final rule is scheduled for April 1982.

Contact: Bruce A. Berson, Office of the Executive Legal Director, (301) 492–7678.

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66. Management of Discovery (Part 2)

Federal Register Citation: Not yet published.

Description. The final rule would expand the authority for the presiding officer in an NRC adjudicatory proceeding to act on his or her own initiative to control discovery by setting guidelines for its use and imposing sanctions for its abuse.

Objective. The final rule would reduce unnecessary discovery and eliminate undue burdens on limited NRC staff resources.

Background. This rule is a part of the Commission's continuing efforts to expedite the NRC hearing process with due regard for the rights of the parties. The Commission has published two other rules which addresses the issue of expediting the hearing process (See pp. 4 and 26).

Legal Basis. 42 U.S.C. 2201(p), 2231, 2241, 5841.

Timetable: Commission action on the proposed rule is scheduled for May 1982.

Contact: B. Paul Cotter, Jr., Atomic Safety and Licensing Board Panel, (301) 492–7814.

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67. Standards for Determining Whether License Amendments Involve No Significant Hazards Consideration (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The final rule would specify standards for the NRC staff to use in determining whether amendments to operating licenses or construction permits for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule (published in Federal Register March 28, 1980 (45 FR 20491)).

Objective. To improve the licensing process by amending the Commission's regulations to incorporate standards for the staff to apply in making a determination as to whether a proposed amendment to an operating license or to a construction permit for certain facilities involves no significant hazards consideration.

Background. This final rule would complete the Commission's actions on this subject. The proposed rule was published in response to petition for rulemaking PRM–50–17 (see notice of receipt of petition, June 14, 1976 (41 FR 24006)). The comment period for the proposed rule closed May 27, 1980. Ten comments were received. A majority of the comments opposed the rule as proposed. A court decision in *Sholly* v. *NRC*, 651 F.2d 780 (1980), rehearing denied 651 F.2d 792 (1980) and legislation pending in Congress have influenced this rulemaking.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97–xxx.

Timetable: Congressional action on pending legislation is expected late in 1982, with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY–82 Authorization Bills as S. 1207 and H.R. 4255.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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68. Criteria for Notice and Public Comment and Procedures for State Consultation on License Amendments Involving No Significant Hazards Consideration (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would specify criteria for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses or to construction permits for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the

licensee requesting the amendment is located.

Objected. To specify the procedures for prior notice and public comment and for consultation with States when the Commission acts on proposed amendments to operating licenses and construction permits involving a "no significant hazards consideration" for a nuclear power plant. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment of an operating license require a prompt response.

Background. Pub. L. 97–xxx (now pending with Congressional action expected late in 1982) contains the requirement that the Commission promulgate regulations to provide criteria for prior notice and public comment and procedures for consultation with States on the issue of "no significant hazards consideration".

Legal Basis. 42 U.S.C. 2201; Pub. L. 97–xxx.

Timetable: Congressional action on pending legislation is expected late in 1982, with Commission action to follow immediately thereafter. The legislation is now reported in NRC FY–82 Authorization Bills as S. 1207 and H.R. 4255.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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69. Interim Operating Licenses (Parts 2, 50)

Federal Register Citation: Not yet published.

Description. The final rule would permit the Commission to issue an interim operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This interim operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license.

Objective. To speed the licensing process by authorizing utilities which have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Prior to enactment of Pub. L. 97–XXX, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete.

Background. Estimates of the cost to utilities and their customers for this type of licensing delay, even if limited to the cost of replacement power, range of tens of millions of dollars per month for each completed plant. To relieve the burden of these delays, the Commission, on March 18, 1981, submitted a legislative proposal to amend the Atomic Energy Act to provide for an interim operating licensing authorizing fuel loading and low-power operating and testing as described above. Pub. L. 97–XXX and these regulations are the results of this action.

Legal Basis. 42 U.S.C. 2201; Pub. L. 97–xxx.

Timetable: Congressional action on pending legislation is expected in the Spring 1982, with Commission action to follow. The authority is included in the NRC FY–83 Authorization Bills, H.R. 2330 as passed by the House on November 5, 1981, and S. 1207, as reported.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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70. Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information (Part 10)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise criteria and procedures for determining eligibility for access to restricted data for NRC employees and licensee personnel who possess formula quantities of special nuclear material. The revisions are needed to (1) modify certain types of derogatory information that would raise a question of eligibility for access authorization and/or security clearance, (2) provide for hearings to be conducted by a Hearing Examiner rather than a Personnel Security Board, and (3) clarify and make more concise several of the procedures relating to resolving questions of eligibility.

Objective. To update criteria and procedures for determining eligibility for access to restricted data or national security information by refining the categories and relevancy of information considered and to enhance the application of due process procedures.

Background. This draft proposed rule was completed in December 1981. A draft of the proposed rule and the associated Commission Paper are being circulated for NRC concurrence.

Legal Basis. 42 U.S.C. 2165, 2201, 5841; E.O. 10450; E.O. 10865.

Timetable: EDO action on the proposed rule is scheduled for April 1982.

Contact: Raymond J. Brady, Office of Administration, (301) 427–4472.

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71. Clarification of Inspection Procedures (Parts 19, 21, 30, 40, 50, 70, 71, 73, 110)

Federal Register Citation: Not yet published.

Description. The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards-related equipment and procedures at licensee facilities, (2) copy and take away copies of licensed records, and (3) specify the retention period for licensee physical security records.

Objective. To clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

Background. The staff is developing the proposed rule in response to objections and questions raised by power reactor licensees regarding NRC's authority to conduct inspections of a licensee's safeguards program. The NRC feels that lack of clear authority could adversely affect its ability to conduct effective inspections.

Legal Basis. 42 U.S.C. 2073 and 2207.

Timetable: Commission action on proposed rule is scheduled for May 1982.

Contact: Jerry D. Ennis, Office of Nuclear Regulatory Research, (301) 443–5976.

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72. Reports of Theft or Loss of Licensed Material (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring all losses or thefts of licensed material be reported to the NRC.

Objective. To require reporting of all losses or thefts of licensed material without regard to licensee's judgement concerning the existence of a substantial hazard.

Background. The staff completed an initial draft of the proposed rule on July 30, 1981.

Legal Basis. 42 U.S.C. 2073.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Donald Nellis, Office of Nuclear Regulatory Research, (301) 443–5825.

73. Occupational ALARA Rule (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would require NRC licensees to develop and use means to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulation which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation as-low-as-is-reasonably-achievable (ALARA).

Objective. To further control occupational radiation exposures by requiring them to be maintained as low as reasonably achievable (ALARA) using means that are subject to NRC inspection and enforcement. The amendment under consideration would require licensees who are required by the NRC to monitor personnel radiation exposures, radioactive materials in air, or radioactive materials in the body or excreted from the body to develop and implement individual radiation protection programs including means for maintaining occupational radiation doses ALARA and, thereby, establish a regulatory base of reducing worker radiation doses.

Background. The Commission believes that a reduction in the occupational collective (manrem) dose received in connection with NRC licensed activities can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

Legal Basis. 42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2133, 2134, and 2201.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Jack M. Bell, Office of Nuclear Regulatory Research, (301) 443–5970.

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74. Monitoring of Packages Containing Radioactive Materials Upon Receipt by Licensees (Part 20)†

Federal Register Citation: Not yet published.

Description. The proposed rule would: (1) Provide requirements for the receipt and monitoring by licensees of packages which contain more than one-third of an A_1 quantity of nuclear material. An A_1 quantity is nuclear material in special form which, if its package is damaged, the material would not disperse, although it could pose a radiological threat, except an A_1 quantity transported by exclusive use vehicles. (2) Remove the existing requirement to determine the surface radiation level on certain incoming radioactive packages. (3) Add a general package monitoring requirement for packages which do not require direct monitoring under existing NRC regulations in § 20.205.

Objective. To provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

Background. In May 1979, the General Accounting Office (GAO) issued a report entitled "Federal Actions are Needed to Improve Safety and Security of Nuclear Material Transportation" (EMD–79–18) which recommended that the NRC modify § 20.205 to broaden its requirements for the monitoring of external radiation levels of packages not covered by the existing regulations. In NRC's response to this report, NRC stated that the requirement in § 20.205 would be reexamined and that other portions of NRC's regulations which may require modification would also be examined.

Legal Basis. 42 U.S.C. 2201, 5842.

Timetable: Commission action on the proposed rule is scheduled for July 1982.

Contact: Steven Bernstein, Office of Nuclear Regulatory Research, (301) 443–5825.

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75. Radiation Protection Instrument Test and Calibration (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would require any licensee, other than radiographers, which uses portable survey instruments to test the instrument prior to use to determine its accuracy and to calibrate it when necessary. The proposed rule would establish criteria for licensees to apply to their licensed activities and would place compliance on an enforceable, regulatory basis.

Objective. To improve the accuracy of measurements made with hand-held radiation survey meters, thereby improving worker protection against radiation.

Background. The staff is in the process of developing a draft of the proposed rule.

Legal Basis. 42 U.S.C. 2111, 2201.

Timetable: Commission action on the proposed rule is scheduled for April 1983.

Contact: Robert B. Neel, Office of Nuclear Regulatory Research, (301) 443–5970.

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76. Performance Testing for Health Physics Survey Instruments (Part 20)*

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards.

Objective. To improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Background. The staff has not yet begun work on the advance notice of proposed rulemaking. A draft standard suitable for testing has been completed. The standard will be tested under a contract jointly funded and managed by NRC and DOE. Testing will begin in fiscal year 1982.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201(b), (i) and (o), 2273, 5841, 5842.

Timetable: Commission action on the advance notice of proposed rulemaking is scheduled for September 1983.

Contact: James A. Jones, Office of Nuclear Regulatory Research, (301) 443–5970.

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77. Performance Testing for Bioassay Labs (Part 20)

Federal Register Citation: Not yet published.

Description. The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce

unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity.

Objective. To improve accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material.

Background. An expert committee of the Health Physics Society has written a draft standard. The NRC has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program. A draft proposal will be developed after the performance testing study has developed sufficient information.

Legal Basis. 42 U.S.C. 5841.

Timetable: Commission action on the proposed rule is scheduled for April 1984.

Contact: Allen Brodsky, Office of Nuclear Regulatory Research, (301) 443–5970.

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78. Reporting of Defects and Noncompliance (Part 21)*

Federal Register Citation: Not yet published.

Description. The proposed rule would revise a substantial portion of Part 21 of the Commission's regulations to permit more effective reporting of defects and noncompliance and to improve NRC's inspection and enforcement actions. Part 21 requires any individual, director, or responsible officer of a firm which constructs, owns, operates, or supplies the components of any facility or activity which is licensed or otherwise regulated by the NRC to notify the NRC immediately of the failure, or the potential for failure, of any facility, activity, or basic component supplied to a facility, to comply with NRC requirements. This rule is in response to Task II.2.4. of the TMI Action Plan, which identified the need for improved identification of safety-related problems at licensed facilities.

Objective. To obtain more uniform reporting, and earlier identification and correction of, safety problems at NRC-licensed facilities and in NRC-licensed activities.

Background. NRC experience in inspecting licensed facilities and activities indicates that many problems exist in implementing the requirement that defects and noncompliance be reported to the NRC. This problem exists particularly with programs and activities involving non-licensed personnel.

Legal Basis. 42 U.S.C. 2201(p), 5846.

Timetable: Commission action on the proposed rule is scheduled for December 1982.

Contact: Francis X. Cameron, Office of Nuclear Regulatory Research, (301) 443–5981.

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79. Access to and Protection of National Security Information and Restricted Data (Parts 25, 95)

Federal Register Citation: Not yet published.

Description. The proposed rule would modify the requirements for requesting access authorizations for those individuals who already possessed access authorizations on the effective date of Part 25 and establish a requirement to maintain records concerning visits to and from affected licensed facilities involving classified information. In Part 95, the proposed rule would also provide additional guidance to affected licensees for handling classified drafts of documents and working papers as well as additional guidance for obtaining approvals for the security of telecommunications and ADP systems where classified information is involved. The requirements for submitting reports on classification/declassification actions and authority citations are also being modified. Other amendments of an updating or clarifying nature are also being proposed.

Objective. To eliminate any possible misinterpretation or misunderstanding regarding information and forms required for access authorization requests and assure that adequate visit records are maintained. To assure proper protection of information determined to be National Security Information or Restricted Data based on NRC's "Classification Guide for Safeguards Information." To assure that other portions of this rule are up-to-date and clearly understood.

Background. The final rule establishing procedures for access to and protection of National Security Information and Restricted Data (Parts 25 and 95) was published March 5, 1980 (45 FR 14476). These proposed amendments will further clarify and update the final rule.

Legal Basis. 42 U.S.C. 2165, 2201, 5841, E.O. 10865 and E.O. 12065.

Timetable: The proposed rule is scheduled for office review in April 1982. Commission action on the proposed rule is scheduled for June 1982.

Contact: Raymond J. Brady, Office of Administration, (301) 427–4472.

80. Clarified Requirements for Terminating a License (Parts 30, 40, 70)

Federal Register Citation: Not yet published.

Description. The proposed regulation clarifies the requirements for license termination. The proposed amendments state that for specific material licenses the licensee must apply for license renewal or notify the Commission in writing of intent to permanently stop operations at least 30 days before the license expiration date. Licenses issued to possess and use sealed nuclear materials or unsealed byproduct material with a half-life of 30 days or less would be terminated automatically following submittal of a report describing disposal of the materials. Licenses issued to possess and use unsealed nuclear materials with a half-life over 30 days would be terminated only on written notice from the Commission. The proposed rule is necessary to clarity that a licensee's responsibility for nuclear materials is not terminated on the date the license expires.

Objective. To clarify that a licensee's responsibility for nuclear materials is not terminated on the date its license expires. To prevent potential misinterpretation of the regulations and to ensure that the Commission can verify that licensed materials are properly disposed of and formerly used facilities and sites are properly decontaminated before a licensee's responsibility is terminated.

Background. A licensee could misinterpret current regulations as permitting the licensee to dispose of nuclear materials, notify the Commission of intent to discontinue operations, allow the license to expire, and vacate the plant and site. This could result in radioactivity in excess of NRC criteria for release for unrestricted use. The proposed rule would clarify requirments for termination of a licensee's responsibility for nuclear materials.

Legal Basis. 42 U.S.C. 2071, 2073, 2092, 2093, 2094, 2095, 2111, 2112, 2113, 2114, 2201, 2232, 2233, 2236, 2282, 5842, 5846.

Timetable: Commission action on the proposed rule is scheduled for April 1982.

Contact: William R. Pearson, Office of Nuclear Regulatory Research, (301) 443–5910.

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81. Periodic and Systematic Reevaluation of Parts 30 and 32 (Parts 30, 32).

Federal Register Citation: Not yet published.

Description. The proposed rule would republish in their entirety the rules applicable to all persons in the U.S. governing domestic licensing of byproduct material and exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices to help the reader find significant material within the several sections of 10 CFR Part 30.

Objective. To simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Background. On January 23, 1981 (46 FR 7388), the NRC published in the **Federal Register** a notice of comprehensive review of its regulations (10 CFR Ch. I) and attached to the notice a preliminary schedule for conducting the review over the following five years. This proposed rule is in response to Commission approval of Task IV.G.2. of the TMI Action Plan.

Legal Basis. 42 U.S. 2111, 2201, 2232, 2233, 2234, 5846.

Timetable: Commission action on the proposed rule is scheduled for Janaury 1983.

Contact: James J. Henry, Office of Nuclear Regulatory Research, (301) 443–5981.

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82. Certification of Industrial Radiographers (Part 34)

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking would require all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training.

Objective. To assure that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Background. Notice of receipt of a petition for rulemaking on the subject of licensing radiographers was published in the **Federal Register** on August 4, 1978 (43 FR 34653). The comment period closed October 3, 1978. Eleven comments were received on the petition. The comments generally opposed a licensing program. An advance notice of proposed rulemaking is being developed to elicit a wider range of response on the proposed action.

Legal Basis. 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201(b), (i) and (o), 2273, 5841, 5842.

Timetable: Commission approved advance notice of proposed rulemaking on April 1, 1982.

Contact: James A. Jones, Office of Nuclear Regulatory Research, (301) 443–5970.

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83. Teletherapy Room Radiation Monitors (Part 35)

Federal Register Citation: Not yet published.

Description. The proposed rule would codify existing licensing orders and conditions which require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable and the performance of inspection and servicing of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements would be required of teletherapy licensees.

Objective. To make less likely, and provide warning of, teletherapy unit malfunctions which could result in unshielded sources. To further prevent potentially serious patient and operator overexposures.

Background. Teletherapy is the use of gamma radiation, usually from cobalt sources in large doses, to treat diseases. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors. The initial draft of the proposed rule and the accompanying value/impact statement was completed September 1981.

Legal Basis. 42 U.S.C. 5841.

Timetable: Commission approved the proposed rule on March 25, 1982.

Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, (301) 443–5970.

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84. Revision of Medical Teletherapy License Application (Part 35)

Federal Register Citation: Not yet published.

Description. The final rule will require applicants for teletherapy licenses to use a new NRC Form 313T instead of the present NRC Form 313M. This form has been designed to facilitate submission of information specific to teletherapy use.

Objective. To facilitate submission and review of application for use of radioactive material in teletherapy devices.

Background. The present NRC Form 313M applies generally to use of radiopharmaceuticals and certain therapy sources. The new form provides information specific to teletherapy uses.

Legal Basis. 42 U.S.C. 2111, 2201, 5841.

Timetable: Commission action on the final rule in scheduled for December 1982.

Contact: Donald E. Solberg, Office of Nuclear Regulatory Research, (301) 443–5825.

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85. Medical Licenses for Human Use of Byproduct Material (Part 35)

Federal Register Citation: Not yet published.

Description. The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would set out all the requirements a licensee must meet yet allow the licensee flexibility in meeting the requirements. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public.

Objective. To simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including all the requirements a medical licensee must meet in the regulations; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC.

Background. The medical use of byproduct material has increased substantially over the past 30 years in

terms of the number and types of procedures performed. To keep pace with radiation safety in a rapidly changing field, many requirements were imposed as license conditions or implied in regulatory guides. In addition, current practices require that each new and renewal application be complete without reference to any previous submittal. Over the past few years, the practice of nuclear medicine has become more sophisticated and radiation safety methodology and procedures have become more uniform. This permits NRC to propose simplifying the licensing process by codifying all requirements into a simple set of requirements contained in the proposed regulation and simplify the license application form to eliminate a detailed explanation of the procedures involved. An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into this proposed revision of Part 35.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: William J. Walker, Nuclear Material Safety and Safeguards, (301) 427–4232.

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86. Misadministration of Radioactive Material; Proposed Removal of Reporting Requirements (Part 35)

Federal Register Citation: Not yet published.

Description. The proposed rule would remove the requirement that NRC's medical licensees report certain misadministrations of radiactive material to the NRC, to the patient's referring physician, and to the patient. The NRC is considering the removal of the misadministration reporting requirements because an analysis of the first year's reports has not revealed errors that can be corrected through regulations and the continued controversy raised by the requirements in the medical community.

Objective. To reduce the regulatory burden on medical licensees and the administrative burden on NRC staff by removing a reporting requirement that, in the opinion of the staff, has largely achieved its primary purpose.

Background. The Commission published the final rule requiring NRC's medical licensees to report misadministrations of radioactive material on May 14, 1980 (45 FR 31701). The rule was intended to detect common conditions that lead to misadministrations. The Commission would then correct these conditions through regulations and license conditions. At the time the rule was issued, the Commission indicated that it would reevaluate the merits of continuing the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first years reports. This analysis indicated that all causes leading to misadministration are attributable to human error.

Legal Basis. 42 U.S.C. 2111, 2201, 2232, 2233, 5841.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Lidia A. Roche, Office of Nuclear Material Safety and Safeguards, (301) 427–4211.

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87. Applicability of Technical Facility License Conditions and Specification in an Emergency (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking, during the course of unanticipated emergency conditions, any action necessary to protect public health and safety.

Objective. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specification. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment.

Background. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. These specifications are based on the various conditions—normal transient and accident conditions—analyzed as part of the licensing process. The Commission believes, however, that there are unanticipated circumstances which could occur during the course of response to an emergency condition. The proposed rule would permit licensees to respond promptly to these events.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

Timetable: Commission action on the proposed rule is tentatively scheduled for April 1982.

Contact: Charles M. Trammell, Office of Nuclear Reactor Regulation, (301) 492–7389.

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88. Fitness for Duty of Personnel with Unescorted Access to Vital or Protected Areas of Nuclear Power Plants (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would require licensees to establish and implement controls to assure that personnel with unescorted access to vital or protected areas are fit for duty.

Objective. To protect the public health and safety by requiring personnel with unescorted access to vital or protected areas be fit for duty.

Background. The Commission initiated the proposed rule in response to concern by members of the public that nuclear power plant operators, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The proposed rule is being drafted and is scheduled for submission to the NRC Committee to Review Generic Requirements.

Legal Basis. 42 U.S.C. 2236, 2237.

Timetable: Commission action on the proposd rule is scheduled for May 1982.

Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, (301) 443–5942.

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89. Filing of Controlled Copies of Emergency Plans (Part 50)

Federal Register Citation: Not yet published.

Description. The final rule would require certain licensees to provide controlled copies of emergency plans and implementing procedures and changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached. The receipt would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan.

Objective. Adoption of the proposed rule would ensure that the NRC has the latest updated plan to use in the event of

a radiological incident or accident. The final rule would also reduce the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

Background. On August 19, 1980, the NRC published a revised emergency planning regulation which became effective on November 3, 1980. This rule requires that three copies of an emergency plan and implementing procedures and three copies of each change to the plan or the procedures be sent to NRC regional office directors along with an additional ten copies of each to be sent to the Director, Office of Nuclear Reactor Regulation. The proposed rule would require a licensee to submit one controlled copy to the regional administration and two controlled copies to NRC Headquarters.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

Timetable: Commission action on the final rule is scheduled for May 1982.

Contact: Steve L. Ramos, Office of Inspection and Enforcement, (301) 492–9602.

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90. Laboratory Accreditation Program (Part 50)*

Federal Register Citation: Not yet published.

Description. The proposed rule would require that qualification testing of nuclear plant equipment necessary to demonstrate the capability of that equipment to perform its function in accordance with design and functional specification under normal and postulated accident conditions be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule, as part of the increased emphasis on equipment qualification, would improve the reliability and accuracy of qualification testing performed by accredited laboratories.

Objective. To ensure that equipment qualification testing performed by a laboratory meets established standards and thereby provides greater assurance of protecting the public health and safety.

Background. A notice of the NRC and IEEE agreement addressing the laboratory accreditation program was published in the **Federal Register** on November 20, 1981 (46 FR 57206).

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for April 1982.

Contact: Steven D. Richardson, Office of Nuclear Regulatory Research, (301) 443–5942.

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91. Applicability of Appendix B to Appendix A (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would clarify the quality assurance program requirements for those structures, systems, and components of nuclear power plants which are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria (in 10 CFR Part 50) of Appendix B to the structures, systems, and components covered in Appendix A. The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Objective. To assure that the requirements of Appendix A to 10 CFR Part 50, Criterion 1, result in the establishment by licensees of effective quality assurance programs that are implemented in a manner that provides adequate assurance that structures, systems, and components covered in the appendix will satisfactorily perform their safety functions. Also, to assure that the requirements in Appendix B to 10 CFR Part 50 result in the establishment by licensees of adequate quality assurance requirements for the design, construction, and operation of certain structures, systems, and components that prevent or mitigate the consequences of postulated accidents that could cause undue risk to the health and safety of the public.

Background. In the aftermath of the Three Mile Island Unit #2 accident, a number of studies have concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related".

Legal Basis: 42 U.S.C. 2133, 2134, 2201, and 2233.

Timetable: Commission action on the proposed rule is scheduled for July 1982.

Contact: William L. Belke, Office of Nuclear Regulatory Research, (301) 443–7741.

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92. Fire Protection for Future Plants (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants.

Objective. To consolidate the NRC fire protection guidelines and requirements for nuclear power plants in one enforceable document.

Background. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future.

Legal Basis. 42 U.S.C. 2201(b), 5841.

Timetable: Commission action on the proposed rule is scheduled for May 1982.

Contact: David P. Notley, Office of Nuclear Regulatory Research, (301) 443–5946.

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93. Primary Reactor Containment Leaking Testing for Water-Cooled Power Reactors (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of watercooled power reactors. The current regulation specified the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would incorporate the accepted national standard ANSI/ANS 56.8 that specified

approved procedures for running the tests and allow NRC to focus on the performance standard and design criteria aspects of the regulation. The proposed rule would also clean up ambiguities revealed in impelementing the current regulation and build more flexibility into the regulation.

Objective. To emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure and to reduce the paperwork burden on NRC and the compliance burden on the licensee by reducing the number of exemption requests licensees are required to submit.

Background. The current regulation was issued in 1973. The proposal reflects experience gained in implementing the regulation by clearing up questions concerning requirements open to interpretations and adopting a more flexible approach. By providing the licensee with the option of obtaining NRC review of a procedural deviation, the number of exemption requests a licensee must submit would drop sharply. The staff is developing a proposed regulation.

Legal Basis. 42 U.S.C. 2133, 2134, and 5841.

Timetable: Commission action on the proposed rule is scheduled for September 1982.

Contact: Gunter Arndt, Office of Nuclear Regulatory Research, (301) 443–5860.

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94. Shift Staffing at Nuclear Power Plants (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would provide minimum shift staffing requirements for licensed and unlicensed operators at nuclear power plants. Shift staffing requirements would be based in part, upon a power plant's configuration (e.g., a power plant may have two units and one control room, or three units and two control rooms).

Objective. To upgrade shift staffing requirements at nuclear power plants to ensure that a sufficient number of personnel are on duty at any given time.

Background. This rulemaking effort is the result of the requirement in Task I.A.1.4. of the TMI Action Plan, approved by the Commission, to upgrade staffing of personnel in control rooms of nuclear power plants.

Legal Basis. 42 U.S.C. 2201, 5846.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Ellis W. Merschoff, Office of Nuclear Regulatory Research, (301) 443–5943.

95. Codes and Standards for Nuclear Power Plants (Winter 1981) (Part 50)†

Federal Register Citation: Not Yet Published.

Description. The proposed rule would incorporate by reference the Winter 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. Staff is preparing a draft proposed rule for Commission action.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(b) and (i), 5841.

Timetable: Commission action on the proposed rule is scheduled for July 1982.

Contact: Edward Baker, Office of Nuclear Regulatory Research, (301) 443–5894.

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96. Codes and Standards for Nuclear Power Plants (Summer 1982) (Part 50) †

Federal Register Citation: Not Yet Published.

Description. The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction of nuclear power plants.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(b) and (i), 5841.

Timetable: Commission action on the proposed rule is scheduled for October 1982.

Contact: Edward Baker, Office of Nuclear Regulatory Research, (301) 443–5894.

97. Codes and Standards for Nuclear Power Plants (Winter 1982) (Part 50) †

Federal Register Citation: Not Yet Published.

Description. The proposed rule would incorporate by reference the Winter 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants.

Objective. To include the most recent changes made to the ASME Boiler and Pressure Vessel Code and to permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2133, 2134, 2201(b) and (i), 5841.

Timetable: Commission action on the proposed rule is scheduled for April 1983.

Contact: Edward Baker, Office of Nuclear Regulatory Research, (301) 443–5894.

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98. Emergency Preparedness Reporting Requirements (Part 50) †

Federal Register Citation: Not yet published.

Description. The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan.

Objective. To ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

Background. In response to NRC staff paper SECY–81–216, dated April 2, 1982 (Emergency Preparedness Requirements), and after considerable

review and discussion with the staff on this issue, the Commission requested that the staff develop a proposed rule to establish emergency preparedness reporting requirements.

Legal Basis. 42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239, 5842, 5846.

Timetable: Commission action on the proposed rule is scheduled for September 1982.

Contact: Kenneth E. Perkins, Office of Inspection and Enforcement, (301) 492–7361.

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99. Reporting of Significant Design and Construction Deficiencies (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would clarify the description of a significant design or construction deficiency in a nuclear power plant and would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

Objective. To provide the Commission with more timely information regarding events that may indicate a potential for construction or design deficiency.

Background. Staff action on this item was initiated in response to TMI Action Plan Task II.J.4.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the proposed rule is scheduled for December 1982.

Contact: Francis X. Cameron, Office of Nuclear Regulatory Research, (301) 443–5981.

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100. Licensing Requirements for Pending Operating License Applications; Clarification of and Supplement to Notice of Proposed Rulemaking (Part 50)

Federal Register Citation: Not yet published.

Description. The proposed rule would specify the implementation schedule for Emergency Response Facilities as described in NUREG–0737 and subsequent Commission actions. The implementation schedule would incorporate the NRC staff's proposed revisions to the original schedule as well as clarify and correct the following items of NUREG–0737: (1) Plant Safety Parameter Display Console; (2) Upgrade Emergency Support Facilities, and (3) Improving Licensee Emergency Preparedness—Long Term. In a Federal Register notice of a proposed rule published on May 13, 1981 (46 FR 26491), the Commission noted that certain TMI Action Plan items were still being completed, and that new requirements would be added to the rules as they were approved.

Objective. The Commission intends, through issuance of this proposed rule, to clarify that the implementation and contents of the three items listed in the Description section above, as approved by the Commission, should be considered part of NUREG–0737 as originally approved on October 28, 1980.

Background. This proposed schedule reflects the results of discussions between industry representatives and the NRC staff of the difficulties and added expense being encountered due to equipment design and delivery and installation times, particularly if special outages are required for final hookup of ERF equipment. The proposed rule is currently before the Commission's special Committee to Review Generic Requirements (CRGR) for assessment of its regulatory impact.

Legal Basis. 42 U.S.C. 2201 and 5841.

Timetable: Commission action on the proposed rule will be scheduled after the CRGR review has been completed.

Contact: Kenneth E. Perkins, Jr., Office of Inspection and Enforcement, (301) 492–7361.

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101. Radon Emissions Estimate for Table S–3 (Parts 50, 51)

Federal Register Citation: Not yet published.

Description. The proposed rule establishes a new Table S–3 estimate of radon releases associated with nuclear fuel cycle operations involved in producing fuel for one year's normal operation of a typical 1000 mega-watt light water reactor (LWR) power plant, including disposal of the spent fuel and radioactive wastes. The proposed rule will describe the basis for the new estimate and will include the necessary amendments of the Table S–3 explanatory narrative now being considered for adoption as 10 CFR Part 51 Appendix A.

Objective. To provide a new Table S–3 estimate of radon-222 releases, replacing the value deleted from the Table by Federal Register Notice of April 14, 1979 (43 FR 15613).

Background. In deleting the radon-222 value from Table S–3, the Commission stated that upon issuance of the Generic Environmental Impact Statement (GEIS) on uranium milling and evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide for radon-222 in Table S–3. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the Atomic Safety and Licensing Appeal Board at Harrisburg, Pa. The Appeal Board decision of May 13, 1981 (ALAB–640), upheld the staff's new estimates of radon releases and deferred for later consideration the questions of health effects. Rulemaking to add the new value for radon-222 in Table S–3 is being held in abeyance until the Appeal Board completes its decision.

Legal Basis. 42 U.S.C. 2201 (b), 5841, and 5842.

Timetable: Commission action on the proposed rule is scheduled for March 1983.

Contact: William E. Thompson, Office of Nuclear Material Safety and Safeguards, (301) 427–4211.

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102. Operator Qualification and Licensing (Parts 50, 51)

Federal Register Citation: Not yet published.

Description. The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator similator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations.

Objective. To improve operator performance to help minimize the possibility of accidents and strengthen operators' ability to deal with a potential accident.

Background. Commission directed staff to organize a review group composed of Federal workers, external to NRC to address certain provisions of the rule, specifically, education requirements for entry level operators, whether shift supervisors should be licensed, and ways of implementing requirements for existing operators.

Legal Basis. 42 U.S.C. 2137, 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for April 1982.

Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, (301) 443–5942.

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103. Personnel Access Authorization Requirements for Nuclear Power Plants (Parts 50, 73)

Federal Register Citation: Not yet published.

Description. The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals

requiring unescorted access to the protected and vital areas of nuclear power plants. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Objective. To assist licensees in determining employee suitability and trustworthiness at nuclear power plants.

Background. On March 17, 1977, the NRC published in the **Federal Register** (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the **Federal Register** (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the **Federal Register** on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: James A. Prell, Office of Nuclear Regulatory Research, (301) 433–5976.

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104. Qualification of Mechanical Equipment (Parts 50, 100)

Federal Register Citation: Not yet published.

Description. The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of mechanical equipment important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. These criteria by which selected components of nuclear power plants will be qualified will create a more uniform program to assess the performance of mechanical equipment under certain conditions.

Objective. To assure conformity in individual equipment qualification reveiws and provide a sufficient technical basis for judgments of acceptability by each reviewer.

Background. The consequences of mechanical equipment failure at a nuclear power plant could have an adverse impact upon the public health and safety. For this reason, the NRC requires that the design of equipment important to safety, including mechanical equipment, be verified to assure that it will satisfactorily perform its function in the most adverse environment to which it may be subjected through means such as qualification of prototypes. The Commission directed the staff to initiate rulemaking to make this process more uniform for electric equipment qualification. A staff Equipment Qualification Program Plan recommended a rulemaking on mechnical equipment as well.

Legal Basis. 42 U.S.C. 2201.

Timetable: Commission action on the advance notice of proposed rulemaking is scheduled for May 1983.

Contact: Harold I. Gregg, Office of Nuclear Regulatory Research, (301) 443–5860.

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105. Material Control and Accounting Requirements for Low Enriched Uranium Fuel Cycle Facilities (Part 70)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise the material control and accounting (MC&A) requirements for low enriched uranium (LEU) with which fuel cycle facility licensees must comply. Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one kilogram of special nuclear material, whether they have HEU, plutonium, or LEU. Yet both NRC-sponsored and independent studies have completed that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule eliminates these unnecessary requirements while maintaining safeguards standards which meet those of the IAEA.

Objective. To establish more cost-effective MC&A requirements for LEU that assure the protection of the public health and safety, while taking into account the low risk associated with the material.

Background. Staff is preparing a draft proposed rule for Commission action.

Legal Basis. 42 U.S.C. 2201, and 5841.

Timetable: Commission action on the proposed rule is scheduled for November 1982.

Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, (301) 427–4047.

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106. Safeguards Requirements for Licensees Authorized to Possess SNM of Moderate or Low Strategic Significance (Part 70)

Federal Register Citation: Not yet published.

Description. The proposed rule would require a license to obtain approval from the NRC prior to making any changes in the licensee's security plan which would reduce the security plan's effectiveness. This proposed requirement would apply to any licensee who submits a physical security plan in accordance with § 70.22(k) of 10 CFR. These licensees include those which possess or use special nuclear material (SMN) of moderate strategic significance or 10 kg. or more of SNM of low strategic significance, except those licensees who possess this material in the operation of a nuclear power plant. This requirements currently applies to any licensee, other than nuclear power reactor licensees, who possess formula quantities of SNM and who submit physical security plans in accordance with § 70.22(h) or § 73.20(c) of 10 CFR.

Objective. To extend the safeguards requirement for obtaining prior approval from NRC for any change in physical security plans which might decrease the plan's effectiveness to licensees who possess or use SNM of moderate or low strategic significance.

Background. Staff action on the proposed rule has not yet begun.

Legal Basis. 42 U.S.C. 2071, 2073, 2201, 2232, 2233, 5842, 5846.

Timetable: Commission action on the proposed rule is scheduled for March 1983.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5876.

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107. General License for Shipment in Packages Approved for Use by Another Persons (Part 71)

Federal Register Citation: Not yet published.

Description. The proposed rule would modify the recordkeeping requirements for general licenses issued under §71.12. This general license authorizes use of a package that the Commission has previously evaluated and specifically authorized another license to use. Currently § 71.12 requires the general licensee to possess copies of all

documents referred to in the Commission's specific authorization. The proposed amendment requires the general licensee to possess only those drawings and other documents relating to the use and maintenace of the packaging and the actions to be taken prior to shipment.

Objective. To modify the recordkeeping requirements of the general license for shipment in packages approved for use by another licensee, which will reduce the recordkeeping burden on the licensees by approximately 50 percent.

Background. The proposed rule has been prepared in response to petition for rulemaking PRM–71–8 which was published in the **Federal Register** on June 11, 1980 (45 FR 39519). The comment period closed August 11, 1980. Three comments were received, all of which favored the petitioner's request. The proposed rule goes beyond the petitioner's request which covered industrial radiographers only and extends to all users of the general license issued under § 71.12.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

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108. Medical Standards for Employment of Security Personnel (Part 73)

Federal Register Citation: Not yet published.

Description. The proposed rule would amend the medical standards for the employment of security personnel by licensees which operate nuclear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I.B.(3) of appendix B to Part 73 to provide the conditions under which persons with an established medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual shall have no established medical history or diagnosis of epilepsy or diabetes or where either of these medical conditions exist, the individual shall provide medical evidence that the condition may be controlled with proper medication. The revised paragraph would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Objective. To clarify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel.

Background. Staff work on the proposed rule will begin in early 1982.

Legal Basis. 42 U.S.C. 2201, 5841.

Timetable: EDO action on the proposed rule is scheduled for December 1982.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5976.

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109. Advance Notification of SNM Shipments (Part 73, 95)

Federal Register Citation: Not yet published.

Description. The proposed rule would require NRC licensees who ship special nuclear material (SNM) to notify the appropriate NRC Regional Office by mail post-marked at least ten days in advance of the date of shipment. NRC regulations currently require NRC licensees to notify the appropriate NRC Regional Office of Inspection and Enforcement by mail post-marked at least seven days in advance.

Objective. To provide the NRC Headquarters Office of Inspection and Enforcement additional time to prepare for inspections of SNM shipments.

Background. Staff has begun developing the proposed rule.

Legal Basis. 42 U.S.C. 2073, 2201, 5841.

Timetable: Commission action on the proposed rule is scheduled for December 1982.

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, (301) 443–5976.

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110. Patents (Part 81)

Federal Register Citation: Not yet published.

Description. The proposed rule would establish the policies, general rules and procedures for the handling of patent matters.

Objective. To rewrite Part 81, which currently is directed only to patent licenses, into a regulation that sets forth NRC patent policies, regulations and rules for contract clauses, waiver of rights provisions and other applicable areas.

Background. NRC presently has no regulations which set forth the agency's patent policies, rules of administration, or contract clauses and the like. The agency should fill the present void by adopting patent policies substantially like those being used by other government agencies.

Legal Basis. 42 U.S.C. 3182.

Timetable: Commission action on the proposed rule is scheduled for September 1982.

Contact: Neal E. Abrams, Office of Executive Legal Director, (301) 492–8662.

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111. Export/Import of Nuclear Equipment and Material (Part 110)

Federal Register Citation: Not yet published.

Description. The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source byproduct material. The general licenses set out in the proposed regulation would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals.

Objective. To increase U.S. international commerce while maintaining adequate non-proliferation controls and to reduce regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security.

Background. On March 21, 1980 (45 FR 18370), the NRC issued a final rule that simplified licensing requirements for the export of certain minor quantities of nuclear material. Twenty comments were received in response to that rule in addition to two comments received in response to the NRC's rule amending part 110 to reflect the enactment of the Nuclear Non-Proliferation Act of 1978 published May 19, 1978 (43 FR 21641). This proposal addresses these comments and the NRC's stated intent to consider a possible revision of the general license of americium-241. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

Legal Basis. 42 U.S.C. 2073, 2074, 2077, 2092, 2094, 2111, 2112, 2139, 5841, 5842.

Timetable: Commission action on the proposed rule is unscheduled.

Contact: Marvin Peterson, Office of International Programs, (301) 492–8155.

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112. Extraordinary Nuclear Occurrence (Part 140)

Federal Register Citation: Not yet published.

Description. The proposed rule would revise existing criteria for determining whether an event should be classified as

an extraordinary nuclear occurrence (ENO).

Objective. Review and modify existing ENO criteria to incorporate lessons learned from the ENO determination for the Three Mile Island accident.

Background. The Commission and the staff noted that there were difficulties in applying the present ENO criteria in the TMI case. The Public Citizen Litigation Group and Critical Mass Energy Project filed a petition in July 1979 requesting that the ENO criteria be reexamined.

Legal Basis. 42 U.S.C. 5841.

Timetable: Commission action on the proposed rule is scheduled for April 1982.

Contact: Hal Peterson, Office of Nuclear Regulatory Research, (301) 427–4210.

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113. Financial Protection Requirements and Indemnity Agreements (Part 140)

Federal Register Citation: Not yet published.

Description. The proposed rule would remove from the current regulations a stipulation which requires the Commission to allow interested persons 15 days to file petitions for leave to intervene when it enters into an indemnity agreement with provisions different than those in a standard form indemnity agreement or modifies a standard form indemnity agreement. The Commission is proposing this action because it believes that a public hearing on the limited subject of the precise wording of an amendment to an indemnity agreement serves no useful purpose and is unnecessary.

Objective. To remove from the regulation the requirement that the Commission has to allow interested persons 15 days to file petition for leave to intervene when it modifies or uses an agreement different than a standard form indemnity agreement.

Background. The proposed rule will be published in the **Federal Register** allowing a period of 30 days for public comment.

Legal Basis. 42 U.S.C. 2201, 2210.

Timetable: Commission action on the proposed rule is scheduled for June 1982.

Contact: Eric E. Jakel, Office of Executive Legal Director, (301) 492–8691.

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114. Revision of License Fee Schedules (Part 170)*

Federal Register Citation: Not yet published.

Description. The proposed rule would adjust the NRC fee schedule to permit the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities vendors of nuclear power stream supply systems and materials facilities engaged in uranuim and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-bying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials.

Objective. To permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments, etc.

Background. The staff has completed the proposed rule and is awaiting a decision by the Commission. The proposed rule incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the **Federal Register** as a proposed rule on March 31, 1980 (45 FR 20899).

Legal Basis. 31 U.S.C. 483a, 42 U.S.C. 2201w, 5841.

Timetable: The proposed rule is pending before the Commission.

Contact: William O. Miller, Office of Administration, (301) 492–7225.

PART II—PETITIONS FOR RULEMAKING

A—Petitions Incorporated Into Final Rules or Petitions Denied Since December 31, 1981

B—Petitions Incorporated Into Proposed Rules

115. Petition Docket No. PRM–20–7; Natural Resources Defense Council, Inc.

Subject: Shallow Land Disposal of Low-Level Radioactive Waste (Part 20).

Federal Register Citation: September 23, 1976 (41 FR 41759).

Description. The petitioner requests the Commission to amend regulations to set interim standards for shallow land disposal of low-level radioactive wastes. The petitioner proposes that the regulations require (1) the transfer of regulatory authority for long-lived transuranic waste (TRU) from the states to NRC, (2) a moratorium on new or enlarged burial site licensing pending the establishment of certain requirements, (3) payment of fees by persons who produce TRU waste to finance safe permanent disposal, (4) the solidification of all radioactive wastes before shipment, and (5) the preparation of a generic environmental impact statement. These regulations are needed to ensure safe disposal of long-lived radioactive wastes.

Objective. To provide interim measures needed to preserve the capability to dispose safely of low-level wastes until the necessary studies and environmental impact statement are completed for a long-term regulation.

Background. The comment period closed on November 22, 1976. Fourteen of the fifteen responses from industry recommended denial of the petition. The NRC staff analyzed the petition and concluded that no compelling potential health and safety hazard existed to warrant immediate NRC reassumption of regulatory authority from the states, or immediate implementation of interim regulations as proposed by the petitioner. Consequently, a notice denying immediate issuance of interim requirements for shallow land disposal of radioactive wastes was issued by the Commission and published in the **Federal Register** on July 25, 1979 (44 FR 4354). However, several issues raised by the petitioner are being considered as part of a comprehensive proposed rulemaking entitled "Licensing Requirements for Land Disposal of Radioactive Waste" and published in the **Federal Register** on July 24, 1981 (46 FR 38081, see Agenda item No. 45).

Timetable: Commission action on final rule is scheduled for November 1982.

Contact: Paul Lohaus, Office of Nuclear Material Safety and Safeguards, (301) 427–4500.

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116. Petition Docket No.: PRM–50–22; Public Interest Research Group, et al.

Subject: Decommissioning of Nuclear Power Plants (Part 50).

Federal Register Citation: August 8, 1977 (42 FR 40063).

Description. The petitioners request that the Commission amend its regulations to require nuclear plant operators to post bonds before each plant's operation to insure that funds will be available for isolation of radioactive material upon decommissioning. The petitioners state that their proposal would insure that power companies which operate reactors, rather than future generations, bear the cost of decommissioning. The petitioners also request that the Commission amend its regulations to require that operators of nuclear power plants already in operation be required to establish plans and immediately post bonds to insure proper decommissioning.

Objective. Since decommissioning will not occur until after the 40-year operating license has expired and may require substantial capital expenses for hundreds of years thereafter, the petitioners seek to ensure that companies which are now financially

stable continue to have the capacity to pay decommissioning and guardianship costs when necessary.

Background. The original comment period closed October 7, 1977, but was extended to January 3, 1978. Sixty-two comments were received, a majority of which oppose the petition. A notice denying the petition in part was published in the **Federal Register** on June 22, 1979 (44 FR 36523). The partial denial covered that part of the petition seeking an immediate rulemaking requiring the posting of surety bonds. Other issues and funding alternatives raised in the petition have been incorporated into the ongoing rulemaking on Decommissioning Criteria for Nuclear Facilities (see Agenda item No. 53). An advance notice of proposed rulemaking for that proceeding was published on March 13, 1978 (43 FR 10370). The NRC staff issued a draft Environmental Impact Statement (EIS) on decommissioning in January 1981.

Timetable: Commission action on a proposed rule is scheduled for February 1983.

Contact: William R. Pearson, Office of Nuclear Regulatory Research, (301) 443–5910.

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117. Petition Docket No. PRM–50–29; Electric Utilities

Subject: Anticipated Transients Without Scram (ATWS) (Part 50).

Federal Register Citation: November 4, 1980 (45 FR 73080) Supplement to petition published February 3, 1981 (46 FR 10501).

Description. The petitioners request that the Commission initiate a rulemaking proceeding on the issue of Anticipated Transients Without Scram (ATWS) which has been designated as an Unresolved Safety Issue by the Commission. An ATWS event takes place if an abnormal operating condition ("anticipated transient") occurs at a nuclear power plant which should cause the reactor protection system to initiate a rapid shutdown ("scram") of the reactor, but the reactor shutdown system fails to function. The petitioners specifically ask that the Commission either proceed with a notice and comment rulemaking using the petitioners' own proposed ATWS regulation or conduct formal evidentiary hearings using ajudicatory procedures supplied by the petitioner. The petitioners filed a supplement to the petition, dated January 5, 1981, that contained a proposed Appendix to 10 CFR Part 50 which the petitioners asked the Commission to consider in connection with PRM–50–29. The proposed Appendix addresses the issue of Criteria for Evaluation of Scram Discharge Volume Systems for Boiling Water Reactors.

Objective. To resolve the ATWS issue.

Background. The comment period closed January 5, 1981. Seventeen comments were received, the majority of which supported the petition. The Commission approved publication of a proposed rule subject to certain modifications on June 16, 1981, to obtain public comment on two NRC staff versions of an ATWS proposed rule (see Agenda item No. 34) and extended the comment period for the petition to include it for consideration as a third option (**Federal Register** notice published November 20, 1980, 46 FR 57521). Future action on the petition will be linked to staff response to public comments received on proposed rule. The comment period for the petition expires April 23, 1982.

Timetable: Commission action on a final ATWS rule is scheduled for April 1983.

Contact: David W. Pyatt, Office of Nuclear Regulatory Research, (301) 443–5921.

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118. Petition Docket No. PRM–71–1, PRM–71–2, PRM–71–4; Energy Research and Development Administration (ERDA)/DOE (PRM–71–1), American National Standards Inst. Committee N14 (PRM–71–2), Chem-Nuclear Systems, Inc. (PRM–71–4)

Subject: Amendment of 10 CFR Part 71 to exempt "low specific activity material" from the requirements of Part 71. (Part 71).

Federal Register Citation: PRM–71–1, September 22, 1975 (40 FR 43517) PRM–71–2, April 15, 1976 (41 FR 15921); and PRM–71–4, January 27, 1977 (42 FR 5149).

Description. The petitioners requested the Commission to amend its regulations at §§ 71.7 and 71.70 to exempt "low specific activity material," as defined in § 71.4(g), from the requirements of Part 71. The petitioners stated that the Department of Transportation (DOT) Hazardous Materials Regulations, 49 CFR Parts 170–189, provide a specific exemption for "low specific activity material" in which these materials are exempted from the normal packaging requirements. Petitioners further stated that this exemption would make Part 71 more consistent with both the 1967 regulations of the International Atomic Energy Agency (IAEA) and with the 1972 revised edition of the IAEA regulations. In addition, the American National Standards Institute requested an exemption from the specific container requirements of "low specific activity material" transported in the "sole use" mode, which means that the shipper has exclusive use of the entire transport vehicle and all package handling is done under its control.

Objective. Exemption of "low specific activity material" from the packaging requirements of 10 CFR Part 71 to achieve compatibility among the regulations of the NRC, DOT, and IAEA.

Background. Comments were received on these petitions over a period of one and one-half years. Altogether, five favorable comments were received. In July 1979, the Commission approved a proposed revision (SECY–79–192) of the NRC transportation regulations in 10 CFR Part 71 to make them more compatible with those of the IAEA. The proposed rule change was published in the **Federal Register** on August 17, 1979 (44 FR 48234). In 1981, the draft final rule for Part 71 was completed and circulated to the staff for review. A draft document to deny these three petitions was circulated to the staff as well. These documents are still undergoing staff review.

Timetable: Commission action on the petitions is scheduled for June 1982.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

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119. Petition Docket No. PRM–71–3; Diagnostics Isotopes, Inc.

Subject: Addition of Lead-201 to Transport Group IV (Part 71).

Federal Register Citation: November 15, 1976 (41 FR 50359).

Description. The petitioner requests that the Commission amend Appendix C of Part 71 to include lead-201 in Transport Group IV, which is one of seven groups into which radionuclides in normal form are classified according to their toxicity and their relative potential hazard in transport. The petitioner states that lead-201, due to its short half-life of 9.4 hours decays into its daughter radionuclide, thallium-201, which is currently listed in Transport Group IV. As a result of this rapid transformation, the time spent in transporting lead-201 can also be utilized in the buildup of thallium-201, a substance important in clinical nuclear medicine.

Objective. Inclusion of lead-201 in Transport Group IV, Appendix C of Part 71. The petitioner noted that thallium-201 was already listed in Group IV of Appendix C and because of the fact that lead-201 decays into thallium-201, the petitioner recommended including the lead radionuclide in the same grouping.

Background. The comment period closed January 14, 1977, with no public comments received. In September 1979, the petitioner was advised that the proposed amendments to 10 CFR Part 71, which were published in the Federal Register on August 17, 1979 (44 FR 48234), would be responsive to its petition for rulemaking. Since that time, the draft final rule for Part 71 has been circulated to the staff for review. This document is still undergoing staff review.

Timetable: Commission action on the petition is scheduled for June 1982.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

C—Petitions Pending Staff Review

120. Petition Docket No. PRM–2–11; Wells Eddleman

Subject: Separate Operating License Hearings for Individual Reactor Units at Multi-Unit Sites (Part 2).

Federal Register Citation: January 29, 1982 (47 FR 4310).

Description. The petitioner requests that the Commission amend its regulations to require a separate operating license hearing for each power reactor unit at a nuclear plant site. The petitioner specifically requests that the Commission require for each unit a separate hearing with provision for reopening or introducing any issue including safety, need for power, cost-effectiveness compared to alternatives to meet or eliminate the energy output proposed from the unit, evacuation planning, waste disposal, need for base load power, and other relevant issues. The petitioner requests that the separate hearing include consideration of additional issues, including a determination as to whether or not the Commission has in place adequate regulations and sufficient personnel to ensure the safe operation of the unit for its planned operating life as well as consideration of the range of probable costs and uncertainties in costs of waste disposal and decommissioning of the unit.

Objective. To provide the means for acquiring an updated data base for nuclear power plant licensing decisions concerning applications for operating licenses in cases where a licensee is constructing concurrent units at a single power station over a period of several years.

Background. The comment period closed March 30, 1982.

Timetable: Not available.

Contact: James J. Henry, Office of Nuclear Regulatory Research, (301) 443–5981.

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121. Petition Docket No. PRM–30–55; State of New Jersey, Department of Environmental Protection

Subject: Radiation Standards for Uses of Byproduct Material (Parts 30, 31, 32, 33).

Federal Register Citation: August 11, 1977 (42 FR 40791).

Description. The petitioner requests that the Commission initiate a rulemaking proceeding for the purpose of adopting new national standards for users of radioative byproduct materials. The petitioner states that the Commission Radiation Standards for byproduct material facilities and nuclear power plants differ drastically. The petitioner states that a nuclear power plant's sophisticated control equipment is designed to handle different types of potential accidents and still keep radiation exposure to the public within acceptable limits, while a byproduct material facility (e.g. radiopharmaceutical plant) does not have the same capabilities. Furthermore, the petitioner states that because byproduct material plants have unrestricted siting, more people are in the vicinity of a byproduct facility than a nuclear power plant and would be affected by radiation exposure resulting from an accident.

Objective. The petitioner proposes that the Commission take the following actions to reduce unnecessary public exposure to radioactive substances emitted from byproduct material facilities: 1. Establish critieria to quantify the "as low as reasonably achievable" emission reduction policy for major facilities using byproduct materials from man-made fission reactions and require existing plants to meet these criteria. 2. Establish siting criteria for these facilities that would form a basis for evaluating the acceptability of new plant locations in terms of radiation doses to the public. 3. Require new and existing byproduct facilities to develop and implement offsite environmental surveillance programs to provide information on levels of radioactivity in the environment around these facilities.

Background. The comment period closed October 11, 1977. Six comments were received, all opposing the petition. The staff is developing a final position on the petition. This petition has been combined with an earlier petition (PRM–50–10) from the State of New Jersey that deals with similar issues.

Timetable: Commission action on the petition is scheduled for December 1982.

Contact: Richard Grill, Office of Nuclear Regulatory Research, (301) 427–4468.

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122. Petition Docket No.: PRM–30–58; U.S. Department of Commerce, National Bureau of Standards

Subject: Radioactive Material From Environmental Sources (Parts 20, 30, 40, 70).

Federal Register Citation: July 10, 1981 (46 FR 35662).

Description. The petitioner requests that the Commission initiate a rulemaking proceeding that would exempt radioactive material obtained directly or indirectly from environmental sources from specific license application requirements. Because of the plutonium and americium content of soil or tissue, an environmental sample, once it has passed through a licensee, is subject to all licensing requirements. The petitioner states that this licensing interpretation appears to apply to any sample extracted from the earth by anyone because of the residual plutonium and americium content.

Objective. The petitioner proposes alternative amendments to NRC regulations that would exempt from licensing requirements radioactive material obtained from environmental samples. The petitioner suggests a broad amendment that would remove potential ambiguity in the regulations as these regulations might apply to individuals not covered by their requirements. In the alternative, the petitioner presents a specific solution that addresses the plutonium and americium content of the environmental sample in a manner that would alleviate the petitioner's problem.

Background. The comment period closed September 8, 1981. The staff is continuing to analyze the three comments received. The petitioner's request stems from its intent to provide a variety of environmental standards which would be collected from numerous places in North America, assayed as to content for a number of isotopes, and packaged for sale as standards. Under existing regulations and NRC's licensing interpretation, this process could require license applications to the NRC.

Timetable: Commission action on the petition is scheduled for October 1982.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

123. Petition Docket No.: PRM–34–2; Non-Destructive Testing Management Association

Subject: Registration, Licensing, and Control of Individual Radiographers (Part 34).

Federal Register Citation: August 4, 1978 (43 FR 34563).

Description. The petitioner requests that the Commission amend its regulations to provide for the registration, licensing, and control of individual radiographers. The petition includes the outline of a suggested program of NRC registration for industrial radiographers. The petitioner believes that only through the registration, licensing, and control of the individual radiographer can the overexposure to radiation record of the radiographic industry be improved.

Objective. The petitioner proposes that a program it suggests for the registration of industrial radiographers form the basis for a Commission rulemaking that would apply to all radiographers. The program suggested by the petitioner is intended to reduce the incidence of overexposure to radiation, to prevent needless exposure to radiation, to curtail noncompliance with accepted safety requirements and procedures, and to advance the overall safety of the radiographic industry.

Background. The petitioner originally presented its program to the Commission by letter dated June 24, 1977, at which time NRC staff began its review. On June 28, 1978, the petitioner requested that this letter be considered a petition for rulemaking. The Commission agreed and published a notice of filing in the **Federal Register** on August 4, 1978 (43 FR 34563). The comment period closed October 3, 1978. Eleven comments were received, the majority of which opposed the petition. The staff is continuing to actively study this concept. The staff has prepared an advance notice of proposed rulemaking and will conduct a series of public meetings.

Timetable: On April 1, 1982, the Commission affirmed for publication an advance notice of proposed rulemaking. Commission action on the proposed rule is scheduled for December 1982.

Contact: James A. Jones, Office of Nuclear Regulatory Research, (301) 443–5970.

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124. Petition Docket No.: PRM–35–1; George V. Taplin, M.D.

Subject: Physician's Use of Radioactive Drugs (Part 35).

Federal Register Citation: May 7, 1979 (44 FR 26817).

Description. The petitioner requests that the Commission amend its regulations to remove its restrictions that apply when a physician uses an FDA-approved radioactive drug for a clinical procedure that does not have FDA approval. The regulations in question provide that when a physician uses byproduct material for a clinical procedure not approved by FDA and thus not specified in the product labeling, the physician follow FDA approved product labeling regarding. (1) Chemical and physical form, (2) Route of administration, and (3) Dosage form. Specifically, the petitioner objects to the restrictions, as they would prevent the use of Tc-99m pentatate sodium as an aerosol by inhalation for lung function studies.

Objective. The petitioner proposes that the NRC amend its regulations to remove the requirement that physicians use an approved radioactive drug strictly in accordance with the product label. The petitioner believes that this action would allow the physician to use approved drugs according to his or her best knowledge and judgment in the interest of the patient and allow the development of new safe applications of approved drugs.

Background. The comment period closed July 6, 1979. Forty-five comments were received, all supporting the petition. On December 7, 1979, the NRC met with FDA to discuss NRC restrictions on a physician's use of approved drugs for unapproved clinical procedures. NRC polls of the Advisory Committee on the Medical Uses of Isotopes in February, June, July, and August 1981 indicated that the committee favored retaining NRC's general restrictions in question, but the consensus of the Committee was to grant exceptions to the restrictions, such as the use of Tc-99m pentate sodium used for lung function studies.

Timetable: The Commission action on the petition was on March 18, 1982, during which time the Commission affirmed the staff's proposal to grant an exception to the regulations in § 35.14(b)(6). The staff's proposal also includes a procedure detailing how such exception could be expeditiously handled in the future.

Contact: Deborah Bozik, Office of Nuclear Regulatory Research, (301) 427–4566.

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125. Petition Docket No.: PRM–40–23; Sierra Club

Subject: Licensing the Possessing of Uranium Mill Tailings at Inactive Storage Sites (Part 40).

Federal Register Citation: February 25, 1981 (44 FR 14021).

Description. The petitioner requests that the Commission amend its regulations to license the possession of uranium mill tailings of inactive storage sites. Uranium ore is mined and milled by private companies under licenses issued by the Commission. After fissionable material is extracted from the uranium, the ore removed is deposited after processing in tailing piles at the mill site. The petitioner states that the remaining tailings are radioactive in that the milling operators extract only 15% of the radioactive material. The petitioner believes the Commission exempted uranium mill tailings and inactive storage sites without making the required findings under the Atomic Energy Act that the exemption would not constitute an unreasonable risk to the health and safety of the public.

Objective. The petitioner proposes the following regulatory action to ensure that the public health and safety is adequately protected: (1) Repeal the licensing exemption for inactive uranium mill tailings sites subject to the Department of Energy's remedial program; (2) Require a license for the possession of byproduct material on any other property in the vicinity of an inactive mill tailings site if the byproduct materials are derived from the sites; or, in the alternative, (3) Conduct a rulemaking to determine whether a licensing exemption of these sites or byproduct materials constitutes an unreasonable risk to public health and safety.

Background. The comment period closed April 27, 1981. Three comments were recieved, all stating the petition should be denied. Uranium mill tailings are regulated under the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95–604). Title I of the Act directs the Department of Energy, in consultation with NRC, to conduct a remedial action program at certain inactive uranium mill tailings sites. Title V of the Act authorizes NRC to regulate disposal of the tailings at active sites. The staff is preparing a response to the petition.

Timetable: The Commission action on the petition was scheduled for July 1982.

Contact: Don F. Harmon, Office of Nuclear Regulatory Research, (301) 427–4284.

126. Petition Docket No.: PRM–50–10; State of New Jersey Nuclear Energy Council

Subject: Safety and Licensing Requirements (Parts 30, 40, 50, 55, 70, 100).

Federal Register Citation: May 6, 1974 (39 FR 15900); July 11, 1974 (39 FR 25525).

Description. The petitioner requests that the Commission amend its regulations in Parts 50 and 70 to require that licensees who routinely handle large quantities of byproduct material be made subject to emergency planning requirements and, in addition, to require that these licensees clearly identify the material involved, exposure pathways, and populations at risk as a result of licensed activities. In Part 100, the petitioner requests that the exclusion area criteria be amended, the population zone criteria be reviewed, and that radiation release protective action levels set by EPA or individual states be incorporated by reference. The petitioner requests that the exclusion of the "Class 9 accident" from consideration in Part 50 reactor licensing procedures be eliminated when new or novel siting or design considerations are involved, and that due consideration be given to countermeasures for the "Class 9 accident" (a "Class 9 accident" occurs at a nuclear reactor when the fuel core melts). The petitioner also requested that reactor operators undergo training and periodic reexamination and that the scope of Part 55 be expanded to cover health physicists assigned to reactor sites and for operators of waste disposal facilities.

Objective. To increase the level of assurance that accidents at nuclear facilities can be prevented and, in the event of an accident, to assure that the consequences are mitigated.

Background. The comment period closed on July 5, 1974. Six comments were received. The petitioner withdrew the requested change concerning reactor personnel qualification. The petitioner has agreed that its requested change concerning health physics personnel was satisfied by the Commission's issuance of regulatory guides. Part of the petitioner's request concerning emergency planning for Part 70 licensees was addressed in a final rule published in the Federal Register on March 31, 1977 (42 FR 17125). The petitioner has agreed that action on the "Class 9 accident" issue should await completion of the liquid pathways study. The petitioner's request concerning emergency planning for Part 50 licensees was incorporated into a final rule published in the Federal Register on June 3, 1981 (46 FR 29712). The petitioner's requests concerning "Class 9 accident," emergency planning and siting criteria for Part 30, 40, and 70 licensees, and revisions to Part 100 are the subject of current NRC staff reviews.

Timetable: Commission action on the petition is scheduled for December 1982.

Contact: Richard P. Grill, Office of Nuclear Regulatory Research, (301) 427–4468.

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127. Petition Docket No.: PRM–50–21; Northern States Power Company and Wisconsin Electric Power Company

Subject: Plant Security Information (Parts 2, 50).

Federal Register Citation: July 21, 1977 (42 FR 37458).

Description. The petitioners request that the Commission amend its regulations (1) § 50.34(c) so as to include plant security information within the definition of Restricted Data, or alternatively within the definition of National Security Information; (2) in § 2.905 so as to assure that discovery of plant security information is subject to the protections of Subpart I to Part 2; (3) in Subpart I to Part 2 to explicitly recognize that the protections required by the Subpart extend to information not under Commission control; and (4) to delete § 2.790(d)(1) which currently could permit disclosure of plant security information without the protections of Subpart I to Part 2.

Objective. To protect the plant security information from unauthorized disclosure and assure that licensees' security plans are not compromised.

Background. The comment period closed September 19, 1977. Twelve comments were received, nine of which endorsed the petition. Consideration to grant the petition was under review based on Pub. L. 96–29 (NRC FY 80 Authorization Bill) which amended the Atomic Energy Act by adding Section 147—Safeguards Information—which directs the Commission to prescribe regulations or issue orders to prohibit the unauthorized disclosure of safeguards information which specifically identifies the licensees' or applicants' detailed security measures, etc. The NRC staff is currently preparing a response to the petition.

Timetable: Commission action on the petition is scheduled for September 1982.

Contact: James A Prell, Office of Nuclear Regulatory Research, (301) 443–5976.

128 Petition Docket No.: PRM–50–24; John F. Doherty

Subject: Objects Falling From Earth Orbit (Part 50).

Federal Register Citation: August 16, 1979 (44 FR 47997).

Description. The petitioner requests that the Commission adopt a regulation which would state that it is the duty of the Commission to inform all holders of Class 103 licenses (production and utilization facility licensees) of any announcement by any Federal agency or department of predicted or expected falling objects from earth orbit, whether the falling object is the responsibility of the announcing agency or the responsibilty of a foreign nation. The petitioner also requests that the Commission adopt a regulation which specifies that the Commission's duty is to issue the initial warning and then continue to inform and advise the affected licensees until a prediction of the most likely impact area(s) can be issued by the responsible department or agency. The petitioner requests that the Commission order plants near the probable impact area to be shut down.

Objective. To prepare for a possible occurrence of a situation similar to the Skylab incident where orbiting objects of considerable size are expected to fall to earth with considerable force.

Background. The comment period closed October 1, 1979. One comment was received which expressed the view that a regulation is not required for this issue since the NRC already has the authority to order that a nuclear power plant be shut down and, in addition, that events such as those envisioned by the petitioner would be infrequent. The NRC staff is preparing a response to the petition.

Timetable: Commission action on the petition is scheduled for June 1982.

Contact: Brian K. Grimes, Office of Inspection and Enforcement, (301) 492–4614.

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129. Petition Docket No.: PRM–50–25, 25a; State of Illinois and the Porter County Chapter of the Izaak Walton League of America, Inc., et al.

Subject: Extension of Construction Completion Date (Part 50).

Federal Register Citation: February 4, 1980 (45 FR 7653).

Description. The petitioners filed essentially identical petitions which request that the Commission amend its regulations in Part 50, § 50.55, to require that a "good cause" proceeding concerning a requested amendment of a construction permit to exceed the latest construction completion date must

consider whether a permittee has shown good cause for the continued construction of a nuclear power plant in light of all the circumstances at the time the application is considered. The petitioners further request that the Commission determine that "good cause" is not limited to the reasons why construction was not completed by the latest completion date in the construction permit.

Objective. To prevent frustration of the statutory purposes of section 185 of the Atomic Energy Act of 1954, as amended, which permits the extension of the completion date for construction of a nuclear power plant only for good cause shown.

Background. The comment period closed April 4, 1980. Six comments were received, including two from the petitioners on jurisdictional issues. Comments filed by parties other than the petitioners opposed the petition. The Atomic Safety and Licensing Board (ASLB) and the Commission have ruled on the "good cause" issue which is the subject of this petition. The matter was alluded to in the *Bailly* case before the U.S. Court of Appeals. The staff is preparing a proposed rule revising § 50.55.

Timetable: The proposed rule is scheduled for submission to the Commission in June 1982.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492–8690.

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130. Petition Docket No.: PRM–50–30; Council on Energy Independence

Subject: Extension of Operating Life of Nuclear Power Plants (Part 50).

Federal Register Citation: December 17, 1981 (46 FR 61484).

Description. The petitioner requests that the Commission extend operating life of nuclear power plants through amendment of Part 50, § 50.51 in one of the two following methods: (1) Tie the expiration date of the operating license (OL) to the date of issuance of the OL; or (2) lengthen the duration of an operating license (e.g., the OL will expire 50 years from the date of issuance of the Construction Permit (CP)). The petitioner states that traditionally the Commission has issued operating licenses for nuclear power plants for a term of 40 years from the date of construction permit issuance. Thus, in the 1960s and 1970s the actual length of permitted operation for such a plant was approximately 35 years. This was due to the fact that it took only about 5 years to construct the plant and obtain an operating license. The petitioner states that this is no longer the case since it now takes much longer to construct a plant and obtain an OL. Thus, the number of years the plant may be operating is shrinking and the useful and economic life of the plant is diminished.

Objective. To effect a savings for nuclear power plant licensees by extending the fixed period of the initial operating license for a nuclear power plant to compensate for the increasing period of time required to construct a plant and obtain an operating license.

Background. The comment period closed February 16, 1982.

Timetable: Not available.

Contact: James J. Henry, Office of Nuclear Regulatory Research, (301) 443–5981.

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131. Petition Docket No.: PRM–50–31; Citizens' Task Force

Subject: Emergency Preparedness (Parts 50, 70).

Federal Register Citation: March 24, 1982 (47 FR 12639).

Description. Petitioner requests that the Commission amend its regulations to require (1) that the present ten-mile EPZ radius be be extended to twenty miles and include any towns bordering on or partially within this zone; (2) that all communities with a population in exess of 5,000 persons be provided by the respective utility with the funding to purchase, install, and operate radiological monitoring equipment to reach and maintain the level of preparedness deemed necessary by the affected municipalities; and (3) that utilities be required to finance the emergency planning efforts of municipalities located near nuclear reactors.

Objective. To establish an effective notification and evacuation system in communities located near nuclear reactors.

Background. Comment date expires on May 24, 1982.

Timetable: Not available.

Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, (301) 443–5942.

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132. Petition Docket No.: PRM–51–6; Catherine Quigg

Subject: Generic Environmental Impact Statement for High Burnup Nuclear Fuel (Part 51).

Federal Register Citation: April 15, 1980 (45 FR 25557).

Description. The petitioner requests that the Commission amend its regulations to require the preparation of a generic environmental impact statement for high burnup nuclear fuel as used in commerical nuclear reactors, stored in spent fuel pools or cooling racks, or potentially as processed in reprocessing plants or disposed of in permanent sites. The petitioner states that with the decision not to reprocess nuclear fuel, the Federal government and the utilities want to use more uranium in existing nuclear fuel in reactors across the country. The petitoner expresses concern that cited experiments in high fuel burnup will lead to a national program of high burnup of nuclear fuel in reactors without adequately considering potential long- and short-term environmental effects.

Objective. The petitioner proposes that the Commission require a generic environmenal impact statement for high burnup nuclear fuel. The petitioner believes this regulation is necessary to adequately protect public health and safety. The petitoner believes an enviromental statement is necessary to adequately examine the following significant effects that use of high burnup fuel could have on the environment: (1) Greater fission gas releases from nuclear reactors; (2) Increased fission gas releases from spent fuel pools; (3) Production of inferior grade spent nuclear fuel; (4) Potential for greater radiological impact in reactor and spent fuel pool accidents; and (5) Increased radioactive releases during reprocessing.

Background. The comment period closed June 16, 1980. Fourteen comments were received, the majority in opposition to the petition. The petitioner believes that studies and reports based on low burnup fuel may not be relevant when applied to high burnup fuel and that the Commission has no adequate basis for its negative declaration that higher burnups would have no significant environmental impact.

Timetable: Commission action on the petition is scheduled for December 1982.

Contact: Richard Grill, Office of Nuclear Regulatory Research, (301) 443–5825.

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133. Petition Docket No.: PRM–71–8; Foster Wheeler Energy Corporation

Subject: Exemption of Radiographers from Documentation Requirements for Delivering Licensed Material (Part 71).

Federal Register Citation: June 11, 1980 (45 FR 39519).

Description. The petitioner requests the NRC to exempt industrial radiography licensees from the requirement in paragraph (b)(1)(i) of § 71.12 that these licensees have all documents which are referenced in the license, certificate, or other approval in order to deliver licensed material to a

carrier for transport under the general licensing provisions of § 71.12. The petitioner contends that "* * * it is adequate for a radiography licensee to have on file just the Certificate of Compliance for a given source shipping container." The petitioner further contends that the documents which are maintained pursuant to § 71.12(b)(1)(i) have not proved to be needed or useful on other occasions and that the requirement, as it applies to industrial radiographers, "* * * offers no positive effect on the safe transportation of radioactive material and should be withdrawn."

Objective. To eliminate the requirement for industrial radiographers that they maintain all documents referrenced in the license, certificate, or other approval in order to deliver licensed material to a carrier for transport under the general licensing provisions of § 71.12.

Background. The comment period closed August 11, 1980. Three comments were received, all of which favored the petitioner's request.

Timetable: Commission action on the petition for rulemaking is scheduled for June 1982.

Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, (301) 443–5825.

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134. Petition Docket No.: PRM–73–6; Wisconsin Electric Power Company, et al.

Subject: Modification of Qualifications for Security Personnel of Nuclear Power Plants and Other Special Nuclear Material Licensees (Part 73).

Federal Register Citation: February 16, 1982 (47 FR 6659).

Description. The petitioners request that the Commission eliminate the requirement that armed security personnel at nuclear power plants or other facilities licensed to handle special nuclear material (1) carry an extra pair of eyeglasses and (2) undergo and annual medical examination within the preceding thirty days of an annual physical fitness test. The petitioners contend that these requirements are "excessive and unreasonable" when compared to similar requirements for security personnel in other government agencies or in operations with security requirements comparable to those of nuclear power plants. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate requirements for security personnel which the petitioner contends are "excessive and unreasonable."

Background. The comment period closed April 19, 1982.

Timetable: Commission action on the petition is unscheduled.

Contact: William Floyd, Office of Nuclear Regulatory Research, (301) 443–5976.

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135. Petition Docket No.: PRM–73–7; Wisconsin Electric Power Company, et al.

Subject: Elimination of Required Log Out of Personnel from Vital Areas of Nuclear Power Reactors (Part 73).

Federal Register Citation: February 16, 1982 (47 FR 6658).

Description. The petitioners request that the Commission eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas. The petitioners contend that the requirement is not only unnecessary from a safety standpoint, but may be detrimental to safe plant shutdown and effective plant response to other emergencies. The petitioners also contend that sensitive facilities have no similar requirement. The petition includes proposed amendatory text which would achieve these modified requirements.

Objective. To eliminate the log-out requirement at nuclear power reactors for individuals given access to normally unoccupied vital areas.

Background. The comment period closed April 19, 1982.

Timetable: Commission action on the petition is scheduled for July 1982.

Contact: William Floyd, Office of Nuclear Regulatory Research, (301) 443–5976.

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136. Petition Docket No.: PRM–73–8; Wisconsin Electric Power Company, et al.

Subject: Elimination of Required Search of Hand-Carried Packages of Personnel at Nuclear Power Plants (Part 73).

Federal Register Citation: February 16, 1982 (47 FR 6657).

Description. The petitioners request the Commission to eliminate the requirement for searches of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary as demonstrated by the absence of these kinds of searches in comparable Federal programs. The petitioners also contend that the requirement is an ineffective means of preventing insiders from sabotaging the plant. The petition includes proposed amendatory text which would achieve this requested change.

Objective. To eliminate the required search of hand-carried personal effects of screened employees entering a protected area of a nuclear power plant.

Background. The comment period closed April 19, 1982.

Timetable: Commission action on the petition is unscheduled.

Contact: William Floyd, Office of Nuclear Regulatory Research, (301) 443–5976.

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137. Petition Docket No.: PRM–95–1; General Atomic Company

Subject: Modification of Classification Guide for Safeguards Information (Part 95).

Federal Register Citation: August 4, 1981 (46 FR 39610).

Description. The petitioner requests a change in the "Classification Guide for Safeguards Information" included in Appendix A of 10 CFR Part 95. Appendix A provides security classification guidance for the safeguarding of information concerning certain nuclear material or facilities. The petitioner contends that a portion of these classification requirements is unduly restrictive and unnecessary for several reasons: (1) General Atomic's computer system is coded to limit access to authorized users, (2) the records management systems allocation of storage to its users is known only by the central processing unit, and (3) processing classified data inhibits the development of early detection capabilities and the trend toward more real time processing of data from stations located within the manufacturing process area.

Objective. To modify or eliminate certain parts of the "Classification Guide for Safeguards Information." The petitioner states that the use of data classifications with its material control system is unnecessary and results in added costs, delays, and inefficiencies in its material accounting and records management operations.

Background. The comment period closed October 2, 1981. No comments were received.

Timetable: EDO action is scheduled for June 1982.

Contact: Vincent J. McClelland, Office of Administration, (301) 427–4303.

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138. Petition Docket No.: PRM–140–1; Public Citizen Litigation Group

Subject: Extraordinary Nuclear Occurrence (Part 140).

Federal Register Citation: August 28, 1979 (44 FR 50419).

Description. The petitioners request that the NRC (1) find that the accident at

Three Mile Island was an extraordinary nuclear occurrence (ENO) and (2) amend Subpart E of Part 140 to make less stringent the criteria used for determining that an extraordinary nuclear occurrence has occurred. Part 140 of the Commission's regulations provide procedures and requirements for determining the financial protection required of licensees and for the indemnification and limitation of liability of licensees. Subpart E of Part 140 sets forth the procedures the Commisssion will follow and the criteria the Commission will apply in making a determination as to whether or not there has been an ENO.

Objective. To change the criteria used by the Commission to make a determination that an ENO has occurred and to provide additional compensation for injury or damage resulting from the hazardous properties of radioactive materials or radiation.

Background. The comment period closed on December 31, 1979. One comment was received. The petitioners are property owners in the vicinity of TMI and contend that their property was sharply decreased in value as a result of the accident. In addition, the petitioners contend that "the Commission's established criteria have been easily met" in that the damages resulting from the accident exceed those levels necessary to be considered an ENO. Finally, the petitioners request additional criteria be added to Part 140 to permit accidents of much smaller proportions than TMI to be considered ENOs.

Timetable: Commission action on the petition for rulemaking is scheduled for May 1982.

Contact: Harold T. Peterson, Jr., Office of Nuclear Regulatory Research, (301) 427–4210.

D—Petitions With Deferred Action

139. Petition Docket No.: PRM–20–6; Natural Resources Defense Council, Inc.

Subject: Radiation Protection Standards (Part 20).

Federal Register Citation: October 29, 1975 (40 FR 50327).

Description. The petitioner requests that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. Specifically, the petitioner requests that (1) for individuals under the age of 45, the whole body radiation exposure limit would not exceed 0.5 rems in any calendar year and 0.3 rems in any calendar quarter; (2) that individuals over 45 years of age may receive up to 3 rems per quarter whole body dose as long as the whole body dose does not exceed 0.5(M-18)+X(N-M) rem, where M is not less than 45, N equals the individual's age in years, and X is calculated to reduce the cumulative somatic risk by a factor of 6 below the cumulative somatic risk associated with exposure at 5 rem/year from age 18. The petitioner also requests that hearings be held to determine the "as low as practicable" extent to which the exposures can be maintained below the proposed regulations.

Objective. To reduce the genetic risk associated with radiation exposure at the occupational level by a factor of 10 and to reduce the somatic risk by a factor of 6.

Background. The initial comment period closed December 29, 1975; but was extended to February 12, 1976. The comments received included three letters supporting the petition, one proposing an alternate set of reduced limits, and 52 opposing the petition. The petitioner filed a supplement to the petition, dated November 4, 1977, requesting the consideration of recent epidemiological studies. This issue will be included in the hearing on occupational radiation protection to be jointly sponsored by EPA, NRC, and OSHA. Staff presented a paper to the Commission on August 17, 1978. The tentative staff position was that the petitioner's request to lower the occupational dose limits should be denied, but the staff is deferring its final recommendation until the public hearing has been held. Proposed EPA guidance was published in the Federal Register on January 23, 1981. EPA/ NRC/OSHA hearings were held in April 1981. The question of occupational dose limits is being addressed by the staff in work on the revision of 10 CFR Part 20.

Timetable: Commission action on the final rule is scheduled for November 1983.

Contact: Robert E. Baker, Office of Nuclear Regulatory Research, (301) 427–4570.

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140. Petition Docket No.: PRM–20–6A; Rosalie Bertell

Subject: Standards for Protection Against Radiation (Part 20).

Federal Register Citation: August 21, 1978 (43 FR 37018).

Description. The petitioner requests that the Commission (1) amend its Standards for Protection Against Radiation as they apply to the maximum whole body dose equivalent for occupational exposures to ionizing radiation, (2) include in 10 CFR Part 20 those diseases which indicate above normal susceptibility to leukemia and/or radiation damage, and (3) the hearing in response to this petition be consolidated with the petition (PRM–20–6) filed by the Natural Resources Defense Council, Inc. Petitioner states that the requested amendment in item (1) would have the same effect, measured by the reduction of the individual's biological ability to cope with chronic and malignant disease, as would be achieved by reducing the current maximum whole body dose for occupational exposure by a factor of 50.

Objective. To reduce the current permissible whole body dose equivalent for occupational exposure by a factor of 50.

Background. The comment period expired October 20, 1978. Four comments were received, one favoring and three opposing the petition. This petition has been combined with an earlier petition (PRM–20–6) from the National Resources Defense Council, Inc. that addresses the same issues. The issue of occupational dose limits is presently being addressed by the staff in work on the revision of 10 CFR Part 20. A response to this petition and (PRM–20–6) will be prepared following Commission action on the revised Part 20 rule.

Timetable: Commission action on a final rule is scheduled for November 1983.

Contact: Robert E. Baker, Office of Nuclear Regulatory Research, (301) 427–4570.

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141. Petition Docket No.: PRM–20–13; Victor E. Anderson

Subject: Certification of Health Physics Personnel (Part 20).

Federal Register Citation: February 28, 1979 (44 FR 11284).

Description. The petitioner requests that the Commission require Health Physics personnel to be certified by the Commission. The requirement would provide for the certification of the Health Physicist on five levels—Trainee, Junior, Senior, Supervisor, and Master Health Physicist. Only individuals certified by the Commission would make surveys, evaluations, and decisions on matters of radiation protection. A licensee could not override the decision of a certified Health Physicist except in cases where the decision is a violation of Federal regulations.

Objective. To assure the public and workers of adequate radiation protection.

Background. The comment period closed April 30, 1979. Fifty-eight comments were received. Fifty-two

comments opposed the petition. Most of the comments were from industry. Further action on this petition will consider results of an NRR contracted study on the need for licensing nuclear power plant personnel. Results of studies performed with respect to PRM 34-2 (see Agenda item No. 123) on licensing of radiographers are being considered in relation to this petition. Report on licensing nuclear power plant managers and senior licensee officers in response to direction in Pub. L. 96-295 will also be considered.

Timetable: Commission action on the petition is scheduled for February 1983.

Contact: Jack M. Bell, Office of Nuclear Regulatory Research, (301) 443-5970.

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142. Petition Docket No.: PRM-35-2; The American Association of Physicists in Medicine

Subject: Intervals Between Required Dosimetry System Calibrations (Part 35).

Federal Register Citation: January 29, 1982 (47 FR 4311).

Description. The petitioner proposes that the Commission amend its regulations to permit an interval longer than two years between required calibrations of a dosimetry system that is used to perform calibration measurements on a teletherapy unit, as long as suitable dosimetry system verification checks are carried out. The petitioner also recommends, as an interim measure, that a variance be granted to licensed teletherapy users who are unable to have instruments calibrated with the required period. Current regulations require calibration measurements using a dosimetry system that has been calibrated by the National Bureau of Standards or an accredited Regional Calibration Laboratory within two years and after any servicing that may have affected system calibration. The petitioner indicates that as a result of this requirement and the limited number of instruments that may be calibrated by an approved organization, the waiting period for instrument calibration is currently about six months and expected to increase.

Objective. The petitioner proposes a regulation that would allow a longer interval between calibrations while providing for suitable dosimetry system verification checks. The petitioner's proposed alternative is intended to reduce the six-month waiting period for instrument calibration without adversely affecting dosimetry system reliability.

Background. The comment period closed March 30, 1982. The staff met with representatives of the National Bureau of Standards on January 21, 1982, to discuss the extent of and reasons for the instrument calibration backlog. Any amendment to Part 35 that may result from this petition for rulemaking would be incorporated into the proposed revision of Part 35 currently in progress. Affected licensees will receive relief in the form of rulemaking or variances as an interim solution until the Part 35 revision is complete.

Timetable: Commission action on the petition is scheduled for June 1982.

Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, (301) 427-4580.

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143. Petition Docket No.: PRM-50-17; Boston Edison Company, et al.

Subject: No Significant Hazards Consideration (Parts 2, 50).

Federal Register Citation: June 14, 1976 (41 FR 24006).

Description. The petitioners request that the Commission amend its regulations to include criteria which would be used in making a determination as to when a proposed amendment to an operating license involves no "significant hazards consideration" and could thus be issued without prior public notice or hearing.

Objective. The petitioners state that adoption of their proposed criteria would help reduce the uncertainty and unnecessary delay in the Commission's procedures for approving license amendments without compromising the rights of members of the public to participate in Commission proceedings involving significant safety considerations.

Background. The comment period closed August 13, 1976. Ten comments were received. The comments were evenly divided for and against the petition. The Commission approved issuance of a proposed rule in response to the petition which was published in the Federal Register on March 28, 1980 (45 FR 20491, see Agenda item No. 67). Ten letters of comment were received on the proposed rule, none of which fully supported the staff proposal. Work on this petition was delayed due to commitment of staff to TMI-related work. A court decision in the case of *Sholly* v. *NRC*, 651 F. 2d 780 (1980), rehearing denied 651 F. 2d 792 (1980) and legislation pending in Congress have influenced this action.

Timetable: Commission action on this issue is not expected until either the Supreme Court acts or Congress passes currently pending legislation. Supreme Court or Congressional action is not expected until late 1982.

Contact: Thomas F. Dorian, Office of the Executive Legal Director, (301) 492-8690.

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144. Petition Docket No.: PRM-50-20; Free Environment, Inc. et al.

Subject: Reactor Safety Measures (Parts 50, 100).

Federal Register Citation: May 19, 1977 (42 FR 25785).

Description. The petitioner requested that the Commission amend Part 50 before proceeding with the processing of license applications for the Central Iowa Nuclear Project to require that: (1) All nuclear reactors be located below ground level; (2) all nuclear reactors be housed in sealed buildings, within which permanent heavy vaccums are maintained; (3) a full-time Federal employee, with full authority to order the plant to be shut down in case of any operational abnormality, always be present in all nuclear generating stations; and (4) the Central Iowa Nuclear Project and all other reactors be sited at least 40 miles from major population centers.

Objective. To assure that additional safety measures are employed in the construction and siting of nuclear power plant. The petitioner seeks to have recommendations and procedures practiced or encouraged by various organizations, as well as current NRC guidelines, adopted as mandatory requirements in the Commission's regulations.

Background. The comment period closed July 18, 1977. Three comments were received. The first three parts of the petition (see Description section above) were incorporated with PRM-50-19 for staff action purposes. A notice of denial for the third part of the petition was published in the Federal Register on February 2, 1978 (43 FR 4466). A notice of denial for the first two parts of the petition was published April 19, 1978 (43 FR 16556). NRC staff work on the fourth part of the petition will be carried out in connection with the ongoing Part 100 rulemaking (see Agenda item No. 63) on demographic criteria. Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983 to await safety goal information and source term re-evaluation.

Timetable: Commission action on a final rule addressing demographic criteria is scheduled for summer 1983.

Contact: William R. Ott, Office of Nuclear Regulatory Research, (301) 427-4078.

145. Petition Docket No.: PRM–51–1; New England Coalition on Nuclear Pollution

Subject: Environmental Impacts of the Uranium Fuel Cycle (Part 51).

Federal Register Citation: January 16, 1976 (41 FR 2448).

Description. The petitioner requests that the Commission initiate a rulemaking to amend its summary of environmental considerations in the uranium fuel cycle presented in Table S–3 of Part 51. The petitioner declares that: (1) The current Table S–3 seriously underestimates the impact on human health and safety by disregarding the long-term effects of certain radionuclides, particularly thorium-230 which decays into radon gas; (2) The health effects of Krypton-85 and tritium releases from fuel reporcessing plants are underestimated; (3) Releases of Carbon-14 from the fuel cycle should be included; (4) The term "man-rems" does not provide a meaningful representation of health effects, at least in terms of radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more comprehensible consequence of fuel cycle activities; and (5) the magnitude of the potential death toll from mill tailings alone alters previous judgments and requires a reassessment of previous conclusions to authorize construction and operation of nuclear reactors and the postponement of all pending applications for construction or operating authority until final resolution of the issue by the Commission.

Objective. The petitioner proposes that the amendments to Table S–3 it presents in its petition, form the basis of Commission action to amend Table S–3 to more accurately reflect the impact of the long-term effects of certain long-lived radionuclides on human health and safety. The petitioner also proposes to suspend all activities related to nuclear power plant construction and operation until the Commission reassesses the health and safety effects of mine tailings.

Background. The comment period was extended to April 26, 1976 (41 FR 12365). A majority of the ten comments recieved opposed the petition. The Commission published a partial denial of the petition on April 14, 1978 (46 FR 15613) and deferred remaining action pending a future rulemaking proceeding to amend the Table S–3 value for radon. That document removed the radon value from Table S–3 and made it subject to litigation in individual licensing proceedings. Seventeen cases were combined for a hearing of the radon issue before the Atomic Safety and Licensing Appeal Board. Although the Appeal Board published a partial decision on May 13, 1981 (ALAB–640), the Board has not completed its proceeding and nor has it published the remainder of its decision.

Timetable: Commission action on a proposed rule on radon is scheduled for March 1983.

Contact: William E. Thompson, Office of Nuclear Material Safety and Safeguards, (301) 427–4211.

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146. Petition Docket No.: PRM–70–6; Eberline Instrument Corporation

Subject: Air Transport of Plutonium (Part 70).

Federal Register Citation: August 18, 1977 (42 FR 41675).

Description. The petitioner requests the Commission to approve the air transport of calibration or reference sources which are generally licensed pursuant to § 70.19 and manufactured pursuant to a specific license issued by the Commission under § 70.39, or in accordance with the specifications contained in a specific license issued to the manufacturer by an Agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the Agreement State. As an alternative, the petitioner requests the Commission to declare that these calibration and reference sources represent "de minimis" quantities of plutonium for which container certification should not be required.

Objective. To permit the air transport of calibration or reference sources which contain small quantities of plutonium.

Background. The comment period closed October 17, 1977. Two comments were received, both of which supported the petition. Disposition of this petition will proceed when the Commission determines its policy on the air transport of plutonium by taking rulemaking action to implement that portion of Pub. L. 94–79 known as the Scheuer Amendment which places restrictions on the air transport of plutonium. This NRC rulemaking, published as a proposed rule in the Federal Register on November 13, 1981 (46 FR 55992, see Agenda item No. 47) considers, among other things whether under Pub. L. 94–79 the Commission may authorize air shipments of small quantities of plutonium in a package other than an approved container, and if so, what regulatory requirements should apply to these shipments.

Timetable: Commission action on the petition is unscheduled. Action on the petition will follow action on the final rulemaking implementing Pub. L. 94–79, which is to be included in the Part 71 rule making U.S. transport regulations consistent with those of IAEA. That rule is scheduled for review in October 1982.

Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, (301) 443–5825.

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147. Petition Docket No.: PRM–71–6; CRITICAL MASS ENERGY PROJECT, et al.

Subject: Emergency Planning and Response for Transportation Accidents Involving Radioactive Materials (Part 71).

Federal Register Citation: December 1, 1977 (42 FR 61089).

Description. The petitioners request the Commission to require licensees who transport radioactive materials to (1) use special routes to avoid densely populated areas and mountainous terrain; (2) adopt emergency plans involving their cargo, including the organization of emergency response units to carry out the plan and semi-annual drills with state and local law enforcement officials; (3) assume financial responsibility for any shipping accident that involves the dispersal of their radioactive cargo; and (4) develop a plan for informing the drivers of the vehicles about the nature of the material they are shipping and emergency actions they should undertake in the event of an accident. The petitioners state that NRC regulations should also require that all licensees be in compliance with these regulations within 60 days of their promulgation and that each licensee be required to demonstrate to the Commission within 60 days after the effective date of the regulation that the licensee possesses the capability to deploy emergency response units promptly to an accident scene.

Objective. To improve the emergency response capability of licensees and the shippers who transport radioactive material to respond to accidents.

Background. The comment period closed January 30, 1978. Forty comments were received, the majority of which oppose the petition. On June 7, 1978, the NRC informed the petitioners that the NRC was delaying action on the petition until a request by Congressman Wirth for a special joint study by the NRC and DOT on Package Requirements and Emergency Response was completed. The final report on this study, NUREG–0535, was published in July 1980. A staff response to the petition has been prepared and forwarded to the Commission for action. The staff paper has been subsequently withdrawn pending resolution of the New York

lawsuit on the DOT's highway routing rule and the proposed rider on DOT FY82 Authorization Bill which would require DOT to analyze comparative risks and costs for transporting a large quantity of radioactive materials by highway, rail, and barge or vessel. Resolution of these issues could materially affect the Commission findings on the petition.

Timetable: Commission action on the petition is unscheduled.

Contact: Anthony N. Tse, James C. Malaro, Office of Nuclear Regulatory Research, (301) 443–5825.

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148. Petition Docket No.: PRM–72–3; Wisconsin Electric Power Company, et al.

Subject: Elimination of "Pat Down" Physical Searches of Individuals at Nuclear Power Plants (Part 73).

Federal Register Citation: September 15, 1977 (42 FR 46431).

Description. The petitioners request elimination of the requirement for "pat down" physical searches of individuals entering a protected area of a nuclear power plant. The petitioners contend that the requirement is unnecessary in that comparable highly sensitive facilities such as those used to store nuclear weapons do not have such a requirements. The petitioners state that their petition would permit "pat down" searches and that individuals entering a protected area would be put on notice that they are subject to these searches. Existing requirements for the use of detection equipment would not be affected. The petition includes proposed amendatory text to Part 73. The petitioners also have submitted a memorandum in support of the petition.

Objective. To eliminate the requirement for "pat down' physical searches of individuals entering a protected area of a nuclear power plant.

Background. The comment period closed October 17, 1977. Approximately 100 comments were received, of which 80 were from utilities and supported the petition. The other 20 disagreed with the petition. Currently effective regulations require, in part, that physical "pat down" searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, NRC has extended to licensees relief from this requirement while a proposed rulemaking proceeding in physical searches is conducted. The most recent notice granting a continuation of this relief was published in the Federal Register on December 1, 1980 (45 FR 79410. See Agenda item No. 49). The Commission notified the petitioner that action on the petition has been delayed pending resolution of the rulemaking proceeding to modify requirements for physical searches at nuclear power plants.

Timetable: Commission action on the petition for rulemaking is pending issuance of the proposed rule on personnel access authorization (see Agenda item No. 103).

Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research; (301) 443–5976.

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149. Petition Docket No.: PRM–73–3; KMC, Inc., et al.

Subject: Physical Security Requirements at Nuclear Power Plants (Part 73).

Federal Register Citation: July 10, 1978 (43 FR 29635).

Description. The petitioner requests amendment of § 73.55 to include a statement that, if a nuclear power reaction licensee meets the *specific* requirements for physical protection against an insider threat, as provided for in the Commission's regulations, a licensee will also meet the *general* performance requirements for physical protection provided in § 73.55. The petitioner contends that while § 73.55(a) permits licensees to suggest alternative measures which would achieve equivalent levels of physical protection, experience has shown that these proposed alternatives have not been accepted by the NRC staff. The petitioner states that the NRS has required additional features, beyond the requirements in § 73.55, to meet the general performance requirements for physical security protection. Specifically the petitioner requests amendment of paragraph (a)(2) of § 73.55 which provides requirements for protection against "insider" threat (that is, a threat from an individual inside a plant, including an employee of the utility). The requested change would state that a utility which meets the specific requirements in paragraphs (b) through (h) of § 73.55 would satisfy the general performance requrements for physical security in § 73.55. The petitioner provides specific amendatory language in its petition and also has submitted a memorandum in support of the petition.

Objective. To limit NRC staff from imposing on utilities additional requirements for physical security protection above those requirements in § 73.55 by stating that a utility, when it satisfies the *specific* requirements for physical protection against an insider threat (as provided in the Commission's regulations), the utility will also meet the *general* performance requirements for physical protection against an insider threat.

Background. The comment period closed Spetember 8, 1978. Four comments on the petition were received. On November 11, 1978, the NRC Notified the petitioner that action on the petition would be delayed because the currently effective physical security requiremnts in § 73.55 were under review. The NRC has extended to licensees partial relief from the physical security requirements in § 73.55. The most recent notice extending this relief was published in the Federal Register on December 1, 1980 (45 FR 79410). The NRC published a proposed rule in the Federal Register on December 1, 1980 (45 FR 79492) which would modify the physical security requirements in § 73.55. Action on the petition is delayed pending resolution of policy questions raised by the petition.

Timetable: Commission action on the petition for rulemaking is scheduled for June 1982.

Contact: Jerry D. Ennis, Office of Nuclear Regulatory Research, (301) 443–5976.

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150. Petition Docket No.: PRM–100–2; Public Interest Research Group, et al.

Subject: Population Density Criteria Near Nuclear Power Plants (Part 100).

Federal Register Citation: July 1, 1976 (41 FR 27141).

Description. The petitioners request that the Commission amend its regulations to prohibit the construction of nuclear reactors where the population in the surrounding area exceeds or will exceed specified numerical limits. The petitioners' proposed criteria would limit permissible population density to 400 people per square mile within a 40-mile perimeter. The petitioners state that they regard these proposed criteria as interim standards to be used until the Commission is able to generate its own numerical standards on population density.

Objective. To restrict utilities from building nuclear reactors too close to metropolitan areas.

Background. The comment period closed August 30, 1976. Twelve comments were received. An NRC staff paper (SECY–78–624) was submitted to the Commission on December 4, 1978. In a memorandum to the Executive Director for Operations dated February 15, 1979, the Commission deferred action on the population density siting criteria issue pending submission of the Siting Policy Task Force report. The petitioners were notified of his deferral by letter dated March 9, 1979. The petitioners were notified by letter (in July 1980) that

the petition would be considered in the context of the rulemaking on siting criteria (see Agenda item No. 63). Petitioners were notified by letter on January 26, 1982, that the proposed rule on siting criteria will be delayed until summer 1983, to await safety goal implementation and source term re-evaluation.

Timetable: Commission action on the petition is scheduled for summer 1983 in the context of consideration of a proposed rule on siting criteria.

Contact: William R. Ott, Office of Nuclear Regulatory Research, (301) 427–4078.

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federal register

Thursday
April 29, 1982

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation; Disposal of Excess Spoil; General Requirements for Backfilling and Grading; and Cessation Orders; Final Rules

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, and 817

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs; Backfilling and Grading: General Requirements

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining (OSM) is amending the initial and permanent regulatory programs regulations concerning backfilling and grazing. These changes eliminate the specific terrace-width limitation of those sections, to provide increased flexibility in achieving the postmining land use plan without reducing erosion control.

EFFECTIVE DATE: June, 1, 1982.

ADDRESSES: Copies of comments received on the proposed rules may be reviewed at the Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Charles Meyers, Division of Technical Assistance, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240; 202–343–5587.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of Comments and Rules Adopted.
III. Procedural Matters.

I. Background.

On December 13, 1977, and March 23, 1979, OSM promulgated initial and permanent program rules, respectively, implementing the Surface Mining Control and Reclamation Act of 1977 (U.S.C. 1201 et seq.; the Act). Included in § 715.14(b)(2)(i) of the initial program and §§ 816.102(b)(1) and 817.102(b)(1) of the permanent program were backfilling and grading requirements that limited the width of individual terraces to 20 feet. On August 5, 1981 (46 FR 39854), OSM proposed changes in this terrace-width requirement, to provide increased flexibility in achieving the postmining land use plan without reducing erosion control. The proposed changes imposed no width limitation on terraces and allowed any width adequate to ensure the safety, stability, and erosion control necessary to achieve the postmining land use plan.

A public hearing on the proposed changes was scheduled for August 13, 1981; however, no one requested a hearing and it was not held. Four written comments were received during the comment period, which closed on September 4, 1981.

II. Discussion of Comments and Rules Adopted.

Three commenter stated that they supported the proposed changes to remove the 20-foot maximum terrace-width limitation. These commenters stated that they believed that greater erosion control would be achieved and that significant adverse environmental impact should not occur as a result of the revised rules.

One commenter supported the existing 20-foot maximum terrace-width and identified two objections to the proposed rules. First, the commenters stated that the primary purpose of the 20-foot maximum was to control erosion and that 20-foot terraces are standard engineering practice. OSM believes that while 20-foot terraces may provide appropriate landforms and erosion control for some land uses, the 20-foot maximum severely restricts the choice of potential uses appropriate for many reclaimed sites. OSM also has not identified anything in the technical literature to indicate that a 20-foot width for all conditions will either prevent erosion or ensure stability. In addition, and as noted in the preamble to the proposed rules, 20-feet is a *minimum* and not a maximum width for stable, controlled terraces. Regardless of the terrace constructed, the operator must still comply with other performance standards which also ensure stability and erosion control. OSM rejected this comment and made no change in the proposed rules.

Second, this commenter stated that, without design criteria, uncertainty in enforcement would result in determining whether a particular terrace meets acceptable engineering practices. While a single design standard applied uniformly to hundreds of sites may make an inspectors's job more routine, flexibility in meeting performance standards and in achieving appropriate postmining land uses is eliminated. OSM believes that inspectors will be able to judge the stability and erosion-control aspects of a site without reference to a mandatory 20-foot maximum terrace width.

Further, this commenter provided alternative comments in the event that OSM should decide to adopt the proposed rules. These comments were that other engineering procedures (such as a 1.3 static safety factor, compaction, and water control measures) must also be required if flexible width terraces are to be safe and practical. The proposed rules clearly stated that flexible-width terraces must be constructed so as to ensure safety, stability, and erosion control, (46 FR 39855). This language (retained in the final rules), together with other rules implementing the performance standards of Section 515 of the Act, accomplishes the result suggested by this commenter.

Finally, this commenter suggested that professional engineers be required to certify terraces. Flexible width terraces which are part of postmining land uses permitted under Sections 515(c) and 515(e) of the Act would be designed or designed and certified by professional engineers. However, there is no general requirement in the Act that all terraces in all permitted operations be so certified. Accordingly, OSM declines to require such action by regulation, and no change was made in the proposed rules.

Accordingly, OSM is adopting the change in Parts 715, 816, and 817 to eliminate the 20 foot maximum width limitation for terraces and to allow any terrace width adequate to ensure the safety, stability, and erosion control necessary to implement the postmining land-use plan.

III. Procedural Matters

Determination Under Executive Order 12291, The Regulatory Flexibility Act, and the National Environmental Policy Act

The Department of the Interior (DOI) has examined these rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they would impose only minor costs on the coal industry and coal consumers. In addition, the rules emphasize the use of performance standards instead of design criteria, which would allow operators to utilize the most cost-effective means of achieving the performance standards.

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The rules will allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

OSM has prepared a final environmental assessment (EA) on this rule that reaches a conclusion that this rule should not significantly affect the

quality of the human environment. The final EA is on file in the OSM Administrative Record Office at the address listed in the "Addresses" section of the preamble. OSM is in the process of preparing a cumulative EA on this rulemaking and related rulemaking under Pub. L. 95–87 to determine the cumulative effects on the environment, if any.

List of Subjects in

30 CFR Part 715

Environmental protection, Surface mining, Underground mining.

30 CFR Part 816

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Accordingly, 30 CFR Parts 715, 816, and 817 are amended as set forth herein.

Dated: April 22, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

(Pub. L. 95–87, 30 U.S.C. 1201, et seq.)

PART 715—GENERAL PERFORMANCE STANDARDS

1. In Section 715.14, paragraph (b)(2)(i) is revised to read as follows:

§ 715.14 Backfilling and grading.

* * * * *

(b) * * *

(2) * * *

(i) Where specialized grading, foundation conditions, or roads are required for the approved postmining land use, the final grading may include a terrace of adequate width to ensure the safety, stability, and erosion control necessary to implement the postmining land use plan.

* * * * *

PART 816—PERMANENT PROGRAM STANDARDS—SURFACE MINING ACTIVITIES

2. In § 816.102, paragraph (b)(1) is revised to read as follows:

§ 816.102 Backfilling and grading: General grading requirements.

* * * * *

(b) * * *

(1) Where specialized grading, foundation conditions, or roads are required for the approved postmining land use, the final grading may include a terrace of adequate width to ensure the safety, stability, and erosion control necessary to implement the postmining land use plan.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

3. In § 817.102, paragraph (b)(1) is revised to read as follows:

§ 817.102 Backfilling and grading: General grading requirements.

* * * * *

(b) * * *

(1) Where specialized grading, foundation conditions, or roads are required for the approved postmining land use, the final grading may include a terrace of adequate width to ensure the safety, stability, and erosion control necessary to implement the postmining land-use plan.

* * * * *

[FR Doc. 82–11750 Filed 4–28–82; 8:45 am]

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30 CFR Parts 715, 816, 817, and 826

Initial and Permanent Regulatory Programs: Disposal of Excess Spoil

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

ACTION: Final rule.

SUMMARY: The Office of Surface Mining (OSM) is issuing new final rules relating to the disposal of excess spoil. These final rules describe a new method of disposal of excess spoil on preexisting benches, providing operators an additional option for spoil disposal while helping to achieve the goals of the Surface Mining Control and Reclamation Act of 1977. This rule incorporates the existing rules for preexisting benches in steep slope areas.

DATE: These rules become effective June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Division of Engineering Analysis; Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., NW., Washington, D.C. 20240; 202–343–5244.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Rules Adopted.
III. Response to Comments.
IV. Determination under Executive Order 12291, the Regulatory Flexibility Act, and the National Environmental Policy Act.

I. Background.

Past surface mining operations have resulted in many miles of abandoned benches throughout the Appalachian coal region. One of the objectives of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), is the reclamation of these previously mined areas (Section 102(h) of the Act, 30 U.S.C. 1202(h)). Reclamation of these abandoned mine lands through disposal of excess spoil on preexisting (*i.e.*, previously mined) benches is one method that will help to achieve this objective of the Act, with a corresponding reduction in erosion, surface water degradation, flood hazards, and damage to fish and wildlife. Disposal of excess spoil on preexisting benches will also help protect the environment by reducing both the size and number of valley, head-of-hollow, and durable-rock fill structures in areas not disturbed by previous or active mining operations. However, under current OSM rules for both the initial and permanent regulatory programs (§§ 715.15, 816.71–816.74, 817.71–817.74, and 826.16), spoil material in excess of that necessary to reclaim the active bench and eliminate the highwall may only be disposed of in fill structures approved by the regulatory authority in accordance with excess spoil disposal requirements.

Amendments to the excess spoil disposal rules, at §§ 715.15, 716.2, 816.71, 817.71, and 826.16, that would allow the disposal of excess spoil on preexisting benches, were initially proposed by OSM at 45 FR 32331–33 (May 16, 1980). As a result of the public comments received, OSM reproposed on July 20, 1981, in substantially different form, amendments to the excess spoil disposal rules (46 FR 37283–86). A comment period of 30 days ended on August 19, 1981.

II. Rules Adopted

OSM is now finalizing rules substantially as reproposed on July 20, 1981. The benches to which the rule will be applicable are those remaining from mining operators conducted prior to the currently permitted operation. These rules encourage the use of excess spoil for the purpose of backfilling these preexisting benches, but OSM is not requiring the use of preexisting benches for the disposal of excess spoil. The changes are intended to provide operations with another option for the handling of excess spoil—an option which will help to achieve the important goal of reclaiming abandoned mine lands and which will, in many circumstances, prove to be economically and technologically attractive to operators.

The final rule requires that all spoil must be placed on the solid portion of

the existing bench and that the preexisting bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose. In addition, excess spoil disposal on preexisting benches must be conducted in conformance with all of the general requirements for excess spoil disposal (§§ 715.15(a), 816.71, and 817.71), with two major exceptions: (1) The rule reduces the geotechnical design requirements by providing that disposal on preexisting benches be designed to a long-term static safety factor of 1.3 rather than 1.5; and (2) the rule provides that the existing highwall need not be completely eliminated when excess spoil is placed on a preexisting bench. Thus, the final rule not only states clearly the requirement for the long-term static safety factor, but also assures fulfillment of the requirements for excess spoil which are mandated by Section 515(b)(22) of the Act (30 U.S.C. 1265(b)(22)).

The reduction in the safety-factor requirement is based on OSM's analysis that the disposal of excess spoil on preexisting benches is similar, from a geotechnical standpoint, to the requirements for backfilling and grading active benches developed as part of a new mining operation. Under the backfilling and grading rules, a safety factor of 1.3 has been established as a reasonable standard to ensure the stability of the final backfill (§§ 816.102 and 817.102). The higher safety factor of 1.5, which is required for valley and head-of-hollow fills, is not deemed necessary when backfilling preexisting benches, because most preexisting benches are as solid as those of active mining operations and because the volume of material will not be as great at any location as the amount frequently disposed of in valley or head-of-hollow fills.

The provision which would allow the operator to dispose of excess spoil on preexisting benches without completely eliminating the highwall has two justifications: (1) In developing the highwall-elimination requirement of the Act, Congress was considering newly mined areas and not abandoned areas,[1] and (2) the disposal of spoil on preexisting benches will not result in an "adverse physical impact"[2] on the preexisting highwall, which would require the imposition of the highwall-elimination requirement even if the disposal area were not on abandoned mine lands.

The final rule also removes § 826.16. OSM believes that adoption of §§ 715.15(e), 816.75, and 817.75 obviates the need for § 826.16, which allowed for similar activities, but only in steep slope mining. The new rule is not as limited.

III. Response to Comments

Comments received on the July 20, 1981 reproposed rules are addressed below:

One commenter who approved of the reproposed changes in the excess spoil rules suggested that OSM also consider the use of excess spoil for public and private projects which are off the permit area. The commenter's suggestion is beyond the scope of the proposed rulemaking, but OSM will accept this comment for future consideration.

Another commenter who also agreed with the reproposed rules suggested that OSM consider excluding benches which are naturally revegetated or reclaimed pursuant to then-existing State requirements or which have recovered to the extent that further vegetation and reclamation work is not necessary. In this regard, the commenter provided suggested language that would exclude preexisting benches that meet the revegetation requirements of §§ 715.20, 816.116 or § 817.116 from use as disposal areas for excess spoil unless the regulatory authority determines that this is the environmentally preferred option. OSM agrees that this suggestion has merit. However, since disposal of excess spoil will, in almost all circumstances other than disposal on preexisting benches, result in the disturbance of otherwise virgin areas, and all areas disturbed for excess-spoil disposal must be revegetated in compliance with 30 CFR 715.20, 816.116 or 817.116 before bond release, no change was deemed necessary in the language as reproposed.

Two commenters requested that OSM clarify the phrase "eliminating the highwall to the extent practicable," indicating that they felt the language should convey that the highwall should be covered and stabilized to the maximum extent possible. OSM believes that a phrase such as "to the maximum extent possible" in the rule might be interpreted to require complete highwall elimination on preexisting benches when it is technologically feasible, notwithstanding extraordinarily high costs, or that it would tend to discourage the disposal of excess spoil on preexisting benches. It is OSM's intent to require the operator to eliminate only that portion of the highwall that is both technologically and economically feasible to eliminate using available excess spoil. On this basis, the comment is rejected.

These commenters also believed that by deleting the August 3, 1977, date for the preexisting benches, OSM is inviting abuse of this revision. This subject was addressed in the initial proposed rule (45 FR 32331) and is discussed in the preamble to the reproposed rules at 46 FR 37284. The final rules will permit the disposal of excess spoil on any bench remaining from a mining operation conducted prior to the currently permitted operation. The rule's objective of allowing an additional method of excess spoil disposal would not be furthered by the inclusion of any particular cutoff date.

In addition, these commenters suggested that the regulatory authority should require that it be demonstrated in a permit that only spoil not necessary for elimination of the highwall and return to approximate original contour (AOC) is to be placed on a preexisting bench. This requirement is not necessary, as the disposal of excess spoil on a preexisting bench is an elective means of disposal and by definition applies only to material in excess of that required to return to AOC. It is not practical to require an indication in a permit that only excess spoil will be placed on a preexisting bench. OSM stresses that these rules apply to disposal of spoil in excess of that needed to return an active mining operation to AOC. Violations of other provisions of the Act are, of course, subject to enforcement by the regulatory authority. On this basis, this comment is rejected.

One commenter believed that the proposed revisions are "cumbersome, environmentally unnecessary and in general discouraging" and that the disposal of spoil on preexisting benches should not be considered to be excess spoil "fill" but that such facilities should be evaluated under the backfilling and grading rules. OSM believes this comment has merit from a technical standpoint. However, since the disposal of all excess spoil is controlled by

[1] The legislative history indicates that Congress did not consider the application of the highwall-elimination requirement to previously mined areas. Thus, the general standard was based on Congress' understanding that "[i]n virtually all cases of contour mountain mining, sufficient spoil by volume is created to return the mine site to approximate original contour * * * The swell property of the materials removed (overburden) assures this condition with present stripping ratios." H.R. Report 95-218, 95th Congress, 1st Session at pp. 96-97 (1977).

[2] In order for OSM to require an operator to eliminate all or part of a preexisting highwall, the operator's activities must in some way have had an adverse physical impact on that portion of the highwall. *Cedar Coal Co., v. OSM*, 1 IBMSA 145 (April 20, 1979); *Miami Springs Properties v. OSM*, 2 ISBMA 399 (December 23, 1980).

Section 515(b)(22) of the Act, regardless of the configuration of the fill, this comment was rejected. This issue was also addressed in the preamble to the proposed rule at 46 FR 37284.

The commenter also recommended that the rule as proposed be revised to eliminate the requirement that the fill be designed using standard geotechnical analysis to attain a long-term static safety factor of 1.3 for all portions of the fill. This suggestion is rejected on the basis of OSM's determination that a safety factor of 1.3 is reasonable for such spoil disposal and in accordance with good engineering practices for such facilities.

IV. Determinations Under Executive Order 12291, the Regulatory Flexibility Act, and the National Environmental Policy Act

The Department of the Interior has determined that this rule is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

In addition, the Department has examined this rule under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and has determined that this rule will not have "a significant economic effect on a substantial number of small entities." OSM believes that the rule will, in fact, be economically beneficial to small operators in southern and central Appalachian regions through a reduction in certain compliance costs. However, the cumulative effects are not estimated to be significant.

With respect to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), OSM has prepared a final environmental assessment (EA) on this rule that reaches a conclusion that this rule would not significantly affect the quality of the human environment. The final EA and finding of no significant impact are on file in the OSM Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C. OSM also is preparing an EA of the cumulative impacts on the human environment of this rulemaking and related rulemakings under the Act.

List of Subjects in

30 CFR Part 715

Environmental protection, Surface mining, Underground mining.

30 CFR Part 816

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Environmental protection, Reporting and recordkeeping requirements, Undermining mining.

30 CFR Part 826

Environmental protection, Reporting and recordkeeping requirements, Surface mining, Undermining mining.

Accordingly, 30 CFR Parts 715, 816, 817 and 826 are amended as set forth herein.

Dated: April 22, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 715—GENERAL PERFORMANCE STANDARDS

1. In Section 715.15, a paragraph (e) is added to read as follows:

§ 715.15 Disposal of excess spoil.

* * * * *

(e) *Preexisting benches.* (1) The regulatory authority may approve the disposal of excess spoil through placement on preexisting benches: *Provided,* That the standards set forth in paragraphs (a)(1)–(a)(5) and (a)(7)–(a)(14) of this section and the requirements of this paragraph (e) are met.

(2) All spoil shall be placed on the solid portion of the preexisting bench.

(3) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static safety factor of 1.3 for all portions of the fill.

(4) The preexisting bench shall be backfilled and graded to—

(i) Achieve the most moderate slope possible which does not exceed the angle of repose, and

(ii) Eliminate the highwall to the extent practicable.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

2. In Part 816, § 816.75 is added to read as follows:

§ 816.75 Disposal of excess spoil: Preexisting benches.

(a) The regulatory authority may approve the disposal of excess spoil through placement on preexisting benches: *Provided,* That all the standards set forth in paragraphs (a)–(e) and (g)–(n) of § 816.71 and the requirements of this section are met.

(b) All spoil shall be placed on the solid portion of the preexisting bench.

(c) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static safety factor of 1.3 for all portions of the fill.

(d) The preexisting bench shall be backfilled and graded to—

(1) Achieve the most moderate slope possible which does not exceed the angle of repose, and

(2) Eliminate the highwall to the extent practicable.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

3. In Part 817, § 817.75 is added to read as follows:

§ 817.75 Disposal of excess spoil: Preexisting benches.

(a) The regulatory authority may approve the disposal of excess spoil through placement on preexisting benches: *Provided,* That all the standards set forth in paragraphs (a)–(e) and (g)–(n) of § 817.71 and the requirements of this section are met.

(b) All spoil shall be placed on the solid portion of the preexisting bench.

(c) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static safety factor of 1.3 for all portions of the fill.

(d) The preexisting bench shall be backfilled and graded to—

(1) Achieve the most moderate slope possible which does not exceed the angle of repose, and

(2) Eliminate the highwall to the extent practicable.

PART 826—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

§ 826.16 [Removed]

4. In Part 826, § 826.16 is removed.

5. The authority for Parts 715, 816, 817 and 826 is Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 82–11588 Filed 4–28–82; 8:45 am]
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30 CFR Parts 722 and 843

Surface Coal Mining and Reclamation; Interim and Permanent Program Regulations: Cessation Orders

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

ACTION: Final rule and interim final rule with request for public comments.

SUMMARY: The Office of Surface Mining (OSM) is issuing a final rule modifying one section of its permanent regulatory program regulations relating to cessation orders and an interim final rule modifying the corresponding section of its initial program regulations. Both

rules will allow OSM to issue cessation orders to persons conducting surface coal mining operations without a valid permit.

DATES:

Effective date: April 29, 1982.

Written comments: On interim final rule (§ 722.11), accepted until 5 p.m. (eastern time) on June 1, 1982.

Public hearing: On interim final rule (§ 722.11), held on request only, on May 28, 1982, at 9:30 a.m.

Public meetings: On interim final rule (§ 722.11), scheduled on request only.

ADDRESSES:

Written comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I 31), Room 5315, 1100 L Street, NW., Washington, D.C.; or *mail* to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (R&I 31), Room 5315L, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

Public hearing: On interim final rule (§ 722.11), if held—Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C.

Public meetings: On interim final rule (§ 722.11), if requested, OSM Offices in Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Carl S. Pavetto, Chief, Branch of Inspection, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20240; 202–343–5384.

SUPPLEMENTARY INFORMATION:

I. Public Commenting Procedures
II. Background
III. Discussion of Rules Adopted
IV. Response to Comments
V. Procedural Matters

I. Public Commenting Procedures

Written Comments

Part of the rule being issued is an interim final rule (§ 722.11(c)), on which OSM is accepting public comment. (OSM is not soliciting public comment on § 843.11(a)(2), which is being adopted as a permanent final rule.) Written comments should be specific, pertain only to the issues raised by the interim final rule, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "Addresses"). Comments received after the time indicated under "Dates" or at locations other than that indicated under "Addresses," will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing on the *interim final rule* should contact the person listed under "For Further Information Contact" by the close of business *three working days* before the date of the hearing. If no one requests a public hearing by that date, the hearing will not be held. If only one person requests a public hearing, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings

Persons wishing to meet with OSM representatives to discuss the *interim final rule* may request a meeting at the location listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (Room 5315, 1100 L St. office). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

On December 1, 1981 (46 FR 58464), OSM proposed to amend the standards and procedures in its permanent regulatory program governing State regulatory authority inspection and enforcement, Federal inspection and enforcement and civil penalty assessments.

Public comment was solicited through February 1, 1982 and three hearings were held on January 13, 1982. Many written comments also were received.

One of the proposed amendments, a new § 843.11(a)(2), dealt with the issuance of cessation orders to persons conducting surface coal mining operations without a valid permit. That proposed section would supersede a ruling by the Interior Board of Surface Mining Appeals (the Board) in *Claypool Construction Company v. OSM*, 2 IBSMA 81, May 16, 1980 (*Claypool*), interpreting the scope of existing 30 CFR 722.11(b). This rule adopts in final form proposed § 843.11(a)(2), with one change from the proposal as described below in the *Discussion of Rules Adopted*. This new provision applies only in States where the permanent regulatory program rules are in effect. The remaining sections of the inspection and enforcement rules proposed on December 1, 1981, will be addressed in a later final rulemaking.

OSM is also adopting as an interim final rule a provision for the interim regulatory program to be inserted as a new § 722.11(c). This provision is essentially the same as § 843.11(a)(2) as it was proposed. The problem of unpermitted operations is even more acute in States without approved State programs where the interim regulatory program remains in effect. At the time the changes to Part 843 were developed, OSM had anticipated that extension of the permanent program regulations to all affected States as a result of State program approvals was near and that further changes to the interim program regulations would not be necessary. Such approvals have not yet been completed. The revision to the interim regulations is therefore necessary so that OSM can enforce its regulations against operations without valid permits required by the Act and the interim program regulations in the States where the interim regulatory program will continue. This will ensure national uniformity in the enforcement of one of the basic requirements of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). See Sections 101(g) and 102(a) of the Act. Surface coal mining operations not required to obtain permits under the interim regulatory program would not be affected by the change.

The revision to § 722.11 is an interim final rule that is effective concurrently with the revision to § 843.11. See the discussion below under *Procedural Matters*. Upon considering the comments received, OSM will make any necessary modifications. Commenters should address the differences, if any, between the application of this new rule under the interim and permanent program regulations.

III. Discussion of Rules Adopted

Section 521(a)(2) of the Act and 30 CFR 722.11(b) of the regulations require "an authorized representative of the Secretary (who) finds conditions or practices, or violations of applicable

performance standards, which are causing or can reasonably be expected to cause significant, imminent environmental harm to land, air and water resources" to immediately order a cessation of any portion of a surface coal mining and reclamation operation relevant to the offending condition, practice or violation. In *Claypool,* the Board held that the conduct of surface coal mining operations without the requisite permit was inadequate to demonstrate the existence or reasonable expectation of significant, imminent environmental harm related to such operations.

OSM's experience in administering the Act demonstrates that the failure to plan mining operations in advance and obtain the necessary authorization to conduct surface coal mining operations constitutes an imminent threat of significant environmental harm, and therefore falls within the ambit of Section 521(a)(2) of the Act. The requirements of the Act and regulations and the general permitting requirements in most State laws (especially the requirements for pre-operational planning as to hydrology, reclamation potential of an area and bonding) demonstrate the critical role that the permit plays in an environmentally acceptable surface mine operation. Indeed, Congress expressly recognized this fact when, in Section 502(a) of the Act, it prohibited the development of any new mine on lands regulated by a State unless the operator first obtained a permit from the State regulatory authority. The failure to obtain such a permit under most circumstances means that the operator knows little, if anything, about the actual environmental consequences that can be expected from mining. OSM's experience is that the continuation of such operations leads quickly to significant environmental harm.

Permit and pre-plan requirements allow the operator and the regulatory authority to determine those conditions that might potentially cause significant environmental harm and to make adequate provision for their control. Such conditions, particularly those involving sub-surface hydrology and geology and unidentified prior deep mining, often cannot be uncovered solely by an inspection. Moreover, once the conditions are actually encountered in mining—once an aquifer is disturbed, or toxic water is released from old deep mines, or a landslide occurs—the environmental damage may be irreparable. Only the operator, through thorough pre-mining studies, and the permitting authority, through review of those studies, have the opportunity to discover such conditions. Moreover, only if such conditions are revealed in the permit application process can the regulatory authority ensure that significant environmental harm will not occur.

Specifically, the two new sections provide that surface coal mining and reclamation operations conducted by any person without a required valid surface coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources. In both sections, OSM has provided an exception for uninterrupted extensions of previously permitted operations for which timely and complete permit applications are pending because it recognizes that in such instances the earlier permit and the operator's efforts to obtain a further permit reduce the risk of environmental harm from the unpermitted operation.

In a change from the proposal, a second exception has been provided in § 843.11(a)(2). This exception applies to unpermitted mines which were operating lawfully under the interim program regulations in certain States which had not required permits for such operations. At the time of passage of the Act, some States (e.g., West Virginia) did not require permits for underground mines, since such mines generally cause fewer environmental problems than surface mines. In recognition of this, the Act did not require permits during the interim regulatory program for those operations which were otherwise not subject to State permitting requirements.

By the same reasoning, the continuation of these previously lawful operations after implementation of the permanent regulatory program (when a permit *is* required) would not reasonably be expected in every case to constitute an imminent threat of significant environmental harm. While the failure to obtain a permit under such circumstances would violate the regulations, a notice of violation (or the State equivalent) would be the appropriate remedy unless specific significant environmental harm in fact exists.

IV. Response to Comments

1. Several commenters objected to proposed § 843.11(a)(2), which they said created a presumption that any coal mining conducted without a permit causes significant environmental harm. They stated this presumption violates *Claypool,* lacks a reasonable basis, and violates due process rights by sanctioning a cessation order without any hearing to determine whether a permit is even required.

See the preceding section, *Discussion of Rules Adopted,* for an explanation of the basis for these rules.

While it is true that the finding of significant, imminent environmental harm from unpermitted mining operations is inconsistent with the Board's holding in *Claypool,* these rules supersede that holding.

As for the expressed due process concerns, it will be the Office's policy in implementing these regulations to refrain from issuing a cessation order until it resolves any question concerning its jurisdiction over a given operation. The Office notes that the limited circumstances which preclude its jurisdiction over a surface coal mining operation are delineated in 30 CFR 700.11, and are readily ascertainable.

2. Several other commenters supported proposed § 843.11(a)(2), but objected to the exception for operations which are "an integral, uninterrupted extension of previously permitted operations, (where) the person conducting such operations has filed a timely and complete application for a permit to conduct such operations." These commenters saw the exception as violating the prohibition of Section 502 of the Act against mining without a permit, especially since there is no assurance that a permit extension will be granted.

The Office disagrees. The exception provided for in this rule in no way sanctions unpermitted surface coal mining operations. Rather, OSM's experience indicates that such operations do not cause significant environmental harm through lack of adequate planning and review. Of course, in all instances where a significant, imminent environmental harm does in fact exist, a cessation order will be issued.

V. Procedural Matters

Administrative Procedure Act

In accordance with 5 U.S.C. Section 553(b), OSM finds good cause why advance notice and advance public comment on the interim changes to § 722.11 are both unnecessary and contrary to the public interest.

Advance notice and comment on the interim rule are unnecessary because advance notice has been given and public comment has been received on essentially the same change in the permanent regulatory program at § 843.11. The issues associated with the changes have been fully aired. An adequate opportunity to comment has

been provided. Furthermore, additional public comment will be considered after publication of the interim final rule.

Advance notice and comment on the interim final rule would be contrary to the public interest because the purposes of the Act are frustrated if OSM cannot expeditiously halt the conduct of unpermitted operations which pose a serious danger to the environment. As discussed earlier, the permitting process is central to the health, safety and environmental protection provisions of the Act, and the ability to issue cessation orders for unauthorized operations is essential to enforcement of the permitting process.

In accordance with 5 U.S.C. Section 553(d), there is also good cause to make immediately effective both §§ 722.11(c) and 843.11(a)(2). Not to do so would be contrary to the public interest for the reasons discussed above.

Executive Order 12291

The Department of the Interior (DOI) has examined these rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis because they will impose only minor costs on the coal industry and coal consumers.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The rules adopted today, §§ 843.11(a)(2) and 722.11(c), contain no information collection requirements requiring Office of Management and Budget approval under 44 U.S.C. Chapter 35.

National Environmental Policy Act

OSM has prepared an environmental assessment (EA) on the revision to § 843.11 and has made a finding that it will not significantly affect the quality of the human environment. The EA is on file in the OSM Administrative Record at the address listed in the "Addresses" section of this preamble.

Under Section 501(a) of the Act, the revision to the interim program regulations in § 722.11 is deemed not to be a major Federal action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4322.

Drafting Information

These regulations were drafted by Neil Stoloff, Enforcement Specialist, Branch of Inspection, OSM, and Joel Yudson, Attorney-Adviser, Division of Surface Mining, Office of the Solicitor.

List of Subjects in 30 CFR Part 722

Law enforcement, Public health, Safety, Surface mining, Underground mining.

30 CFR Part 843

Administrative practice and procedure, Law enforcement, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Accordingly, 30 CFR Part 722 is revised on an interim basis and 30 CFR Part 843 is revised permanently, as set forth herein.

Dated: April 1, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 722—ENFORCEMENT PROCEDURES

1. Section 722.11 is amended by redesignating paragraphs (c), (d), (e) and (f) as (d), (e), (f) and (g), respectively, and adding a new paragraph (c) to read as follows:

§ 722.11 Imminent dangers and harms.

* * * * *

(c) Surface coal mining and reclamation operations conducted by any person without a valid surface coal mining permit required by this Subchapter constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations.

* * * * *

PART 843—FEDERAL ENFORCEMENT

2. Section 843.11 is amended by redesignating paragraph (a)(2) as paragraph (a)(3) and by adding a new paragraph (a)(2) to read as follows:

§ 843.11 Cessation orders.

(a) * * *

(2) Surface coal mining and reclamation operations conducted by any person without a valid surface coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations

(i) Are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operatons; or

(ii) Were conducted lawfully without a permit under the interim regulatory program because no permit had been required for such operations by the State in which the operations were conducted.

* * * * *

(Pub. L. 95–87; 30 U.S.C. 1201 *et seq.*)

[FR Doc. 82–11749 Filed 4–28–82; 8:45 am]

BILLING CODE 4310–05–M

federal register

Thursday
April 29, 1982

Part V

Department of Transportation

Federal Aviation Administration

Temporary Flight Restrictions

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22951; Notice No. 82-7]

Temporary Flight Restrictions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to allow the Administrator, or his designee, to impose temporary flight restrictions over an area in which all aircraft activity would be prohibited except appropriate rescue activity approved by the agency having responsibility over the event or incident. Present rules allow the imposition of a temporary flight restriction only to prevent congestion of sightseeing aircraft over an event which may generate a high degree of public interest, or to provide a safe environment for the operation of disaster relief aircraft. This proposal would allow the Administrator to temporarily ban all flights in an area where those flights would create a hazard for people on the ground, or where the ground activity presented a hazard to airborne aircraft.

DATES: Comments must be received on or before: June 28, 1982.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22951, 800 Independence Ave., SW., Washington, DC 20591.

Or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Ave., SW., Washington, DC.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22951." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Current Rule

Currently, § 91.91 of the Federal Aviation Regulations (FAR's) empowers the Administrator to impose a temporary flight restriction to prevent congestion of sightseeing aircraft over an event which may generate a high degree of public interest, or to provide a safe operating environment for disaster relief aircraft. The rule allows five major exceptions to the prohibition against flight in those areas: (1) Aircraft participating in disaster relief, and operated under the direction of the agency responsible for relief operations; (2) aircraft operating to or from an airport within the area and operated so as not to hamper or endanger relief activities; (3) operations specifically authorized under an IFR ATC clearance; (4) enroute operations under VFR, when flight around or above the area is impracticable due to weather, terrain, or other considerations, notice is given to the Air Traffic Service facility specified in the Notice to Airmen, and the operation does not hamper or endanger relief activities; and (5) the aircraft is carrying accredited news representatives or persons on official business concerning the incident or event, is operated above the altitudes used by disaster relief aircraft unless specifically authorized to fly lower, and the operator has filed a flight plan to include any information deemed necessary by Air Traffic Control (ATC).

Need for the Amendment

Several incidents have demonstrated the need for authority broader than that conferred by § 91.91 in order to ensure adequate levels of safety of persons and property on the ground. For example, in March 1981, a high-rise condominium under construction in Cocoa Beach, Florida, collapsed. Ground rescue teams, using listening devices, were trying to determine if any survivors were trapped beneath the rubble. A news helicopter operating in the area created noise rendering the listening devices useless.

Another incident occurred near Crestview, Florida, on April 8, 1979. A train derailment caused chlorine gas to be released into the atmosphere. Later, as rescue personnel were staging beneath the gas cloud, rotor wash from a low flying helicopter forced gas into the staging area, causing injury to several rescue team members.

In both of the above examples, flight restrictions under § 91.91 were implemented by local FAA elements. However, the operations which proved hazardous to ground personnel were specifically excluded from the restrictions under the current rule.

A number of other incidents have occurred, with little warning, which have created a hazard to aircraft, but which have not been within the scope of the current § 91.91. Those incidents include persons discharging firearms at aircraft, toxic gas releases, and bomb detonations. A recent coal gas leak from a deep mine that had been "sealed" for several years created a potential hazard to unwary aircraft operators and occupants. In those types of cases, the FAA needs swift regulatory authority to issue temporary flight prohibitions. Those incidents do not, by definition, qualify for current § 91.91 restrictions to provide adequate protection of airborne aircraft and aircraft occupants.

Alternative Approaches

Under existing power granted to the Administrator under § 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1485), the FAA could issue Special Federal Aviation Regulations (SFAR's) in response to each individual emergency situation encountered. However, the formal actions necessary for the processing and issuance of an SFAR make that method unsuitable for dealing with the types of situations contemplated by § 91.91.

Alternatively, the FAA could revise its operating procedures so that ATC specialists at the facility issuing the temporary flight restriction could make recommendations to those pilots whose operations are currently excluded from the regulatory aspects of § 91.91. Those recommendations would be issued when the pilot filed his flight plan. While the FAA believes that this option would be helpful, it would not grant the FAA any authority over the pilot who elected to disregard the recommendations, or who was operating without a flight plan into or out of an airport in the area.

A third alternative, amending § 91.91 to allow the Administrator or his designee to specify the degree of flight restrictions to be imposed, is that proposed in this notice. This proposed rule would provide the positive authority needed to (1) protect persons and property on the ground from operations that, under normal circumstances, would be considered safe, but under the special circumstances involved, would be hazardous; and (2) protect aircraft from potentially hazardous activity emanating from the ground.

The Proposal

This revision of § 91.91 would specify three criteria under which the Administrator through his designee would order temporary flight restrictions. Notices to Airmen (NOTAM's), establishing temporary flight restrictions, would be transmitted to: (1) Protect persons and property on the ground or in the air from a hazard associated with an incident on the ground; (2) prevent an unsafe congestion of sightseeing aircraft above an incident or event which may generate a high degree of public interest; or (3) provide a safe environment for the operation of disaster relief aircraft.

Aircraft participating in disaster relief activities or on official business concerning the incident or event which generated the issuance of the Notice to Airmen, would be excluded from the temporary flight restrictions.

Aircraft carrying properly accredited news representatives would not be allowed in the designated area if the NOTAM establishing the temporary flight restrictions stated that the rationale was to protect persons and property on the ground or in the air. News aircraft would otherwise be excluded from the temporary flight restrictions, provided their operators filed a flight plan and flew above the altitudes being used by relief aircraft.

The proposal would continue the current exceptions to the temporary flight restrictions for operations into or out of airports within the area, or when VFR flight over or around the area is not feasible. However, this exception, like the news aircraft exception would not apply if the NOTAM specified that the temporary flight restrictions were intended to protect persons and property on the ground or in the air.

List of Subjects in 14 CFR Part 91

Aviation safety, air traffic control, aircraft.

The Proposed Revision

PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) by revising § 91.91 to read as follows:

§ 91.91 Temporary Flight Restrictions.

(a) The Administrator will issue a Notice to Airmen designating an area within which temporary flight restrictions apply whenever he determines it is necessary in order to—

(1) Protect persons and property on the ground or in the air from a hazard associated with an incident on the ground;

(2) Prevent an unsafe congestion of sightseeing aircraft above an incident or event which may generate a high degree of public interest; or

(3) Provide a safe environment for the operation of disaster relief aircraft.

(b) When a Notice to Airmen has been issued specifying the reasons listed in paragraph (a)(1) of this section, no person may operate an aircraft within the designated area unless that aircraft is participating in the hazard relief activities and is being operated under the direction of the agency responsible for relief activities.

(c) When a Notice to Airmen has been issued specifying the reasons listed in paragraph (a)(2) of this section, no person may operate an aircraft within the designated area unless—

(1) Those operations are to or from an airport within the area or are necessitated by the impracticability of VFR flight above or around the area due to weather, terrain, or other considerations; and notification is given to the appropriate FSS or ATC facility specified in the Notice to Airmen; and operations are conducted so as not to hamper or endanger the activities for which flight restrictions were imposed;

(2) That aircraft is operating on an ATC-approved IFR flight plan; or

(3) That aircraft is carrying properly accredited news representatives, law enforcement, or rescue personnel, and a flight plan is filed with the appropriate FSS or ATC facility specified in Notice to Airmen.

(d) When a Notice to Airmen has been issued specifying the reasons listed in paragraph (a)(3) of this section, no person may operate an aircraft within the designated area unless—

(1) That aircraft is participating in hazard relief activities and is being operated under the direction of the agency responsible for relief activities; or

(2) That aircraft is operated according to the conditions specified in paragraphs (c)(1) or (c)(2) of this section; or

(3) That aircraft is carrying properly accredited news representatives and is operated according to the conditions specified in paragraph (c)(3) of this section, except that those operations must be conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities.

(e) Flight plans filed and notifications made with and FSS or ATC facility under this section must include the following information:

(1) Aircraft identifcation, type, and color;

(2) Radio communication frequencies to be used;

(3) Proposed times of entry and exit of the designated area;

(4) Name of news media, organization, purpose of flight; and

(5) Any other information required by ATC.

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

Note—The FAA has determined that this document involves a proposed regulation which is not a major rule under Executive Order 12291, nor a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The total projected impact of this amendment may be found in a copy of the draft regulatory evaluation contained in the public docket. A copy of that evaluation

may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." It is certified, under the criteria of the Regulatory Flexibility Act, that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. Because this proposal contemplates only temporary air traffic procedural changes in limited areas, it should have minimal or no effect on any small businesses, or other entities.

Issued in Washington, DC, on April 1, 1982.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 82-11681 Filed 4-28-82; 8:45 am]

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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
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DOT/UMTA			DOT/UMTA	

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List of Public Laws

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