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Friday
January 15, 1982

Highlights

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Highlights

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MEETINGS ANNOUNCED IN THIS ISSUE

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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 359

Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with comments invited for consideration in final rulemaking.

SUMMARY: These interim regulations prescribe the procedures for making furloughs of career appointees in the Senior Executive Service and provide an appeal right to the Merit Systems Protection Board for such actions.

The regulations will help to ensure that furlough actions are taken fairly, that employees have a means of redress if they believe the actions are not fair, and that furloughs are not used when adverse action, performance removal, or reduction in force is the appropriate action.

DATES: Effective Date: January 15, 1982 and until final regulations are issued. Comment Date: Written comments will be considered if received no later than March 16, 1982.

ADDRESS: Send or deliver written comments to the Associate Director, Executive Personnel Group, Office of Personnel Management, 1900 E Street, NW., Room 6R48, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, (202) 632–7676.

SUPPLEMENTARY INFORMATION: Although current civil service regulations do not contain furlough procedures for Senior Executive Service (SES) employees, as they do for other employees in the civil service, there is inherent authority under law to permit agencies to furlough SES members in time of need. These regulations are being published to assure adequate protections for career SES members in furloughs.

For competitive service employees outside the SES, agencies must use 5 CFR Part 752 adverse action procedures for short furloughs (30 calendar days or less) and 5 CFR Part 351 reduction-in-force procedures for long furloughs (over 30 calendar days). The statutory provisions governing adverse action and reduction in force for SES members, however, do not govern SES furloughs.

Adverse action procedures for career SES members are in 5 U.S.C. 7541–7543. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) amended 5 U.S.C. 7543(a) to provide that adverse actions in the SES could be taken only in cases of "misconduct, neglect of duty, or malfeasance." The Conference Report to the Act stated that the amendment was intended to ensure that adverse action procedures for career SES members were limited "to cases involving disciplinary action." Furlough is a nondisciplinary matter, and has been traditionally viewed as such. 5 U.S.C. 7511(a)(5) governing non-SES employees clearly defines furlough as a nondisciplinary action. Furlough is similarly defined in the attached regulations for SES members. Therefore, in view of the disciplinary limitation Congress placed on the use of SES adverse action procedures and the nondisciplinary definition attached to furlough, the statutory rules at 5 U.S.C. 7541–7543 do not govern furloughs.

Furlough also does not fall under the definition of SES reduction in force (RIF), as prescribed in Pub. L. 97–35 and codified at 5 U.S.C. 3595. Under Section 3595(d), SES RIF is defined as including "the elimination or modification of a position due to a reorganization, due to a lack of funds or curtailment of work, or due to any other factor." In a furlough, however, an employee's position is neither eliminated nor modified; the employee is merely placed in a leave without pay status from the position. Since the SES RIF definition does not include furlough, agencies also cannot use 5 U.S.C. 3595 to furlough SES members.

Thus, neither the SES adverse action nor the SES RIF provisions in title 5 govern SES furloughs. However, there is inherent authority under the Civil Service Reform Act (CSRA) of 1978 (Pub. L. 95–454, August 13, 1978), which created the SES as a separate personnel system, to furlough SES members when the conditions warrant. Nothing in the CSRA expressly prohibits SES furlough. If Congress meant to exlude SES furlough it could have so provided, and it plainly refrained from so doing. Further, it is clear that the same conditions which require furloughs elsewhere in the civil service may also exist in the SES. These conditions include cutbacks in funding, lapse appropriations, and other unforeseeable circumstances.

If an agency finds itself in the extreme situation of a lapsed appropriation and there are no funds to operate the agency, the requirements of the Anti-Deficiency Act (31 U.S.C. 655(a)) would control and dictate that the agency suspend operations. In such a situation, furloughs in the regular service, as well as the SES, would be essential and certainly justifiable. Further, if during a period of Government-wide appropriation cuts an agency is forced to take measures to alleviate a budget shortage, it needs to have the ability to furlough SES members, along with regular employees.

In creating the SES system, Congress sought to afford agencies sufficient management flexibility to manage their executive workforces to meet agency and Government needs. An agency thus has authority to take furlough actions affecting SES members if there is a justifiable need.

The principles listed in 5 U.S.C. 3131, however, state that the SES should be administered to "protect senior executives from arbitrary or capricious actions." CSRA placed the general oversight authority to administer and regulate the system in OPM. Therefore, consistent with the CSRA generally and the SES oversight and regulatory role it accorded OPM specifically (5 U.S.C. 3133 and 3136), OPM is issuing these regulations to assure that furloughs of career SES members are made in a fair manner and are not used to evade the requirements in law which apply when an agency takes an action based on unacceptable performance, misconduct, or a RIF situation.

Similar to the furlough requirements for other employees, a furlough of an SES member may be made only when the agency intends to bring the member back to a work and pay status within one year. A furlough should not be used

when an agency knows it will have to separate an SES member through a RIF action when the furlough terminates. It is expected that, generally, furloughs of SES members will occur only when other Federal employees are also being furloughed, as for example, when there is a shortage of funds due to appropriation cutbacks.

As with furlough outside the SES, an agency under the regulations does not have to use competitive procedures to determine who will be selected for short furloughs of 30 calendar days or less (or 22 work days if the furlough does not cover consecutive days). Although the method of selecting SES members to be furloughed for short periods is an agency decision, the decision should be based on sound management reasons and it should be communicated to the affected employees. The regulations require, however, that in view of the more serious effects of long furloughs of more than 30 calendar days (or 22 work days) these furloughs must be made under competitive procedures. Agencies may, if they wish, use the competitive procedures they establish for SES reduction in force under 5 U.S.C. 3595(a).

Except in cases involving unforeseeable circumstances, an agency is required to provide 30 days' advance written notice of a furlough action. In addition to the specific requirements on notice in the regulations, agencies should inform SES members of any changes to their retirement, health benefits, or life insurance coverage during furlough.

Either a short or long furlough action may be appealed to the Merit Systems Protection Board if a career appointee believes the regulations were not properly applied. Furloughs of noncareer and limited SES appointees may be made without regard to these regulations, and there is no appeal right.

Pursuant to section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. In light of the projected budgetary cutbacks facing many agencies, the regulation is being made effective immediately to assure that agency needs are met and the rights of career SES members are adequately protected in any furlough situation.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units, and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is adding Subpart H, §§ 359.801 through 359.807, to 5 CFR Part 359 to read as follows:

PART 359—REMOVAL, REINSTATEMENT, AND GUARANTEED PLACEMENT IN THE SENIOR EXECUTIVE SERVICE

* * * * *

Subpart H—Furloughs in the Senior Executive Service

Sec.

Authority: 5 U.S.C. 3133 and 3136.

* * * * *

Subpart H—Furloughs in the Senior Executive Service

§ 359.801 Agency authority.

This subpart sets the conditions under which an agency may furlough career appointees in the Senior Executive Service. The furlough of a noncareer, limited term, or limited emergency appointee is not subject to this subpart.

§ 359.802 Definitions.

For the purpose of this subpart, "furlough" means the placing of an appointee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

§ 359.803 Competition.

Any furlough for more than 30 calendar days shall be made under competitive procedures established by the agency.

§ 359.804 Length of furlough.

A furlough may not extend more than one year. It may be made only when the agency intends to recall the appointee within one year.

§ 359.805 Appeals.

A career appointee who has been furloughed and who believes this subpart has not been correctly applied may appeal to the Merit Systems Protection Board under provisions of the Board's regulations.

§ 359.806 Notice.

(a) An appointee is entitled to a 30 days' advance written notice of a furlough. The full notice period may be shortened, or waived, only in the event of unforeseeable circumstances, such as sudden emergencies requiring immediate curtailment of activities.

(b) The written notice shall advise the appointee of:

(1) The reason for the agency decision to take the furlough action;

(2) The expected duration of the furlough and the effective dates;

(3) The basis for selecting the appointee for furlough when some but not all Senior Executive Service appointees in a given organizational unit are being furloughed;

(4) The place where the appointee may inspect the regulations and records pertinent to the action; and

(5) The appointee's appeal rights, including the time limit for the appeal and the location of the Merit Systems Protection Board office to which the appeal should be sent.

§ 359.807 Records.

The agency shall preserve all records relating to an action under this subpart for at least one year from the effective date of the action.

[FR Doc. 82-1085 Filed 1-14-82; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 831

Retirement; Health Care Employees

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing revised regulations to exclude from Civil Service Retirement (CSR) law coverage health care employees of the National Health Service Corps (NHSC) serving under appointments limited to four years or less in health manpower shortage areas. These employees are not expected to continue in Federal service beyond four

years and should be covered by social security. By excluding them from CSR, the regulation in effect extends social security coverage to them.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: John Landers (202) 632–4634.

SUPPLEMENTARY INFORMATION: On July 10, 1981, OPM published a proposed rule (46 FR 35658) to add a new exclusion to coverage under the CSR law for health care employees of the NHSC serving under appointments limited to four years or less in health manpower shortage areas. NHSC, a part of the Public Health Service, Department of Health and Human Services (HHS), encourages the establishment of private practice types of health care delivery in areas designated by the Secretary of HHS as critical manpower shortage areas. In these communities the Corps employs health care personnel who are appointed under an excepted Civil Service authority which limits employment of any one individual to four years. During the four year period, the employee is expected to be hired by the local community to permanently staff the health facility which the Federal Government established in that area.

Under the CSR law (5 U.S.C. 8331 et seq.), OPM is authorized to exclude from coverage those employees in the executive branch whose employment is temporary or intermittent. The regulatory definition of temporary employment for this purpose is employment under an appointment limited to one year or less (5 CFR 833.201(a)(1)). The regulations provide that other nonpermanent appointments (term and indefinite appointments) are also excluded even though they are not limited to one year or less. However, neither of these types of appointment is appropriate for NHSC health care personnel in health manpower shortage areas. Thus, these employees are covered under CSR. But, because they are expected to leave Federal service within four years they will not complete the minimum five years of service required for a CSR annuity. At the same time, their CSR coverage operates to exclude them from social security coverage. This regulation excludes these employees from CSR coverage, and thus allows them to receive social security credit for their NHSC service. The exclusion applies only to those employees who are hired after the effective date of this regulation, or after a four day break from covered service.

OPM received one negative comment on the proposed regulation from a Federal employee who is not affected by this regulation. The commenter was concerned that the affected employees would have lesser benefits coverage (social security), that the exclusion is disadvantageous to some employees who might pursue a Federal career beyond their four year appointment, that the affected employees should not be forced to give up CSR coverage when their Federal employment ends and they enter private employment, and finally, that this exclusion establishes a precedent under which an agency may be able to exclude a portion of its employees by designating them as temporary in nature.

This regulation is designed to cover a unique situation and does not constitute a precedent for further exclusions from retirement coverage which the commenter is concerned about. Career employees who are appointed for an indefinite period without time limitation will continue to be covered by the Civil Service Retirement System.

Pursuant to section 553(d)(3) of title 5, United States Code, the Director of OPM finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in order to allow new NHSC hires to be affected by the exclusion as soon as possible.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 831—RETIREMENT

Accordingly, the Office of Personnel Management amends Subpart B of 5 CFR Part 831 by adding § 831.201(a)(18) to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(18) Health care employees of the National Health Service Corps serving under appointments limited to four years or less in health manpower shortage areas.

* * * * *

(5 U.S.C. 8347(g))

[FR Doc. 82-1084 Filed 1-14-82; 8:45 am]

BILLING CODE 6325-01-M

COUNCIL ON WAGE AND PRICE STABILITY

DEPARTMENT OF THE TREASURY

Office of the Secretary

6 CFR Chs. VI, VII

Vacation of Title

Editorial Note: The Office of the Federal Register has received a letter from the Office of the General Counsel, Department of the Treasury which recommends that 6 CFR Part 602 not be republished. The letter explains that Part 602 was orginally issued by Treasury to carry out the functions assigned to it by Executive Order 11788—Providing for the Orderly Termination of Economic Stabilization Activities. The letter further explains those functions "have been completed and that no Treasury personnel are assigned any active Economic Stabilization functions." Thus, the Treasury Department has concluded that 6 CFR Part 602 is unnecessary and ought to be removed from the Code of Federal Regulations.

The Council on Wage and Price Stability was established by authority of Pub. L. 93–387, as amended (12 U.S.C. 1904 note). Regulations establishing Chapter VII were published at 40 FR 7233, February 19, 1975.

The wage and price regulatory program was terminated on February 2, 1981, by Executive Order 12288 of January 29, 1981 (46 FR 10135) and the Council on Wage and Price Stability was terminated as provided by Pub. L. 97–12 (95 Stat. 74) (46 FR 11229, Feb. 6, 1981).

Since the Council on Wage and Price Stability has been terminated and the functions of the Department of the Treasury pursuant to E.O. 11788 have been completed, the Director of the

Office of the Federal Register, pursuant to 1 CFR 8.2 hereby removes from the Code of Federal Regulations Title 6, Chapter VI, Assistant Secretary for Administration, Department of the Treasury, consisting of Part 602, and Chapter VII, Council on Wage and Price Stability, consisting of Parts 701 through 704 inclusive.

Title 6, Code of Federal Regulations is hereby vacated.

BILLING CODE 1505-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Licensing Requirements for Pending Construction Permit and Manufacturing License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is adding to its power reactor safety regulations a set of licensing requirements applicable only to construction permit and manufacturing license applications pending at the effective date of this rule. The requirements stem from the Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island to power plant licensing. Each applicant covered by this rule must meet these requirements in order to obtain a permit or manufacturing license.

EFFECTIVE DATE: February 16, 1982.

FOR FURTHER INFORMATION CONTACT: Robert A. Purple, Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-7980.

SUPPLEMENTARY INFORMATION:

Background of the Rulemaking

The events leading up to the promulgation of this rule were discussed in detail in the Notice of Proposed Rulemaking, which appeared in the **Federal Register** on October 2, 1980, at pages 65247-65248. In that notice, the Commission reviewed some of the actions it had already taken in response to the accident at Three Mile Island and outlined the options it was considering with regard to the review of construction permit and manufacturing license applications. The Commission proposed to resume licensing using pre-TMI requirements augmented as necessary by new requirements identified in the Commission's TMI Action Plan, NUREG-0660. In connection with a request for public comments on these new requirements, the Commission noted that final rules might be issued on some or all of the matters discussed in that notice.

The Commission held a series of meetings regarding this proposed rule in January, February, and March of 1981. At its March 12 meeting the Commission decided that a further brief period of public comment was desirable prior to promulgation of a final rule to ensure that all interested persons have an opportunity to review the contents of the proposed rule and, in particular, have the opportunity to comment on the applicability of the proposed rule to the pending manufacturing license application. The additional comment period was discussed and noticed in the **Federal Register** on March 23, 1981, at pages 18045-18049.

The Commission particularly desired comment on whether or not the pending manufacturing license application, filed by Offshore Power Systems, Inc., should be covered by the proposed rule. At issue is whether the rule's requirements for the capacity of containments to withstand the effects of accident-generated hydrogen are sufficient when applied to floating nuclear power plants.

Analysis of Public Comments

The comments that were received and the Commission's responses are presented below in two parts. The first part addresses the comments received in response to the **Federal Register** Notice of October 2, 1980, regarding the proposed requirements set forth in draft NUREG-0718. The second part addresses comments responding to the March 23, 1981 notice containing the proposed requirements, as modified after consideration of comments, in the form of a proposed rule.

I. Comments to FR Notice of October 2, 1980. Comments were received from:

C. W. Rowley, Sand Springs, Oklahoma (Rowley)
Department of the Interior (USDI)
Marvin I. Lewis, Philadelphia, Pennsylvania (Lewis)
Bechtel Power Corporation, San Francisco, California (Bechtel)
Lowenstein, Newman, Reis, Axelrad & Toll (Lowenstein)
Offshore Power Systems (OPS)
Public Service Company of Oklahoma (PSO)
Boston Edison Company (BEC)
General Electric Company (GE)
Westinghouse Electric Corporation (*W*)
Portland General Electric Company (PGE)
Duke Power Company (Duke)
Combustion Engineering (CE)

The Commission's consideration of the comments received are reflected in part by revised text in the pertinent sections of NUREG-0718 and in part by the following discussion. The comments are grouped in five areas as indicated below and are referenced by the use of the abbreviations indicated above.

Comments on Proposed Requirements in NUREG-0718

The following is a discussion of comments received on specific NUREG-0660 items for which draft NUREG-0718 proposed requirements applicable to the pending applications.

I.B.1.1—*Organization and Management Long Term Improvements (PSO).*

II.J.3.1—*Management for Design and Construction (PSO).*

The commentor notes that there is an industry-wide effort related to these activities.

Discussion

The Commission is not entirely certain to what specific activity the commentor is referring. Liaison is maintained with the Institute for Nuclear Power Operations (INPO) which is in the process of conducting utility management audits using its own guidelines.

The classification of Action Plan Item I.B.1.1 has been changed to Category 2 (i.e., an item that is to be addressed at the operating license review stage rather than at the construction permit review stage) since it deals with operations management. The discussion that follows addresses the comments with respect to guidance availability.

Although the NRC is developing guidelines for utility organization and management for operations (I.B.1.1), and design and construction (II.J.3.1), the NRC is still required to make a finding on management and organizational capability prior to issuance of a construction permit or operating license, even if approved guidelines are not available. Therefore, as has always been the case, applicants are required to describe their organizational structure and management for design and construction, regardless of whether or not an industry approach is available or is being developed. For example, in the NRC reviews of utility management and organization for recently issued operating licenses, each one has been evaluated on a case-by-case basis. In conducting these reviews, the draft document "Guidelines for Utilities Management Structure and Technical Resources," NUREG-0731, which has

been issued for public comment, was used.

The commentor also stated that NRC has ignored design and construction management guidance in response to Action Plan II.J.3.1. This is not the case. Draft guidelines for this task were prepared and have been circulated for internal comment. The guidance will be included in the final version of NUREG–0731 or in a separate document.

I.C.9—*Long-Term Program Plan for Upgrading of Procedures (PSO).*

A commentor noted that it would be difficult to describe in any significant detail, until after January 1982, the extent to which that commentor's program will be coordinated with INPO activities.

Discussion

In consideration of the comment the Commission has modified this requirement, which called for applicants to describe how their program would be coordinated with INPO activities. The modification requires that applicants ensure coordination, to the extent possible, of their program with INPO and other industry efforts.

I.D.2—*Plant Safety Parameter Display Console (Bechtel).*

The commentor suggested adding a reference to the document where the pertinent staff criteria can be found.

Discussion

Reference to NUREG–0696 has been incorporated in NUREG–0718 as suggested.

I.D.4—*Control Room Design Standard* (Bechtel, BEC).

The commentor noted that the IEEE standard reference in the requirement is not yet available.

Discussion

The Commission has reconsidered this proposed requirement and has placed this Action Item in Category 1 (i.e., an item that is not applicable to the construction permit review). However, the need was found to strengthen the I.D.1 requirement governing control room design revisions. I.D.1 places general requirements on the ML and CP applicants.

I.E.4—*Coordination of Licensee, Industry and Regulatory Programs* (PSO). The commentor objected to describing, prior to issuance of a CP, efforts to evaluate and factor in applicable experience at similar plants on the gounds that the Nuclear Safety Analysis Center (NSAC) is developing a generic industry plan and that a separate response by the utility could undermine the generic industry program.

Discussion

The Commission considers it important that those responsible for the design and construction of nuclear plants have a program in place prior to issuance of a CP or ML (even if that program is later superseded by an industry program) that assures an early awareness of safety problem areas and areas of safety improvements that arise elsewhere. The Commission would have no objection if a utility were to improve such a plan at a later date by adopting a plan worked out generically between the industry and the NRC staff. The requirements of I.E.4 are covered by I.C.5.

II.A.2—*Site Evaluation of Existing Facilities* (USDI, Lewis, Bechtel, Lowenstein, PSO, BEC, CE).

Siting was one of the four areas that the Commission identified in the October 2, 1980 notice of proposed rulemaking as deserving special attention. Several comments (Bechtel, Lowenstein, PSO and BEC) cited Section 108(b) of Pub. L. 96–295 (NRC FY 80 Authorization) and express or imply concern that the proposed requirements under II.A.2 are not consistent with exemption from future regulations that are to be promulgated under Section 108.

Discussion

The Commission believes that the proposed requirements would not have been inconsistent with Section 108. However, based on preliminary staff evaluation of the sites involved, as well as the requirement added in II.B.8 for each CP applicant to perform a plant/site specific probabilistic risk analysis, the Commission has reclassified II.A.2 to Category 1.

The USDI and Lewis comments are addressed elsewhere in this document under the discussion of comments on the methods of implementing the requirements.

II.B.1—*Reactor Coolant System Vents (Bechtel).*

The commentor suggested that this item be removed since II.B.8 requires applicants to describe the degree of design conformance with the proposed interim requirements.

Discussion

Since the proposed interim rule, related to hydrogen control and degraded core considerations, as published in the **Federal Register** (45 FR 65466, October 2, 1980), did not include a requirement to demonstrate by analysis that direct venting will not result in violations of combustible gas concentration limits, II.B.1 has been revised to eliminate the requirement.

II.B.8—*Rulemaking Proceeding on Degraded Core Accidents (Bechtel; BEC; Lewis; Lowenstein; OPS; PSO; W; CE).*

Most comments received opposed requiring any concrete actions in the area of accommodating degraded-core accidents on the part of the applicants prior to completion of the rulemaking process. Several commentors noted that the requirement in this area, as expressed in the draft NUREG–0718, was too openended and did not clearly set forth acceptance criteria.

Discussion

Degraded core rulemaking was another of the four areas the Commission identified in the October 2, 1980, **Federal Register** notice as deserving special attention. As the rule was drafted in that notice, the applicants would have been required to describe the extent to which their designs conform to the proposed interim hydrogen control rule and to provide reasonable assurance that issuance of a CP or ML would not foreclose the ability to accommodate potential requirements resulting from the rulemaking proceedings. The Commission also listed some features as potential requirements and proposed that the applicants submit an evaluation of the preventive and mitigative features having a potential for significant risk reductions that they would propose to include at their facilities.

In view of the comments and upon further consideration, the Commission has revised this requirement. The principal objective in the revision has been to take advantage of the fact that, for a plant that has not yet begun construction, it should be relatively easier to avoid foreclosing design modifications resulting from the rulemaking. For some of the potential design requirements that might be required by the final rule, it is relatively easy to ensure that they can be accommodated at any stage of construction (e.g., by providing large containment penetrations to accommodate a filtered vented containment concept). However, to extend this approach to every conceivable rule requirement could easily lead to major redesigns of these plants, for which considerable design has been completed, possibly causing unnecessary delays in their construction. On the other hand, to do nothing at this time would very likely result in foreclosure of the practical implementation of some of the future requirements.

Taking into account the fact that the plants represented by the pending

applications are of the most recent design and that the proposed sites are comparatively good sites, the Commission has adopted a policy of allowing construction to proceed while minimizing foreclosure of plant modifications in the structural design area that may result from the rulemaking proceeding on degraded core accidents. Specifically, as reflected in II.B.8, prior to issuance of a CP or ML, the applicants would be required to commit to (1) performing a site/plant probabilistic risk assessment (This risk study would encompass many of the other concerns related to siting, systems reliability, and degraded core accidents), (2) making provisions for one or more containment penetrations for possibly venting the containment, (3) providing hydrogen control measures, and (4) providing preliminary design information sufficient to demonstrate, given a 100 percent fuel clad metal-water reaction accompanied by either hydrogen burning or post-accident inerting, that (a) containment integrity will be maintained at an internal pressure of at least 45 psig, (b) systems necessary to insure containment integrity will perform their intended function, (c) facility design will provide reasonable assurance that uniformly distributed hydrogen concentrations cannot exceed 10 percent (controlled burning) or, in the alternative, the post-accident atmosphere will not support hydrogen combustion, (d) facility design will provide reasonable assurance that hydrogen will not collect in areas where localized concentrations could unintentionally burn or detonate and result in loss of containment integrity or loss of appropriate mitigating features, and (e) inadvertent operation (based on CO_2) post-accident inerting hydrogen control system can be safely accommodated during plant operation.

II.C.4—*Reliability Engineering* (Bechtel; Lowenstein; PSO; W; Duke).

Reliability engineering was one of the four areas that the Commission identified in the October 2, 1980 notice of proposed rule making as deserving special attention.

The commentors generally expressed the view that reliability engineering is an important tool in designing for safety, but felt that, because the methodology is not well developed, it would be inappropriate to require extensive analysis as a prerequisite for a construction permit. Most commentors believed that a commitment to incorporate reliability engineering during final design, after CP issuance, would be appropriate. However, one commentor argued that no requirement in this area should be specified until the degraded core rulemaking is completed.

Discussion

The requirement under II.B.8 in the revised NUREG–0718 to perform an overall plant/site risk study will, in effect, encompass and go beyond the simplified reliability analyses called for in the draft NUREG–0718. The comprehensive risk study is expected to achieve a more thorough evaluation of plant safety and will provide a sounder technical basis for making decisions regarding potential plant improvements. Accordingly, the more limited effort called for in the draft NUREG–0718 has been replaced by the risk study requirement of II.B.8.

II.D.2—*Research on Relief and Safety Valve Test Requirements* (Bechtel, BEC).

The commentor noted that the two entries shown for this item should either be combined or one entry deleted.

Discussion

Action Item II.D.2 has been placed in Category 1 since it deals with research on generic tests. Action Item II.D.1 has been expanded to include the information presently shown in II.D.2.

II.F.3—*Instrumentation for Monitoring Accident Conditions* (Regulatory Guide 1.97) (PSO).

The commentor expressed concern that since Regulatory Guide 1.97 has not been issued, it will be difficult for the utilities to meet the NUREG–0718 requirements in a timely manner.

Discussion

Revision 2 to Regulatory Guide 1.97 was issued on December 24, 1980.

III.A.1—*Improve Licensee Emergency Preparedness—Short Term (BEC, PSO).*

III.A.2—*Improve Licensee Emergency Preparedness—Long Term (BEC, PSO).*

The commentors suggested that the requirements in these two items be combined and noted that the requirements should only represent information submitted at the CP review stage.

Discussion

Item III.A.1.1 in the TMI Action Plan was intended to apply only to operating reactors and certain operating license applicants, not to CP and ML applicants. For CP and ML applicants, the long term item III.A.2 called for licensees to participate in the development of guidance and criteria, which has now been completed. The Commission has issued new regulations to upgrade emergency preparedness planning for NRC-licensed facilities. These new regulations were issued on August 19, 1980, and became effective on November 3, 1980. Since item III.A.2 is now covered by the regulations, it has been removed from NUREG–0718.

Item III.A.1.2 has been revised to provide clearer guidance by specific reference to NUREG–0696.

Special Consideration Areas of Siting, Degraded Core Rulemaking, Reliability Engineering, and Emergency Preparedness

(See the discussion above under II.A.2, II.B.8, II.C.4, and III.A.1,-.2)

Deviations From the Standard Review Plan

Several of the responses commented on the proposed requirements to document deviations from the Standard Review Plan. On October 9, 1980, another Notice of Proposed Rulemaking was published in the Federal Register (45 FR 67099) which also detailed requirements for documenting deviations from the SRP. This second notice not only reiterated the documentation requirements of the first notice, but also extended the requirements to operating plants and construction permit holders. A comprehensive final rule which will also include action for the pending CP and ML applications is under consideration in connection with 45 FR 67009. Accordingly, no special requirement on this subject will be included in this rule.

Comments on Instruction to Atomic Safety and Licensing and Appeal Boards (Lowenstein; PSO; BEC)

The notice of proposed rulemaking also requested comments on the extent to which judgments reached by the Commission on siting, emergency preparedness, reliability engineering, degraded core rulemaking, and the requirements of NUREG–0718 should form the basis for instructions to licensing and appeal boards in the CP and ML proceedings.

One commentor (Lowenstein) suggested that the licensing boards should be instructed that strict time schedules are to be imposed and enforced for completion of litigation. The Commission anticipates that licensing boards would, under present authority, impose and enforce appropriate schedules.

With respect to siting, this commentor recommends that the licensing boards be permitted to entertain contentions that any part of additional requirements proposed by the NRC staff as a result of the proposed rule on siting are unnecessary or that such proposed requirements are not being complied

with, but that requirements beyond those proposed by the staff may not be entertained and that boards' authority to raise issues *sua-sponte* should be subject to the same limitations. Also, this commentor would have the boards instructed not to entertain contentions that alternate sites be considered due to demographic considerations in view of the provisions of Section 108(b) of the NRC appropriation authorization for Fiscal Year 1980, discussed under item II.A.2 above.

With respect to degraded core rulemaking, the above commentor would have the licensing boards instructed to limit the litigation in a fashion similar to that proposed by this commentor on the siting issue, namely by restricting contentions to the NUREG–0718 requirements applicable to the CP review stage, including the requirement to consider certain preventive and mitigative features.

With respect to reliability engineering, the above commentor would have the licensing boards instructed that they may only entertain contentions on the nature, method of conduct, and completion dates of the studies and the program to assure that the results are reflected in the final design. Here also, this commentor recommends that the authority of licensing boards to raise issues *sua-sponte* be subject to these same limitations.

Another commentor (PSO) believes that the Commission should issue a rule directing licensing boards to resume licensing proceedings in accordance with Option 1 (which the commentor believes would entail further notice and opportunity to comment before implementation). (The options are described in the following section.) If, however, Option 3 is adopted by the Commission, then this commentor would propose that the rule should be issued and made effective within 30 days after publication in the **Federal Register.**

The third commentor (BEC), who also favors Option 1, would have the licensing boards instructed that they may entertain contentions that one or more NUREG–0718 requirements applicable to the CP review stage are not complied with but may not entertain contentions that requirements beyond these are necessary. This commentor would also have the licensing boards' authority to raise issues *sua-sponte* subject to these same limitations.

Discussion

The Commission has decided that Option 3 should be embodied as a rule, to be effective 30 days after publication of the notice in the **Federal Register.** This rule, like other Commission regulations, may be challenged in accordance with 10 CFR 2.758.

Comments on the Method of Implementing the Requirements

In the notice of proposed rulemaking, three options for resuming licensing on the pending CP/ML applications were presented. Briefly, they were as follows:

Option 1

Resume licensing using the pre-TMI requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 Statement of Policy regarding operating licenses.

Option 2

Take no further licensing action until the rulemaking actions described in the Action Plan, NUREG–0660, have been completed.

Option 3

Resume licensing as indicated under Option 1 above, but also require certain additional measures or commitments in selected areas (e.g., those that will be the subject of rulemaking.)

A majority of those commenting favor Option 1 which, with respect to the TMI Action Plan, would, in effect, treat the pending applications as if they were the last of the present generation of nuclear power plants. The applicants for these plants would not, under this option, be required to address the four special areas cited in the notice. Reasons cited for selecting that option include:

Option 3 could significantly delay CP licensing process (Bechtel, PGE)
Option 3 constitutes excessive and unnecesary regulation (Lowenstein) pending CP applicants should be treated like present CP holders (PSO) "additional measures" of Option 3 would be inordinately costly (BSE)
Option 3 proposes a different and escalated set of TMI-related requirements (GE)
Option 3 adds uncertainty to the review process by requiring commitments to future events (CE)
Sufficient "in the interim" and can be implemented in a realistic and cost effective manner (*W*)
Reduce dependence on foreign oil (Rowley)

One commentor (OPS) suggested that either Option 1 or Option 3 would provide a reasonable basis for resuming licensing.

One commentor (Duke) proposed its affected units (Perkins) be exempted from the rulemaking altogether because those units are intended to be identical to other units (Cherokee) already granted CP's.

One commentor (USDI) recommended that no construction permits be issued until the siting rulemaking has been completed. While it is true that a siting rule is being formulated, it is not expected to be so drastically different from the present guidelines as to make these previously evaluated sites grossly deficient. The Commission therefore declines as a matter of policy to delay consideration of the pending applications for conclusion of the siting rulemaking.

One commentor (Lewis) asserted that any action at this time is unnecessary and/or premature. Among other things the commentor stated that there is no demand or "need for power" from new plants at this time. The Commission finds that those considerations are outside the scope of this rulemaking. Need for power and related issues have been or will be addressed in the individual CP or ML proceedings by the licensing boards. This commentor also stated that many new requirements will eventually be developed in answer to the accident at TMI–2. Included are proposed rule changes on population density, and consideration of "Class 9" accidents. In his view, concurrent consideration of several rulemakings at one time makes for duplicative efforts. However, the comments in this regard overlook the fact that ongoing licensing proceedings are always subject to matters in rulemaking and that applications are in any event judged against current licensing requirements.

On balance, the Commission continues to believe that Option 3, as modified by revisions to II.A.2, II.B.8, and II.C.4, is the most suitable course of action to take.

II. Comments to FR Notice of March 23, 1981. Comments were received from:

1. J. D. Sloan, Charlotte, North Carolina (Sloan)
2. Southern Company Services, Inc., Birmingham, Alabama (SCS)
3. Minnesota Pollution Control Agency, Roseville, Minnesota (MPCA)
4. Offshore Power Systems (OPS)
5. Baltimore Gas and Electric Company (BG&E)
6. Boston Edison Company (Boston Edison)
7. Gilbert Associates, Inc., Reading, Pennsylvania (Gilbert)
8. Town of Hampton Falls, New Hampshire (Hampton Falls)
9. Marty Casella, Sun Valley, California (Casella)
10. Jane J. Estes, Blacksburg, Virginia (Estes)
11. Stone & Webster Engineering Corporation, Boston, Massachusetts (S&W)

12. Atomic Industrial Forum, Washington, D.C. (AIF)
13. Edison Electric Institute, Washington, D.C. (EEI)
14. Virginia Electric and Power Company (VEPCO)
15. Combustion Engineering, Inc., Windsor, Connecticut (CE)
16. Marvin I. Lewis, Philadelphia, Pennsylvania (Lewis)
17. Robert Alexander, Houston, Texas (Alexander)
18. Committee on Nuclear Quality Assurance, American Society of Mechanical Engineers (NQA)
19. Bechtel Power Corporation, San Francisco, California (Bechtel)
20. Consolidated Edison Company of New York (Con Ed)
21. General Electric Company, San Jose, California (GE)
22. Carolina Power & Light Company (CP&L)
24. Florida Power Corporation (FPC)
25. Lowenstein, Newman, Reis & Alexrad (Lowenstein) on behalf of Houston Light & Power Company and Puget Sound Power and Light Company
26. Commonwealth of Massachusetts (Massachusetts)
27. Tampa Electric Company (TEC)
28. Business and Professional People for the Public Interest, Chicago, Illinois (BPI)
30. Westinghouse Electric Corporation, Pittsburgh, Pennsylvania (*W*)
31. Public Service Company of Oklahoma (PSO)
33. Portland General Electric Company (PGE)
34. Commonwealth Edison Company (CEC)
35. Middle South Services, Inc., New Orleans, Louisiana (MSS)
36. Florida Power & Light Company (FP&L)
37. Central Power and Light Company (Central P&L)
39. Tennessee Valley Authority (TVA)
40. Ebasco Services, Inc., New York, N.Y. (Ebasco)
42. Babcock & Wilcox, Lynchburg, VA (B&W)
43. D. Marrack, Bellaire, Texas (Marrack)

(Letters numbered 23, 29, 32, 38 and 41 are not listed because they are duplicates of the letters numbered 6, 24, 21, 32 and 11, respectively. The letters numbered 1, 8, 9, 10 and 26 contain no comments on the proposed rule).

The staff's consideration of the pertinent comments received is provided in the following discussion. The comments are grouped as indicated below, with the source of the comments referenced by use of the abbreviations indicated above.

1. Inclusion of the ML Application

The following is a discussion of the comments received on including the application for a Manufacturing License (ML) in the rule for licensing requirements for pending applications for Construction Permits and Manufacturing Licenses.

One commentor (Lewis) clearly favors outright exclusion of the ML from the rule. The basis for exclusion presented by the commentor is that Offshore Power Systems lacks a customer for the Floating Nuclear Plant (FNP).

A majority (16) of the (20) commenting letters that address the issue strongly favor including the ML in the rule. Three others (Boston Edison, EEI, Lowenstein) believe the ML should be included, but not if this results in a delay in promulgation of the rule for the CP applications. Some of the reasons given for this support are the standardized plant concept (BG&E, OPS, VEPCO, CON ED, CP&L, FPC), conservation of resources, "diversity of fuel supplies", and "innovation" (BG&E). Also, the considerable expenditure of dollars, expert engineering man-years, and support facility construction are noted.

OPS, particularly, states that exclusion of the ML from the rule would "* * * greatly damage the concept of standardization and would cast substantial doubt on whether the incentives perceived to result from standardization in fact exist." OPS further submits that the investment in the FNP was made "* * * in reliance on our understanding that the standards to be applied to the Manufacturing License are the same as those which apply to Construction Permits, with only such distinctions as are set out in 10 CFR Part 50, Appendix M" and that to segregate them now would "* * * insert * * * a commercial requirement completely at odds with the Manufacturing License concept and the Commission's prior licensing philosophy." OPS asserts that the requirements in Subsection (3)(v) of the proposed rule are "* * * entirely appropriate for application to Floating Nuclear Plants", and that "[D]esign features required by the rule can and will be incorporated into the Floating Nuclear Plant design * * *". OPS also notes that "[M]any of the Near-Term Construction Permit plants utilize containments with volumes and design pressures comparable to the ice condenser containment employed in the Floating Nuclear Plant", and that "* * * information reported at March 1, 1981 ACRS meetings * * * indicate (sic) that the capability to increase containment strength is very nearly the same for the Near-Term Construction Permit plants and the Floating Nuclear Plant * * *."

Discussion for Inclusion of the Manufacturing License in the Rule

The Commission generally agrees with the comments that favor inclusion of the ML application in the rule and has, therefore, included it.

2. Comment Period Too Short

One commentor (Gilbert) stated that, "Based upon the numerous criteria contained in this proposal, and the potential monumental impact of those requirements, the 20-day comment period is too short and restrictive for public rulemaking in spite of the NRC's rationalization of this time interval."

Discussion

The 20-day comment period provided in the notice printed in the **Federal Register** on March 23, 1981 (46 FR 18045) was considered by the Commission to be sufficient, considering the 45-day comment period provided in a previous notice on October 2, 1980 (45 FR 65247). Promulgation of the rule will provide the affected parties with a firm basis for responding to TMI-related requirements, thereby eliminating the present uncertainty and its attendant potential for unnecessary delay.

3. Application of the Proposed Rule to Present CPs and OL Applications

One commentor (BPI) submits that "the new rule, if enacted, should be made applicable to present holders of construction permits, as well as to applicants for construction permits and manufacturing licenses. To decline to so apply the amendment, especially to plants which are in the very early stages of construction, suggests that the Commission is not seriously attempting to implement the needed upgrading of safety for all nuclear plants." Another commentor (Marrack) argues that all plants not yet operating should meet the minimum improved standards.

Discussion

Holders of construction permits have already been informed by letter that they must meet the TMI-related requirements contained in NUREG–0737. There is an ongoing rulemaking to codify these requirements in the Commission's regulations. This action will ensure that the bulk of the requirements that are contained in this new rule for pending CP/ML applicants will be made applicable to all holders of construction permits. For those areas in this new rule that go beyond the requirements of NUREG–0737 (such as those related to containment strengthening and other hydrogen control measures), the Commission, in the near future, intends

to consider their applicability to present CP holders on a case-by-case basis.

4. Imposition of New Requirements

One commentor (FPC) urges "the Commission to impose new licensing requirements on plants during the licensing process only after a cost/benefit evaluation has been completed utilizing identified safety benefit compared to financial requirements to implement i.e. containment strength. We have a concern that without such evaluations licensing requirements may be imposed with minimal increase or perhaps no increase in overall safety at significant costs. This will quickly erase the nuclear alternative as viable and severely limit our energy resources." Another commentor (CE) also recommends that any major modifications should undergo complete cost/benefit assessment. In addition, the commentor urges "that this requirement should be coordinated with other rulemaking proceedings in progess, specifically the development of an overall safety goal."

Another commentor (Lowenstein) said, "we also think it essential that the Commission recognize that in many instances applicants have already completed designs, procured equipment, or committed to fabrication of equipment on much of the proposed plants. The Commission should make clear to the NRC staff that the new requirements should be interpreted to minimize extensive redesign and procurement of new equipment to replace that already purchased."

Discussion

The Commission agrees that new requirements should be based on favorable cost/benefit evaluations, but this is not possible, in quantifiable terms, at present due to the lack of a specified safety goal. The Commission and its staff recognize that unnecessary extensive redesign and procurement of new equipment should be avoided. However, in its extensive deliberations concerning TMI-related requirements, the Commission has decided that the requirements in the new rule are necessary for protection of the public and that their costs are not exorbitant. Acceptable alternative methods of meeting the requirements stated in the rule will be considered.

5. Imposing Requirements Now Under Rulemaking

Several commentors (S&W, CEC, Lewis, Ebasco) oppose the imposition of requirements subject to other rulemaking proceedings, particulaly relative to degraded core conditions, as premature.

Another commenter (*W*) said that "in light of the ongoing generic NRC proceedings with respect to safety goals and methodology, degraded core cooling, siting and emergency planning, the Commission should make it clear that the final rule when adopted is an interim rule to be applied pending the outcome of these proceedings and the risk assessments required by the rule." "Paragraphs (e)(1)(xv), (e)(3)(iii), (e)(3(iv), (B thru D): Each of these items are either premature impositions of requirements not yet authorized by the NRC or are clearly the subject of current ongoing rulemaking e.g. hydrogen control and degraded core rulemaking. To impose these requirements at the CP stage precludes the full airing of these issues prior to assumption by the applicant of construction costs," stated one commentor (CEC).

Discussion

This rule does include some requirements which are subjects of other ongoing rule-making proceedings. The purpose of including these requirements in this rule is to ensure that future requirements are not rendered impractical because construction has been allowed to proceed on these plants without having made provisions for them.

6. NUREG–0718 Is Premature, Limited and Misleading

One commentor (Lewis) states that "the staff guidance in NUREG–0718 * * * is so limited and so misleading that it will probably be a matter of civil suit between NRC and Licensee's. Many licensee's will be able to argue that the staff guidance mislead them into believing that new requirements would be easy-to-meet and low cost." The commentor therefore, suggested that NUREG–0718 be eliminated.

Discussion

The Commission is not aware of specific additional guidance the commentor would have it provide at this time. The staff will provide applicants with additional guidance as the need arises. Eliminating NUREG–0718 at this time would remove all guidance and could lead to more instability in the review process.

7. Objections to Detail of the CP/ML Rule

Two commentors (Gilbert, CEC) object to the regimentation, "great detail", and "specificity" of placing such a rule in the Code of Federal Regulations. They support the use of Regulatory Guides. Standard Review Plans, and/or various NUREG documents. One commentor (Gilbert) goes on to state: "The current proposal applies to but seven pending applications, yet proposes to more than double the volume of 10 CFR 50.34. Furthermore, a number of the individual requirements are so design specific as to preclude the possibility of alternate designs or solutions in the future. We thus see these new proposed regulations as in conflict with both President Reagan's directive for both simplified regulatory requirements, as well as his stated beliefs that new nuclear plants should not be unduly regulated into oblivion * * * We believe that the general goals and objectives of proposing the new 10 CFR 50.34(e) can be obtained through means other than the new regulations (as has been done on plants undergoing OL review) on a case-by-case or even a generic basis, and that imposing these requirements by use of a new 10 CFR 50.34(e) is unwarranted and without justification."

Discussion

The regulatory authority provided by a rule ensures a clear and concrete way to impose the necessary requirements in the wake of lessons learned from the TMI–2 accident. Separate rules for the CP/ML applicants and the OL applicants will clarify the specific requirements the Commission considers necessary for plants at these stages in the licensing process. Excessive details have been removed from the proposed rule; where details are specified, the Commission has decided they are necessary to ensure the safety of the public.

8. Comments on the Method of Implementing the Requirements

One commentor (PSO) provided comments objecting to Option 3* on the basis of timing, "i.e., this option requires the completion of a myriad of time consuming engineering activities and analyses before issuance of construction permits. On the other hand, Option 1 would have required only that an applicant make necessary commitments, including reasonable implementation schedules, before issuance of the construction permits."

*Option 3 requires certain measures or commitments in selected areas (e.g., those that will be the subject of rulemaking) in addition to those imposed by Option 1. Option 1 is to resume licensing using the pre-TMI requirements augmented by the applicable requirements identified in the Commission's June 16, 1980 Statement of Policy (now replaced by the December 18, 1980 Statement of Policy) regarding operating licenses.

Another commentor (TVA) expressed the belief that the major issues in the proposed rule have not been resolved sufficiently to process final rule changes at this time. TVA suggested the following approach as a more effective means of accomplishing the changes in licensing requirements:

1. Require that all pending construction permit and manufacturing license applicants commit to implement the final rules that grow out of the money pending post-TMI rulemakings, such as probabilistic risk assessment methodology, safety goal, siting, degraded core, etc.
2. Implement only those changes in the proposed rule which have been promulgated and issued for use by the near term operating license plants. For other changes, retain the existing rules pending completion of the post-TMI rulemakings.

Discussion

The Commission has adopted Option 3, which will ensure that approved action items in the TMI Action Plan are applied to the new CPs and ML and will provide for early consideration of these added safety measures so as to minimize the costs of incorporating them into the design of the facility.

9. Comments on Prompt Adoption of the Rule

Many of the commentors (AIF, EEI, Lowenstein, etc.) expressed strong support for the prompt adoption of the rule. One commentor (Boston Edison) submitted "that the Commission would be shirking its vital responsibility in this area if it did not issue a rule such as this and if this rule were not intended as binding upon the Commission's subsidiary boards." Another stated, "C-E agrees with the Commission's intent of defining the set of TMI-related requirements that are both necessary and sufficient to resume NRC review and approval of pending and ML applications. These requirements (as modified to reflect public comments) should therefore be issued expeditiously in conjunction with a clear enunciation of the sufficiency of those requirements, so that NRC staff action on pending applications can recommence."

Discussion

The Commission believes that issuance of the final rule is the proper response to these comments.

10. Basis for Compliance With the Rule

A. One commentor (Bechtel) noted that most of the items contained in the proposed rule reference action plan items in NUREG-0718 and NUREG-0660 and recommended that where the referenced paragraph in these NUREGs amplifies the requirements of the rule, it should be recognized that as an acceptable means of compliance. Another commentor (Ebasco) also pointed out that the proposed rule imposes new requirements in areas where final NRC acceptance criteria have not been finalized and that NRC policy relative to implementation of those criteria must be flexible because of the different types of requirements. To expedite the CP hearing process, Ebasco suggested that "compliance with NUREG-0718 be considered prima facie evidence that TMI requirements have been met."

Discussion

The Commission agrees with the comments. The Commission has reviewed NUREG-0718 and has concluded that the position contained therein can provide a basis for responding to the TMI-2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than detailed in NUREG-0718, but in such cases must provide a basis for determining that the requirements of the rule have been met. NRC acceptance criteria will be sufficiently flexible to permit appropriate alternative methods of meeting the requirements.

B. Two commentors (Boston Edison, Lowenstein) noted that "Some of the provisions of the proposed rule required the applicant to conduct studies and submit them to the NRC for review and appropriate action. Boston Edison pointed out that "these studies will be completed after issuance of the construction permit, in some instances several years later. We believe it is necessary to make clear that the construction permit licensing boards or appeal boards do not retain jurisdiction or supervisory authority over the applicant and NRC staff for the purpose of reviewing the completed studies. This would extend the construction permit proceeding far beyond the actual issuance of the permit and continue needless uncertainty. Issues concerning the required studies are appropriate matters for the operating license stage review." Another commentor (Ebasco) noted that NRC will have received the studies, in some instances, prior to SER issuance for CPs since some of these study requirements were applicable to operating plants and are generic in nature. Ebasco suggested that the studies be excluded from the (CP) hearings.

Discussion

The Commission does not expect its adjudicatory boards to retain jurisdiction or supervisory authority over fulfillment of those requirements for studies to be completed subsequent to issuance of the CP. However, the Commission does expect the staff to review such studies in a timely manner and to take appropriate action. Regarding the Ebasco comment, one of the study requirements has been deleted for the reason suggested.

C. Another commentor (Lowenstein) stated, "It is essential that the Commission make clear that this regulation, along with the existing regulations, establishes an adequate and sufficient response to the Commission's post-TMI requirements. While the notice intimates this on page 18046 (of the FR notice), we urge that it be explicitly stated in the rule."

Discussion

In the Notice of Rulemaking (46 FR 18045) published on March 23, 1981, under Substance of the Rule, the Commission stated, "It is the Commission's view that this new rule, together with the existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license." The Commission reaffirms this view with the exception of hydrogen control measures for the manufacturing license, and, to eliminate any ambiguity regarding its intent, is amending its special review procedures in 10 CFR 2.764 to delete the statement in paragraph (e) that compliance with existing regulations may turn out to no longer warrant approval of a license application. However, it should be noted that the Commission also indicated in that notice that some elements in the TMI Action Plan have not been acted upon and thus may be required on the basis of future rulemaking.

11. Additional TMI-Related Requirements

One commentor (MPCA) suggested that additional items of the TMI Action Plan should be incorporated into the rule as CP/ML licensing requirements. The specific items in NUREG-0718 and NUREG-0660 suggested for inclusion in the rule are:

I.A.4.1 Initial Simulator Improvement
I.C.1 Short Term Accident Analyses and Procedures Revision
II.B.4 Training for Mitigating Core Damage
II.B.6 Risk Reduction for Operating Reactors at Sites with High Population Densities
II.B.7 Analysis of Hydrogen Control
II.E.2.1 Reliance on ECCS
II.E.2.3 Uncertainties in Performance Predictions
II.E.3.2 Systems Reliability

II.E.3.3 Coordinated Study of Shutdown Heat Removal
II.J.1.1 Establish a Priority System for Conducting Vendor Inspections
III.D.1.2 Radioactive Gas Management
III.D.1.3 Ventilation System and Radionuclide Adsorber Criteria
III.D.1.4 Radwaste System Design Features to Aid in Accident Recovery and Decontamination
III.D.2.1 Radiological Monitoring of Effluents
III.D.2.3 Liquid Pathway Radiological Control
III.D.2.4 Offsite Dose Measurements

Discussion

The Commission has considered incorporating each of these requirements into the proposed rule, but for the reasons stated below it has determined that none of these should be added.

Items II.E.2.3, III.D.1.2–4, III.D.2.1 and III.D.2.3–4 have been judged lower priority TMI issues as reflected by task initiation dates of FY82 or later. Because of their relative low priority, the Commission believes their incorporation into the CP/ML rule is unnecessary. However, the results and conclusions of these tasks will be appropriately considered during the OL review.

A second group of suggested items is covered in other TMI action tasks that are included as requirements in the proposed rule. Items II.B.6 and II.E.3.2,3 are intended to be included in § 50.34(f)(1)(i), the required plant/site specific probabilistic risk assessment. Item II.B.7 is covered by § 50.34(f)(2)(ix) and (3)(v). Items I.A.4.1 and I.C.1. are applied to operating plants and the substance is included in § 50.34(f)(2) (i) and (ii), respectively, for these CP/ML applications.

Another group of items is not applicable for various reasons. Item II.J.1.1 applies to NRC and not to CP/ML applicants. Item II.B.4, pertaining to crew training, is more appropriate as an OL item. Finally, II.E.2.1 requires the assessment of ECCS data by operating plant licensees and is not applicable to CP/ML applicants.

In summary, the Commission has reviewed and considered all of the additional requirements suggested by MPCA and has determined that they are either covered by provisions of the proposed rule or are not applicable or appropriate for construction permit and manufacturing license applications.

12. Comments on Certain Rule Requirements

The following discussion responds to the comments received on the specific items of 10 CFR 50.34(f) listed below:

(1)(i)—Plant/Site Specific PRA Study

A. Two commentors (S&W, CEC) point out that the NRC has not yet defined the methodology to be used in the PRA study.

Discussion

The Commission notes that a PRA Procedures Guide was issued as a draft for discussion by an IEEE technical symposium in October 1981, and will be issued in proposed final form for consideration at an ANS conference in April 1982. It is expected that the Guide will be published soon after the ANS conference. Meanwhile, plans for a PRA study, and the actual conduct of the study, need not wait until the safety goal and degraded core cooling rulemakings are resolved. During a meeting with the CP/ML applicants on April 8, 1981, the NRC staff made available a PRA program outline which should serve as a guideline for CP/ML applications. The program outline addresses issues such as the scope of the PRA study, how the PRA study should be performed, what should be considered in setting up a schedule, and, most importantly, how the results of the risk study should be factored into the design, fabrication and eventual operation of the plant to improve the reliability of core and containment heat removal systems. It is reasonable to expect that an applicant can utilize the staff guidelines to develop its own program for performing a meaningful PRA study. Consequently, the Commission will retain this requirement.

B. Another commentor (GE) expressed the belief that "completion of the PRA studies and comparison to a reasonable safety goal will demonstrate that the Boiling Water Reactor includes design features which ensures that the public health and safety is protected. If, on the other hand, the results of the studies * * * show that further risk reduction is appropriate, plant modifications * * * should be considered".

Discussion

Based on the risk studies performed to date, accident sequences relating to core and containment heat removal systems contribute substantially to overall accident risk. To reduce such risk, alternate system designs for core and containment heat removal systems should be considered and PRA studies should be performed in comparison with the PRA study for the original design. The outcome of the comparison should be selection of a system design from among several design alternatives that incorporates significant improvements in the reliability of core and containment heat removal systems.

C. Two commentors (TVA, B&W) suggested that the improvements that may result from the risk assessment should be those that are significant with respect to public health and safety, not just generally significant and practical.

Discussion

The aim of the probabilistic risk assessment, as expressed in the requirement, is to seek such improvements in the reliability of core and containment heat removal systems as are practical and do not impact excessively on the plant. The Commission believes that such improvements in reliability would also be significant with respect to public health and safety. Accordingly, the Commission does not consider it necessary to change the language of the requirement.

(1)(ii)—Auxiliary Feedwater System Evaluation

Two commentors (CEC, TVA) argued that the existence of paragraph (1)(i) regarding performance of a probabilistic risk assessment (PRA) makes paragraph (1)(ii) superfluous, since a PRA study would include the analyses and reviews discussed in (1)(ii) and in paragraphs (1)(iii)–(xii).

Discussion

The Commission does not agree with this comment. It is not at all certain that the PRA would necessarily include all parts of the evaluation called for in paragraph (1)(ii). The result might be non-uniform and incomplete submittals by the applicants, with consequent time-consuming reiterations. It is, therefore, important that the three parts of the auxiliary feedwater system evaluation be specified. However, if an applicant's PRA does, in fact, include all parts of the evaluation called for in paragraph (1)(ii), then this requirement will be satisfied.

(1)(iii)—Coolant Pump Seal Damage Evaluation

One commentor (CEC) states that paragraph (1)(iii) is superfluous, given the requirement for a plant/site specific probabilistic risk assessment (PRA) as specified in paragraph (1)(i).

Discussion

The rule requires applicants to evaluate reactor coolant pump seal damage and consequential added loss-of-coolant, following a small-break LOCA with loss of offsite power. The PRA might consider this area only peripherally, if at all, since its thrust is in the improvement of the reliability of

core and containment heat removal systems. Accordingly, no change has been made in paragraph (1)(iii). However, this requirement will be satisfied if an applicant's PRA includes the evaluation called for in paragraph (1)(iii).

(1)(iv)—SBLOCA Probability Due to a Stuck-Open PORV

One commentor (CEC) argued that the PRA analyses required by paragraph (1)(i) would also include the analysis discussed in (1)(iv) in terms of the probability of small LOCA events. The commentor said, "the criteria for judging whether or not an improvement is to be made should, however, not rest with LOCA probabilities but rather with overall risk contribution and ultimately with the comparison of plant risk to a uniform safety goal."

Discussion

The WASH–1400 analysis for a PWR indicated that SBLOCAs contribute significantly to core melt probability. Furthermore, the TMI experience and subsequent analysis have shown that the likelihood of a SBLOCA due to a stuck-open PORV is greater than that assumed in WASH–1400. The purpose of this requirement is to determine whether this probability contributes substantially to the SBLOCA probability from all causes. If it does, an evaluation should be performed to ensure that this probability will be reduced by incorporating an automatic PORV isolation system, which will give assurance that the public health and safety is protected in the event of a stuck-open PORV. The Commission will retain this requirement. However, the requirement will be met if an applicant's PRA includes the analysis called for in (1)(iv).

(1)(v through xii)—Additional Studies

A. One commentor (CEC) states that all topics discussed in these paragraphs "could readily be considered in the PRA discussed in paragraph (1)(i)". Further, the commentor states that "it appears that many of the studies and criteria have a basis only in NRC staff judgment". Lastly, the commentor states that these studies, which are additional to the PRA discussed in paragraph (1)(i), "should be required only for those cases where the basic systems and related questions involved are shown to have a significant contribution to risk—in order to prioritize the work to be done and to conserve industry and NRC resources."

Discussion

In response to the first comment regarding paragraphs (1)(v through xii), it is noted that the specific paragraphs requiring study or evaluation by the applicant resulted from recommendations by the Bulletins and Orders Task Force. This Task Force conducted generic reviews of loss-of-feedwater and small break loss-of-coolant events on operating PWRs designed by B&W, Westinghouse and Combustion Engineering, and on operating BWRs.

These items were not explicitly included in the PRA in (1)(i) to ensure that the areas are specifically addressed. In some cases, the generalized PRA may not be extended to cover the required area, for example: paragraph (1)(vi), study to identify practicable system modifications to reduce challenges to and failure of relief valves in BWRs. However, if an applicant's PRA does, in fact, include the items called for in paragraphs (1)(v through xvii), then these requirements will be satisfied.

With regard to the second comment, it is the judgement of the Commission that potentially significant increases in plant safety could evolve from these studies and evaluations. At this time, the Commission is awaiting results of these studies and evaluations to determine whether certain plant modifications are warranted to improve plant safety.

In response to the last question regarding paragraphs (1)(v through xii), the Commission considers a risk assessment one of many tools which may be used to evaluate plant modifications and improvements. Direct evaluation, as considered in these paragraphs, is an equally valid tool.

In view of the foregoing discussion, no changes have been made in paragraphs (1)(v through xii) as a result of this comment. However, the Commission has made changes in wording to clarify the intent of paragraphs (1)(vii), (viii) and (ix). Proposed paragraph (1)(xi) has been deleted since a generic study applicable to all the affected applicants has been submitted for Commission review.

B. Another commentor (GE) noted that the NRC staff has agreed that the requirements specified in II.K.3.24 of NUREG–0718 should apply only to loss of offsite alternating current power.

Discussion

The Commission concurs and has revised paragraph (1)(ix) as follows to clarify its intent:

Perform a study to determine the need for additional space cooling to ensure reliable long-term operation of the reactor core isolation cooling (RCIC) and high pressure coolant injection (HPCI)* systems, following a complete loss of offsite power to the plant for at least two (2) hours. (applicable to BWRs only) (II.K.3.24)

*For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI."

(2)(iii)—Control Room Design

One commentor (PSO) states that the text conflicts with the predicate given in § 50.34(e)(2) and suggests rewording (2)(iii) to read: "Provide a control room design that applies state-of-the-art human factor principles (I.D.1)." Two other commentors (SRW, CEC) suggested that the design be submitted for NRC "review" instead of "approval" since the latter has specific legal connotations in the engineering area. The suggestion was also made that "the rule should stipulate that the control room design consider state-of-the-art human factor principles, since direct application of all such principles may conflict with existing regulations."

Discussion

In response to the first comment, it should be noted that section (2) does not require a control room design prior to the granting of a CP, only sufficient information to ensure that an appropriate design will be submitted prior to fabrication or revision of panels and layouts. The Commission agrees with the other comments and has amended the text to read as follows:

Provide, for Commission review, a control room design that reflects state-of-the-art human factor principles prior to committing to fabrication or revision of fabricated control room panels and layouts. (I.D.1)

(2)(vi)—Reactor Coolant System Vents

The commentor (CEC) notes that it may be well to review this requirement carefully on a plant specific basis to determine if any core cooling benefit can be identified; for some plants, reactor coolant system vents may offer no real benefit.

Discussion

The reactor coolant system high point vent requirement was developed to provide a means to eliminate gases that could inhibit core cooling. Since all plants have a potential to release non-condensible gases, this requirement applies to all plants. Although events in which gas venting would be required are highly unlikely, there does not appear to be an acceptable substitute at this time for those cases where venting may be needed. Consequently, the Commission is retaining this requirement, but has made a minor wording change for clarification. The paragraph now reads:

Provide the capability of high point venting of noncondensible * * *

(2)(vii)—Radiation and Shielding Design

One commentor (PSO) suggested inserting the words "Provide a plan and submit a schedule to" at the beginning of the text to clarify its intent.

Discussion

The Commission does not believe this change is necessary since the language under (f)(2) clearly indicates that only sufficient information is required prior to granting a CP to demonstrate that the requirements, e.g., (2)(vii), will be met by the operating license stage. However, the Commission has substituted the word "materials" for "fluids" in the text since not only fluids are involved, and the words "TID 14844 source term" have been substituted for "highly" for clarification.

(2)(ix)—Hydrogen Control System

A. One commentor (OPS) requests clarification of the word "handling" in the requirement, "Provide a system for hydrogen control capable of handling hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction."

Discussion

The Commission has substituted the words "that can safely accommodate" for "capable of handling" to clarify the intent.

B. Several commentors (OPS, Bechtel, GE, *W*, CEC, TVA) asserted that the 100% metal/water reaction requirement is too stringent and inconsistent with the value of 75% metal/water reaction in the proposed interim rule on hydrogen.

Discussion

While it is true that the TMI–2 accident produced less hydrogen than that assumed in the rule, and that the 100% requirement is greater than the 75% requirement in the proposed interim rule, the Commission finds that 100% is appropriate as a conservative bound for the design of plants not yet under construction. More specifically, the amount of hydrogen should not be tied to a given accident sequence (e.g., TMI–2), but rather a class of accidents which produce a large amount of hydrogen but hold promise of being recoverable, that is, for cooling to be re-established prior to what would otherwise be a substantial core melt-down. The proposed interim rule will be limited to accidents for which no or limited core melting takes place. The CP/ML rule considers potential accidents that are more severe than those considered in the interim rule. These severe accidents will be the subject of the degraded core rulemaking.

C. Another commentor (B&W) suggested that a maximum rate of hydrogen generation should be provided for the hydrogen control system.

Discussion

The hydrogen generation rates and release rates into the containment are a function of the reactor type, the accident sequence being considered, and the recovery (of cooling) schemes employed. Further, the effects of hydrogen generation rates and release rates (in terms of burning or detonation) are dependent on blowdown and steam-inerting characteristics in the containment. Thus, one maximum rate would be inappropriate and possibly overly conservative. Not having a maximum rate does not necessarily mean that the Commission expects detailed mechanistic analyses of hydrogen generation and release for a variety of sequences. Parametric analysis that adequately scopes the physical processes for the sequences under consideration would be acceptable.

(2)(x)—Relief and Safety Valves

Two commentors (Bechtel, B&W) pointed out that this requirement appears to elevate ATWS to the status of a design basis event.

Discussion

This is not intended, as the Commission is presently reviewing a proposed ATWS rule. Appropriate valve qualification requirements for ATWS can only be finalized after the Commission issues a final ATWS rule or decides that plants do not have to be designed to withstand an ATWS event. To clarify the intent of this requirement, it has been revised to read as follows:

Provide a test program and associated model development and conduct tests to qualify reactor coolant system relief and safety valves and, for PWR's, PORV block valves for all fluid conditions expected under operating conditions, transients and accidents. Consideration of anticipated transients without scram (ATWS) conditions shall be included in the test program. Actual testing under ATWS conditions need not be carried out until subsequent phases of the test program are developed.

(2)(xii)—Auxiliary Feedwater System

A commentor (CE) suggests that the requirement to "provide an analysis of the effect on containment integrity and return to reactor power of automatic AFW system initiation with a postulated main steam line leak inside containment" be deleted since it would institute a regulatory requirement for an analysis of a condition normally assessed during the design of a safety-grade system, e.g., the auxiliary feedwater system. The commentor maintains that it is unnecessary to require this specific analysis in the rule.

Discussion

The Commission agrees with the comment and has deleted this part of the requirement because the regulations already require analyses of such systems (10 CFR 50.34(a)(4)). In addition, the term "safety-grade" has been deleted because that term is not explicitly defined in the regulations. With these changes, (2)(xii) now reads as follows:

Provide automatic and manual auxiliary feedwater (AFW) system initiation, and provide auxiliary feedwater system flow indication in the control room. (Applicable to PWRs only) (II.E.1.2.)

(2)(xvii)—Primary System Sensitivity to Transients

A commentor (Gilbert), referring to this requirement, said "some statements of design criteria are so general as to be nebulous". Another commentor (B&W) objected to "sensitivity" and "reduce" in this requirement as not well-defined terms, making it difficult to know what features must be provided. A third commentor (PGE) indicated that the reference to NUREG–0718 action plan item II.E.5.2 appears incorrect.

Discussion

The requirements in 10 CFR 50.34(f) are intended to be general enough to allow a reasonable amount of flexibility in their interpretation. However, the Commission has deleted this requirement because it has not yet been sufficiently defined. After further study, appropriate action on this subject will be implemented.

(2)(xix)—Indication of Inadequate Core Cooling

A commentor (PGE) suggested the use of "and/or" instead of "and" in the last sentence since the present wording implies that all of the instruments must be provided. Another commentor (B&W) suggested deleting the examples of instrumentation that may be required.

Discussion

The commentor's reference to the "last sentence" is not clear since (2)(xix) has only one sentence. The Commission believes that the words "such as" clearly indicates that what follows are examples of instrumentation that may be required. However, the words "exit" and "core coolant flow rate" have been

eliminated to better reflect the design requirements. As revised and renumbered (2)(xviii), the paragraph now reads as follows:

Provide instruments that provide in the control room an unambiguous indication of inadequate core cooling, such as primary coolant saturation meters in PWR's, and a suitable combination of signals from indicators of coolant level in the reactor vessel and in-core thermocouples in PWR's and BWR's. (II.F.2)

(2)(xxi)—Power Supplies

A commentor (PGE) noted "the requirement that motive and control components be designed to safety grade criteria is inconsistent with the applicable requirement of NUREG–0737 (which is referenced in NUREG–0718)."

Discussion

Paragraph (2)(xxi) has been renumbered (2)(xx) and part (B) has been revised to read:

Motive and control power connections to the emergency power sources are through devices qualified in accordance with requirements applicable to systems important to safety.

(2)(xxii)—Auxiliary Heat Removal Systems

A commentor (PGE) noted that the reference to NUREG–0718 action plan item II.K.1.2 is incorrect.

Discussion

This reference has been corrected to II.K.1.22, and the paragraph has been renumbered (2)(xxi).

(2)(xxiv)—Anticipatory Reactor Trip

One commentor (B&W) indicates that a hard-wired, safety-grade reactor trip on loss of feedwater will be incorporated into the design of B&W plants; however, "B&W believes that the reactor trip upon turbine trip is disadvantageous." B&W states that "plants utilizing a once-through steam generator have the capability to run back on turbine trip without a reactor trip" and the "avoiding of a reactor trip for this event results in smaller perturbations in the primary system."

Discussion

Prior to the accident at TMI–2, B&W operating plants utilized a runback feature to avoid a reactor trip upon turbine trip. However, for each of these events, the PORV was opened to relieve reactor coolant system pressure. As part of the post–TMI–2 fixes to minimize challenges to the PORV, B&W-designed plants were required to lower the high pressure reactor trip setpoint from 2355 psig to 2300 psig and raise the PORV setpoint from 2255 psig to 2450 psig. These actions removed the runback capability for turbine trip events. In addition, B&W plants were required to install anticipatory reactor trips for loss of feedwater and turbine trip.

On applications currently undergoing OL review, such as Midland, the applicant has proposed certain design modifications that may reduce the probability of a small break loss-of-coolant accident (SBLOCA) caused by a stuck-open PORV.

These modifications include:

(1) A fully qualified safety-grade PORV;

(2) Safety-grade indication of PORV position;

(3) Dual safety-grade PORV block valves, capable of being automatically closed if a PORV malfunction occurs;

(4) A test program to demonstrate PORV operability;

(5) Installation of a safety-grade reactor trip on total loss of feedwater; and

(6) Resetting the PORV and high pressure reactor trip setpoints to their original values of 2255 psig and 2355 psig, respectively.

Should these modifications be found acceptable by the staff, the necessity of installing an anticipatory reactor trip upon turbine trip may be negated. However, until these or similar modifications are proposed and found acceptable by the Commission, the plant design must incorporate anticipatory reactor trips for both loss of feedwater and turbine trip.

No change has been made in paragraph (2) (xxiv) because of the comments. However, the Commission has modified the wording for clarification and deleted the words "safety grade" because this term has not been defined in the regulations. The paragraph has been renumbered (2)(xxiii) and modified to read as follows:

Provide, as part of the reactor protection system, an anticipatory reactor trip that would be acutated on loss of main feedwater and on turbine trip. (Applicable to B&W-designed plants only) (II.K.2.10)

(2)(xxvi)—Recording Reactor Vessel Water Level

One commentor (GE) stated that this requirement should be deleted because task II.K.3.23 was not included in NUREG–0737.

Discussion

The TMI action plan, Table C.3, NUREG–0660, indicates that this issue is being covered in connection with TMI action plan item I.D.2, plant safety parameter display console; this latter item is identified in NUREG–0737. Specific console requirements for operating reactor licensees and OL applicants are under consideration by the Commission at the present time. The Commission considers that central water level recording is necessary for BWRs, and that it is appropriate to address such capability in a preliminary manner during the CP safety review. Consequently, this requirement will be maintained. However, the Commission has noted that the range over which the reactor vessel water level must be recorded as specified in the proposed rule is inconsistent with that specified in Regulatory Guide 1.97. Since either range is acceptable for the plants covered by the rule, the Commission has modified the requirement to allow that flexibility in its implementation. This paragraph has been renumbered (2)(xxiv) and changed to read as follows:

Provide the capability to record reactor vessel water level in one location on recorders that meet normal post-accident recording requirements. (Applicable to BWR's only) (II.K.3.23)

(2)(xxviii)—ALARA Exposures

A commentor (Bechtel) noted that this requirement applies to the design basis of systems outside containment likely to contain radioactive material, rather than the development of leakage control and detection provisions intended by NUREG–0718, Item III.D.1.1.

Discussion

The Commission has renumbered the paragraph (2)(xxvi) and, for clarification, replaced the requirement with the following:

Provide for leakage control and detection in the design of systems outside containment that contain (or might contain) TID 14844 source term radioactive materials following an accident. Applicants shall submit a leakage control program including an initial test program, a schedule for re-testing these systems, and the actions to be taken for minimizing leakage from such systems. The goal is to minimize potential exposures to workers and public, and to provide reasonable assurance that excessive leakage will not prevent the use of systems needed in an emergency. (III.D.1.1)

(3)(i), (ii), (iii)—Administrative Procedures and Quality Assurance

A. A commentor (Gilbert) stated that these requirements are a restatement of present 10 CFR requirements.

Discussion

Item (3)(i) has not been a previous requirement for CP reviews (recently, this has been identified as a requirement

for OLs as Item I.C.5, NUREG–0737) nor have Items (3) (ii) and (iii), as stated in the proposed rule, been previous CP requirements.

B. Three commentors (S&W, NQA, TVA) noted that the inference of section (3)(iii) is that Appendix B of 10 CFR 50 is not sufficiently definitive. If this is the case, the proper place to provide such clarification or additional requirements is through Appendix B. It is the recommendation of the NQA Committee that paragraphs 50.34(f)(3) (ii) and (iii) be deleted from the proposed addition to the regulations because they do not clarify Appendix B and can only add confusion.

Discussion

10 CFR Part 50 Appendix B does set forth basic QA criteria from which to develop a QA program. 10 CFR 50.34(a)(7) requires that the applicant describe its QA program in the PSAR and include a discussion of how the applicable requirements of Appendix B will be satisfied. Regulatory Guide 1.70 and the Standard Review Plan provide additional guidance on the extent to which this QA program should be described. The controls described in § 50.34(f)(3)(ii) and (iii) provide additional detailed criteria for proper implementation of Appendix B requirements.

C. Two commentors (NQA, Bechtel) noted that existing regulations contain provisions for the independence (separation) of those individuals who perform functions of attaining quality objectives from those individuals who verify compliance with requirements. Regulatory Guide 1.64 contains additional explanation for the intended independence for design verification purposes. The proposed addition to 10 CFR Part 50 goes beyond other regulations and regulatory guides and suggests the emphasis be placed on organizational independence rather than independence of personnel for objectivity and proficiency.

Discussion

The Commission agrees that Regulatory Guide 1.64 contains sufficient guidelines for independent verification of designs. Of particular concern to the Commission is the lack of sufficient independence of the organization responsible for performing checks, verifications, and inspections. Therefore, this aspect of an effective QA program is emphasized in the rule.

D. A commentor (NQA) also noted that (3)(iii)(B) "would require the entire body of quality assuring activities to be performed at the construction site. This would require massive upheaval and relocation to the construction site of not only top management, but also all support organizations."

Discussion

The objective of item B is to ensure that sufficient quality assurance and quality control activities are performed at the site rather than at corporate offices to provide closer management oversight and communication. To clarify the Commission's intent, (3)(iii)(B) has been modified to read:

(B) performing quality assurance/quality control functions at construction sites to the maximum feasible extent;

E. The commentors (NQA, Bechtel) noted that (3)(iii)(C) is not clear whether quality assurance personnel should be involved in development of the procedures or should be assigned actions through the procedures.

Discussion

The Commission agrees that this item needs clarification to ensure a better understanding of the intent. Item (3)(iii)(C) has been modified to read as follows: "including QA personnel in the documented review of and concurrence in quality-related procedures associated with design, construction, and installation."

F. A commentor (NQA) noted that (3)(iii)(D) is "not clear in what is meant by QA requirements. If this refers to the requirements for quality assurance programmatic activities, the statement is acceptable; if it refers to requirements for the physical characteristics for classes of equipment, the statement is inappropriate."

Discussion

The Commission agrees that this requirement should be clarified. (3)(iii)(D) has been revised to read: "establishing criteria for determining QA programmatic requirements;"

G. A commentor (NQA) noted that "existing regulations now require the establishing of qualification requirements for personnel performing quality assurance activities. Regulatory Guides such as 1.58 and 1.146 add additional clarification concerning personnel who perform quality verification activities. It is not at all clear what additional requirements are intended" by Section (3)(iii)(E).

Discussion

The Commission acknowledges that the existing regulations do require, although not explicitly, the establishment of such qualification requirements. However, the Commission is retaining the requirements stated in (3)(iii)(E) to ensure that they are considered in the QA program. The word "minimum" has been deleted from this section to be consistent with Appendix B to 10 CFR Part 50.

H. The commentor (NQA) notes "that existing regulations would require staffing the quality assurance unit of the organization commensurate with its duties and responsibilities. It is not at all clear how the organization is staffed commensurate with its 'importance to safety'. Ordinarily, duties and responsibilities reflect the importance of the activity to be performed." Part (3)(iii)(F) "is not clear what is intended by the addition of 'importance to safety'."

Discussion

To clarify the intent, (3)(iii)(F) has been modified by deleting the phrase "importance to safety". Existing regulations do not specifically address the numbers of QA/QC individuals required for the design and construction activities associated with building a nuclear power plant. The size of the QA/QC organization should be dependent upon the quantity and type of quality-related activities that are ongoing or projected during the design and construction of the nuclear facility.

I. The commentor (NQA) notes, relative to (3)(iii)(G), "that existing regulations contain requirements for preparation and maintenance of documentation including 'as-built' documentation. The problem concerning procedures may lie not in the requirements for them or their establishment, but in their implementation; i.e., procedures are available, but they may not be being followed."

Discussion

Existing regulations (i.e., Criterion VI, "Document Control" of Appendix B to 10 CFR Part 50) establish QA requirements for "* * * instructions, procedures, and drawings * * *" but do not address "as-built" documentation (e.g., as-built drawings). Because the controls imposed upon as-built drawings, which accurately reflect the actual plant design, have been abused in the past, it is the Commission's position that as-built documentation be addressed specifically by the QA requirements contained in the design and construction QA program. Therefore, (3)(iii)(G) has not been modified.

J. Three commentors (S&W, NQA, Bechtel) assert that the intent of (3)(iii)(H) is not clear. The NQA said that "if intent is to place quality assurance personnel on the design and

analysis team, their independence may be compromised. Appendix B now requires that during design, the activities of design control and design verification are to be identified, defined, performed in accordance with written procedures by persons having proper capabilities and sufficiently independent of those who produced the design, so as to eliminate any conflict of interest. This being true, it is not at all clear what is intended by the proposed addition."

Discussion

The Commission agrees that existing regulations (i.e., Criterion III, "Design Control" of Appendix B to 10 CFR Part 50) already establish the requirements that verification of the adequacy of design be "* * * performed by individuals or groups other than those who performed the original design * * *" However, it is the Commission's intent that design documents (e.g., drawings, specifications, etc.) also be reviewed by individuals knowledgeable and qualified in QA/QC techniques to ensure that the documents contain the necessary QA/QC requirements (e.g., inspection and test requirements). For this reason, (3)(iii)(H) has not been changed.

(3)(iv)—Containment Penetration

Several commentors (OPS, Gilbert, *W*, CEC, TVA) centered on the asserted arbitrariness of the requirement for a 3-foot diameter penetration, the lack of technical justification, and the possibility that containment venting provisions may not provide a significant contribution to safety.

Discussion

The containment penetration size was selected so that it would be consistent with mitigation features designed to accommodate medium- and slow-rate pressure rises in containments that would otherwise have failed. Among the features considered were filtered vented containment systems and passive containment cooling systems. Rapid-rate pressure rises from hydrogen burns, for example, were excluded from consideration. The 3-foot penetration was determined to be a conservative penetration size that would not preclude the eventual installation of one of the aforementioned features. Of course, there is the possibility that such penetrations will not be needed, but that will be known only after the completion of the degraded core rulemaking. Therefore, the Commission has retained this requirement so as not to preclude later installation of containment venting systems, if required.

(3)(v)—Containment Design

A. One commentor (OPS) interprets the information requested on post-inerting and ignition systems as not allowing pre-inerting as a hydrogen control measure. Another commentor (CE) states that the level of detailed criteria requested by the Commission for hydrogen control obviates the use of alternative approaches to hydrogen control which may be developed in the future, and recommends eliminating the detailed criteria.

Discussion

The Commission is not limiting the options for hydrogen control by including criteria for post-inerting and ignition systems. Other systems (e.g., pre-inerting) may be proposed to meet the requirements stated in the proposed rule. Also, the level of detail in the criteria does not restrict design options for the post-inerting and ignition systems. The information requested on these systems is needed to ensure that operation of these systems will not adversely impact the safe shutdown of the plant.

B. A commentor (OPS) suggested that, to be consistent with (2)(ix), "requirement (3)(v)(A) should be modified to permit containment analysis to be based on the performance characteristics of existing systems and/or systems to be added during final design." The commentor also suggested rewording (3)(v)(A) to make the text easier to read. In doing so, the commentor suggested deleting the explicit requirement that the containment withstand the added pressure resulting from post-accident operation of the inerting system and inserted "the internal pressure shall be the maximum calculated pressure or 45 psig, whichever is greater."

Discussion

Part (3)(v)(A), as written, does not preclude consideration of the performance characteristics of either existing systems or systems that may be added during the final design. Furthermore, the suggested phrase "maximum calculated pressure" makes the requirement somewhat ambiguous. The Commission believes the present wording expresses the requirements clearly; therefore, no change has been made.

C. One commentor (TVA) maintains that the ten-percent uniformly distributed hydrogen concentration limit in (3)(v)(B) is unrealistically restrictive and should be resolved as part of the degraded-core rulemaking.

Discussion

The Commission believes that the ten-percent limit is appropriate as a conservative bound for the design of plants under construction. Accordingly, this requirement remains unchanged.

D. One commentor (GE) contends that the requirement (3)(v)(D) that the containment structure accommodate inadvertent full inerting is unnecessarily conservative. The commentor argues that a post-accident inerting system may be designed such that inadvertent inerting during plant operation could entail actuation of only part of the overall system, resulting in lower containment pressures. Hence, it was requested that the rule only address the maximum possible inadvertent inerting for the given system design. The commentor also requested relief on the containment test pressure criterion required for plants utilizing a post-inerting system based on the argument that full inadvertent inerting could be prevented.

Discussion

It is the Commission's position that human error needs to be considered in the inadvertent actuation of the post-inerting system and that partial inadvertent inerting cannot be assured in this case. Therefore, accommodation of inadvertent full inerting will be required. However, (3)(v)(D) has been renumbered (3)(v)(B) and revised such that all containment designs affected by this rule must have the capability to safely accommodate the pressure resulting from inadvertent actuation from a post-accident inerting system. This requirement will ensure that post-accident inerting remains a viable option until an applicant's comparative evaluation (See (1)(xii)) is completed and final selection of the hydrogen control system is made.

E. One commentor (OPS) proposed wording changes in (3)(v)(E) to make the text easier to read. Another commentor (Bechtel) suggested other changes "to avoid applying environmental qualification requirements to safety related systems and equipment which would not be needed to accommodate the conditions occurring following significant core degradation." Bechtel also proposed "to allow demonstration of qualification of these items by analysis and judgment and not mandate that these conditions be specified as design bases for the equipment."

Discussion

Equipment required for safe shutdown must perform its safety function in the environment to which it will be exposed

during normal, abnormal and accident conditions. If particular equipment is not needed during or after a hydrogen burn, it need not perform its function in that environment, provided it can be shown that the failure of the equipment will not adversely affect any other needed safety function or mislead the operator. In general, the acceptable methods of demonstrating equipment performance are by testing or analysis based on partial test data. Such demonstration based on analysis or judgment alone may not be acceptable in all cases. No change has been made in (3)(v)(E) because of the comments; however, the words "and maintaining containment integrity" have been inserted to clarify that this consideration is meant to be included, and the requirement has been expanded to be applicable to all containment designs, irrespective of the selected method of hydrogen control.

Additional Changes in Requirements

As a result of its consideration of the comments from the public, the Commission has deleted paragraph (2)(xvii) and changed the wording of several paragraphs of the proposed rule, as discussed above.

In addition, the Commission has modified the wording of several more paragraphs, as shown in the final rule, to clarify their intent, and has deleted paragraphs (1)(xi) and (2)(xxv) of the proposed rule for the reasons discussed below:

1. The requirement proposed in paragraph (1)(xi) is no longer needed since a generic study applicable to all of the affected applicants has been submitted for NRC staff review to demonstrate that the BWR core remains covered for anticipated transients combined with the worst single failure.

2. The requirement in paragraph (2)(xxv) concerning the type of pressure-operated relief valve is too specific and the purpose of the requirement is adequately covered in paragraph (2)(x).

Deletion of the three paragraphs cited above has resulted in appropriate renumbering of the succeeding paragraphs in the final rule.

Finally, the Commission has added a requirement (paragraph (1)(xii)) for a comparative evaluation of alternative hydrogen control systems and a requirement (paragraph (3)(v)(B)) that all containment designs must have the structural capability to safely accommodate the pressure resulting from inadvertent actuation of a post-accident inerting system. These new requirements ensure that the post-accident inerting method of hydrogen control remains a viable option until final selection of the method for hydrogen control is made.

Substance of the Rule

This rule, which has been drawn from NUREG–0718, Licensing Requirements for Pending Applications for Construction Permits and Manufacturing License, March 1981, imposes new safety requirements on pending construction permit and manufacturing license applications. The Commission has determined that these requirements must be met by all applicants for construction permits or manufacturing licenses whose applications are pending as of the effective date of the rule. Specifically, these applicants are: Duke Power Company (Perkins Nuclear Station, Units 1, 2 and 3), Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Unit 1), Portland General Electric Company (Pebble Springs Nuclear Plant, Units 1 and 2), Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), Puget Sound Power & Light Company (Skagit/Hanford Nuclear Power Project, Units 1 and 2), and Offshore Power Systems (License to Manufacture Floating Nuclear Plants). It should be noted, however, that there are some elements in the TMI Action Plan (NUREG–0660), not included in NUREG–0718, that have not yet been acted upon by the Commission. These are items that the Commission has directed be subject to further study before taking approval action. It is possible, therefore, that some of these items will be approved for implementation prior to completion of the licensing review of the pending construction permits or manufacturing license. In that event, such items might be added to this rule. The Commission is aware, however, that the applications covered by this rule have already been substantially delayed and the facility designs may be further advanced than normally expected at the construction permit and manufacturing license review stage. The Commission will take this into account as further requirements are considered. Full opportunity for public comment will be provided if additional requirements are contemplated which would apply to these applications.

While this rule contains the basic requirements set out in NUREG–0718, it does not incorporate the entirety of the document. In particular, the rule does not contain the detailed criteria contained in Appendix B to NUREG–0718 for satisfying many of the requirements. To have included such detail would have resulted in a rule that would be excessively detailed and restrictive.

In addition, this rule does not identify, as does NUREG–0718, the items from the TMI–2 Action Plan, NUREG–0660, that are considered either not applicable to pending construction permit and manufacturing license applications, or to be requirements of the type customarily left for the operating license stage. However, the Commission has reviewed NUREG–0718, as revised* to account for the changes made between the proposed and final rule, and has concluded that the list of TMI-related requirements contained therein can provide a basis for responding to the TMI–2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than that detailed in NUREG–0718, but in such cases must provide a basis for determining that the requirements of the rule have been met.

Based upon its extensive review and consideration of the issues arising as a result of the Three Mile Island accident, the Commission has decided that pending applications for a construction permit or manufacture license should be measured by the NRC staff and Presiding Officers in adjudicatory proceedings against the existing regulations, as augmented by this rule. It is the Commission's view that this new rule, together with the existing regulations, forms a set of regulations, conformance with which meets the requirements of the Commission for issuance of a construction permit or manufacturing license, with one exception. For the manufacturing license application, the hydrogen control provisions of the existing regulations, namely, 10 CFR 50.44 and Criterion 50 of Appendix A to 10 CFR Part 50, together with the hydrogen control provisions of the new rule (subsections (1)(xii), (2)(ix), and (3)(v), are to be considered necessary but not necessarily sufficient. That is, the issue of the sufficiency of the hydrogen control measures required by these provisions may be considered in the manufacturing license proceeding, and the Commission may decide to impose additional requirements. Further studies in the area of hydrogen control, containment loading, and mitigation may, at some later date, resolve this issue sufficiently so that it may be addressed by further rulemaking and removed from the pending manufacturing license proceedings.

Some of the proposed rule's provisions deal with studies to be conducted by the license applicants. The

*NUREG–0718, Revision 2, dated January 1982. NUREG documents may be purchased through the NRC/GPO sales program by writing to U.S. Nuclear Regulatory Commission, ATTN.: Sales Manager, Washington, D.C. 20555 or by calling (301) 492–9530.

Commission intends to impose license conditions upon all permits and licenses covered by this rule which will require submittal of these studies to the NRC for review and appropriate action. The license conditions will specify due dates or may require that studies be submitted prior to hardware procurement or other construction events.

Conforming Changes to 10 CFR Part 2. Several conforming changes have been made to 10 CFR 2.764. Because these amendments are non-substantive, notice-and-comment procedures are unnecessary. Although these amendments could be made immediately effective, they will be effective on the same date as the Part 50 amendments in this notice.

Views of Chairman Palladino and Commissioners Ahearne and Roberts. The Commission decision to establish a rule for pending construction permits and manufacturing licenses is based on the view that nuclear plants in the early stages of construction—where capital investment is relatively small—are most amenable to a generic regulatory approach. On the other hand, the Commission believes regulatory flexibility is needed for nuclear plants that are operating. This flexibility recognizes that operating plants—which represent a substantial capital investment—often need case-by-case review to determine the best way to make changes deemed necessary for public health and safety. Therefore, the Commission does not agree with Commissioner Bradford's views on this subject.

It is the Commission's view that this new rule, together with the existing regulations, is sufficient for issuance of a limited number of manufacturing licenses. As stated in the "Substance of the Rule" section above, however, the Commission may decide to impose additional requirements, and the sufficiency of the hydrogen control measures mandated by this rule and the existing regulations will remain a litigable issue in the manufacturing license proceeding pending further rule making based on the results of future studies. For the sake of clarity, it should be stated that for the construction permit proceedings covered by this rule, the existing regulations together with this new rule are both necessary and sufficient as regards hydrogen control measures. If the results of future studies warrant, the hydrogen control issue may, by further rulemaking, be removed from manufacturing license proceedings.

Additional Views of Chairman Palladino (with which Commissioner Bradford agrees). The CP/ML rule approved by the Commission does not require consideration of instability (buckling) for containment loading due to inadvertent inerting.

The staff recommended that the Commission include buckling in the CP/ML rule. It is the staff's opinion that prudent rule development would require that ASME code requirements for buckling be met for all high likelihood events that might affect the containment, such as inadvertent inerting. I agree with the staff's opinion on this requirement.

Separate Views of Commissioner Gilinsky. I approve this rule in its entirety as it applies to pressurized water reactors (PWR's) with standard large containments, which includes most such reactors. I also approve the rule as it applies to other reactors with the following exceptions:

I disapprove the hydrogen control provisions of the rule as they apply to General Electric Mark III plants and Westinghouse ice condenser plants, both of which have relatively smaller and weaker containments than standard PWR's, and are therefore less able to withstand possible post-accident hydrogen burns. Substantially stronger containments should have been required in both cases.

Under the rule, the Commission has permitted Mark III plants whose construction has not yet begun to protect against post-accident hydrogen burns by installing, among other means, essentially the same hydrogen control systems—electrical igniters intended to burn excess hydrogen in a controlled manner—that are being added to similar plants which are nearing completion.

The Commission has taken a more tentative approach in the case of PWR's with ice condenser containments. The rule provides that the hydrogen control requirements for these plants are to be "considered necessary but not necessarily sufficient," and that the sufficiency of these requirements may be litigated in the Manufacturing License proceeding. The Commission is apparently less sure about the efficacy of current hydrogen control systems in this case. The Commission states that further studies "may, at some later date, resolve this issue" so as to remove this issue from the proceeding by rulemaking.

The Commission does not have a technical basis for drawing a distinction in this instance between the unbuilt Mark III plants and the unbuilt ice condenser plants. Both types of plants have relatively weak containments, and stronger containments are needed in both cases. The Commission should have required such stronger containments now.

For the plants nearing completion, compromises had to be made to accommodate the realities of the plants' construction—in many cases the containment was already completed. No such compromises needed to have been made in the case of plants whose construction has not yet begun.

It is true that redesign of the containment and associated features would have been necessary and that this would have taken time. But we had the time. It is now almost three years since the Three Mile Island accident demonstrated that large hydrogen burns were possible and that such burns could generate pressures which exceed the capabilities of the smaller and weaker containments. It is unfortunate that the Commission did not face up to this issue earlier.

Separate Views of Commissioner Bradford. The Commission recently declined to consider a proposed rule (SECY–81–244) that would have imposed many of the lessons learned from the Three Mile Island accident on NRC licensees in regulation form. The arguments advanced against this approach were that such a regulation would reduce needed flexibility and would encompass too many different subjects within the scope of one rule. While both of those arguments were probably wrong in the context in which they were advanced, they apply precisely to the rule being promulgated here.[1] No legal or logical reason can be advanced that favors the imposition of this rule on the licensing process while weighing against the imposition of the similar rule on the operating reactors. The only possible governing principle is the convenience of the nuclear industry, which the Commission has

[1] In the context of the rejected rule for operating reactors, the Commission should have learned the real consequences of this kind of "flexibility" from its experience with fire protection. A similarly informal approach was attempted with the licensees following the 1975 Browns Ferry fire. As the very generous 1980 deadline approached, it was clear that many of the licensees had taken advantage of the absence of a firm rule to ignore actions that the NRC staff thought important. As a result, the Commission was finally forced to put its fire protection requirements in regulation form, meanwhile extending the deadlines out to a ludicrous seven or eight years for many plants.

With regard to the point that a single rule can encompass too many subjects, it is worth remarking that the danger is much less when the parties primarily affected by the rule are the licensees. They have the financial, legal, and technical resources to comment extensively on a complex rulemaking to such an extent that the Commission will be fully aware of the consequences of its rule before imposing it. Furthermore, the operating reactor rule provided for exemptions to be granted as necessary. The rule promulgated here contains no similar provision.

accommodated completely in both situations.

The Commission has already instructed the staff to use specific provisions in this rule as the basis for its position in contested construction permit cases. What it is now providing is that intervenors who wish to challenge the adequacy of some of the provisions proposed here will not be able to do so. In effect, the Boards are being required to rule against them without hearing their evidence.

This authoritarian obsession with the avoiding of public challenge has been a source of continuing trouble for nuclear power over the last decade. That it should now be applied to limit the lessons to be learned from the accident that it helped to cause provides an unsettling indication that the NRC may be returning to its former bad habits.

Additional Views of Commissioner Ahearne. Lest silence be taken as assent, I note that I strongly disagree with Commissioner Bradford's opinions of the reasons for declining to make SECY–81–244 into a rule, the reasons for making SECY–81–20D into a rule, the lessons learned from the fire protection rule, and of the NRC's approach to public hearings.

Further Additional Views of Commissioner Ahearne. The NRC staff "suggests that the Commission consider the desirability of further modifying section (3)(v)(B)(1) on page 81 to require that instability be considered in designing the containment to withstand inadvertent inerting." (P. 3, Secy–81–631, November 4, 1981)

The basis for this recommendation is a November 2, 1981 NRR memorandum "Containment Instability." (Enclosure 2 to Secy–81–631) In this memorandum, the reasons are given to be the following:

—the exemption for instability consideration under the inadvertent inerting condition may limit the usefulness of the rule by presenting the opportunity for technical challenges to future operation of plants choosing post accident inerting systems.

—ASME Code Service Limit A stress criteria are therefore required in the rule to assure with high confidence that inadvertent inerting occurring at any time in the life of a plant, or several times for that matter, would not result in degradation of the containment structure.

This staff suggestion was discussed at a meeting with the NRC staff, described in a December 17, 1981 memorandum by Dr. B. D. Liaw "NTCP/ML Rule Containment Structural Requirements." Dr. Liaw makes the following points:

—* * * the question centered around whether or not the *Code* buckling criteria needed to be considered for the inadvertent inerting conditions during normal operations.

—* * * the staff was asked whether or not there was a compelling technical reason to require that the code buckling criteria be considered. Or, to rephrase it, whether or not the containment shell of both ice condenser amd Mark III plants would buckle under the inadvertent inerting and test conditions.

—* * * The general consensus was that the containment would not buckle for the following reasons * * *

—* * * the Code has a factor of safety of 3 to 4 * * *

—* * * the Code limits are established for external pressure and uniaxial compression * * *

—* * * the case of discussion (here) is for internal pressurization that induces tension in most parts of the shell * * *

—* * * there was an agreement (by NRC staff management and technical personnel) that the question is really not a technical issue whether the containment shell would buckle under inadvertent inerting and test conditions.

As I wrote in my December 17th memorandum to my fellow Commissioners ("CP/ML Rule Containment Structural Requirements"):

I do not see the analytic case for requiring a buckling criterion * * * . I do not believe the Code buckling criterion is needed for inadvertent inerting. On the other hand, (t)his criterion also does not come close to meeting the detonation pressure (if there were a hydrogen explosion). If the Commission's position is that all containments should have an estimated pressure capability of X, we should address that issue directly.

I believe we must develop regulatory requirements based on reason. If we are substantially uncertain about an issue, we should leave it open to be debated in individual cases.

Regulatory Flexibility Statement. In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not have a significant impact on a substantial number of small entities. This rule affects five applicants for construction permits and one applicant for a manufacturing license. These applications are for permits or a license for plants that do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act in the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

OMB Regulatory Requirements Clearance. The application requirements contained in this final rule affect fewer than 10 persons (applicants) and, therefore, are not subject to Office of Management and Budget clearance as required by Pub. L. 96–511.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Parts 2 and 50 of Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273). § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)). §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

2. A new paragraph (f) is added to § 50.34 to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(f) *Additional TMI-related requirements.* In addition to the requirements of paragraph (a) of this section, each applicant for a light-water-reactor construction permit or manufacturing license whose application was pending as of (insert effective date of amendment) shall meet the requirements in paragraphs (b) (1) through (3) of this section. This rule applies only to the pending applications by Duke Power Company (Perkins Nuclear Station Units 1, 2 and 3), Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Unit 1), Portland General Electric Company (Pebble Springs Nuclear Plant, Units 1 and 2), Public Service Company of Oklahoma (Black Fox Station, Units 1 and 2), Puget Sound Power & Light Company (Skagit/Hanford Nuclear Power Project, Units 1 and 2), and Offshore Power Systems (License to Manufacture Floating Nuclear Plants). The number of units that will be specified in the manufacturing license, if issued, will be that number whose start of manufacture, as defined in the license application, can practically begin within a ten-year period commencing on the date of issuance of the manufacturing license,

but in no event will that number be in excess of ten. The manufacturing license will require the plant design to be updated no later than five years after its approval. Paragraphs (b)(1)(xii), (2)(ix), and (3)(v) of this section, pertaining to hydrogen control measures, must be met by all applicants covered by this rule. However, the Commission may decide to impose additional requirements and the issue of whether compliance with these provisions, together with 10 CFR 50.44 and Criterion 50 of Appendix A to 10 CFR Part 50, is sufficient for issuance of the manufacturing license may be considered in the manufacturing license proceeding.

(1) To satisfy the following requirements, the application shall provide sufficient information to describe the nature of the studies, how they are to be conducted, estimated submittal dates, and a program to ensure that the results of such studies are factored into the final design of the facility. All studies shall be completed no later than two years following issuance of the construction permit or manufacturing license.[2]

(i) Perform a plant/site specific probabilistic risk assessment, the aim of which is to seek such improvements in the reliability of core and containment heat removal systems as are significant and practical and do not impact excessively on the plant. (II.B.8)

(ii) Perform an evaluation of the proposed auxiliary feedwater system (AFWS), to include (applicable to PWR's only) (II.E.1.1):

(A) A simplified AFWS reliability analysis using event-tree and fault-tree logic techniques.

(B) A design review of AFWS.

(C) An evaluation of AFWS flow design bases and criteria.

(iii) Perform an evaluation of the potential for and impact of reactor coolant pump seal damage following small-break LOCA with loss of offsite power. If damage cannot be precluded, provide an analysis of the limiting small-break loss-of-coolant accident with subsequent reactor coolant pump seal damage. (II.K.2.16 and II.K.3.25)

(iv) Perform an analysis of the probability of a small-break loss-of-coolant accident (LOCA) caused by a stuck-open power-operated relief valve (PORV). If this probability is a significant contributor to the probability of small-break LOCA's from all causes, provide a description and evaluation of the effect on small-break LOCA probability of an automatic PORV isolation system that would operate when the reactor coolant system pressure falls after the PORV has opened. (Applicable to PWR's only). (II.K.3.2)

(v) Perform an evaluation of the safety effectiveness of providing for separation of high pressure coolant injection (HPCI) and reactor core isolation cooling (RCIC) system initiation levels so that the RCIC system initiates at a higher water level than the HPCI system, and of providing that both systems restart on low water level. (For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI") (Applicable to BWR's only). (II.K.3.13)

(vi) Perform a study to identify practicable system modifications that would reduce challenges and failures of relief valves, without compromising the performance of the valves or other systems. (Applicable to BWR's only). (II.K.3.16)

(vii) Perform a feasibility and risk assessment study to determine the optimum automatic depressurization system (ADS) design modifications that would eliminate the need for manual activation to ensure adequate core cooling. (Applicable to BWR's only). (II.K.3.18)

(viii) Perform a study of the effect on all core-cooling modes under accident conditions of designing the core spray and low pressure coolant injection systems to ensure that the systems will automatically restart on loss of water level, after having been manually stopped, if an initiation signal is still present. (Applicable to BWR's only). (II.K.3.21)

(ix) Perform a study to determine the need for additional space cooling to ensure reliable long-term operation of the reactor core isolation cooling (RCIC) and high-pressure coolant injection (HPCI) systems, following a complete loss of offsite power to the plant for at least two (2) hours. (For plants with high pressure core spray systems in lieu of high pressure coolant injection systems, substitute the words, "high pressure core spray" for "high pressure coolant injection" and "HPCS" for "HPCI") (Applicable to BWR's only). (II.K.3.24)

(x) Perform a study to ensure that the Automatic Depressurization System, valves, accumulators, and associated equipment and instrumentation will be capable of performing their intended functions during and following an accident situation, taking no credit for non-safety related equipment or instrumentation, and accounting for normal expected air (or nitrogen) leakage through valves. (Applicable to BWR's only). (II.K.3.28)

(xi) Provide an evaluation of depressurization methods, other than by full actuation of the automatic depressurization system, that would reduce the possibility of exceeding vessel integrity limits during rapid cooldown. (Applicable to BWR's only) (II.K.3.45)

(xii) Perform an evaluation of alternative hydrogen control systems that would satisfy the requirements of paragraph (b)(2)(ix) of this section. As a minimum include consideration of a hydrogen ignition and post-accident inerting system. The evaluation shall include:

(A) A comparison of costs and benefits of the alternative systems considered.

(B) For the selected system, analyses and test data to verify compliance with the requirements of (b)(2)(ix) of this section.

(C) For the selected system, preliminary design descriptions of equipmment, function, and layout.

(2) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the required actions will be satisfactorily completed by the operating license stage. This information is of the type customarily required to satisfy 10 CFR 50.35(a)(2) or to address unresolved generic safety issues.

(i) Provide simulator capability that correctly models the control room and includes the capability to simulate small-break LOCA's. (Applicable to construction permit applicants only) (I.A.4.2.)

(ii) Establish a program, to begin during construction and follow into operation, for integrating and expanding current efforts to improve plant procedures. The scope of the program shall include emergency procedures, reliability analyses, human factors engineering, crisis management, operator training, and coordination with INPO and other industry efforts. (Applicable to construction permit applicants only) (I.C.9)

(iii) Provide, for Commission review, a control room design that reflects state-of-the-art human factor principles prior to committing to fabrication or revision of fabricated control room panels and layouts. (I.D.1)

(iv) Provide a plant safety parameter display console that will display to operators a minimum set of parameters defining the safety status of the plant, capable of displaying a full range of important plant parameters and data

[2] Alphanumeric designations correspond to the related action plan items in NUREG 0718 and NUREG 0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident." They are provided herein for information only.

trends on demand, and capable of indicating when process limits are being approached or exceeded. (I.D.2)

(v) Provide for automatic indication of the bypassed and operable status of safety systems. (I.D.3)

(vi) Provide the capability of high point venting of noncondensible gases from the reactor coolant system, and other systems that may be required to maintain adequate core cooling. Systems to achieve this capability shall be capable of being operated from the control room and their operation shall not lead to an unacceptable increase in the probability of loss-of-coolant accident or an unacceptable challenge to containment integrity. (II.B.1)

(vii) Perform radiation and shielding design reviews of spaces around systems that may, as a result of an accident, contain TID 14844 source term radioactive materials, and design as necessary to permit adequate access to important areas and to protect safety equipment from the radiation environment. (II.B.2)

(viii) Provide a capability to promptly obtain and analyze samples from the reactor coolant system and containment that may contain TID 14844 source term radioactive materials without radiation exposures to any individual exceeding 5 rem to the whole-body or 75 rem to the extremities. Materials to be analyzed and quantified include certain radionuclides that are indicators of the degree of core damage (e.g., noble gases, iodines and cesiums, and non-volatile isotopes), hydrogen in the containment atmosphere, dissolved gases, chloride, and boron concentrations. (II.B.3)

(ix) Provide a system for hydrogen control that can safely accommodate hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction. Preliminary design information on the tentatively preferred system option of those being evaluated in paragraph (1)(xii) of this section is sufficient at the construction permit stage. The hydrogen control system and associated systems shall provide, with reasonable assurance, that: (II.B.8)

(A) Uniformly distributed hydrogen concentrations in the containment do not exceed 10% during and following an accident that releases an equivalent amount of hydrogen as would be generated from a 100% fuel clad metal-water reaction, or that the post-accident atmosphere will not support hydrogen combustion.

(B) Combustible concentrations of hydrogen will not collect in areas where unintended combustion or detonation could cause loss of containment integrity or loss of appropriate mitigating features.

(C) Equipment necessary for achieving and maintaining safe shutdown of the plant and maintaining containment integrity will perform its safety function during and after being exposed to the environmental conditions attendant with the release of hydrogen generated by the equivalent of a 100% fuel-clad metal water reaction including the environmental conditions created by activation of the hydrogen control system.

(D) If the method chosen for hydrogen control is a post-accident inerting system, inadvertent actuation of the system can be safely accommodated during plant operation.

(x) Provide a test program and associated model development and conduct tests to qualify reactor coolant system relief and safety valves and, for PWR's, PORV block valves, for all fluid conditions expected under operating conditions, transients and accidents. Consideration of anticipated transients without scram (ATWS) conditions shall be included in the test program. Actual testing
not be carried out until subsequent phases of the test program are developed. (II.D.1)

(xi) Provide direct indication of relief and safety valve position (open or closed) in the control room. (II.D.3)

(xii) Provide automatic and manual auxiliary feedwater (AFW) system initiation, and provide auxiliary feedwater system flow indication in the control room. (Applicable to PWR's only) (II.E.1.2)

(xiii) Provide pressurizer heater power supply and associated motive and control power interfaces sufficient to establish and maintain natural circulation in hot standby conditions with only onsite power available. (Applicable to PWR's only) (II.E.3.1)

(xiv) Provide containment isolation systems that: (II.E.4.2)

(A) Ensure all non-essential systems are isolated automatically by the containment isolation system,

(B) For each non-essential penetration (except instrument lines) have two isolation barriers in series,

(C) Do not result in reopening of the containment isolation valves on resetting of the isolation signal,

(D) Utilize a containment set point pressure for initiating containment isolation as low as is compatible with normal operation,

(E) Include automatic closing on a high radiation signal for all systems that provide a path to the environs.

(xv) Provide a capability for containment purging/venting designed to minimize the purging time consistent with ALARA principles for occupational exposure. Provide and demonstrate high assurance that the purge system will reliably isolate under accident conditions. (II.E.4.4)

(xvi) Establish a design criterion for the allowable number of actuation cycles of the emergency core cooling system and reactor protection system consistent with the expected occurrence rates of severe overcooling events (considering both anticipated transients and accidents). (Applicable to B&W designs only). (II.E.5.1)

(xvii) Provide instrumentation to measure, record and readout in the control room: (A) containment pressure, (B) containment water level, (C) containment hydrogen concentration, (D) containment radiation intensity (high level), and (E) noble gas effluents at all potential, accident release points. Provide for continuous sampling of radioactive iodines and particulates in gaseous effluents from all potential accident release points, and for onsite capability to analyze and measure these samples. (II.F.1)

(xviii) Provide instruments that provide in the control room an unambiguous indication of inadequate core cooling, such as primary coolant saturation meters in PWR's, and a suitable combination of signals from indicators of coolant level in the reactor vessel and in-core thermocouples in PWR's and BWR's. (II.F.2)

(xix) Provide instrumentation adequate for monitoring plant conditions following an accident that includes core damage. (II.F.3)

(xx) Provide power supplies for pressurizer relief valves, block valves, and level indicators such that: (A) Level indicators are powered from vital buses; (B) motive and control power connections to the emergency power sources are through devices qualified in accordance with requirements applicable to systems important to safety and (C) electric power is provided from emergency power sources. (Applicable to PWR's only). (II.G.1)

(xxi) Design auxiliary heat removal systems such that necessary automatic and manual actions can be taken to ensure proper functioning when the main feedwater system is not operable. (Applicable to BWR's only). (II.K.1.22)

(xxii) Perform a failure modes and effects analysis of the integrated control system (ICS) to include consideration of failures and effects of input and output signals to the ICS. (Applicable to B&W-designed plants only). (II.K.2.9)

(xxiii) Provide, as part of the reactor protection system, an anticipatory reactor trip that would be actuated on loss of main feedwater and on turbine

trip. (Applicable to B&W-designed plants only). (II.K.2.10)

(xxiv) Provide the capability to record reactor vessel water level in one location on recorders that meet normal post-accident recording requirements. (Applicable to BWR's only). (II.K.3.23)

(xxv) Provide an onsite Technical Support Center, an onsite Operational Support Center, and, for construction permit applications only, a nearsite Emergency Operations Facility. (III.A.1.2).

(xxvi) Provide for leakage control and detection in the design of systems outside containment that contain (or might contain) TID 14844 source term radioactive materials following an accident. Applicants shall submit a leakage control program, including an initial test program, a schedule for re-testing these systems, and the actions to be taken for minimizing leakage from such systems. The goal is to minimize potential exposures to workers and public, and to provide reasonable assurance that excessive leakage will not prevent the use of systems needed in an emergency. (III.D.1.1)

(xxvii) Provide for monitoring of inplant radiation and airborne radioactivity as appropriate for a broad range of routine and accident conditions. (III.D.3.3)

(xxviii) Evaluate potential pathways for radioactivity and radiation that may lead to control room habitability problems under accident conditions resulting in a TID 14844 source term release, and make necessary design provisions to preclude such problems. (III.D.3.4)

(3) To satisfy the following requirements, the application shall provide sufficient information to demonstrate that the requirement has been met. This information is of the type customarily required to satisfy paragraph (a)(1) of this section or to address the applicant's technical qualifications and management structure and competence.

(i) Provide administrative procedures for evaluating operating, design and construction experience and for ensuring that applicable important industry experiences will be provided in a timely manner to those designing and constructing the plant. (I.C.5)

(ii) Ensure that the quality assurance (QA) list required by Criterion II, App. B, 10 CFR Part 50 includes all structures, systems, and components important to safety. (I.F.1)

(iii) Establish a quality assurance (QA) program based on consideration of: (A) Ensuring independence of the organization performing checking functions from the organization responsible for performing the functions; (B) performing quality assurance/quality control functions at construction sites to the maximum feasible extent; (C) including QA personnel in the documented review of and concurrence in quality related procedures associated with design, construction and installation; (D) establishing criteria for determining QA programmatic requirements; (E) establishing qualification requirements for QA and QC personnel; (F) sizing the QA staff commensurate with its duties and responsibilities; (G) establishing procedures for maintenance of "as-built" documentation; and (H) providing a QA role in design and analysis activities. (I.F.2)

(iv) Provide one or more dedicated containment penetrations, equivalent in size to a single 3-foot diameter opening, in order not to preclude future installation of systems to prevent containment failure, such as a filtered vented containment system. (II.B.8)

(v) Provide preliminary design information at a level of detail consistent with that normally required at the construction permit stage of review sufficient to demonstrate that: (II.B.8)

(A)(*1*) Containment integrity will be maintained (i.e., for steel containments by meeting the requirements of the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE–3220, Service Level C Limits, except that evaluation of instability is not required, considering pressure and dead load alone. For concrete containments by meeting the requirements of the ASME Boiler Pressure Vessel Code, Section III, Division 2 Subsubarticle CC–3720, Factored Load Category, considering pressure and dead load alone) during an accident that releases hydrogen generated from 100% fuel clad metal-water reaction accompanied by either hydrogen burning or the added pressure from post-accident inerting assuming carbon dioxide is the inerting agent. As a minimum, the specific code requirements set forth above appropriate for each type of containment will be met for a combination of dead load and an internal pressure of 45 psig. Modest deviations from these criteria will be considered by the staff, if good cause is shown by an applicant. Systems necessary to ensure containment integrity shall also be demonstrated to perform their function under these conditions.

(*2*) Subarticle NE–3220, Division 1, and subarticle CC–3720, Division 2, of Section III of the July 1, 1980 ASME Boiler and Pressure Vessel Code, which are referenced in paragraph (f)(3)(v)(A)(*1*) and (f)(3)(v)(B)(*1*) of this section, were approved for incorporation by reference by the Director of the Office of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register.** Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th St., New York, NY 10017. It is also available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C.

(*1*) Containment structure loadings produced by an inadvertent full actuation of a post-accident inerting hydrogen control system (assuming carbon dioxide), but not including seismic or design basis accident loadings will not produce stresses in steel containments in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 1, Subsubarticle NE–3220, Service Level A Limits, except that evaluation of instability is not required (for concrete containments the loadings specified above will not produce strains in the containment liner in excess of the limits set forth in the ASME Boiler and Pressure Vessel Code, Section III, Division 2, Subsubarticle CC–3720, Service Load Category, (*2*) The containment has the capability to safely withstand pressure tests at 1.10 and 1.15 times (for steel and concrete containments, respectively) the pressure calculated to result from carbon dioxide inerting.

(vi) For plant designs with external hydrogen recombiners, provide redundant dedicated containment penetrations so that, assuming a single failure, the recombiner systems can be connected to the containment atmosphere. (II.E.4.1)

(vii) Provide a description of the management plan for design and construction activities, to include: (A) the organizational and management structure singularly responsible for direction of design and construction of the proposed plant; (B) technical resources director by the applicant; (C) details of the interaction of design and construction within the applicant's organization and the manner by which the applicant will ensure close integration of the architect engineer and the nuclear steam supply vendor; (D) proposed procedures for handling the transition to operation; (E) the degree of top level management oversight and technical control to be exercised by the

applicant during design and construction, including the preparation and implementation of procedures necessary to guide the effort. (II.J.3.1)

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

3. The Authority citation for Part 2 reads as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953. (42 U.S.C. 2201(p) and 2231; sec 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (43 U.S.C. 5846). Sections 2.800–2.808 also issued under 5 U.S.C. 553.

4. Paragraphs (e)(1)(ii) and (e)(3)(iii) of § 2.764 are revised to read as follows:

§ 2.764 Immediate effectiveness of certain initial decisions.

* * * * *

(e) * * *

(1)* * *

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. As provided in paragraph (e)(3) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any apects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but, absent specific Commission directives, such policy issues shall not be the subject of discovery, examination, or cross-examination.

* * * * *

(3) * * *

(iii) In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board).

Dated at Washington, D.C., this 12th day of January 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission

[FR Doc. 82-1174 Filed 1-14-82; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 22]

Administration; Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is revising its delegations of authority to field offices. This revision will incorporate changes in the Agency's lending programs and organization of statutory provisions caused by the enactment of Pub. L. 97–35; reorganization of SBA's field office structure including the installation of the new Area Director (Disaster) and other disaster positions; and additionally cancels the Pilot Program in the Columbia, S.C. District Office.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416 (202) 653–8538.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this revision of Part 101 is adopted without resort to those procedures.

PART 101—ADMINISTRATION

Accordingly, pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, § 101.3–2 of Part 101, Chapter I, Title 13 of the Code of Federal Regulations is revised to read as follows:

§ 101.3–2 Delegations of authority to conduct program activities in field offices.

Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, the following authority is hereby delegated to field positions as hereinafter set forth:

Preface

The policies, rules, procedures and other requirements, as well as citations to the statutes, governing the programs for which this delegation of authority is issued, are contained in various parts of the Regulations of the Small Business Administration, Chapter I of Title 13 of the Code of Federal Regulations, as amended from time to time in the **Federal Register.**

Part I—Financing Program

Section A—Loan Approval Authority

1. Business Loans (Small Business Act) (SBAct).

a. To approve or decline direct and immediate participation section 7(a) business loans (except section 7(a)(13) loans) not exceeding the following amounts (SBA share):

	Approve	Decline
(1) Regional Administrator	$350,000	$350,000
(2) Deputy Regional Administrator	350,000	350,000
(3) Assistant Regional Administrator/F&I	350,000	350,000
(4) District Director	350,000	350,000
(5) Deputy District Director	350,000	350,000
(6) Assistant District Director/F&I	350,000	350,000
(7) Chief, Financing D/O	350,000	350,000
(8) Financial Management Assistance Officer-Minneapolis, MN D/O	350,000	350,000
(9) Supervisory Loan Specialist, Financing D/O	250,000	350,000
(10) Branch Manager, Buffalo, Elmira, Corpus Christi and El Paso	350,000	350,000
(11) Branch Manager, Except Fairbanks Buffalo, Corpus Christi, Elmira and El Paso	250,000	350,000
(12) Assistant Branch Manager/F&I, Biloxi, Milwaukee, and Springfield B/O's only	250,000	350,000
(13) Branch Manager, Fairbanks B/O only	150,000	150,000
(14) Assistant Branch Manager/F&I, Corpus Christi, and El Paso, B/O's only	350,000	350,000

b. Guaranty Loans. 7(a) business loans (except section 7(a)(13) loans):

	Approve	Decline
(1) Regional Administrator	$500,000	$500,000
(2) Deputy Regional Administrator	500,000	500,000
(3) Assistant Regional Administrator/F&I	500,000	500,000
(4) District Director	500,000	500,000
(5) Deputy District Director	500,000	500,000
(6) Assistant District Director/F&I	500,000	500,000
(7) Chief, Financing D/O	500,000	500,000
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O	500,000	500,000
(9) Supervisory Loan Specialist, Financing, D/O	250,000	500,000
(10) Branch Manager, Corpus Christi, El Paso, Milwaukee, and Springfield	500,000	500,000
(11) Branch Manager, Buffalo and Elmira	350,000	500,000

	Approve	Decline
(12) Branch Manager, Except Fairbanks, Buffalo, Corpus Christi, El Paso, Elmira, Milwaukee, and Springfield	250,000	500,000
(13) Branch Manager, Fairbanks D/O	150,000	150,000
(14) Assistant Branch Manager for F&I, Milwaukee and Springfield, B/O's	350,000	500,000
(15) Assistant Branch Manager for F&I, Biloxi, B/O	250,000	500,000
(16) Assistant Branch Manager for F&I Corpus Christi, and El Paso B/O's	500,000	500,000

Section B—Other Financing Authority

For all types of loans contained in Section A above, (except section 7(a)(13) loans)

1. Loan Participation Agreements. To enter into individual and blanket loan participation agreements with bank lenders and savings and loan associations:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director
e. Deputy District Director
f. Assistant District Director for F&I.
g. Chief, Financing D/O.
h. Financial/Management Assistance Officer—Minneapolis, MN D.O.
i. Branch Manager.
j. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

2. Loan Authorization:

a. To execute written authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing D/O.
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O.
(9) Supervisory Loan Specialist Financing, D/O.
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O (on fully undisbursed loans).
(8) Financial/Management Assistance Officer, Minneapolis, MN, D/O (on fully undisbursed loans).
(9) Supervisory Loan Specialist, Financing, D/O (on fully undisbursed loans).
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

3. Disbursement Period Extension. To extend disbursement periods:

a. Without limitations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O (on fully undisbursed loans).
(8) Financial/Management Assistance Officer, Minneapolis, MN D/O (on fully undisbursed loans).
(9) Branch Manager.
(10) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

b. For a cumulative total not to exceed six (6) months:
(1) Supervisory Loan Specialist, Financing D/O (on fully undisbursed loans).

4. Service Charges: To approve service charges by participating lenders not to exceed two (2) percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director for F&I.
g. Chief, Financing, D/O (on fully undisbursed loans).
h. Financial/Management Assistance Officer, Minneapolis, MN D/O (on fully undisbursed loans).
i. Supervisory Loan Specialist, D/O (on fully undisbursed loans).
j. Branch Manager.
k. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

Section C: Section 7(a)(13) Loans Approval Authority

1. Loans to a State Development Company (SBI Act). To approve or decline loans to a state development company not exceeding the following amounts (SBA share):

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
With concurrence in at least one prior recommendation:	
c. Assistant Regional Administrator/F&I	$750,000
d. District Director	750,000
e. Deputy District Director	750,000
f. Assistant District Director for F&I	750,000
g. Chief, Financing, D/O	750,000
h. Financial/Management Assistance Officer, Minneapolis, MN, D/O	750,000
i. Branch Manager, Corpus Christi and El Paso B/O's only	750,000
j. Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only	750,000

2. Loans to a Local Development Company (SBI Act): To approve or decline loans to a local development company not exceeding the following amounts (SBA share) for each small business concern being assisted, within the project cost limitations shown below:

Note.—Project cost applies to the cumulative SBA assistance to a small business concern and its affiliates and not to the additional assistance on which the action is being taken.

a. Unlimited Project Cost:	
(1) Regional Administrator	$500,000
(2) Deputy Regional Administrator	500,000
b. Overall project cost not exceeding $1,500,000:	
(3) Assistant Regional Administrator/F&I	500,000
(4) District Director	500,000
(5) Deputy District Director	500,000
(6) Assistant District Director/F&I	500,000
(7) Branch Manager, Corpus Christi and El Paso B/O's only	500,000
(8) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only	500,000
c. Overall project cost not exceeding $700,000:	
(9) Chief, Financing D/O	500,000
(10) Financial/Management Assistance Officer, Minneapolis, MN D/O	500,000

Part II—Disaster Program

Note.—The loan approval authority in Part II refers to the total indebtedness of an applicant for a disaster loan (regardless of the number of structures damaged) for each separate disaster.

Section A—Disaster Loan Authority

1. Direct and Immediate Participation 7(b)(1) Physical Disaster Loans (SBAct):

a. To decline direct and immediate participation 7(b)(1) physical disaster loans in any amount and to approve such loans not exceeding the following amounts (SBA share):

(1) Home Loans: $50,000 for repair, restoration, or replacement of a home; $10,000 for repair, restoration, or replacement of household contents or personal property; or $55,000 for a single disaster home loan, plus $50,000 for refinancing prior liens:

(a) Regional Administrator.
(b) Deputy Regional Administrator.
(c) Assistant Regional Administrator/F&I.
(d) Area Director (Disaster).
(e) District Director.
(f) Deputy District Director.
(g) Assistant District Director for F&I.
(h) Disaster Branch Manager.
(i) Assistant Disaster Branch Manager.
(j) Supervisory Loan Specialist, Financing, D/O.
(k) Supervisory Loan Specialist, Disaster Office.
(l) Branch Manager, Except Fairbanks B/O.
(m) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.

(2) Business Loans: Including repair, restoration, or replacement of all real or personal property and refinancing as follows:

(a) Regional Administrator	$500,000
(b) Deputy Regional Administrator	500,000
(c) Assistant Regional Administrator/F&I	500,000
(d) Area Director (Disaster)	500,000
(e) District Director	500,000
(f) Deputy District Director	500,000
(g) Assistant District Director/F&I	500,000
(h) Disaster Branch Manager	500,000
(i) Assistant Disaster Branch Manager	300,000
(j) Supervisory Loan Specialist, Financing, D/O	300,000
(k) Supervisory Loan Specialist, D/O	300,000
(l) Branch Manager, Except Fairbanks B/O	500,000
(m) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only	500,000
(n) Branch Manager, Fairbanks, B/O only	150,000

2. Guaranteed Physical Disaster Loans 7(b)(1) (SBAct): To decline section 7(b)(1) physical disaster guaranteed loans in any amount and to approve such loans in addition to direct and immediate participation

authority not exceeding the following amounts (SBA share):

	Home loans	Business loans
a. Regional Administrator	$500,000	$500,000
b. Deputy Regional Administrator	500,000	500,000
c. Assistant Regional Administrator/F&I	200,000	500,000
d. Area Director (Disaster)	500,000	500,000
e. District Director	200,000	500,000
f. Deputy District Director	200,000	500,000
g. Assistant District Director/F&I	200,000	500,000
h. Disaster Branch Manager	200,000	500,000
i. Assistant Disaster Branch Manager	100,000	500,000
j. Supervisory Loan Specialist Financing D/O	100,000	500,000
k. Supervisory Loan Specialist Disaster Office	100,000	500,000
l. Branch Manager, Corpus Christi and El Paso B/O's	200,000	500,000
m. Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's	100,000	500,000
n. Assistant Branch Manager/F&I, Corpus Christi, and El Paso B/O's	200,000	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	100,000	500,000
p. Branch Manager, Fairbanks B/O only	100,000	150,000

3. Direct and Immediate Participation Economic Injury Disaster Loans (SBAct). To decline direct and immediate participation (Section 7(b)(2) economic injury disaster loans (in connection with a physical disaster declaration by the Administrator, a "major disaster" declaration by the President, or a "natural disaster" declared by the Secretary of Agriculture) in any amount and to approve such loans, not exceeding the following amounts (SBA share):

	Business loans
a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director/F&I	500,000
h. Disaster Branch Manager	500,000
i. Assistant Disaster Branch Manager	300,000
j. Supervisory Loan Specialist Financing D/O	200,000
k. Supervisory Loan Specialist Disaster Office	200,000
l. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
m. Branch Manager, Except Fairbanks, Corpus Christi and El Paso B/O's	300,000
n. Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O only	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	300,000
p. Branch Manager, Fairbanks B/O only	150,000

4. Guaranteed Economic Injury Disaster Loans (SBAct): To decline section 7(b)(2) Economic Injury guaranteed disaster loans (in connection with a physical disaster declaration by the Administrator, or a "major disaster" declared by the President, or a "natural disaster" declared by the Secretary of Agriculture) in any amount and to approve such loans, in addition to the direct and immediate participation authority, not exceeding the following amounts (SBA share):

a. Regional Administrators	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director/F&I	500,000
h. Disaster Branch Manager	500,000
i. Assistant Disaster Branch Manager	500,000
j. Supervisory Loan Specialist Financing D/O	500,000
k. Supervisory Loan Specialist Disaster Office	500,000
l. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
m. Branch Manager, except Fairbanks, Corpus Christi & El Paso B/O's	500,000
n. Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O only	500,000
o. Assistant Branch Manager for F&I, Biloxi, Milwaukee, and Springfield only	500,000
p. Branch Manager, Fairbanks B/O only	150,000

5. Direct and Immediate Economic Injury Federal Action Loans 7(b)(3) (SBAct). To decline section 7(b)(3) Economic Injury Federal Action Loans in any amount and to approve such loans up to the following amounts (SBA share):

a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District/F&I	500,000
h. Chief, Financing, D/O	500,000
i. Financial/Management Assistance Officer—Minneapolis, MN D/O	500,000
j. Supervisory Loan Specialist Financing D/O	300,000
k. Disaster Branch Manager	500,000
l. Assistant Disaster Branch Manager	300,000
m. Branch Manager, Corpus Christi, and El Paso B/O's only	500,000
n. Branch Manager, Except Fairbanks, Corpus Christi, and El Paso B/O's	300,000
o. Assistant Branch Manager/F&I, Corpus Christi and El Paso B/O's only	500,000
p. Assistant Branch Manager/F&I, Biloxi, Milwaukee and Springfield B/O's only	300,000
q. Branch Manager, Fairbanks B/O only	150,000

6. Guaranteed Economic Injury-Federal Action Loans 7(b)(3) (SBAct). To decline section 7(b)(3) Economic Injury-Federal Action Loans in any amount and to approve such loans in addition to the direct and immediate participation authority, not exceeding the following amounts (SBA share).

a. Regional Administrator	$500,000
b. Deputy Regional Administrator	500,000
c. Assistant Regional Administrator/F&I	500,000
d. Area Director (Disaster)	500,000
e. District Director	500,000
f. Deputy District Director	500,000
g. Assistant District Director for F&I	500,000
h. Chief, Financing, D/O	500,000
i. Financial/Management Assistance Officer Minneapolis, MN D/O	500,000
j. Disaster Branch Manager	500,000
k. Assistant Disaster Branch Manager	500,000
l. Supervisory Loan Specialist, Financing D/O	500,000
m. Branch Manager, Corpus Christi & El Paso, B/O's only	500,000
n. Branch Manager, Except Fairbanks, Corpus Christi, and El Paso, B/O's	500,000
o. Assistant Branch Manager for F&I, Corpus Christi and El Paso, B/O's only	500,000
p. Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	500,000
q. Branch Manager, Fairbanks, B/O only	150,000

7. Processing Representative: To appoint as a processing representative any bank in the disaster area:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. Area Director (Disaster).
e. District Director.
f. Deputy District Director.
g. Disaster Branch Manager.
h. Assistant Disaster Branch Manager.
i. Branch Manager.
j. Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee, and Springfield B/O's only.

8. Late Filing: To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Area Director (Disaster).
d. District Director.
e. Deputy District Director.
f. Disaster Branch Manager.
g. Assistant Disaster Branch Manager.

9. Disaster Loan Authorizations:

a. To execute written authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director for F&I.
(8) Chief, Financing, D/O.
(9) Financial/Management Assistance Officer—Minneapolis, MN D/O.
(10) Branch Manager.
(11) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
(12) Disaster Branch Manager.
(13) Assistant Disaster Branch Manager.

b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director/F&I.
(8) Chief, Financing, D/O (on fully undisbursed loans).
(9) Financial/Management Assistance Officer—Minneapolis, MN D/O (on fully undisbursed loans).
(10) Supervisory Loan Specialist Financing, D/O (on fully undisbursed loans).
(11) Branch Manager.
(12) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Supervisory Loan Specialist, D/O.

10. Disbursement Period Extension on Disaster Loans: To extend disbursement periods:

a. Without limitations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Area Director (Disaster).
(5) District Director.
(6) Deputy District Director.
(7) Assistant District Director for F&I.
(8) Chief, Financing D/O (on fully undisbursed loans).

(9) Financial/Management Assistance Officer—Minneapolis, MN D/O (on fully undisbursed loans).
(10) Disaster Branch Manager.
(11) Assistant Disaster Branch Manager.
(12) Assistant Branch Manager for F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield B/O's only.
b. For a cumulative total not to exceed six (6) months:
(1) Supervisory Loan Specialist, Financing, D/O (on fully undisbursed loans).

Section B—Administrative Authority

1. Establishment of Disaster Field Offices.
a. To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when justified: and
b. To obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Regions V, VIII, IX and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director for F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.
2. Purchase and Contract Authority:
a. Rental of Motor Vehicles and Garage Space. To rent motor vehicles necessary for the use of disaster branch office personnel and garage space for the storage of such vehicles when not furnished by this Administration:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Region V, VIII, IX and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director for F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.
b. Office Supplies and Equipment. To purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code as amended, subject to the limitations contained in sections 257 (a) and (b) of that Chapter:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/Administration.
(5) Area Director (Disaster).
(6) Office Services Manager, Region V, VIII, IX, and X only.
(7) Office Services Supervisor, Region IV only.
(8) Chief, Administration, Region II only.
(9) Administrative Officer, Region VI and VII only.
(10) District Director.
(11) Deputy District Director.
(12) Assistant District Director/F&I.
(13) Disaster Branch Manager.
(14) Assistant Disaster Branch Manager.
(15) Branch Manager, Corpus Christi, and El Paso B/O's only.
(16) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
c. Credit Bureau Services. To contract for local credit bureau services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) Assistant Regional Administrator/Administration.
(5) Area Director (Disaster).
(6) District Director.
(7) Deputy District Director.
(8) Assistant District Director/F&I.
(9) Disaster Branch Manager.
(10) Assistant Disaster Branch Manager.
(11) Branch Manager, Corpus Christi, and El Paso B/O's only.
(12) Assistant Branch Manager for F&I, Corpus Christi, and El Paso B/O's only.

Part III—Other Financial and Guarantee Programs

Section A—Section 503 Debenture Guaranty Approval Authority (Small Business Investment Act)

1. Section 503 Certified Development Company Debenture Guaranty Approval Authority (SBI Act). To approve or decline section 503 guarantees of debentures issued by certified development companies not exceeding the following amount (SBA share) for each small business being assisted, within the project cost limitations shown below:

Note.—Project cost as used in this part, means the sum of all financial assistance to the small business concern and its affiliates construction project under consideration, not just that portion on which the 503 debenture guarantee action is being taken.

a. Unlimited project cost:	
(1) Regional Administrator	$500,000
(2) Deputy Regional Administrator	500,000
b. Overall project cost not exceeding $1,500,000:	
(1) Assistant Regional Administrator/F&I	500,000
(2) District Director	500,000
(3) Deputy District Director	500,000
(4) Assistant District Director/F&I	500,000
(5) Branch Managers	500,000
c. Overall project cost not exceeding $1,000,000:	
(1) Chief, Financing, D/O	500,000
(2) Assistant Branch Managers—F&I	500,000

Section B—Other 503 Authority:

1. Participation Agreements. To decline to enter into participation agreements with lenders:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director for F&I.
2. Loan Authorizations:
a. To execute written loan authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director for F&I.
(7) Chief, Financing, D/O.
(8) Financial/Management Assistance Officer—Minneapolis, MN D/O.
(9) Branch Manager, Corpus Christi, and El Paso B/O's only.
(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
b. To cancel, reinstate, modify, and amend authorizations:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director/F&I.
(7) Chief, Financing, D/O (before initial disbursement).
(8) Financial/Management Assistance Officer—Minneapolis, MN D/O (before initial disbursement).
(9) Branch Manager, Corpus Christi and El Paso B/O's only.
(10) Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.
3. Disbursement Period Extension. To extend disbursement periods:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. District Director.
e. Deputy District Director.
f. Assistant District Director/F&I.
g. Chief, CED, D/O (on wholly undisbursed loans).
h. Chief, Financing, D/O (on wholly undisbursed loans).
i. Financial/Management Assistance Officer—Minneapolis, MN D/O (on wholly undisbursed loans).
j. Branch Manager, Corpus Christi and El Paso B/O's only.
k. Assistant Branch Manager for F&I, Corpus Christi and El Paso B/O's only.

Section C—Surety Guarantee

1. To guarantee sureties against portion of losses resulting from the breach of bid payment, or performance bonds on contracts, not to exceed the following amount.

a. Regional Administrator	$1,000,000
b. Deputy Regional Administrator	1,000,000
c. Assistant Regional Administrator/F&I	500,000
d. District Director and Deputy District Director, Philadelphia, San Francisco, Baltimore, and all Region IV District Offices only	500,000
e. Assistant District Director/F&I Philadelphia, San Francisco, Baltimore, and all Region IV District Offices only	500,000
f. Surety Bond Coordinator	250,000
g. Senior Surety Bond Guarantee Specialist	250,000
h. Surety Bond Officer	250,000
i. Chief, Financing, Philadelphia D/O only	250,000

Section D—EDA Loan Authority

1. EDA Loan Disbursement Authority. To disburse EDA loans, directed by EDA:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/F&I.
d. Regional Counsel.
e. District Director.
f. Deputy District Director.
g. Assistant District Director/F&I.
h. Chief, FD, D/O.
i. District Counsel.
j. Branch Manager, Corpus Christi, and El Paso B/O's only.
k. Assistant Branch Manager/F&I, Corpus Christi, and El Paso, B/O's only.
l. Branch Counsel, Corpus Christi, and El Paso B/O's only.

Part IV—Portfolio Management (PM) Progam

Section A—Portfolio Management, Servicing, Collection, and Liquidation Authority

1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans and guarantees, EDA loans in liquidation when and as authorized by EDA, lease guarantees, 8(a) matters accepted for litigation, *exclusive of matters in litigation,* to approve loan increases during a period of one year after final disbursement, not to exceed the lesser of $20,000 or 20% of the original loan amount, and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:
a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereof;
b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;
c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or
d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Assistant Regional Administrator/F&I.
(4) District Director.
(5) Deputy District Director.
(6) Assistant District Director/F&I.
(7) Branch Manager (full services branches only).
(8) Chief or Supervisory Loan Specialist, Portfolio Management, D/O.
(9) Chief or Supervisory Loan Specialist, Liquidation Section, D/O.
(10) Financial/Management Assistance Officer—Minneapolis, MN, D/O.
(11) Assistant Branch Manager/F&I, Biloxi, Corpus Christi, El Paso, Milwaukee and Springfield, B/O's only.
(12) Chief, PM, Biloxi B/O.

2. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all SBA loans and guarantees, EDA loans in liquidation when and as authorized by EDA, lease guarantees, 8(a) matters acepted for liquidation, *exclusive of matters in litigation,* to approve loan increases during a period of one year after final disbursement, not to exceed the lesser of $20,000 or 20% of the original loan amount, and to do and perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate these granted powers.

EXCEPT:
a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon;
b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement or a lease guarantee;
c. *To initiate suit* for recovery from a participating institution under any alleged violation of a participation or guaranty;
d. *To authorize the liquidation of a loan* (except Disaster Home Loans) or to cancel authority to liquidate; or
e. *To accept a lump sum settlement or to purchase property* under the lease guaranty:
(1) Branch Manager (limited servicing branches).
(2) Chief, Portfolio Management B/O (full servicing branches).
(3) Supervisory Loan Specialist, Portfolio Management, B/O, (full servicing branches).

3. Other Portfolio Management Authority
a. To take *only* the following actions on loans in a current status:
(1) Approve editorial modifications in loan authorizations;
(2) Extend disbursement periods on partially disbursed loans;
(3) Release of cash surrender value or dividends to pay premiums due on assigned policy;
(4) Extend initial principal payment dates or adjust interest payment dates;
(5) Release of equipment (or hazard insurance checks) where the total value being released does not exceed $500.
a. Loan Specialist, Portfolio Management, D/O, or B/O.
b. Loan Specialist, Liquidation Section, D/O or B/O.

Part V—Claims Review Committee

Section A—Authority to Compromise Claims

1. District Claims Review Committee. This committee shall consist of three incumbents (or those officially acting in their behalf) in the following order of position classification. The first member available in this order shall serve as chairperson.
Liquidation Chief (or liquidation supervisor).
PM Chief (or PM supervisor).
District Counsel.
FD Chief (or FD supervisor).
Financial/Management Asst. Officer, Minneapolis, MN, D/O.
However, the District Director may, at this option, establish an alternative committee membership consisting of the Assistant District Director for Finance and Investment, acting as chairperson, District Counsel and the Assistant District Director for Management Assistance or those officially acting in their behalf. Authority is delegated to take final action on:
a. Claims not in excess of $50,000 (excluding interest) upon *majority* vote of the Committee.
b. Claims not in excess of $100,000 (excluding interest) upon *unanimous* vote of the Committee.
c. Claims in excess of $100,000 (excluding interest) when the amount offered represents the full principal balance due thereby forgiving only the interest upon *unanimous* vote of the Committee.
d. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

2. Regional Claims Review Committee. This committee shall consist of the Assistant Regional Administrator for F&I, serving as chairperson, the Assistant Regional Administrator for Management, and the Regional Counsel or those officially acting in their behalf. Authority is delegated to take final action on:
a. Claims not in excess of $100,000 (excluding interest) upon *majority* vote of the Committee.
b. Claims in excess of $100,000 but not exceeding $150,000 (excluding interest) upon *unanimous* vote of the Committee.
c. Settlement offers on claims of any size may be declined upon majority vote of the Committee.

Part VI—Procurement Assistance Program (PA)

Section A—Certification of Competency Approval Authority

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $500,000 bid value received from small business concerns located within the geographical jurisdiction:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator/P&TA.

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:
a. Regional Administrator.

b. Deputy Regional Administrator.
c. Assistant Regional Administrator/P&TA.

Part VII—Minority Small Business and Capital Ownership Development Program (MSB–COD)

Section A—Call Contracts Authority

1. Administration and Management of Call Contracts. To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contracts.
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Minority Small Business and Capital Ownership Development (MSB/COD).
d. Chief, Business Development, Regional Office, Reg. VII.
e. District Director.
f. Deputy District Director.
g. Assistant District Director for MSB/COD.
h. Financial/Management Assistance Officer, Minneapolis, MN, D/O.

Section B—Section 8(a)(1)(A) Contracting Authority (SBAct)

1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, services or materials to the Government or to perform construction work for the Government, subject to the following monetary limitations:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, R/O only	250,000
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, Detroit, Cleveland, Indianapolis, and Salt Lake City D/O's only	350,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only	100,000
l. All District Contract Specialists in Region X only	250,000
m. Branch Manager, El Paso B/O only	Unlimited
n. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
o. Senior Contract Specialist, Region X only	1,000,000

2. Subcontracting. To arrange for the performance of such procurement contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns for the construction work, services or the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts subject to the following monetary amounts:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, B/O only	250,000
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, Detroit, Cleveland, Indianapolis, and Salt Lake City, D/O's only	350,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only	100,000
l. All District Contract Specialists in Region X only	250,000
m. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
n. Branch Manager, El Paso Branch Office only	350,000
o. Senior Contract Specialists, Region X only	1,000,000

3. To certify to any Officer of the Government having procurement powers that the Small Business Administration is competent and responsible to perform any specific Government procurement contract to be let by any such officer. Such contracts not to exceed the following amount:

a. Regional Administrator	Unlimited
b. Deputy Regional Administrator	Unlimited
c. Assistant Regional Administrator for MSB/COD	Unlimited
d. Deputy Assistant Regional Administrator for MSB/COD, Region II only	Unlimited
e. Chief, Business Development, Region I only	$2,000,000
f. Chief, Business Development, Region III, R/O only	Unlimited
g. District Directors and Deputy District Directors, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only	Unlimited
h. District Directors and Deputy District Directors, New York, Newark, Syracuse, Detroit, Cleveland, Indianapolis, Salt Lake City and Puerto Rico D/O's only	350,000
i. District Directors and Deputy District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only	500,000
j. Assistant District Director for MSB/COD, Columbia D/O only	500,000
k. Assistant District Director for PA, Region IX	500,000
l. Assistant District Directors for MSB/COD, Washington, Richmond, Philadelphia, and Baltimore	100,000
m. All District Contract Specialists in Region X only	250,000
n. Branch Manager, El Paso Branch Office only	Unlimited
o. Chief of Contract Negotiation and Administration, Regional Office, Region VII only	1,000,000
p. Senior Contract Specialists, Region X only	1,000,000

Part VIII—Legal Services

Section A—Authority To Conduct Litigation Activities

1. To conduct all litigation activities, including SBIC and Economic Development Administration matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers.
Except:
a. *To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency a sum less than the total amount due thereon;
b. *To deny liability* of the Small Business Administration under the terms of a participation or guaranty agreement (including lease guarantees); or
c. *To authorize suit* for recovery from a participating institution under any alleged violation of a participation or guaranty agreement; or
d. *To accept a lump sum settlement or to purchase property* under the lease guarantee:
(1) Regional Administrator.
(2) Deputy Regional Administrator.
(3) Regional Counsel.
(4) Attorney, Regional Office.
(5) District Counsel.
(6) Attorney, District Office.
(7) Branch Counsel.
(8) Attorney, Branch Office.

Section B—Loan Closing Authority

1. To close and disburse approved SBA loans and to close EDA loans, as authorized:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Counsel.
f. Attorney, District Office.
g. Branch Counsel.
h. Attorney, Branch Office.
2. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Counsel.
f. Attorney, District Office.
g. Branch Counsel.
h. Attorney, Branch Office.
3. To approve or disapprove fees charged by borrowers' counsel:
a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. Attorney, Regional Office.
e. District Director.
f. Deputy District Director.
g. District Counsel.
h. Attorney, District Office.
i. Branch Manager.
j. Branch Counsel.
k. Attorney, Branch Office.

Section C—Authority to Contact IRS

1. To request and receive address information from IRS records for purpose of collection and compromise of SBA Federal claims. This information will be used only by Agency employees directly engaged in and solely for their use in preparation for any administrative or judicial proceeding pertaining to the collection or compromise of a Federal claim in accordance with the provisions of Section 3 of the Federal Claims Collection Act of 1968.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Regional Counsel.
d. District Director.
e. Deputy District Director.
f. District Counsel.

Part IX—Eligibility and Size Determinations

Section A—Eligibility Determinations

1. Eligibility Determination Authority. In accordance with Small Business Administration standards policies, to determine eligibility of applicants for assistance under *any program of* the Agency: *EXCEPT the SBIC program.*

a. Regional Administrator.
b. Deputy Regional Administrator
c. All officials having the authority and assigned responsibility to take final action on the assistance requested.

Section B—Size Determinations

1. Size Determination Authority. In accordance with Small Business Administration's Small Business Size Standards Regulations, to make initial size determinations of applicants for assistance under *any* program of the Agency:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. All other officials having authority and assigned responsibility to take final action on the assistance requested, *EXCEPT* the SBIC program and Government procurement and sales activities.

2. Size Determinations for Government Procurement and Sales. In accordance with Small Business Administration's Small Business Size Standards Regulations, to make size determinations for government procurement and sales activities.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Procurement and Technology Assistance.
d. Chief, Procurement and Technical Assistance, Region II only.

Part X—Administrative

Section A—Authority to Purchase, Rent, or Contract for Equipment, Services, and Supplies

1. Purchase Reproductions of Loan Documents. To purchase reproductions of loan documents, chargeable to the revolving fund requested by U.S. Attorneys in foreclosure cases:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

2. Office Supplies and Equipment. To purchase office supplies and equipment and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

3. Rental of Motor Vehicles. To rent motor vehicles when not furnished by this Administration:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. District Director.
g. Deputy District Director.
h. Branch Manager.

4. Rental of Conference Space. To rent temporarily SBA conference space located within the respective geographical jurisdiction:

a. Regional Administrator.
b. Deputy Regional Administrator.

5. Use of Seal of the Small Business Administration. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the nonexistence of records on files; and to cause the Seal of the Small Business Administration to be affixed to all such certification.

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.
h. District Director.
i. Deputy District Director.
j. Branch Manager.

6. Contract for Services. To contract for services for the agency not exceeding the monetary amount of $2,500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Administrator.
b. Deputy Regional Administrator.
c. Assistant Regional Administrator for Administration.
d. Office Services Manager, Regions V, VIII, IX and X only.
e. Office Services Supervisor, Region IV only.
f. Chief, Administration, Region II only.
g. Administrative Officer, Regions VI and VII only.

Part XI—Redelegation Authority

Section A—Redelegation

1. The authority delegated herein may not be redelegated.

2. The authority delegated herein may be exercised by any SBA employee designated as acting in a position designated herein.

3. Regional Administrators, Deputy Regional Administrators, District Directors, and Branch Managers may withhold or limit authorities delegated to those positions prescribed in this document for a period not to exceed six months. Information relating to those temporary exceptions will be maintained and available for examination in their respective field offices.

Dated: January 8, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82-980 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 77P-0300]

Canned Peaches; Standard of Identity; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date for compliance with the provisions of the amended standard of identity for canned peaches to provide for "chunky" style.

DATES: Effective July 1, 1983, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun August 25, 1981.

FOR FURTHER INFORMATION CONTACT:
F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1981 (46 FR 33027), FDA issued a final regulation amending the standard of identity for canned peaches (21 CFR 145.170) to provide for a new optional "chunky" style. Any person who would be adversely affected by the regulation could have, at any time on or before July 27, 1981, filed written objections to the final regulation and requested a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that the effective date for compliance with the standard of identity for canned peaches (21 CFR 145.170) as amended in the **Federal Register** of June 26, 1981 (46 FR 33027) is July 1, 1983. Voluntary compliance may have begun August 25, 1981.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-868 Filed 1-14-82; 8:45 am]
BILLING CODE 4160-01-M

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21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin; Sponsors of Approved NADA's

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing those portions of the regulations reflecting approval of a new animal drug application (NADA) providing for use of a 2-gram-per-pound tylosin premix. The sponsor, Cargill Inc.—Nutrena Feed Division, requested the withdrawal of approval. In a notice published elsewhere in this issue of the **Federal Register**, approval of NADA 116-041, sponsored by Cargill, is withdrawn.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT:
Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Cargill Inc.—Nutrena Feed Division, P.O. Box 9300, Minneapolis, MN 55440, is sponsor of NADA 116-041 for a 2-gram-per-pound tylosin premix which was approved on January 30, 1979. The NADA was originally sponsored by Critic Mills, Inc. The NADA and the firm were acquired by Cargill in January 1980. In a notice published elsewhere in this issue of the **Federal Register**, approval of this NADA is withdrawn. This NADA is the only approval for Critic Mills reflected in the regulations. Therefore, the regulations are amended in §§ 510.600(c) (21 CFR 510.600(c)) and 558.625(b)(59) (21 CFR 558.625(b)(59)) to reflect the withdrawal of approval.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(2) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry "Critic Mills, Inc.," and in paragraph (c)(2) by removing the entry "023055."

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 [Amended]

2. In Part 558, § 558.625 *Tylosin* is amended by removing paragraph (b)(59) and designating it "[Reserved]".

Effective date. This amendment is effective January 25, 1982.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)))

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-1058 Filed 1-14-82; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending its rules at 28 CFR 2.34(a) to allow a Regional Commissioner to reopen and retard a parole date for institutional misconduct for up to 90 days without a hearing. Under the present rule, a Regional Commissioner can reopen and retard a case for institutional misconduct for up to 60 days without a hearing. The Commission is taking this action as a cost saving measure.

EFFECTIVE DATE: January 18, 1982. This procedural rule is being made effective on an emergency basis so that the Commission can get maximum benefit from its cost savings.

FOR FURTHER INFORMATION CONTACT:
Toby Slawsky, Staff Attorney, Office of the General Counsel, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Commission is expanding the maximum time for which a Regional Commissioner can retard a parole date for disciplinary infractions without a hearing from 60 days to 90 days. Previously the Commission has conducted hearings at federal institutions on a bimonthly basis. In May, 1981 as a cost saving measure, the Commission began conducting hearings at selected institutions on a trimonthly hearing schedule. This schedule has resulted in a financial savings and the Commission is now expanding it to the majority of federal institutions.

To facilitate the implementation of the trimonthly hearing schedule the Commission needs the flexibility to be able to retard a parole date for up to 90 days without a hearing.

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(1), Title 28 CFR 2.34 is amended as follows:

§ 2.34 [Amended]

In 28 CFR 2.34(a) the words "60 days" are changed to "90 days".

I certify that this rule will not have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: January 12, 1982.

Cameron M. Batjer,

Chairman, U.S. Parole Commission.

[FR Doc. 82-1165 Filed 1-14-82; 8:45 am]

BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning February 1, 1982. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after February 1, 1982, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before January 1, 1982. (29 CFR Part 2619 (1981), 46 FR 36693, 46 FR 45761, 46 FR 50788, 46 FR 55958).

On December 15, 1981, the PBGC last published rates for plans that terminate on or after January 1, 1982 (46 FR 61084). At this time, changes in the financial and annuity markets have necessitated an increase in the rates used by the PBGC to value benefits. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after February 1, 1982. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the Federal Register, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after February 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

PART 2619—VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 is as follows:

Authority: Secs. 4002(b) (3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Rate Set 31 of Appendix B is revised and Rate Set 32 of Appendix B is added to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date—		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
31	Jan. 1, 1982	Feb. 2, 1982	10.50	1.0975	1.0850	1.0400	7	8
32	Feb. 1, 1982		10.75	1.1000	1.0875	1.0400	7	8

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-1106 Filed 1-14-82; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AEN-FRL-2031-8]

Waiver From New Source Performance Standard for Homer City Unit No. 3 Steam Electric Generating Station; Indiana County, Pennsylvania; Correction

AGENCY: Environmental Protection Agency.

ACTION: Technical correction.

SUMMARY: On November 13, 1981, the United States Environmental Protection Agency (EPA) published a final rule granting an innovative technology waiver under section 111(j) of the Clean Air Act to Homer City Steam Electric Generating Station Unit No. 3, Indiana County, Pennsylvania. 46 FR 55975. In footnote 6, 46 FR at 55977, EPA stated its interpretation of the 24-hour National Ambient Air Quality Standard as a rolling average, based on 40 CFR Part 58, Appendix F, § 2.12. That regulation has been remanded to EPA by the Court of Appeals. *PPG Industries* v. *Costle*, —— F. 2d —— (D.C. Cir. 1981). EPA therefore withdraws footnote 6 in its entirety, pending further agency action.

DATES: Effective January 12, 1982.

FOR FURTHER INFORMATION CONTACT: Edward E. Reich, Director, Division of Stationary Source Enforcement, U.S. Environmental Protection Agency, EN-341, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2807.

Dated: January 12, 1982.

Richard D. Wilson,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-1176 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-37-M

40 CFR Part 123

[SW-5-FRL-2001-1]

Hazardous Waste Management Program; Phase I Interim Authorization for Wisconsin

AGENCY: Environmental Protection Agency (EPA), Region V.

ACTION: Granting of Phase I Interim Authorization to State hazardous waste program.

SUMMARY: The State of Wisconsin has applied for Interim Authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA) and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123, Subpart F). EPA has reviewed Wisconsin's hazardous waste program and has determined that Wisconsin's hazardous waste program is substantially equivalent to the Federal program. EPA is hereby granting Phase I Interim Authorization to Wisconsin to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Judith Stone, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4179.

SUPPLEMENTARY INFORMATION:

I. Background

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under section 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions. Two types of State program approvals are authorized under RCRA: "Final Authorization" is a permanent approval which may be granted to States whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement; "Interim Authorization" is a temporary approval for States which might not meet the requirements of Final Authorization but whose programs are at least "substantially equivalent" to the Federal program. RCRA contemplates that States receiving Interim Authorization will use the Interim Authorization period to make the changes in their regulations and statutes necessary to qualify for Final Authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing State hazardous waste programs under section 3006 (40 CFR Part 123). These guidelines set forth the requirements for Interim Authorization and the procedures which EPA will follow in acting on State applications for Interim Authorization. They also provide that EPA will grant Interim Authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal Program.

On August 19, 1981, the State of Wisconsin submitted its complete application for Phase I Interim Authorization. A September 19, 1981, **Federal Register** notice (46 FR 47626) announced the availability of the Wisconsin Interim Authorization application for public review and gave notice of an October 30, 1981, public hearing.

After detailed review of the final Wisconsin application EPA transmitted comments to the State of Wisconsin on October 6, 1981. These comments requested clarifications from the Wisconsin Attorney General and suggested several minor changes to the Program Description, Memorandum of Agreement and Authorization Plan. A copy of the EPA comments and the State's response to those comments are

available from the Regional Office. In addition to the items listed above, Wisconsin submitted other minor amendments. Amendments to the Program Description, Memorandum of Agreement and Authorization Plan were submitted on October 30, 1981. The Attorney General's Statement of clarification was received on November 19, 1981.

In its comments, EPA addressed one major area of concern relating to Wisconsin's provisions for the sharing of confidential information. Wisconsin's laws prohibit the release of confidential information to EPA unless confidentiality agreements have been entered into pursuant to 40 CFR 2.215. EPA regulations require that authorized States share confidential information with EPA without restriction. The Wisconsin legislature is currently in session and will be reviewing an amendment to the Wisconsin Hazardous Waste Management Act expressly authorizing the release of confidential information to EPA. Pending adoption of that amendment, Wisconsin will share confidential information with EPA using case-by-case confidentiality agreements. Because Wisconsin is in the process of revising its legislation, EPA will approve Wisconsin's Application for Phase I Interim Authorization. EPA has determined that the Wisconsin hazardous waste management program is substantially equivalent to the Federal program and even more stringent in certain areas. Pursuant to Section 3009 of RCRA, a State may adopt more stringent requirements.

II. Responses to Public Comments

On September 19, 1981, a notice was published in the **Federal Register** (46 FR 47626), inviting the public to comment on the Wisconsin application for Phase I Interim Authorization at a public hearing to be conducted in Madison, Wisconsin, on October 30, 1981. The public comment period closed on November 10, 1981. Four persons offered comments at the public hearing and five additional written comments were received. EPA has responded in detail to the specific comments in its Responsiveness Summary which is available from the Region V office. The comments are summarized as follows:

Comment: A majority of commenters argued that the Wisconsin hazardous waste regulations are not substantially equivalent to the Federal requirements since Wisconsin's provisions are more stringent.

Response: EPA is required to grant Phase I Interim Authorization to any State hazardous waste management programs which meet the minimum requirements of EPA regulations. Regulations at 40 CFR Part 123, Subpart F, specifically outline requirements for Phase I Interim Authorization. Subpart F does not preclude a State from adopting or enforcing requirements which are more stringent or more extensive than those required under this Subpart (see 40 CFR 123.121(h)).

Comment: One industry commenter asked that EPA withhold approval of Wisconsin's Interim Authorization application pending correction of various typographical and other minor errors. In addition, the commenter also raised several concerns about the Wisconsin financial responsibility requirements.

Response: Although Wisconsin's application may contain minor errors, EPA found that the State's program is substantially equivalent to the Federal requirements. Therefore, EPA need not withhold approval of the application pending possible corrections. Since financial responsibility is part of Phase II Interim Authorization, EPA will not comment on Wisconsin's financial responsibility requirements.

Comment: Another commenter, a trade association representative, favored granting Phase I Interim Authorization to Wisconsin, but questioned the legal authority of the Wisconsin Highway Patrol to enforce any hazardous waste regulations.

Response: The Wisconsin Highway Patrol is a division of the Wisconsin Department of Transportation. It is the opinion of the Wisconsin Attorney General that under Ch. 194, Wis. Stats. "* * * the Wisconsin Department of Transportation may enforce transportation requirements under the HWMA (Hazardous Waste Management Act) on the highway." EPA accepts this opinion.

III. Decision

EPA has reviewed the complete application for Phase I Interim Authorization from the State of Wisconsin, and has determined that the State program is "substantially equivalent", as defined in 40 CFR Part 123 Subpart F, to the Phase I Federal program. In accordance with Section 3006(c) of RCRA, the State of Wisconsin is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Wisconsin will be subject to the State of Wisconsin hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless (1) the State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

IV. Compliance with Executive Order 12291

Under Executive Order 12291 EPA must prepare a Regulatory Impact Analysis on "major regulations." A "major regulation" is defined as any regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions;
3. Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve the Phase I hazardous waste program in Wisconsin is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Wisconsin. In the absence of this decision, persons handling hazardous waste in Wisconsin would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Wisconsin hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation." This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 30, 1981.

Valdas V. Adamkus,

Regional Administrator.

Subject: Wisconsin Application for Interim Authorization, Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Dated: January 8, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-1177 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 265

[SWH-FRL-2030-3]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste; Correction

January 8, 1982.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects errors in the **Federal Register** of Tuesday, November 17, 1981 (46 FR 56592) and of Monday, December 28, 1981 (46 FR 62689). The local (Washington area) phone number for the RCRA/SUPERFUND Hotline was incorrectly listed. The citation is corrected to read as follows: RCRA/SUPERFUND Hotline, Office of Solid Waste (WH-565), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 (phone: 800-424-9346, or in Washington 382-3000).

Please note that this is a new local number for the RCRA/SUPERFUND Hotline and should be used in place of all previously published local RCRA/SUPERFUND Hotline numbers.

FOR FURTHER INFORMATION CONTACT:

Deborah Villari, (202) 755-9173.

Christopher J. Capper,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 82-1042 Filed 1-13-82; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Confidential Statement of Employment and Financial Interest; Availability of Appendices C, D, E, F, and G

AGENCY: Interior Department.

ACTION: Notice of Availability—Appendices C, D, E, F, and G to 43 CFR Part 20.

SUMMARY: This notice announces the availability of Appendices C, D, E, F, and G which list all positions within the Department of the Interior for which statements of Employment and Financial Interests are required to be filed. These Appendices have been updated as of December 15, 1981 and have been printed as an agency document. They will not be published in the **Federal Register** but will be available to the public upon request.

EFFECTIVE DATE: December 15, 1981.

ADDRESS: Copies of the Appendices may be obtained through the Deputy Ethics Counselor for each bureau or office within the Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Gabriele J. Paone, Deputy Agency Ethics Official, or Mason Tsai, Assistant Agency Ethics Official, U.S. Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-3932 or (202) 343-5916.

SUPPLEMENTARY INFORMATION: The Department of the Interior requested and received approval from the Office of Government Ethics, Office of Personnel Management, to print Appendices C, D, E, F, and G to 43 CFR Part 20 as an agency document only, and at the same time announce their availability in the **Federal Register.** Notice of this arrangement was first provided with the publication of 43 CFR Part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department employees and at the same time defrays costs of publishing in the **Federal Register.** Copies of the Appendices are on file as a part of the original document and are available from the above address.

Appendix C lists Department of the Interior positions, in addition to GS-15's for which a Confidential Statement of Employment and Financial Interests (Form DI-212) is required to be filed by Executive Order 11222. The positions in addition to GS-15's identified in Appendix C are effective for the February 1, 1982 filing deadline. Appendix C was approved by the Office of Government Ethics, Office of Personnel Management, on December 15, 1981.

Appendices D, E, F and G are published to show bureaus and offices, or subunits thereof, performing functions or duties under the Federal Land Policy and Management Act (Pub. L. 94-579), the Mining in the Parks Act (Pub. L. 94-429), the Energy Policy and Conservation Act (Pub. L. 94-163), and the Outer Continental Shelf Lands Act (as amended by Pub. L. 95-372), respectively, and positions within those bureaus and offices which the Secretary has determined to be covered by the public financial disclosure requirements. As provided by these Acts, all officers and employees of the Department who are employed in offices or bureaus, or subunits thereof, performing functions or duties under any of the four Acts are required to file appropriate public financial disclosure statements unless specifically exempted by the Secretary.

Authorities

Appendices C, D, E, F and G to Part 20 of Title 43 of the Code of Federal Regulations are published under E.O. 11222, 30 FR 6469, 3 CFR, 1964-65, Comp., as amended (18 U.S.C. 201 note); 5 CFR 735.104; 5 U.S.C. 301; Sec. 313, Pub. L. 94-579, 90 Stat. 2769 (43 U.S.C. 1743); sec. 13, Pub. L. 94-429, 90 Stat. 1344 (16 U.S.C.A. 1912 (Supp. 1980)); Sec. 522, Pub. L. 94-163, 89 Stat. 962, as amended by sec. 691(b)(2), Pub. L. 95-169, 92 Stat. 3288 (42 U.S.C 6392 (Supp. II 1978)); and sec. 605, Pub. L. 95-372, 92 Stat. 696 (43 U.S.C. 1864 (Supp. II 1978)).

The Appendices were compiled by Bureau and Office Ethics Counselors and consolidated by Gabriele Paone and Mason Tsai of the Designated Agency Ethics Official's staff.

Dated: January 7, 1982.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 82-919 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[Docket No. 18948; Gen. Docket 80-108]

Implement Compulsory Carriage of Radar on Board Vessels of 1600 Tons Gross Tonnage and Over; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule on the compulsory installation of radar equipment on vessels, which appeared at page 18986 in the Federal Register of March 27, 1981 (46 FR 18986). This action is necessary to correct typographical errors and an incorrect reference.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Released: December 23, 1981.

In the matter of amendment of Part 83 of the Commission's rules to implement a provision of the 1974 Safety Convention regarding compulsory carriage of radar on board vessels of 1600 tons gross tonnage and over, Docket No. 18948, Gen. Docket No. 80-108.

The following corrections are made in Gen. Doc. 80-108 (FCC 81-97, adopted on March 11, 1981, and released on March 23, 1981), appearing on page 18986 in the issue of March 27, 1981:

1. On FR page 18987 at the top of column one (page two of Appendix B) § 83.115(a)(i) is corrected by removing the word "of" and replacing it with the word "to" so that the beginning of the sentence reads "Station logs involving communications or other entries incident to a distress * * *"

2. On FR page 18987 column one (page two of Appendix B) immediately following correction (1) above, § 83.115(a)(2) is corrected by inserting the word "or" between the words "communication" and "other" so that the beginning of the sentence reads "Station logs which include entries of communications or other matter * * *"

3. On FR page 18988 near the bottom of column one (page four of Appendix B) § 83.465(b) should be corrected by removing the entire sentence beginning with "This specification including Appendix A * * *" and replacing it with "This specification may be found in Part II of Volume II of the SC-65 Final Report."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-1078 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1139

[Ex Parte No. MC-141]

Policy Statement on Motor Carrier Pooling Applications

AGENCY: Interstate Commerce Commission.

ACTION: Final statement of general policy; final rules; clarification.

SUMMARY: At 46 FR 21180, April 9, 1981, the Commission adopted rules at 49 CFR Part 1139 which set forth the necessary contents of motor carrier pooling applications and Commission procedures for processing and considering such applications. This notice is to clarify to the public that those regulations apply to motor pooling applications between motor carriers of household goods and their agents.

EFFECTIVE DATE: This policy has been in effect since April 9, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Kelly (202) 275-7246, or Bruce Kasson (202) 275-7655.

SUPPLEMENTARY INFORMATION: Changes to 49 U.S.C. 11342 made by the Household Goods Transportation Act of 1980 (Pub. L. No. 96-454, 94 Stat. 2011) require the Commission to streamline, simplify and expedite, to the maximum extent practicable, the process for submission and approval of applications by household goods motor carriers and their agents to pool or divide their traffic, services, or earnings. In the prior notice of final rules, the Commission issued rules which achieve these goals as to all motor pooling applications. This notice clarifies the fact that the simplified procedures at 49 CFR 1139 shall apply to pooling agreements between motor carriers providing transportation of household goods and their agents.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1086 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Deregulation of the Tecopa Pupfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service removes the Tecopa pupfish (*Cyprinodon nevadensis calidae*) from the list of Endangered and Threatened species, based on a determination, after review of all available data, that the subspecies is extinct. In 1972, its original discoverer reported that it was no longer present in two springs where it was first collected, and extensive 1977 State of California surveys of potential habitats in the same river system produced no evidence that any additional stocks exist. This action constitutes formal Service recognition of Tecopa pupfish extinction, and discontinues protections for the fish and its habitat accorded by the Endangered Species Act of 1973, as amended.

DATE: This rule becomes effective on February 16, 1982.

ADDRESSES: Questions concerning this action may be addressed to the Director, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Cyprinodon nevadensis calidae was described in 1948 by Dr. Robert Rush Miller from outflow streams of two springs, noth and south Tecopa Hot Springs—about 10 yards apart on the east side of the road leading north from Tecopa, California. Considerably larger scales and several proportional and other differences distinguish this fish from the Amargosa River pupfish subspecies (*C. nevadensis amargosae*), which then as now was widespread and locally common in parts of the river system and in other springs in and near

Tecopa. Available data on the Tecopa pupfish in 1970 indicated that it was Endangered by habitat alteration and introduction of exotic fishes, notably bluegill sunfishes and mosquito fish. In 1970, it was added to both Federal and California State Endangered species lists. By 1972, it was reported to no longer occur at the type locality, and surveys in 1977 failed to locate any other populations.

A proposal to remove the Tecopa pupfish from the list of Endangered species was published in the **Federal Register** on July 3, 1978 (43 FR 2884). This proposal summarized biological and environmental evidence indicating that the fish is extinct, and solicited comments, suggestions, objections, or information from any interested persons. A letter was sent to the Governor of California on July 7, 1978, notifying him of the proposed rule. As indicated below, the California Department of Fish and Game concurred with the available evidence, but proposed to continue surveying potential habitats until 1979, after which removal from the list was recommended if no populations were discovered.

Summary of Comments and Recommendations

All comments relating to the possible existence of the Tecopa pupfish, before and subsequent to the 1978 proposed rule, have been considered in the present status determination. A total of eight comments related specifically to the delisting proposal. Seven of these came from concerned citizens, and the Director of the California Department of Fish and Game responded on behalf of his agency and the Governor of California. All seven private citizens responding considered delisting inadvisable. Six respondents had observed pupfishes, five of them in the vicinity of Tecopa, which they logically assumed were Tecopa pupfish. In particular, populations existing in certain bathhouse outflows, and transplanted from them to other nearby springs, are similar in general appearance to the listed form, but biologists generally concur that all specimens examined in the area since 1970 represent the unlisted subspecies *amargosae*. Continuing concern and conservation efforts for that subspecies are justified, because its range and habitat are also limited. At least partly because of the listing of its less fortunate relative, the surviving subspecies and its habitat needs have been considered locally in planning and development of the region, and it is not present by foreseen to become Endangered.

The Director of the California Department of Fish and Game summarized the status findings of his agency, stating that Tecopa pupfish were either extinct or at such low population densities that sampling methods were unproductive. He indicated that a lookout for possible survivors would continue whether or not the species was delisted. In a 1978 report, the Department recommended delisting after 1979 if no populations were found.

Summary of Status Findings

After a thorough review and consideration of all available data, the Director has determined that *Cyprinodon nevadensis calidae* is extinct, and no longer requires protection pursuant to the Endangered Species Act of 1973, as amended. This determination is based on passage of time judged sufficient to insure that the fish is in fact extinct. Should evidence to the contrary be forthcoming at a later time, the action is reversible.

The Service's listing regulations at 50 CFR 424.11(b) state:

A Species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or more combinations of the following factors:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;

2. Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

3. Disease or predation;

4. Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

5. Other natural or manmade factors affecting its continued existence.

The regulations further state, in § 424.11(d), that:

The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:

1. *Extinction*—Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.

2. *Recovery of the species*—The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.

3. *Original data for classification in error*—Subsequent investigations may produce data that show that the best scientific or commercial data available at the time the species was listed were in error.

The first status survey of the Tecopa pupfish after its listing was conducted in 1972 by Dr. Robert R. Miller, the original discoverer. He reported that all efforts to locate populations in the springs originally inhabited and other springs nearby were unsuccessful.

In 1977, an extensive survey of 44 aquatic habitats in the Tecopa-Hot Springs area of Inyo County, California, was conducted by Douglas Selby for the California Fish and Game Department. *Cyprinodon nevadensis amargosae* was found to be locally abundant in some of these habitats, rare in some, and absent from some. The upper outflow stream from Tecopa Hot Springs, the type locality of the Tecopa pupfish, *C. nevadensis calidae*, in the southern half of section 33, T21N R7E, was reported to contain no fish. This apparently resulted from rechanneling and combining the two hot spring outflows in 1965, which probably increased both current speed and downstream temperatures to levels unsuitable for pupfish survival or propagation or both. At the time these actions occurred, only a few persons were aware of the uniqueness and probable restricted distribution of this fish.

References Cited

California Department of Fish and Game. 1978. At the Crossroads, 1978, a Report on California's Endangered and Rare Fish and Wildlife. State of California—Resources Agency, Sacramento, CA. 103 pp.

Miller, R.R. 1948. The cyprinodont fishes of the Death Valley System of eastern California and southwestern Nevada. Misc. Publ. Mus. Zool. Univ. Mich. No. 68. 155 pp.

Selby, D.A. 1977. Report on the aquatic systems of the Tecopa-Shoshone area of the Death Valley System: fish, invertebrate, and habitat status. Unpublished report to California Dept. of Fish and Game. 94 pp.

Effects of the Rule

The rule removes the Tecopa pupfish from the list of Endangered and Threatened Wildlife and Plants, and thereby discontinues all protections accorded the fish and its habitat under provisions of the Endangered Species Act of 1973, as amended.

An Environmental Assessment was prepared in conjunction with this rule. It is on file in the Service's Office of Endangered Species, 1000 North Glebe

Road, Arlington, Virginia, and may be examined by appointment during regular business hours. This assessment is the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Note.—The Department of Interior has determined that this not a major rule and does not require preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined, in accordance with the Regulatory Flexibility Act, that this rule will not have a significant economic effect on a substantial number of small entities. The Service is not aware of negative impacts on small entities from the delisting.

Primary Author

The primary author of this rule is Dr. George E. Drewry, Office of Endangered Species, Arlington, Virginia (703/235–1975).

Regulations Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended, as set forth below:

§ 17.11 [Amended]

1. Amend the table in § 17.11(h) by removing the Tecopa pupfish (*Cyprinodon nevadensis calidae*) from the List of Endangered and Threatened Wildlife and Plants.

(Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241 (16 U.S.C. 1531, et seq.))

Dated: October 30, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82–1104 Filed 1–14–82; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 47, No. 10
Friday, January 15, 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 COMMERCE

International Trade Administration

15 CFR Part 369

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is seeking public comment on proposed changes in its antiboycott regulations aimed at reducing unnecessary and burdensome aspects of the reporting requirements, and clarifying the prohibited nature of certain boycott terms in banking and financial transactions. The boycott terms the Department proposes to clarify involve restrictions in letters of credit on negotiations with blacklisted banks and requirements in letters of credit for certifications about a company's blacklist status. The reporting changes will eliminate the requirement for reports of requests for vessel or other transport eligibility clauses, for insurance agent clauses, and for certain risk of loss clauses. The Department expects that the proposed reporting changes would reduce by as much as 50 percent the reporting burden on the business community, particularly on smaller exporters and freight forwarders, without impairing the Department's ability to meet its responsibility for monitoring the nature of foreign boycotts and otherwise meeting the United States Government's antiboycott objectives.

DATES: Comments must be received on or before March 16, 1982.

ADDRESS: Written comments (three copies when possible) shall be submitted or mailed to William V. Skidmore, Director, Office of Antiboycott Compliance, Room 3886, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, III or Brian C. Murphy, Office of Antiboycott Compliance, U.S. Department of Commerce, Washington, D.C. 20230 Telephone: (202–377–2381).

SUPPLEMENTARY INFORMATION:

Classification: The Department has determined that this is not a major rule for purposes of Executive Order 12291.

Regulatory impact analysis: Not required for this rulemaking.

The Department of Commerce, in an effort to enhance and promote compliance with its regulations implementing the antiboycott provisions of the Export Administration Act of 1979 (15 CFR Part 369) and to reduce unnecessary burdens imposed by those regulations, has identified a number of issues for clarification and revision. The issues fall into two categories, relating to the reporting of boycott requests and to letters of credit transactions. The Department is proposing new examples and revisiond to a portion of its regulations and is inviting comments on these changes. The objectives are to reduce the level of uncertainty surrounding certain provisions of the antiboycott regulations that are now the subject of confusion and to eliminate unnecessary paperwork for companies seeking to comply with these rules.

When the Department adopted final regulations implementing the boycott reporting provisions of the Export Administration Amendments of 1977, it determined that a number of requests for information or agreement that might be used for a boycott purpose were also commonly used for non-boycott purposes. For example, requests for positive certificates of origin, for agreements to comply with local laws, and for vessel routing certifications were specifically determined not to be reportable because of their common use for non-boycott purposes and because of the mandate from Congress to provide clear and precise guidelines in an area of inherent uncertainty and to reduce paperwork (15 CFR 369.6(a)(5) (1981)).

The Department believes that it is appropriate at this time to examine other conditions in commercial transactions in common use that are being reported as boycott requests to determine whether their continued reporting should be required. The Department has identified two particular conditions or requests that it believes fall into this category: (1) Vessel or transport eligibility certificates, and (2) insurance agent residency certificates. The public may disagree with the Department's proposed treatment of these requests or may believe other requests or conditions warrant similar treatment. Therefore, the Department is inviting comments on these proposed amendments to § 369.6(a)(5) of the regulations and welcomes the views and suggestions of the public on this subject.

There is also some confusion over the reportability of another request or condition, the so-called "risk of loss" clause. This condition seeks to impose on the vendor the risk of the loss, if the vendor's goods are denied entry into a country because of that country's laws or regulations. The Department believes that this clause must be treated somewhat differently from the vessel elegibility and insurance agent clauses because the risk of loss clause was adopted for boycott purposes. Indeed, the Department presumes that any company introducing such a clause after the effective date of the regulations is seeking to evade the antiboycott law contrary to § 369.4 of the regulations. However, since those companies that had introduced the clause prior to the effective date are presumed not to be evading the law, some confusion has arisen over when receipt of risk of loss clauses must be reported to the Department. This proposal would make clear that risk of loss clauses received from companies that introduced the clause prior to the effective date of the regulations (January 18, 1978) need not be reported to the Department of Commerce.

The antiboycott regulations also prohibit U.S. banks and other U.S. persons from implementing letters of credit which contain prohibited boycott conditions or requirements. The Department believes this provision has been effective in eliminating or reducing boycott conditions in letters of credit. Banks have generally done an excellent job in implementing this part of the regulations. However, two aspects of the letter of credit provision involving explicit boycott and blacklisting terminology and conditions are in need of clarification. Certain practices have arisen that the Department believes do not meet the requirements for

compliance with the law and regulations. These practices involve:

1. Implementing letters of credit including a condition restricting negotiation or implementation by banks whose names are included in the Israeli Boycott blacklist; and

2. Refusing to pay a letter of credit if the beneficiary will not provide a permissible self-certification as to its blacklist status or the blacklist status of some other party to the transaction (§ 369.2(f), ex. xiv).

The Department is proposing for comment an interpretation and new illustrative examples that will make it clear (1) that implementation of a letter of credit including a restriction on negotiation with blacklisted banks is prohibited; and (2) that refusal to pay a letter of credit where the beneficiary fails to provide a permissible self-certification as to its or any other person's blacklist status constitutes "insisting" that such certification be furnished in violation of § 369.2(a) of the regulations.

Reporting Requirement Revision

The Export Administration amendments of 1977 (Pub. L. 95–52) significantly changed the restrictive trade practice or boycott reporting requirements administered by the Department of Commerce (the original reporting requirements were contained in the Export Control Act of 1965 and reenacted in the export Administration Act of 1969.) Both Houses of Congress focused their attention on the reporting issue and mandated significant changes (*See*, H.R. Rep. No. 95–190, 95th Cong., 1st Sess. 25–26 (1977), S. Rep. No. 95–104, 1st Sess. 48–49 (1977)). However, the Congress recognized the need for clarity in the regulations implementing these new reporting requirements and the importance of limiting the burden of the regulations on both the reporting public and the Department of Commerce. The Report of the House International Relations (now foreign Affairs) Committee stated:

> The intention is that certain actions (such as positive certification of country of origin, the name and nationality of the carrier and route of shipment of a cargo, and the furnishing of immigration and passport information) which are normal pratices of commercial or diplomatic relations should not be reported in order not to place unnecessary reporting burdens on U.S. persons, or on the Commerce Department. H.R. Rep. No. 95–190, 1st Sess. 25 (1977).

The Conference Committee also emphasized this concern, concluding its report by saying that the committee "further urged that in the review of current regulations and the development of new regulations pursuant to this act, great care shall be taken to minimize to the greatest extent feasible the amount of paperwork required of those reporting to the Secretary of Commerce". H.R. Rep. No. 95–354, 1st Sess. 29 (1977).

Accordingly, in developing the new reporting regulations, the Department of Commerce sought to identify requests in common use that might have a boycott impact but that actually were of general application or use for non-boycott purposes, and to exempt such requests from the reporting requirements. Thus, for example, a request for a positive certificate of origin, the provision of which necessarily involves furnishing boycott-related information when the transaction involves a boycotting country, was determined to be not reportable. Since the boycott purpose of such a request could only be presumed from the facts and circumstances surrounding a specific transaction and not from the language of the request itself, and because the request was commonly used, the Department decided that in the interest of clarity such requests need not be reported. (It should be noted that the Department has not taken the position that the furnishing of a positive certificate of origin is not a boycott-related action. Under the regulations furnishing such a statement in response to a request from a boycotting country would be prohibited by § 369.2(d) and is only permitted by the exception at § 369.3(b).)

Similarly, the Department decided that a request to supply a positive statement about the destination of exports from a boycotting country should not be reported, though it too necessarily serves a boycott purpose when requested by a boycotting country. Because the request on its face cannot be identified as boycott-related, because those elements which may make it boycott-related may not be readily discernible by parties to the transaction, and because a request is reportable by a United States person only if "he knows or has reason to know that the purpose of the request is to enforce, implement or otherwise further, support or secure compliance with an unsanctioned foreign boycott" (15 CFR 369.6(1980)), the Department did not impose a reporting obligation on requests for positive statements of the destination of exports. Following the explicit instructions of the Congress and given its own concern over developing clear regulations that would encourage maximum compliance, the Department identified these and other requests whose purpose is unclear or ambiguous and whose boycott relationship could only be learned through external circumstances or knowledge. The Department determined that it would be a substantial burden on the reporting public and the Department to proceed transaction by transaction through thousands of transactions searching for boycott implications. Thus, the Department developed regulations eliminating the reporting requirements for such requests.

In the three years since the new reporting regulations were implemented, the frequency and nature of certain types of requests have changed, and language has evolved in commercial contexts that did not exist at the time the regulations were adopted. Consistent with the Congressional mandate and the Department's own desire to minimize the paperwork burden on reporters and on the Department, it is appropriate at this time to add two types of request to the list of non-reportable requests. These requests are:

1. A request that the owner, master, charterer (or any employee thereof) certify that a vessel, aircraft, motor vehicle or other mode of conveyance is eligible or otherwise eligible, permitted, or allowed to enter a specific country, port or category of ports; and

2. A request for a certificate from an insurance company stating that the company has a duly authorized agent or representative within a specific country and/or a request for the name and address of such agent.

Transport Eligibility Requests

The Department has been receiving a substantial number of reports of requests for certifications that the vessel carrying the goods involved in the transaction is eligible to enter the port of the purchasing country. During calendar year 1980 over 11,000 such boycott requests were reported from countries other than Saudi Arabia. The Department has taken the position that these requests had to be reported because of its view that such a statement necessarily conveyed information about the blacklist status of the vessel or other mode of conveyance. (*See* Supp. 1, 43 FR 16969 (1978).) However, with respect to requests with identical wording originating in Saudi Arabia and Egypt, the Department has determined that they were not reportable. Saudi Arabia, which initially adopted the use of the transport eligibility clause, has informed the Treasury Department that the criteria for eligibility to enter pertains to maritime matters such as the age of the ship and the condition of the ship and does not relate to the blacklist status of

the vessel. (*See* Supp. 2, 44 FR 67374, (1979).) Since Egypt has terminated its boycott of Israel, the Department no longer considers the language boycott-related by implication and therefore eligibility-to-enter requests originating in Egypt need not be reported. (*See* Supp. 3, 45 FR 29010 (1980).) The language continues to appear in transactions with Saudi Arabia and Egypt, however, causing further confusion on the part of the reporting public. The majority of these requests now come from the United Arab Emirates and Kuwait, although a number of such requests are received from other boycotting and non-boycotting countries. Again, the language is identical or very similar to the language still in use in Saudi Arabia and Egypt.

The Department has noted a considerable amount of uncertainty among regular reporters of boycott requests about whether the eligibility-to-enter language in fact relates to the boycott.

Because the purpose behind requests of this nature is ambiguous, and because a variety of non-boycott factors may be involved in determining if a vessel, aircraft of other means of conveyance is permitted or eligible to enter a given country (age, condition, safety fittings, unloading equipment, etc.), the Department is proposing that such requests no longer be reported regardless of the context in which they arise or the country from which they originate.

Authorized Insurance Agent Requests

A request that the insurance company certify that it has a duly authorized agent or representative within a specific country or the request for the name and address of the company's duly authorized agent within a country creates similar uncertainty. This type of request, like the vessel eligible request, was first adopted by Saudi Arabia and was the subject of a subsequent explanation by the Saudi Government as to its non-boycott purpose. (*See* Supp. 2, 44 FR 67374 (1979).) The request is being made by countries other than Saudi Arabia, however, principally the United Arab Emirates. There has also been confusion and uncertainty concerning its boycott purpose and whether or not it must be reported. Because insurance requirements are a common aspect of letter of credit transactions, the request has a legitimate commercial purpose (establishing that a company will be able to service expeditiously claims within the country), and because any possible boycott purpose may only be discerned through inquiry into motives of the parties or details of the transaction, the Department is proposing that these requests need not be reported regardless of the context in which they arise or the country form which they originate.

Risk of Loss Requests

The Department has identified another common request that has also generated a substantial amount of confusion as to its meaning, and whether it must be reported to the Department. This is the so-called "risk of loss" clause that imposes liability on the vendor of a product if that product is denied entry into a foreign country because of that country's laws or regulations. This clause is somewhat unusual in that its development was a direct response by U.S. persons to antiboycott legislation in an effort to avoid restricted conduct. When the Department promulgated its final regulations on January 18, 1978, it took the position that persons adopting such a clause or condition after that date would be *presumed to be* in violation of § 369.4 of the Export Administration Regulations, the prohibition on taking any action with the intent to evade the application of the law. Because a number of companies had adopted the clause prior to January 18, 1978, however, the presumption of evasion would not apply to their continued use of the clause. The question that immediately arose was whether receipt of these clauses by vendors would have to be reported to the Department. The final reporting regulations that became effective August 1, 1978 included an example to the effect that, if a person "knew or had reason to know" the risk of loss clause was boycott-related, it must be reported (§ 369.6 Example xxix). The example did not differentiate between requests from firms that developed the clause prior to adoption of the substantive antiboycott regulations of January 18, 1978, and requests from those that began using the clause after that date.

The application of the "know or have reason to know" standard in determining reportability of the risk of loss clause has resulted in considerable confusion because of the way the Department applies the evasion provisions of the regulations to the clause. Many people have assumed that, because those companies which used the clause prior to January 18, 1978, were presumed not to be evading the antiboycott provisions, receipt of the clause from such companies was not reportable. The Department finds nothing in its treatment of the risk of loss clause in § 369.4 that would give rise to the view that the clause is not boycott-related. However, given the confusion surrounding the issue, the widespread legal use of the clause by some companies, and the Department's interest in reducing the burden imposed by the reporting requirements on both the Department and the reporting public, the Department proposes that receipt of risk of loss clauses from companies that made use of such clauses prior to January 18, 1978 not be reported to the Department. A statement from the company seeking to impose the clause, to the effect that such clause was in use by that company prior to January 18, 1978, will be sufficient to void the reporting requirement on the part of the recipient of the clause.

The Department wishes to reaffirm its position that use of risk of loss clauses that expressly impose a financial risk on another because of the import laws of a boycotting country will be presumed to constitute evasion if those clauses were introduced after the effective date of the regulations, January 18, 1978. Receipt of such requests must be reported to the Department, and the Department will thoroughly review and investigate use of such clauses to determine their actual purpose. If a company receives a risk of loss clause as a condition on a transaction, and the company is uncertain as to when the party using the clause began such use, the company should inquire about the introduction date from the other party. In the event that the other party fails to indicate when it began to use the risk of loss clauses, the company receiving it should report its receipt to the Department.

Letter of Credit Revisions

1. Letters of Credit Including a Condition Restricting Negotiations By Banks Whose Names Are Included in the Israel Boycott Blacklist

Banks in the Middle East opening letters of credit for U.S. beneficiaries occasionally include terms which limit the negotiability of the letter of credit to banks which are not blacklisted. The condition appears as in instruction or directive and requires no certification or acknowledgment, but does place a limitation on the negotiability of the letter of credit. This limitation applies to the beneficiary who receives the letter, because it limits the banks to which he may present the letter of credit for collection. Because it imposes a prohibited condition on the beneficiary, the bank is foreclosed from implementing the letter of credit pursuant to § 369.2(f) of the regulations.

Many banks and/or beneficiaries are reporting receipt of requests of this type and have successfully negotiated the term out of the letter of credit.

Since there is not explicit requirement for an agreement to or certification of the term, some banks and beneficiaries apparently believe that they may simply disregard the statement and remain in compliance with the regulations. It is the Department's position that, although the limitation on negotiation with blacklisted banks does not require any explicit restatement in the form of an agreement or certification, the term serves to limit or control the transaction for boycott-related purposes and a party *is agreeing to it* if that party pursues the transaction *without taking exception* to the term. Thus, even if a company handles the matter in its normal fashion, while it may not have actually refused to deal with blacklisted banks, it has agreed to do so in accepting that condition on negotiability and in presenting the documentation for payment with the term included. The bank implementing that letter of credit has also violated the regulations if it pays, confirms or otherwise implements the letter of credit containing such a term.

The Department has identified a number of variations of this requirement or condition on these letters of credit, including such phrases as, "Do not negotiate with blacklisted banks"; "Negotiations limited to banks not appearing on the blacklist"; and "On no condition may a bank listed in the Arab-Israel boycott blacklist be permitted to negotiate this credit." The phrasing of the condition is not material in the Department's view because the clear purpose of such language is to impose a boycott-related restriction on the negotiability of the letter of credit. Therefore, regardless of the exact phrasing of such terms of conditions, it is the Department's view that terms, conditions, legends, or directives that would result in restricting the negotiation of a letter of credit on prohibited boycott grounds must be eliminated from the letter of credit before it can be implemented, or the beneficiary and implementing bank will be in violation of the regulations. The explicit boycott language of the clause provides all parties to the transactions with clear notice that it is a boycott condition or request. If a United States person goes forward with the transaction knowing that the boycott is at least one of the reasons for a particular requirement or condition, that person is presumed to have the "intent to comply with, further, or support an unsanctioned foreign boycott." See § 369.1(e)(6).

2. The Bank Practice of Refusing To Pay a Letter of Credit if the Beneficiary Will Not Provide a Self-Certification as to the Blacklist Status of Itself or Some Other Party to the Transaction

The Department has historically taken the position that any United States person may make a statement that it is or is not on the "blacklist" (commonly called a self-certification). The basis for this position is that making such a statement is not prohibited because it furnishes no information about the person's business relationships with boycotted countries or blacklisted persons. Rather, it simply states the Arab nations' perception of that person's status. Because there are numerous reasons for appearing on the blacklist or for not being included on the blacklist, the Department believes that making such a statement about one's own status is not contrary to any prohibition of the law.

Letters of credit from boycotting countries on occasion require some form of "self-certification" by the beneficiary or other party to the transaction. It has been the Department's position that the beneficiary of the letter of credit could provide self-executed certificates or statements as to blacklist status for himself or other parties to the transaction and that a bank could implement a letter of credit requiring such statements or certificates. *See* 15 CFR 369.2(f) example (xiv) Supp. 1, 43 FR 16969 (1978); *and* Supp. 2, 44 FR 67374 (1979). Example (xiv) states, however, that the bank cannot "insist" that the beneficiary furnish a blacklist certificate about itself and that, if the bank did "insist", it would be *refusing to do business* with a blacklisted person in compliance with a boycott, a violation of § 369.2(a). However, some banks are believed to have taken the position that they are free to refuse to pay the letter of credit if the beneficiary does not provide a self-certification because such refusal on the part of the bank does not constitute "insisting" that the certificate be furnished. These banks argue that some other type of coercion is contemplated by the word "insist", such as a general refusal to provide letter of credit services to that beneficiary.

One basis for this view has been the large number of letter of credit transactions involving requirements for vessel eligibility certificates as discussed in the proposed reporting revisions above. The Department has taken the position in the past that such a statement was the same as stating that the vessel was not blacklisted. The banks have argued that because there is no way to identify the statement on its face as boycott-related, it would impose an unreasonable burden on them and would inject an unacceptable level of uncertainty into letter of credit transactions if the banks could not enforce the provision in the letter of credit by refusing to pay if the certificate were not provided. The Department recognizes this concern and does not believe that Example (xiv) addresses itself to conditions in letters of credit that are ambiguous as to their meaning or that are equally susceptible to boycott or non-boycott interpretation. Therefore, the proposed interpretation will not apply to such statements as, "the vessel is eligible to enter (the boycotting country port)."

However, where the letter of credit requires an explicit statement or certificate from any party as to its blacklist status, the bank cannot refuse to pay that letter of credit if it does not receive such a statement or certificate. There is no firmer method of "insisting" that such a certificate be furnished than refusing to pay the beneficiary. This is the case whether the certificate is required from the beneficiary or some other party to the transaction. Section 369.2(a) prohibits a U.S. person from refusing or requiring another person to refuse to do business with any other person when that action is in response to a boycott request or requirement. By refusing to pay a letter of credit unless the beneficiary furnishes any required blacklist self-certification, a bank is violating that prohibition. The bank may make a limited, ministerial inquiry of the beneficiary to determine if such a certificate required by the letter of credit will be furnished or if it has been inadvertently omitted, but it may not refuse to pay if the beneficiary will not provide the certificate.

Proposed Effective Date

The Department proposes that any changes in the reporting requirements take effect upon publication of the final rule after the close of the comment period.

With regard to the proposed clarification of the letter of credit requirements, the Department also believes that, because uncertainty has existed about the two issues addressed, it should apply its proposed position prospectively only, effective upon publication of the final rule. The Department is also considering whether a grace period of some duration would be required to implement effectively one or both of the proposed letter of credit clarifications and would welcome

comments from the public on that question.

Proposed Rule

The principal authors of this proposed rulemaking are Howard N. Fenton, Acting Director, Compliance Policy Division, Office of Antiboycott Compliance, and Pamela Breed, Deputy Assistant General Counsel for Enforcement and Litigation, U.S. Department of Commerce.

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

For the reasons set forth above, 15 CFR part 369 is amended as follows:

1. The Authority citation for Part 369 reads as follows:

Authority: Pub. L. 96–72, 93 Stat 503, section 8, 50 U.S.C. 2407 (Supp. III, 1979).

2. In the examples portion of § 369.2, add the following new examples to paragraphs (a) and (f) as set forth below:

§ 369.2 Prohibitions.

(a) Refusals to do business.

* * * * *

Refusals To Do Business

* * * * *

(xix) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B meets all other conditions of the letter of credit but refuses to certify as to his blacklist status. A refuses to pay B on the letter of credit.

A has refused to do business with another person pursuant to a boycott requirement or request.

(xx) U.S. bank A receives a letter of credit in favor of U.S. benficiary B. The letter of credit requires B to provide a certification from the steamship line that the vessel carrying the goods is not blacklisted. B meets all other conditions of the letter of credit but refuses or is unable to provide the certification from the steamship line about the vessel's blacklist status. A refuses to pay B on the letter of credit.

A has required another person to refuse to do business with a person pursuant to a boycott requirement or request. (Either A or B may request an amendment to the letter of credit substituting a certificate of vessel eligibility, however. See Example xxi below.)

(xxi) U.S. bank A receives a letter of credit from a bank in boycotting country Y in favor of U.S. beneficiary B. The letter of credit requires B to provide a certification from the steamship line that the vessel carrying the goods is eligible to enter the ports in Y. B meets all other conditions of the letter of credit but refuses or is unable to provide the certification from the steamship line about the vessel's eligibility. A refuses to pay B on the letter of credit.

A has neither refused, nor required another person to refuse, to do business with another person pursuant to a boycott requirement or request because the vessel eligibility certificate is not an explicit boycott requirement.

(xxii) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. B fails to provide such a certification when he presents the documents to A for payment. A notifies B that the certification has not been submitted.

A has not refused to do business with another person pursuant to a boycott requirement by notifying B of the omitted certificate. A may not refuse to pay on the letter of credit, however, if B states that B will not provide such a certificate.

(xxiii) U.S. bank A receives a letter of credit in favor of U.S. beneficiary B. The letter of credit requires B to certify that he is not blacklisted. A notifies B that it is contrary to the policy of A to handle letters of credit containing this condition and that unless an amendment is obtained deleting or revising this condition A will not implement the letter of credit.

A has not refused to do business with another person pursuant to a boycott requirement, because A has indicated its refusal to implement the letter of credit containing the term without regard to B's ability or willingness to furnish such a certificate.

Agreements To Refuse To Do Business

* * * * *

(x) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit specifies that negotiation of the letter of credit with a bank that appears on the country X boycott blacklist is prohibited. U.S. bank A, C's correspondent bank, advises B of the letter of credit. B presents documentation to bank A seeking to be paid on the letter of credit, without amending or otherwise taking exception to the boycott condition.

B has agreed to refuse to do business with blacklisted banks because, by presenting the letter of credit for payment, B has accepted all of its terms and conditions.

* * * * *

(f) Letters of credit.

* * * * *

Prohibition Against Implementing Letters of Credit

* * * * *

(xvii) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit includes the statement, "Do not negotiate with blacklisted banks". C forwards the letter of credit it has opened to U.S. bank A for confirmation.

A may not conform or otherwise implement this letter of credit, because it contains a condition with which a U.S. person may not comply.

3. Section 369.6 is amended by adding paragraphs (a)(5)(viii) and (ix). Also, in the examples portion of 369.6, example (xxix) is revised; examples (xxx) through (xxxii) are redesignated as examples (xxxi) through (xxxiii); and new examples (xxx) t abd (xxxiv) through (xxxvi) are added to read as follows:

§ 369.6 Reporting requirements.* * *

(5) * * *

(viii) A request to supply a certificate by the owner, master, charterer, or any employee thereof, that a vessel, aircraft, truck, or any other mode of transportation is eligible, otherwise eligible, permitted, or allowed to enter, or not restricted from entering, a particular port, country, or group of countries pursuant to the laws, rules, or regulations of that port, country, or group of countries.

(ix) A request to supply a certificate from an insurance company stating that the insurance company has a duly authorized agent or representative within a specific country and/or the name and address of such agent.

* * * * *

Examples

* * * * *

(xxix) A, a U.S. manufacturer, is engaged from time-to-time in supplying drilling rigs to company B in boycotting country Y. B insists that its suppliers sign contracts which provide that, even after title passes from the supplier to B, the supplier will bear the risk of loss and indemnify B if goods which the supplier has furnished are denied entry into Y for whatever reason. A knows or has reason to know that this contractual provision is required by B because of Y's boycott, and that B has been using the provision since 1977. A receives an order from B which contains such a clause.

B's request is not reportable by A, because the provision was in use by B prior to the effective date of the regulations, January 18, 1978, and B is permitted to make use of the term.

(xxx) Same as (xxix), except that A does not know when B began using the provision.

Unless A receives information from B that B introduced the term prior to the effective date of the regulations, January 18, 1978, A must report receipt of the request.

(xxxiv) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to state on the bill of lading that the vessel is allowed to enter Y's ports. The request further states that a certificate from the owner or captain of the vessel to that effect is acceptable.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes. (A may not make such a statement on the bill of lading himself, if he knows or has reason to know it is requested for a boycott purpose. *See* Supp. 1, 43 Fed. Reg. 16969 (1978) and Supp. 2, 44 Fed. Reg. 67374 (1979)).

(xxxv) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to furnish a certificate from the owner of the vessel that the vessel is permitted to call at Y's ports.

The request A received from his customer in Y is not reportable if it was received after

the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes.

(xxxvi) U.S. exporter A, in shipping goods to boycotting country Y, receives a request from the customer in Y to furnish a certificate from the insurance company indicating that the company has a duly authorized representative in country Y and giving the name of that representative.

The request A received from his customer in Y is not reportable if it was received after the effective date of these rules, because it is a request of a type deemed to be in common use for non-boycott purposes.

Dated: January 11, 1982.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 82-1075 Filed 1-12-82; 11:51 am]

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Registration of Employees of Commodity Trading Advisors and Commodity Pool Operators

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing a rule which, with certain exceptions, would specify the terms by which any individual who (1) solicits customers on behalf of a commodity trading advisor ("CTA") or on behalf of a commodity pool operator ("CPO"), or (2) supervises any person or persons so engaged, must be registered with the Commission as a CTA. The rule would also make it unlawful for a CTA or CPO to allow any such individual to solicit customers on its behalf if the CTA or CPO knows or should know that the individual is not registered with the Commission as a CTA. An individual who is registered with the Commission in some other capacity, however, would not also be required to be registered as a commodity trading advisor if he was not engaged in activities which require registration as a CTA other than the solicitation of customers or the supervision of any person or persons so engaged. In addition, an individual registered under the rule as a CTA would be exempt from the disclosure and recordkeeping requirements normally applicable to CTAs if he did not engage in any other activity which requires registration as a CTA.

DATES: Comments on the proposed rules must be received by March 16, 1982.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Telephone: (202) 254-9703 or 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On March 20, 1980, the Commission published in the **Federal Register** proposed rules which related principally to the "sponsorship" of associated persons by futures commission merchants and the fingerprinting of certain registrants and their principals.[1] Although the Commission had neither proposed rules nor requested public comments relating to the registration of persons who solicit customers on behalf of CTAs and CPOs, the Commission nonetheless received comments urging it to adopt such rules.[2]

The Commission subsequently proposed revisions to certain of its regulations relating to the operations and activities of CPOs and CTAs.[3] As part of that rulemaking, the Commission noted that:

> The expansion of commodity interest account management has brought an increased use of non-clerical employees and agents of CPOs and CTAs to solicit pool participants, operate pools, obtain clients, formulate commodity advice, etc. These persons can have a direct and important effect upon the prospective and actual customers of CPOs and CTAs. Therefore, the Commission is considering adopting rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. Interested persons are requested to submit comments which will assist in the formulation of such rules.[4]

The Commission received fourteen comments in response to that portion of its proposal, most of which favored specific rules for the registration of the persons who solicit customers on behalf of CTAs or CPOs. The Commission has carefully considered all of the comments received in response to that proposal and, as is discussed more fully below, is proposing a rule which, with certain exceptions, would specify the terms by which any individual who solicits customers on behalf of CTAs or CPOs must register with the Commission as a commodity trading advisor.[5]

B. Need for Regulation

The Commission is well aware of the dramatic increase in the number of persons registered as CPOs and CTAs and of the concomitant increase in the number of customers and the amount of funds under management by CPOs and CTAs. The Commission is further aware, however, that "[w]ith this rapid growth, * * * there has been an increase in abusive activity in commodity interest account management" [6] and in the use, by CPOs and CTAs, of employees and agents to solicit pool participants and managed account clients.[7] Because these employees and agents often have a direct and substantial effect upon the customers of CTAs and CPOs and, indirectly, upon the commodity markets themselves, it is essential that they be fit to engage in commodity-related activities. Inasmuch as the registration process is the primary means by which the Commission can bar unfit persons from the commodity industry, the Commission believes that it has become necessary to establish specific procedures for the registration of non-clerical employees and agents of CPOs and CTAs. These procedures, if adopted, will permit the Commission to review the fitness of applicants for registration in this specific capacity and would simultaneously preclude those individuals who are demonstrably unfit for registration from functioning in a manner comparable to that of other persons (*e.g.*, associated persons) who are subject to the Commission's scrutiny during the course of the registration process.

The Commission is, of course, aware of the need to avoid unnecessary burdens upon the commodity futures industry and, as is discussed below, has structured its proposal to minimize any such burdens. At the same time, the Commission is mindful of its obligations to enforce the requirements and effectuate the purposes of the Commodity Exchange Act ("Act").

The Commission has previously had occasion to review the scope of the statutory requirement of CTA registration. In *Damiani* v. *Futures Investment Company, Inc.*, the Commission observed that the 1974 amendments to the Act were intended to bring within the coverage of the Act and

[1] 45 FR 16356.

[2] 45 FR 80485, 80488 (December 5, 1980).

[3] 45 FR 51600 (August 4, 1980).

[4] *Id.* at 51601.

[5] The Commission considers its August 4, 1980 proposal, as well as the comments received thereon, to be a part of the present rulemaking proceeding.

[6] 45 FR 51600, 51600 (August 4, 1980).

[7] *Id.* at 51601

the Commission's regulatory jurisdiction all persons who deal directly with customers.[8] The Commission further noted that "the statutory definition of a commodity trading advisor does not distinguish between corporate entities and employees of corporate entities. Rather, it focuses upon whether 'person' give commodity advice to others, as their main occupational pursuit. * * *"[9] Indeed, Section 2(a)(1) of the Act provides that the term "commodity trading advisor" shall mean:

> Any person who, for compensation or profit, engages in the business of advising others, either directly of through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.[10]

The Commission therefore believes that any person who, for compensation or profit, solicits either trading program [11] clients or commodity pool participants is necessarily engaged "in the business of advising others as to the value of commodities or as to the advisability of trading" commodities and is acting as a commodity trading advisor. Unless expressly excluded from the scope of that term by Section 2(a)(1) of the Act, such a person is, with certain limited exceptions, required to be registered as a CTA.[12] Thus, the Commission believes that its present proposal is largely reiterative of the plain meaning of the existing requirements of the Act. The Commission is aware, however, that the Act has formerly been interpreted by some persons not to require the registration of such persons and therefore has decided to publish the text of its proposal for public comment.

II. The Proposed Rule

A. Registration as a Commodity Trading Advisor

Proposed § 1.10g provides, in essence, that any individual who solicits customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator, or who supervises any person or persons so engaged,[13] must be registered as a CTA. The proposed rule also provides that it is unlawful for a CTA of a CPO to permit any individual to solicit customers on its behalf if that CTA or CPO knows or should know that the person soliciting customers was not registered as a commodity trading advisor. The term "customer" is proposed to be defined to mean a prospective or existing trading program client or a prospective or existing pool participant. Proposed § 1.10g(a)(1). The solicitation of subscribers to market or crop reports, or to other, similar publications is, therefore expressly excluded from the coverage of the proposed rule.[14]

The Commission is proposing a number of exceptions to the rule described above. The first such exception relates to those persons who are registered with the Commission in some other capacity. Inasmuch as the Commission's principal objective in this rulemaking is to cause to be applied to those individuals who solicit customers for CTAs and CPOs the same standards of fitness which already apply to other Commission registrants, the Commission does not believe that it is necessary to require those persons to register as CTAs if they are already registered with the Commission in another capacity. Proposed § 1.10g(d).[15] This exception is, of course, limited to the solicitation of customers on behalf of a CTA or CPO and to the supervision of persons so engaged and would not authorize a person who is registered in some other capacity to engage in any other activity which requires registration as a CTA.

The Commission is aware that some CPOs register their pool offerings with the Securities and Exchange Commission ("SEC") and, as part of that process, furnish a written "prospectus" to propsective pool participants containing much of the information required by Commission rule 4.21 (46 FR 26004, 26015 (May 8, 1981)). In recognition of this practice, the Commission has permitted CPOs who choose to provide a prospectus to prospective pool participants to supplement that prospectus to comply with the specific reguirements of § 4.21. *See* 44 FR 1918, 1922 (January 8, 1979).

The Commission believes that similar considerations may apply to the actual solicitation of pool participants inasmuch as that solicitation necessarily involves the disclosures required by § 4.21. The Commission is therefore proposing in § 1.10g(d) to exempt from the general requirement of registration with the Commission any individual who solicits customers in connection with the public offering of a commodity pool if that offering is made pursuant to the provisions of Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) and if that individual is associated with a broker or dealer which is registered as such with the Securities and Exchange Commission. *See* 15 U.S.C. 78c(a)(18).

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[8] COMM. FUT. L. REP. (CCH) ¶21,097 at 24,417–24,419 (1980).

[9] *Id.* at 24,416.

[10] 7 U.S.C. 2.

[11] The term "trading program" is proposed to be defined to have the same meaning as in Commission rule 4.10(g) (46 FR 26004, 26014 (May 8, 1981))—*i.e.*, the program pursuant to which a person (1) directs a client's commodity interest account, or (2) guides the client's commodity interest trading by means of a systematic program that recommends specific transactions.

[12] As noted above, the Commission earlier proposed to establish specific registration procedures for persons who "formulate commodity advice" or who "operate pools." The Commission's present proposal, which would clarify the responsibilities of those CTAs who solicit customers or supervise that activity, does not, therefore, affect the general obligation of persons who "formulate commodity advice" or who "operate pools" to register as CTAs or CPOs, respectively, in accordance with existing requirements.

[13] If § 1.10g is adopted by the Commission as a final rule, the Commission would apply to that rule the standards it has previously announced with respect to the registration of persons who supervise associated persons. *See* 45 FR 54032 (August 14, 1980).

[14] The Commission's proposal similarly does not affect directly the employees of leverage transaction merchants even though many of those firms are registered as CTAs. The Commission contemplates that the registration of those persons will be the subject of a separate rulemaking proceeding.

[15] The Commission has treated the question of whether a person should be excluded from the definition of CTA under the rulemaking authority contained in Section 2(a)(1) of the Act as a different question from whether a person, while falling within that definition, may nonetheless be exempted from registration under Section 4m of the Act. Commission rule 4.12 (46 FR 26004, 26013 (May 8, 1981)) provides: "The Commission may exempt any person or any class or classes of persons from any provision of this Part 4 if it finds that the exemption is not contrary to the public interest and the purposes of the provision from which the exemption is sought. The Commission may grant the exemption subject to such terms and conditions as it may find appropriate."

Commission rule 4.13(a) then specifically exempts certain classes of persons from registration as a CTA, but Commission rule 4.15 provides that the "provisions of Sections 4*o* and 14 of the Act (7 U.S.C. 6*o*, 18) shall apply to any person even though such person is exempt from registration * * * and it shall continue to be unlawful for any such person to violate Section 4*o* of the Act." 46 FR 26004, 26014, 26015 (May 8, 1981).

Thus, the Commission's regulations contemplate that there are classes of persons who are within the intent of the Act's definition of commodity trading advisor but who nevertheless should not be required to register as such. 44 FR 1918, 1919–20 (January 8, 1979); 43 FR 32291 (July 26, 1978).

78*o*. Inasmuch as these offerings are already highly regulated, the Commission does not presently believe that the benefits that would accrue to the public by requiring the registration, as CTAs, of the individuals who offer those pools outweigh the costs that would be associated with such a measure.[16] Because the Commission is not convinced that other types of commodity pool offerings necessarily offer comparable safeguards, this proposed exemption does not apply to commodity pools which are offered pursuant to an exemption from registration contained in the Securities Act of 1933 [17] or in the rules and regulations thereunder.[18] The Commission also wishes to make clear, however, that if it later becomes apparent that this exemption from CTA registration is resulting in significant abuses, the Commission will reconsider its position and take such additional steps as are necessary, including the repeal of that exemption, if appropriate.

The Commission intends to allow any individual who registers as a CTA in accordance with § 1.10g to file a modified version of the Form 8–R as an application for registration. Proposed § 1.10g(c).[19] The Commission, however, has already adopted a rule which, with certain exceptions, requires an applicant for registration as a CTA to include a completed fingerprint card with its application for registration.[20] The Commission hereby gives notice that if the rule that it is now proposing is ultimately adopted, the Commission contemplates that persons who are required to register in accordance with § 1.10g will similarly be subject to fingerprinting and other registration requirements comparable to those already established for CTAs.

Under Commission rule 4.31(a), a commodity trading advisor which is registered or required to be registered under the Act must deliver or cause to be delivered to its prospective clients a Disclosure Document at or before the time the CTA solicits, or enters into, an agreement either to direct the client's commodity interest account or to guide the client's commodity interest trading by means of a systematic program that recommends specific transactions. 46 FR 26004, 26021 (May 8, 1981). The Commission is proposing, however, to exempt from that requirement those individuals whose activities as a CTA are limited to the solicitation of customers or the supervision of that activity. Thus, the CTA which will actually be directing or guiding the customer's trading would remain responsible for distributing or causing the distribution of the Disclosure Documents at the appropriate time.[21] The Commission emphasizes, however, that it is proposing only to relieve the persons who would be affected by §1.10g from what would otherwise be an obligation to provide an essentially duplicative Disclosure Document. This exemption would not, therefore, exempt persons registered under § 1.10g from the antifraud provisions of the Act or the affirmative duty to disclose material information in appropriate cases.

The Commission is similarly proposing to exempt those individuals who register under § 1.10g from the recordkeeping requirements which are ordinarily applicable to CTAs.[22] The Commission does not believe that it is necessary to require a person who is engaged only in the solicitation of customers (or in the supervision of such solicitation) to maintain many of the same records as the CTA which will actually be directing customers' trading programs.[23] These exemptions, however, would not apply to, nor would registration under § 1.10g authorize, *any* activity requiring registration as a CTA other than the solicitation of customers on behalf of a CTA or a CPO or the supervision of any person or persons so engaged.

One person who commented on the Commission's August 4, 1980 proposal stated its belief that only those employees who are "on the payroll" of a CTA or CPO should be included in this new registration category and that "independent contractors" and "independent agents" engaging in similar activities should be separately registerd as CTAs or CPOs. The Commission disagrees. Rather than focus on the diverse business arrangements between a CTA or CPO and those individuals who solicit customers on its behalf, the Commission's proposal concerns itself solely with the activities of those persons. The Commission believes that its approach is more readily applied and understood by those persons who would be affected by the rule and is more consistent with the definition of the term "commodity trading advisor" that is contained in the Act.

Another commentator suggested that rather than registering the salespersons of CTAs and CPOs, the Commission should hold a CTA or CPO responsbile for the activities of its employees and agents. For the reasons already stated, the commission believes that it is necessary that the persons who solicit customers, or who engage in the supervision of such persons, be registered as CTAs. The Commission wishes to emphasize, however, that its present proposal is not intended to limit in any way the already-existing responsibility of a CTA or CPO for the acts or omissions of those persons who solicit customers on its behalf.[24]

Although a number of commentators suggested that any rule which the Commission might adopt should not include within its scope those persons who are acting solely in a clerical capacity, the Commission does not believe that such an exemption is necessary in view of the relatively limited scope of its present proposal,

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[16] Registered brokers and dealers and persons associated with them who solicit public participation in registered offerings are subject to comprehensive regulation and, in appropriate cases, to disciplinary action by the SEC and/or the National Association of Securities Dealers. Furthermore, any person exempted from registration as a CTA by proposed § 1.10g(d) would nonetheless remain subject to Sections 4*o* and 14, the antifraud and reparations provisions of the Act (7 U.S.C. 6*o*, 18).

[17] *See, e.g.*, Sections 3(a)(11) and 4(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(11), 77d(2)) (intrastate offerings and private placements, respectively).

[18] *See, e.g.*, SEC Regulation A (17 CFR 230.251—230.262).

[19] Individuals registering under § 1.10g would pay a $20.00 registration fee and would generally be registered for a two-year period. By comparison the registration of all other CTAs expires on June 30th of each year and requires the payment of a $50.00 registration fee.

[20] Commission rule 3.13 (17 CFR 3.13). That rule is presently scheduled to become effective on July 1, 1982.

[21] Of course, nothing in proposed § 1.10g or in rule 4.31 would preclude the person who actually solicits the trading program client from delivering a Disclosure Document for the trading advisor. Similarly, a commodity pool operator could comply with the requirements of Commission rule 4.21(a) (46 FR 26004, 26015 (May 8, 1981)) if the person soliciting pool participants on its behalf provided those prospective participants with the Disclosure Document required by that rule. The Commission emphasizes, however, that the responsibility for compliance with the Commissions disclosure requirements (including the requirements relating to the delivery of Disclosure Documents) remains with the CTA who will actually be directing or guiding the customer's trading and with the CPO who will actually be operating the commodity pool.

[22] Commission rule 4.32 (46 FR 26004, 26023 (May 8, 1981)).

[23] For example, Commission rule 4.32(a)(7) requires each CTA which is registered or required to be registered to keep: "[t]he original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice * * * *distributed or caused to be distributed* by the commodity trading advisor to any existing or prospective client * * *" *Id.* (emphasis added). Thus, the CTA which acutally directs or guides the trading of an account must keep the records specified in rule 4.32. Similarly, a CPO is required to keep the records specified in Commission rule 4.23 (46 FR 26004, 26020–21 (May 8, 1981)).

[24] Section 2(a)(1) of the Act (7 U.S.C. 4); Commission rule 1.2 (17 CFR 1.2); Section 13(a) of the Act (7 U.S.C. 13c(a)); *see* note 21, *supra*.

which pertains to the registration of those individuals who solicit customers. (By comparison, individuals are exempted from registration as an associated person if, acting solely in a clerical capacity, they solicit *or accept customers' orders.)*[25]

III. Related Matters

A. Proposed Rules 1.11 and 1.14(b); Form 8–R

The Commission is also proposing to make non-substantive conforming changes to § 1.11 (relating to the payment of registration fees), § 1.14 (relating to the reporting of deficiencies, changes, and inaccuracies in applications for registration filed under proposed § 1.10g), and Form 8–R (the application for registration).[26]

B. Regulatory Flexibility Act; Paperwork Reduction Act; Authority

The proposed rules do not appear to have a significant economic impact on a substantial number of small entities. As discussed, proposed rule 1.10g, with certain exceptions, relates to the registration as a commodity trading advisor of any individual who solicits customers on behalf of CTAs or CPOs. Thus, the rule is directed primarily towards the registration of certain individuals as commodity trading advisors. The resulting economic impact on these employees or on the CTA or CPO on whose behalf the individual is required to be registered does not appear to be "significant" for purposes of the Regulatory Flexibility Act in view of the minimal cost of registration under the Commission's proposal and in view of the proposed exemptions from the disclosure and recordkeeping requirements normally applicable to CTAs. The only additional burden imposed by that rule is that CTAs or CPOs would generally be required to ensure that any individual who solicits customers on their behalf, or who supervises any person or persons so engaged, is registered with the Commission, either as a commodity trading advisor or in some other capacity. The Commission similarly does not believe that this requirement would have any significant economic impact on small entities.

In this regard, the Commission further notes that existing rules with respect to CTAs not only require registration with the Commission, but also establish standards for disclosure and recordkeeping. *See* Commission rules 1.10c, 4.31, 4.32. No additional burdens in this regard are imposed by proposed rule 1.10g; on the contrary, an individual who registered with the Commission solely under the proposed rule would be exempted from the disclosure and recordkeeping requirements of §§ 4.31 and 4.32.

Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, the Chairman, on behalf of the Commission, certifies that this rule, if promulated, will not have a significant economic impact on a substantial number of small entities. However, the Commission invites comment from any small firm which believes that promulgation of this rule will have a significant economic impact on its activities.

In accordance with the requirements of the Paperwork Reduction Act of 1980, Pub. L. No. 96–511, proposed rules 1.10g and 1.14(b) and the modifications to Form 8–R have been submitted to the Office of Management and Budget concurrent with the publication of this notice in the **Federal Register**.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2, 4m, 4n, and 8a thereof (7 U.S.C. 2, 6m, 6n, 12a), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations by adding § 1.10g and by revising § 1.11 and § 1.14 as follows:

1. Section 1.10g is proposed to be added as follows:

§ 1.10g Registration of persons who solicit customers on behalf of commodity trading advisors and commodity pool operators.

(a) *Definitions.* For purposes of this section:

(1) The term "customer" means:

(i) With respect to a commodity pool operator, a prospective or existing pool participant; and

(ii) With respect to a commodity trading advisor, a prospective or existing trading program client. As used in this paragraph (a)(1)(ii), the term "trading program" has the same meaning as in § 4.10(g) of this chapter.

(2) The term "person" means an individual and does not include a partnership, corporation, trust, or any person which is not a natural person.

(b) *Registration required.* Except as otherwise provided in paragraph (d) of this section—

(1) No person may, for compensation or profit, solicit customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator, or supervise any person or persons so engaged, unless that person is registered under the Act as a commodity trading advisor and such registration has not expired, been suspended (and the period of such suspension has not expired), or been revoked; and

(2) it is unlawful for a commodity trading advisor or a commodity pool operator to permit any person to solicit customers on its behalf if that commodity trading advisor or commodity pool operator knows or should know that such person was not registered as provided in this section or that such registration has expired, been suspended (and the period of such suspension has not expired), or been revoked.

(c) *Application for registration.* Application for initial registration under the Act as a commodity trading advisor in accordance with the requirements of this section, or for renewal thereof, must be filed on Form 8–R and completed in accordance with the instructions thereto.

(d) *Exemption from registration.* (1) Any person who is registered with the Commission as a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, or associated person shall not also be required to register under paragraph (b) of this section; and

(2) The provisions of paragraph (b) of this section shall not apply to any solicitation of customers in connection with the offering of a commodity pool by a broker or dealer which is registered as such in accordance with the provisions of Section 15 of the Securities Exchange Act of 1934 or any person associated with that broker or dealer within the meaning of Section 3(a)(18) of that Act if such offering is made pursuant to the provisions of Section 5 of the Securities Act of 1933.

(e) *Exemption from certain disclosure and recordkeeping requirements.* The provisions of §§ 4.31 and 4.32 of this chapter shall not apply to any commodity trading advisor:

(1) Which has registered as such solely in accordance with, or is exempted from registration by, the provisions of this section; and

(2) Which is not engaged in any activity requiring registration as a commodity trading advisor other than:

[25] Section 4k(1)(i) of the Act (7 U.S.C. 6k(1)(i)).

[26] Although the Commission is not publishing the text of the changes that would be made to the instructions in Form 8–R, copies of those modifications are available upon request to the Commission's Division of Trading and Markets at the address specified at the beginning of this **Federal Register** notice.

(i) The solicitation of customers on behalf of a commodity trading advisor or on behalf of a commodity pool operator; or

(ii) The supervision of any person or persons so engaged.

2. Section 1.11 is proposed to be revised as follows:

§ 1.11 Registration fees; form of remittance.

Each application for registration or renewal thereof as a futures commission merchant shall be accompanied by a free of $200, plus a fee of $6 for each domestic branch office, correspondent, or agent, operating within the United States and authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant. Each application for registration or renewal thereof as a floor broker, as an associated person, or as a commodity trading advisor in accordance with the provisions of § 1.10g, shall be accompanied by a fee of $20, except that no fee is required with respect to any application for registration, or renewal thereof, as an associated person filed on Form 4–Ra.[1] Each application for registration or renewal thereof as a commodity pool operator, or as a commodity trading advisor in accordance with the provisions of § 1.10c, shall be accompanied by a fee of $50. Fees shall be remitted by money order, bank draft, or check, payable to the commodity Futures Trading Commission. The fees shall be nonrefundable, unless the applicant withdraws his application before any processing of that application has occurred.

3. Section 1.14 is proposed to be amended by revising paragraph (b) as follows:

§ 1.14 Deficiencies, inaccuracies, and changes to be reported.

* * * * *

(b) Each applicant or registrant as a floor broker or associated person and all individuals who have filed Form 8–R pursuant to § 1.10(a), § 1.10c, § 1.10d, or § 1.10g shall file promptly with the Commission a statement on form 3–R to correct any deficiency or inaccuracy in the Form 8–R, or Schedule A thereof, or any supplemental statement thereto, and to report any change which no longer renders accurate and current the information contained in any of the following items on Form 8–R, or Schedule A thereof, or any supplemental statement thereto:

Item 1—Name of floor broker, associated person or other individual;

[1] Form 4–Ra filed with original documents.

Item 2—Any other names by which the individual has been known;

Item 4—Home address and telephone number (applicable only to associated persons and to commodity trading advisors filing pursuant to § 1.10g);

Item 5—Business address (applicable only to floor brokers);

Items 11 and 12—Adverse actions as specified in the Form;

Schedule A, Item 3—Name of each clearing member through whom the registrant clears commodity futures transactions for his own account and for accounts which he controls or in which he has a financial interest; and

Schedule A, Item 4—Name of each clearing member for whom the registrant is currently engaged as floor broker.

* * * * *

Issued in Washington, D.C. on January 5, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–1052 Filed 1–14–82; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82–10]

Proposed Rulemaking To Revise Form No. 12, Power System Statement

Issued January 11, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise FPC Form No. 12, "Power System Statement", and corresponding regulations. Form No. 12 annually collects information from electric utilities on generation, exchanges, and sales of electric energy. By this rulemaking, certain data requirements would be eliminated from the form, the number of of electric utilities required to complete the form would be reduced by one-third and the number of copies required would be reduced from six to four.

DATE: Comments are due by February 10, 1982.

ADDRESSES: Comments to this Notice should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82–10.

Copies of the proposed Form No. 12 are available at: Division of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 1000, Washington, D.C. 20426, (202) 357–8055.

FOR FURTHER INFORMATION CONTACT: Daniel G. Lewis, Office of Electric Power Regulation, 825 North Capitol Street NE., Room 302–RB, Washington, D.C. 20426, (202) 376–9227.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Regulatory Commission (Commission) proposes to revise FPC Form No. 12, "Power System Statement", and the regulations at 18 CFR 141.51 that prescribe that form. Form No. 12,[1] which was promulgated in 1943,[2] solicits information about electric generating and transmission facilities, electric utility systems, and transactions with other electric utility systems.[3] The information collected is used primarily to analyze the details of utility operations pertinent to the resolution of wholesale electric rate cases and hydroelectric licensing proceedings, and to determine the prudency of utility operations and investments and the value of equivalent electric energy.

This rulemaking proceeding has been initiated as part of the Commission's ongoing program to review the Commission's filing requirements, to eliminate the reporting of information that is not used for decisionmaking in the regulatory process, and to reduce unnecessary reporting burdens. As a

[1] The proposed Form No. 12 (Appendix) is not being printed in the **Federal Register**. Copies of the proposed Form No. 12, including all instructions to the form, are available at the Commission's Division of Public Information, 825 North Capitol Street, Room 1000, Washington, D.C. 20426, (202) 357–8055.

[2] Order No. 108, "Prescribing the Filing of Power System Statements for Electric Utilities, Licensees and Others, FPC Form No. 12", issued December 2, 1943 (8 FR 16354, December 7, 1943). The current version Form No. 12 was promulgated in 1956 and has been revised four times prior to this rulemaking: Order No. 183, "Amendment of Rules Prescribing Form Nos. 12, 12–A, 12–D, Power System Statements", Docket No. R–149, issued January 24, 1956, (21 FR 869 (February 8, 1956); Order No. 224, "Amendments to Forms and Regulations, Power System Statements", Docket No. R–189, issued September 15, 1960 (25 FR 9042, September 21, 1960); Order No. 312, "Power System Statements—Miscellaneous Amendments to FPC Form Nos. 12, 12–A, 12–D", Docket No. R–289, issued December 20, 1965 (30 FR 16106, December 28, 1965), revised by Order No. 312–A, issued September 9, 1966 (31 FR 12093, September 16, 1966); Order No. 372, "Power System Statements, Amendments to Report Form Nos. 12, 12E, 12F", Docket No. R–350, issued October 17, 1968 (33 FR 15711, October 24, 1968).

[3] The Commission is authorized to regulate electric utilities engaged in interstate commerce under Part II of the Federal Power Act (16 U.S.C. 792–828c) pursuant to Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172). The Commission collects information in Form No. 12 under section 304 of the Federal Power Act (16 U.S.C. 825c) pursuant to a delegation of authority from the Secretary of Energy to the Commission (Delegation Order No. 0204–1, (1977)).

result of reevaluating this form, the Commission proposes to delete certain schedules from the form so as to eliminate the filing of unnecessary or duplicative information, to increase the threshold requirements that trigger the filing of the form so as to eliminate the collection of information that the Commission does not need, and to reduce the number of copies of the form that are required to be filed. The Commission would also make corresponding changes to the regulations at 18 CFR 141.51. These changes should decrease the information required from each electric utility by approximately 14 percent and should reduce the number of electric utilities that are required to file the requested data by approximately 33 percent.[4]

This proposal is the first phase of revising Form No. 12. In the second phase, which is planned for 1982, the Commission plans to make additional revisions and deletions of data that are unnecessary or that duplicate data in other forms, such as the Form No. 1, "Annual Report of Electric Utilities, Licensees and Others (Class A and Class B)".[5] Therefore, any comments to this rulemaking should be directed only to the changes proposed in this notice.

B. Summary of Proposed Changes

The Commission proposes to change the threshold requirement that triggers the filing of Form No. 12 by amending General Instruction 5 to provide that only the following electric power systems would be required to file the form: "Systems which generate all or part of system requirements, and have owned operable generating capacity of more than 25 megawatts, and for whom the sum of net energy for system plus firm sales for resale exceeds 100,000 megawatt-hours per year."[6] This revision should eliminate the necessity of filing Form No. 12 for some 200 electric utilities that currently file the form without depriving the Commission of data necessary for the performance of its regulatory functions. Corresponding revisions are proposed for the instructions in Schedule 8, "Itemized Accounting of Energy Transfers With Other Electric Utility Systems and Industrial Companies During the Year" to reflect the changes in threshold.

In addition, the Commission proposes to eliminate the following schedules from the form: Schedules 5–E, 7–D, 10, 11, 13, 16–A, and 19. Schedules 5–E and 7–D are each entitled, "Station Step-Up Transformers" and provide information on station step-up transformers at steam-electric plants (including nuclear plants), and internal-combustion engine and gas-turbine plants (respectively). These schedules would be eliminated because they provide more detail than is necessary for the Commission's regulation of electric utilities.

Schedule 10, "Energy Delivered to Ultimate Customers" would be eliminated because sufficient information on electric energy delivered and the revenue derived from such sales is provided in the revised Form No. 1. (*See* footnote 5, above.)

Schedule 11 is entitled, "Energy Transferred to or Across a State Line or International Boundary During the Year". This schedule would be eliminated because the Commission does not need the specific data respecting energy transferred to or across state lines because sufficient information about transfers of energy between companies is reported in other Commission reports, such as the Form No. 1, and because sufficient data about transfers across international boundaries is reported in Schedule 8–B of Form No. 12, "Other Energy Transfers With Electric Utility Systems and Receipts From Industrial Companies".

Schedule 13, "Demand on Generating Plants, Power Received, and Power Delivered, For Resale, at the Time of System Peak Load of the Year", provides information on the load characteristics of the respondent's system. This schedule would be eliminated because sufficient demand data is collected in Schedule 15 of this form, "System Load Data for Specified Weeks", and in the Department of Energy (DOE) Form No. 119A, "Annual Projection of System Changes".

Schedule 16–A, "System Dependability and Assured Capacity Instructions—Capacity at End of Year Covered by this Report" would be eliminated because adequate data of this type are collected in Schedule 1 of Form No. 12, "Capacity and Output of System Generating Plants", and also in the Form No. 1.

Schedule 19, "Summer and Winter Peak Month and Calendar Year Load Estimates" is duplicative of DOE's Form No. 119A and, therefore, can be eliminated.

The Commission proposes to reduce the number of signed copies of the form to be submitted from six to four in order to reduce respondent burdens.

Finally, the Commission proposes to amend § 141.51 of its regulations by revising the list of schedules in the form to reflect the deletions made by this rulemaking. In addition, certain non-substantive revisions would be made to the regulations to more clearly describe the requirements for filing the form.[7]

C. Certification of no Significant Economic Impact

The Regulatory Flexibility Act (RFA)[8], requires certain statements, descriptions, and analyses of proposed rules that will have a significant economic impact on a substantial number of small entities.

Pursuant to section 605(b) of the RFA, the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Over 95 percent of the entities that are currently required to file Form No. 12 are large entities. In addition, this rule, if promulgated, should result in an overall reduction in the filing burden because the proposed revisions involve a deletion of certain schedules, an increase in the filing threshold and a decrease in the number of copies required.

D. Written Comment Procedure

The Commission invites interested persons to submit written data, views and other information concerning the changes to Form No. 12 that are set out in this notice. All comments in response to this notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM82–10. An original and 14 copies of such comments should be filed with the Commission by February 10, 1982.

All written submissions to this rulemaking will be placed in the Commission's public file and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 during regular business hours.

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[4] The number of electric utilities required to file Form No. 12 would be decreased from approximately 625 to approximately 425.

[5] The Form No. 1 was revised by a final rule issued on January 6, 1982 (Order No. 200, 47 FR ,).

[6] The current threshold requirement provides that systems which generate all or part of system requirements and whose net energy for system for the year covered by this statement was more than 100,000 megawatt-hours must file the entire form and that such systems which generate between 20,000 and 100,000 megawatt-hours must file the entire form, except for Schedule 15.

[7] The Commission has also proposed deleting the text of the regulation prescribing the filing of Form No. 12 (18 CFR 141.51). This would be replaced by a simple reference to § 141.51.

[8] 5 U.S.C. 601–612.

(Federal Power Act, 16 U.S.C. 792–828c; Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142)

In consideration of the foregoing, the Commission proposes to amend Form No. 12 as set forth in the Appendix, and Part 141 of Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Section 141.51 is revised to read as follows:

§ 141.51 Form No. 12, Power system statement.

(a) *Prescription.* The form of Power System Statement, designated herein as Form No. 12, is prescribed for the year 1981.

(b) *Filing Requirements.*—(1) *Who must file.* Each Corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission or distribution of electric energy, whose system generates all or part of system requirements, who has an owned operable generating capacity of more than 25 megawatts, and for whom the sum of net energy for system plus firm sales for resale exceeds 100,000 megawatt-hours per year shall prepare and file with the Commission an original an conformed copies of FERC Form No. 12 pursuant to the General Instructions set out in that form.

(2) *When to file.* The completed form shall be filed on or before May 1st of each year for the previous calendar year, beginning with a filing by May 1, 1982 for the 1981 calendar year.

(c) This form shall contain the following schedules:

Schedules

1. Capacity and output of system generating plants.
2. System hydroelectric data.
3. Plant data—small plants.
4. Conventional hydroelectric plant data.
4–A. Pumped storage plant data.
5. Steam-electric including nuclear plant data.
7. Internal-combustion engine and gas-turbine plant data.
8. Itemized accounting of energy transfers with other electric utility systems and industrial companies during the year.
9. System energy accounting for the year.
14. Net generation, energy received and delivered, and system peaks by months for the year.
15. System load data for specified weeks.
16. System dependable and assured capacity.
17. Distribution of system load in service area.
18. System maps and diagrams.
18–B. High voltage line data.
Attestation.

[FR Doc. 82–1159 Filed 1–14–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 7

[Docket No. 81N–0053]

Infant Formula Recall Requirements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing, in accordance with the Infant Formula Act of 1980, a recall regulation to be followed by infant formula manufacturers. This regulation would facilitate the removal from the marketplace of an infant formula product that does not provide the nutrients required by the Federal Food, Drug, and Cosmetic Act (the act) or which is otherwise adulterated or misbranded within the meaning of the act.

DATES: Written comments by March 16, 1982. The agency proposes that a final regulation based on this proposal become effective 60 days after the final rule issues.

ADDRESS: Written comments (preferably two copies) to be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1186.

SUPPLEMENTARY INFORMATION: In 1978 a major manufacturer of infant formulas reformulated two of its soy products by discontinuing the addition of salt. This reformulation resulted in products containing an inadequate amount of chloride, an essential nutrient. By mid-1979 hypochloremic metabolic alkalosis, a syndrome associated with chloride deficiency, had been diagnosed in a substantial number of infants. Most of the cases resulted from prolonged and exclusive use of these brands of the soy infant formulas. A recall was instituted for those defective infant formulas. However, the recall did not result in the prompt removal of all the chloride-deficient formula from many retailers and some wholesalers. After reviewing the matter, Congress determined that to improve protection of infants using formula products, modifications of industry's and FDA's recall procedures were needed, as well as greater regulatory control over the formulation and production of infant formulas. Accordingly, Congress passed, and the President signed into law on September 26, 1980, the Infant Formula Act of 1980 (Pub. L. 96–359, 94 Stat. 1190–1192). This amendment to the Federal Food, Drug, and Cosmetic Act (the act) establishes a new section 412 (21 U.S.C. 350a) which provides for more stringent regulatory control over infant formula manufacturing and processing. In the Federal Register of December 30, 1980 (45 FR 86362), FDA issued proposed rules on infant formula quality control procedures.

Section 412(d)(1) of the act provides that if a manufacturer conducts a recall of its formula products, it must be carried out in accordance with requirements prescribed by the Secretary of Health and Human Services. Section 412(d)(2) of the act requires the Secretary to prescribe by regulation the scope and extent of infant formula recalls as "necessary and appropriate for the degree of risk to human health presented by the formula subject to the recall."

As required by the act, FDA is now proposing a regulation on infant formula recalls to expedite the retrieval from the marketplace of infant formula products which may present a health hazard or otherwise violate the act. In addition, the requirements in this proposed regulation, when promulgated, will enable FDA to monitor more fully these types of recalls.

A recall involves several separate but related steps that must be taken by recalling firms for quick removal of violative products from the channels of commerce. These necessary steps include: (1) evaluating the health hazard associated with the product being recalled or being considered for recall; (2) developing and following a recall strategy; (3) providing for recall communications to a firm's customers; (4) submitting periodic reports to FDA on the progress of the recall; and (5) terminating the recall and disposing of or correcting the violative product. If these steps are conducted properly by the recalling firm, they will ensure that an orderly and timely removal of a violative product occurs to the extent necessary to protect the public.

The proposed regulation sets forth general standards for an effective recall.

A firm conducting an infant formula recall may satisfy the requirements of the regulation by any reasonable means. In determining the recall procedures it will follow, the firm may wish to consider the detailed criteria in the recall guidelines in Subpart C of Part 7 (21 CFR Part 7, Subpart C). These criteria, which remain in effect as guidelines with respect to an infant formula recall, were developed by FDA on the basis of the agency's extensive experience in conducting and monitoring volunatry recalls.

Prompt Notification of FDA

An infant formula manufacturer may learn that an infant formula that has been distributed violates the act. Section 412(c)(1) of the act requires an infant formula manufacturer to notify FDA promptly when one of its products has been distributed and fails to contain the nutrients or levels of nutrients specified in section 412(g) of the act, and to notify FDA promptly if any distributed infant formula is otherwise adulterated or misbranded and presents a human health risk. Section 412(d)(1)(B) of the act requires a manufacturer to notify FDA not later than 14 days after the initiation of a recall and at least once every 14 days thereafter advising the agency of the actions taken to implement the recall. Section 412(d)(1)(A) of the act requires that the Secretary, not later the 15th day after the beginning of a recall and at least once every 15 days thereafter until the recall ends, review the actions taken to determine whether the recall meets the requirements prescribed in FDA's infant formula recall regulations.

In order for FDA to monitor efficiently and effectively the recall of all infant formulas and fulfill its recall oversight responsibilities under section 412(d)(1)(A) of the act, the agency must be made aware at the earliest possible time that a recall is being conducted. Therefore, FDA is proposing in § 7.72(a) (21 CFR 7.72(a)) that a firm promptly notify the agency by telephone at the time the firm decides to initiate the recall. This notification is to include necessary information concerning the product and the problems associated with it. This early notification will allow the agency the opportunity to evaluate and comment on the recalling firm's recall strategy. In addition, such notification may eliminate needless regulatory actions which the agency might otherwise take against violative products in order to protect the public health. For example, FDA would not normally initiate a seizure action against a violative infant formula if it knew that the shipment was being recalled by the responsible firm. Moreover, because the agency frequently receives inquiries concerning firm-initiated recalls, advance notice of these recalls would permit the agency to respond accurately to such inquiries.

Scope, Effect, and Definitions

Proposed § 7.70 (21 CFR 7.70) states that the criteria of this subpart apply only to an infant formula recall conducted pursuant to section 412(d) of the act. These proposed requirements, however, do not apply if the formula product has not been distributed beyond establishments subject to the control of the manufacturer. Thus, for example, the retrieval by a manufacturer of an infant formula product in violation of section 412 of the act from the manufacturer's warehouse would not be considered a "recall," and this proposed regulation would not apply. Yet, once a manufacturer decides that a recall from establishments not under its control is necessary, the firm's failure to comply with the requirements of this regulation, after its effective date, will constitute a prohibited act under section 301(s) of the act (21 U.S.C. 331(s)).

Health Hazard Evaluation

Proposed § 7.71(a) (21 CFR 7.71(a)) provides that a manufacturer shall carefully evaluate in writing the seriousness of the health consequences that may result from use of a violative infant formula. Evaluation of the health hazard presented by a violative formula product is vital and necessary in determining the specific course of action to be taken. The results of the evaluation also will determine the strategy for conducting the recall.

Recall Strategy

Proposed § 7.71(b)(21 CFR 7.71(b)) requires each recalling firm to devise a specific written course of action, termed a "Recall Strategy." The recall strategy should be a well-reasoned plan for implementing the recall of the infant formula, based upon careful consideration of all available facts surrounding a particular situation. The recall strategy shall set forth the depth to which the recall is to be conducted, whether public warnings are to be issued, and the extent to which the effectiveness of the recall is to be checked by the recalling firm.

"Depth of recall" refers to the level of product distribution to which the recall is to extend. There are three basic options: (1) consumer or user level, (2) retail level, and (3) wholesale level. In cases where the hazard to health is so great that exposure to the product should be prevented to the fullest extent possible, the depth of recall will ordinarily be to the consumer or user level which would include, for example, physicians and hospitals. If a violative product poses a lesser hazard, the depth of recall may be limited to the retail and wholesale levels, or to the wholesale level only.

The purpose of a public warning is to alert home consumers or other users that an infant formula presents a serious hazard to health. An example of such a situation would be a recall of a distributed infant formula that, if consumed, could cause serious injury or death. Widespread publicity would not normally be sought for the recall of a product distributed to a limited number of users when the recalling firm can identify all users, and prompt communications or personal visits can adequately remove the risk to the public.

Effectiveness checks involve verification that known consignees have been notified of the recall and have taken appropriate action. The level of effectiveness checks may range anywhere from contact with 100 percent of known consignees to no contact, depending on the circumstances surrounding the recall. Effectiveness checks should be conducted by any suitable method that will produce reliable information about whether the selected consignees have received a recall notification and whether the product being recalled has in fact been removed. A guide entitled "Methods for Conducting Recall Effectiveness Checks" is available upon request from the Dockets Management Branch (address above).

FDA considers effectiveness checks to be a vital part of the responsibility of recalling firms. However, in keeping with FDA's responsibility for consumer protection and assuring that recalling firms fulfill their responsibilities, FDA will audit the efforts of a firm to carry out and to check the effectiveness of a recall, and where necessary, will initiate its own effectiveness checks.

Recall Communications

A recalling firm shall promptly notify consignees of the recall. Proposed § 7.71(c) (21 CFR 7.71(c)) requires that a recall communication be distinctive and that its format, content, and extent be commensurate with the hazard presented by the infant formula being recalled and the recall strategy the firm has developed.

A recalling firm shall include in the recall communication a method (e.g., a postage-paid, self-addressed postcard) and instructions that enable consignees to report back quickly to the recalling

firm about whether they are in possession of the infant formula being recalled. In addition, the recalling firm shall advise consignees of how to return the formula to the manufacturer or otherwise dispose of it. Similar followup communications shall be sent to the consignees that do not respond to the initial recall communication.

Copies to FDA

Proposed § 7.71(d) (21 CFR 7.71(d)) requires that copies of the documents that embody the recall elements be sent promptly to FDA. FDA cannot effectively monitor a firm's recall unless it knows what is included in the health hazard evaluation and the recall strategy, and unless it is aware of the recall communications that have been sent.

Reports

Section 412(d)(1)(B) of the act requires an infant formula manufacturer that conducts a recall of its formula product to make periodic reports to FDA advising on the progress of its recall. In order that FDA may more effectively carry out its consumer protection responsibilities in connection with infant formula recalls, recalling firms are required under proposed § 7.72 (b) and (c) (21 CFR 7.72 (b) and (c)) to provide the agency with an initial written report and periodic written status reports.

The reporting requirements contained in this proposal are subject to clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96–511). FDA intends to submit to the Director, OMB, copies of this proposed regulation and other related materials before a final regulation becomes effective. If OMB approves the proposed requirements, FDA intends to impose the requirements at the time a final regulation based on the proposal becomes effective. If OMB does not approve, without change, the reporting requirements contained in the proposal, FDA will revise the final regulation as necessary to comply with OMB's determination.

Termination of Recall

Proposed § 7.73 (21 CFR 7.73) provides that the recalling firm may at any time recommend to FDA that the recall be terminated. However, the firm must continue to implement the recall strategy until FDA notifies it in writing that the recall has been terminated. FDA is required to send this notification to the firm unless the agency has information showing that the recall has not been effective. This requirement does not impose a burden on the recalling firm. FDA may exercise its authority to keep a recall open only if the agency itself can demonstrate, from information in its possession, that the purposes of the recall have not been achieved. FDA may conclude that a recall has not been effective only if its information shows that a recall has not been effective only if its information shows that the recalled product remains in the channels of distribution or that there is good reason to believe that the product will not be promptly recalled by the recalling firm's distributors.

The provisions of this section will reduce the potential for disputes between recalling firms and the agency as to whether a recall has been completed and will help avoid situations in which a recall is mistakenly terminated by recalling firms before the hazard posed by the product has been adequately dealt with.

Revision of Recall Actions

Pursuant to its oversight responsibilities established in section 412(d)(1)(A) of the act, FDA will review all reports and monitor all steps taken by the recalling firm as the recall proceeds. Proposed § 7.74 (21 CFR 7.74) states that FDA is required to notify the firm of any serious deficiency in the recall and may request that the recalling firm remedy any such deficiency.

A firm is not required to remedy all the deficiencies that FDA brings to its attention. Where, however, FDA identifies a defect that will threaten the integrity of the recall unless it is corrected, the regulation authorizes FDA to require that it be eliminated. Under this provision, FDA may require a firm to change the depth of the recall, or to carry out additional effectiveness checks, or to issue additional notifications to its distributors.

In each of these cases, however, the agency may not require the firm to act unless the agency has information that clearly justifies the action demanded. Thus, FDA may not require the firm to change the depth of recall unless FDA has scientific evidence demonstrating that the health hazard of the product is greater than the hazard originally described in the health hazard evaluation, or unless the recall depth chosen by the recalling firm is inadequate in light of the firm's health hazard evaluation. Additional effectiveness checks can be ordered only if FDA has information showing that the recall has not been effective, and additional notifications only if FDA has information showing that the original notifications were not received or were disregarded.

Compliance With the Regulations

The elements of an infant formula recall in proposed § 7.71 (21 CFR 7.71) are adpated from FDA's recall guidelines in Subpart C of Part 7, of Title 21, Code of Federal Regulations. The reporting requirements are also patterned after the guidelines. Compare § 7.72 with §§ 7.46 and 7.53 (21 CFR 7.46 and 7.53). Accordingly, FDA will take the giudelines into account in determining whether a recalling firm has complied with the infant formula recall regulations and whether the firm's actions adequately protect the public health. The proposed regulation does not, however, incorporate the detailed cirteria set forth in recall guidelines. Proposed § 7.75 (21 CFR 7.75) provides that the recalling firm may satisfy the requirements of the proposed regulations by any reasonable means. The firm is not required to meet the detailed criteria of the recall guidelines so long as the methods it uses to recall an infant formula work well.

It should be noted that the recall guidelines in Subpart C of Part 7 impose duties on FDA that the proposed regulations impose on the recalling firm. Under the guidelines, for example, the health hazard evaluation is conducted by the agency (21 CFR 7.41(a)). A recalling firm that wished to follow the guidelines would thus do so by applying the criteria of the health hazard evaluation provision as if the firm were the agency.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the Regulatory Flexibility Act (Pub. L. 96–354) and Executive Order 12291, the economic effects of this proposal have been carefully analyzed, and it has been determined that neither a regulatory flexibility analysis nor a regulatory impact analysis is required. The threshold assessment supporting this finding is on file with the Dockets Management Branch, Food and Drug Administration.

A regulatory flexibility analysis is required whenever a proposed rule will have a significant impact upon a substantial number of small entities, e.g., small manufacturers. The recall procedures in this proposed regulation

are the same as should normally be followed by any infant formula manufacturer, including a small manufacturer, in a voluntary recall of an infant formula product. Therefore, the expense of a recall would not be appreciably different with or without the proposed regulation. Although manufacturers are required to furnish reports to FDA if a recall becomes necessary, no additional costs will be added beyond those established by the Infant Formula Act itself. Any resulting additional reporting costs caused by the Act will be included in the final price to consumers. Furthermore, no changes in the structure of the industry are expected to result from this action. In particular, no significant adverse effects on small businesses are expected.

Likewise, under Executive Order 12291, a regulatory impact analysis is required for a major rule if one or more of the criteria for such a rule is met. None of the criteria would be exceeded by the proposed regulation.

PART 7—ENFORCEMENT POLICY

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190–1192 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), it is proposed that Part 7 of Title 21 of the Code of Federal Regulations be amended by adding new Subpart D to read as follows:

Subpart D—Infant Formula Recalls

Sec.
7.70 Scope and effect.
7.71 Elements of an infant formula recall.
7.72 Reports about an infant formula recall.
7.73 Termination of recall.
7.74 Revision of recall.
7.75 Compliance with this subpart.

Authority: (Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190–1192 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981).

Subpart D—Infant Formula Recalls

§7.70 Scope and effect.

(a) The criteria in this subpart apply to a recall of an infant formula product initiated by a manufacturer under section 412(d) of the act. The requirements of this subpart apply only when a manufacturer has determined to remove from the market an infant formula that has been distributed, that is no longer subject to the control of the manufacturer, and that is in violation of the laws and regulations administered by the Food and Drug Administration and against which the agency could initiate legal or regulatory action.

(b) The failure of a recalling firm to comply with the regulations of this subpart is a prohibited act under section 301(s) of the act.

§ 7.71 Elements of an infant formula recall.

A recalling firm shall conduct an infant formula recall with the following elements:

(a) The recalling firm shall evaluate in writing the hazard to human health associated with the use of the infant formula product. This health hazard evaluation shall include consideration of any disease or injury that has been or that could be caused by the infant formula and of the seriousness, likelihood, and consequences of the disease or injury.

(b) The recalling firm shall devise a written recall strategy suited to the individual circumstances of the particular recall. The recall strategy shall take into account the health hazard evaluation and specify the following: the depth of the recall; if necessary, the public warning to be given about any hazard presented by the product; the disposition of the recalled product; and the effectiveness checks that will be made to determine that the recall is carried out.

(c) The recalling firm shall promptly notify each of its affected direct accounts about the recall. The format of a recall communication shall be distinctive and the content and extent of a recall communication shall be commensurate with the hazard of the infant formula being recalled and the strategy developed for the recall. The recall communication shall instruct consignees to report back quickly to the recalling firm about whether they are in possession of the recalled infant formula and shall include a means of doing so. The recall communication shall also advise consignees of how to return the formula to the manufacturer or otherwise dispose of it. The recalling firm shall send a followup recall communication to any consignee that does not respond to the initial recall communication.

(d) The recalling firm shall promptly furnish copies of the health hazard evaluation, the recall strategy, and all recall communications to the Division of Regulatory Guidance (HFF–310), Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

§ 7.72 Reports about an infant formula recall.

(a) *Telephone report.* When a determination is made that an infant formula is to be recalled, the recalling firm shall promptly telephone the appropriate Food and Drug Administration district office listed in § 5.115 of this chapter and shall provide relevant information about the infant formula that is to be recalled.

(b) *Initial written report.* Within 14 days after the recall has begun, the recalling firm shall provide a written report to the Division of Regulatory Guidance. The report shall contain relevant information about the infant formula that is being recalled.

(c) *Status reports.* The recalling form shall submit to the Division of Regulatory Guidance a written status report on the recall at least every 14 days until the recall is terminated. The status report shall describe the steps taken by the recalling firm to carry out the recall and the results of those steps.

§ 7.73 Termination of recall.

The recalling firm may submit a recommendation for termination of the recall to the Division of Regulatory Guidance. The recalling firm shall continue to implement the recall strategy until it receives a written notification from the Division that the recall has been terminated. The Division shall send such a notification unless it has information, from FDA's own audits or from other sources, demonstrating that the recall has not been effective. The Division may conclude that a recall has not been effective if:

(a) The recall has been to the retail level and (1) stocks of the recalled product remain in retail outlets, or (2) a significant number of distributors of the recalled product have failed to recall the product.

(b) A significant quantity of the recalled product remains in distribution channels because it is unclear which firm controls the product.

§ 7.74 Revision of recall.

If after a review of the recalling firm's reports or other monitoring of the recall the Food and Drug Administration concludes that the actions of the recalling firm are deficient, the agency shall notify the recalling firm of any serious deficiency. The agency may request the firm to change the recall to correct any such deficiency. The agency may require the firm to:

(a) Change the depth of the recall, if the agency has scientific evidence demonstrating that the health hazard of the recalled product is greater than that described in the health hazard evaluation, or if the agency concludes that the depth of recall is not adequate in light of the health hazard evaluation submitted by the firm.

(b) Carry out additional effectiveness checks, if the agency's audits, or other

information, demonstrate that the recall has not been effective.

(c) Issue additional notifications to the firm's direct accounts, if the agency's audits, or other information, demonstrate that the original notifications were not received, or were disregarded, in a significant number of cases.

§ 7.75 Compliance with this subpart.

A recalling firm may satisfy the requirements of this subpart by any means reasonably calculated to meet the obligations set forth above. The recall guidelines in Subpart C of Part 7 specify procedures that may be useful to a recalling firm in determining how to comply with these regulations.

Interested persons may, on or before March 16, 1982 submit to the Dockets Management Branch (HFA–305) (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 22, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82–1057 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

Civil Penalties; Public Hearings

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public hearings.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold public hearings on its proposal to revise the current regulations for assessing civil penalties. The hearings will be held in Pittsburgh, Pennsylvania; St. Louis, Missouri; and Salt Lake City, Utah. The hearings are being conducted in response to requests from commenters, and will cover the issues raised by the comments submitted concerning the proposed rule as well as those outlined in this notice.

DATES: All requests to make oral presentations for the record should be submitted by February 16, 1982. The public hearings will be held at the following locations on the dates indicated, beginning at 9 a.m.:

1. February 23, 1982; Pittsburgh, Pennsylvania;

2. February 24, 1982; St. Louis, Missouri;

3. February 26, 1982; Salt Lake City, Utah.

ADDRESSES: The hearings will be held at the following locations:

1. February 23, 1982—Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

2. February 24, 1982—Bel Air Hilton Hotel (Gallery Room), 333 Washington Avenue, St. Louis, Missouri 63102.

3. February 26, 1982—Salt Palace (Room 128), 100 South West Temple, Salt Lake City, Utah 84101.

All requests should be sent to: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: On November 7, 1980, the Mine Safety and Health Administration (MSHA), Department of Labor, proposed revisions to its civil penalty regulations, 30 CFR Part 100 (45 FR 74444–74453). Interested persons were afforded 90 days to submit written comments and objections to the proposed rule, and to request public hearings on the issues raised. Several requests for public hearings were included in the comments and objections.

The purpose of the public hearings is to receive relevant comment and respond to questions on the issues outlined in this hearing notice. The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

Each session will begin with an opening statement from MSHA. The hearing panel will be available to answer relevant questions.

The public will then be given an opportunity to present oral testimony. In the discretion of the presiding official, speakers will be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of the hearing for rebuttal statements. A verbatim transcript of each proceeding will be taken and made an official part of the rulemaking record. Copies of the hearing transcript will be available to the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until March 5, 1982.

Effect on Existing Regulations

The final rule developed from this rulemaking will be applicable to any mine operator who is cited for a violation of a mandatory health or safety standard or any other provision of the Act. It will replace the existing regulations for proposing civil penalties under the Act, and appear at 30 CFR Part 100. The following section by section analysis discusses the major issues raised by the comments and objections.

§ 100.1 Scope and purpose.

The proposed rule is intended to provide fair and equitable procedures for applying the statutory criteria in determining proposed penalties for violations, and to maximize incentives for operator compliance and correction of violations.

Some commenters expressed their view that Congress did not intend for penalties to be mandatory and that provisions of the Act allowing MSHA to close a mine or portion of its operations provide sufficient enforcement capability. Others suggested that fines have not been an effective tool for encouraging better safety and health compliance practices. However, the majority of those commenting were in favor of a curtailment or a modification of existing penalty procedures rather than the total elimination of penalties. Several factors were suggested as appropriate grounds for elimination or reduction of civil penalties. These included: the lack of seriousness of the violation; the timely abatement action of the operator in correcting the violation; the degree of employee responsibility for the violation; the operator's safety record; and the operator's absence of intent in committing the violation.

While many operators consider mandatory penalties inappropriate in situations involving minimal gravity, extraordinary abatement efforts or other mitigating factors, section 110 of the Act mandates that a civil penalty be assessed for each violation of a mandatory safety and health standard, or any provision of the Act. Therefore,

to implement this statutory provision, the proposal retains mandatory penalties for all violations. However, MSHA agrees that a new approach to the assessment of civil penalties is necessary to more fairly and efficiently implement the agency's statutory obligations.

MSHA believes that a civil penalty regulation should include the concept for a minimum penalty assessment and a provision for awarding credit for good faith abatement of violations, which will fulfill the statutory requirements of the Act, and promote the goals of improved safety and health. Such changes to the civil penalty assessment process would address the two major concerns expressed by commenters: (1) that excessive time and energy spent by all parties, including MSHA, in the administrative processing of non-serious violations; and (2) that good faith abatement should be credited as a factor which reduces the proposed penalty. Further, commenters stated that the current assessment procedures do not provide operators with optimum incentives to abate the violations since an operator's good faith abatement of a violation does not reduce the proposed penalty unless extraordinary efforts are involved. MSHA agrees, and is considering the adoption of these concepts which the agency believes would enhance the safety and health of miners. The minimum penalty concept, as outlined in the proposed rule and further refined in this hearing notice, proposes to reapportion the emphasis of civil penalties toward those violations having a greater safety and health impact. It should be noted that all violations, regardless of the degree of seriousness, will continue to be cited and must be abated. In addition, other enforcement sanctions will remain available for those situations warranting their use. It is anticipated that the time saved by government and industry in the administrative processing of less serious violations will result in a better allocation of all safety and health resources toward conditions and practices which have a more direct effect on miner health and safety. Similarly, MSHA anticipates that the awarding of a greater incentive for good faith abatement will enhance compliance efforts which will result in improved safety and health of miners. MSHA will discuss these two proposed concepts in greater detail later in the notice (§§ 100.3(f) and 100.4) and specifically solicits further comments and suggestions relative to their merit.

§ 100.2 Applicability.

Commenters perceived a need for greater agency flexibility to vacate citations, more detailed and factually oriented inspector's statements, and easier operator access to such statements.

Where appropriate, citations are vacated after consultation with inspectors. MSHA intends to give greater scrutiny to these supervisory reviews, especially those at the field level. With regard to providing operators with the inspector's statements at the closeout conference, MSHA is now providing operators with these statements in advance of any conference with the assessments office; thereby providing operators with notice of any additional details relating to the alleged violation.

§ 100.3(b) The appropriateness of the penalty to the size of the operator's business.

This proposed section sets out penalty tables for coal, metal and non-metal mines, controlling entities and independent contractors.

When compared to the present rule, the proposal would change the term "controlling company" to "controlling entity" and would also add a table for independent contractors.

Major issues raised by the comments were: (1) whether the term controlling entity should be specifically defined, and if so, what that definition should be; (2) whether total hours worked or tonnage is a better indicator of coal mine size; and (3) whether size should have a bearing on the penalty. Some commenters requested the removal of the size criterion, including the consideration of the size of the "controlling entity". Further comments are specifically solicited on these issues.

§ 100.3(c) History of previous violations.

This proposed section sets out two tables which assess a maximum number of 20 points for: (1) a mine's average violations per inspection day during the preceding 24-month period; and (2) for independent contractors the average number of violations assessed per year in the preceding 24 months. Only violations which have become final orders of the Commission or which have been paid would be included in the computation. However, paid violations which receive the minimum assessment under § 100.4 would not be included as part of the previous history.

Presently up to fifteen (15) points may be assessed based upon the average number of violations assessed at the mine per inspection day during the preceding 24-month period. The remaining five (5) points may be assigned based upon the average number of violations assessed at the mine per year in the preceding 24 months.

Previous history also currently includes all assessed violations which have not been vacated or dismissed, including those which are under appeal.

There were numerous comments with respect to the term "inspection day" which generally called for more specificity as to the meaning of the term. Several commenters also stated that the history table's provision for 20 penalty points where an operator averages 2.2 violations per inspection day is an unrealistically low violation average, and should be increased.

While some commenters supported exclusion of citations not finally adjudicated, others suggested that such citations should still be included in the history as they believed the alternative would cause some operators to initiate litigation for the purpose of delaying final adjudication.

Other commenters believed that negative points should be available for a low history of previous violations.

§ 100.3(d) Negligence.

This proposed section sets forth the factors considered in assigning penalty points for negligence. The proposal reworded the existing language for this section in an effort to further clarify the concept of negligence and the considerations which are weighed in assessing the degree of negligence involved in a particular case. The proposal incorporated the concept that the level of care required of an operator increases with the degree of risk posed to miners.

Presently, the proposal and the existing rule permit assignment of 1 to 20 penalty points for negligence caused by a failure to take reasonable measures to prevent or correct a condition or practice which should have been known to the operator. More serious instances of negligence may receive from 21–25 points.

Some commenters desired to see a more even division of the potential 25 penalty points between the two categories of negligence contained in the proposal. Other commenters still considered the proposed concept of negligence to be vague.

One commenter also objected to the proposal's rewording of negligence stating that it incorporated gravity in evaluating negligence. In the commenter's view, the existing gravity

criterion already gives adequate consideration to the gravity of each violation. On each of the issues above, and any other issues relating to the negligence criteria, MSHA seeks additional comment.

§ 100.3(e) Gravity.

This section sets forth proposed schedules which are designed to evaluate the gravity of a violation. Under the current procedures, one schedule, incorporating three tables evaluating different aspects of gravity, is used to consider both safety and health violations. The proposal, in an attempt to better differentiate the gravity aspect of health and safety violations, added a separate schedule for health violations while retaining the present schedule for safety violations.

The great majority of comments received on this section responded to the proposal's new gravity schedule for health violations. Most commenters, while agreeing that the concept of a separate health schedule was laudable, opposed the specific proposal. Central to the criticisms were: the schedule's failure to set out the basis for determining whether a "risk effect" was high, medium, or low; the absence of distinction between large dose/short exposure situations and those involving small dosage with long exposure; and the assigning of points for the degree by which the threshold limit value was exceeded, irrespective of the relative toxicity of the substance involved. MSHA agrees that the proposed new schedule for evaluating the gravity of health violations presents practical difficulties. Therefore, MSHA seeks comments as to whether the proposed schedule should be amended to correct these difficulties, or whether the existing single schedule should be retained and continue to be applied to assess the gravity of both safety and health violations.

With regard to the proposed schedule for safety violations, commenters sought changes to simplify and clarify the existing language and to decrease the degree of subjectivity.

§ 100.3(f) Demonstrated good faith of the operator.

This proposed section identifies and defines three categories which address the timeliness of the operator's actions to abate the violation. The terms "rapid," "normal," and "lack of good faith" representing degrees of good faith are defined and used in a table which spans a range from —10 to +10 penalty points.

The proposed table differed from the present table in that —3 points would have been given for normal compliance as compared to 0 points in the present table.

Some commenters suggested that the table should offer more specificity, and should address the quality as well as the speed of abatement actions. Many commenters favored a further increase in the incentives for rapid compliance efforts.

In reviewing both the existing good faith criterion and suggestions calling for increased specificity or latitude, significant questions are raised as to whether the refinements set forth in the proposal will in fact produce the maximum incentive for operator abatement of hazards which endanger the safety and health of miners. The agency recognizes that inspectors could have a difficult time making meaningful decisions about an operator's extraordinary efforts relative to the degree of quality and speed of abatement. Therefore, as an alternative to the proposal, MSHA is considering that there be a fixed percentage reduction in the proposed penalty amount for good faith abatement for violations which are assessed through the regular formula system. Under this approach, gravity, negligence, size and history would be assessed under the formula and a penalty amount determined. This amount would then be reduced by a fixed percentage where there is timely abatement. MSHA believes this approach may further encourage timely abatement, and provide a more consistent approach to the application of the good faith criterion. Comments are sought on the following issues: (1) The merits of this approach for considering good faith abatement; and (2) an appropriate percentage to apply.

§ 100.3(g) Penalty conversion table.

This proposed section sets out the table to be used to convert the sum of penalty points to an assessed dollar amount.

The proposed table differs from the present in that violations with ten (10) points or less will be assessed twenty ($20) dollars while the present table sets out individual dollar amounts for one (1) to nine (9) penalty points.

Two issues raised by the comments were whether the table should eliminate penalties below $20 and whether a separate table should be proposed for small mine operators. MSHA notes that should further modifications to the minimum penalty concept be incorporated in the final rule, the conversion table would be retained in its current form, but made applicable only to regular assessments.

§ 100.3(h) The effect on the operator's ability to continue in business.

This proposed section is unchanged when compared to the present regulation. It provides that the operator may submit information with reference to ability to continue in business to the Office of Assessments which may reduce the penalty.

One commenter indicated that the proposal should replace "may" with "shall" in the last sentence, and thereby make it mandatory that the Assessments Office reduce the penalty when the operator shows an adverse effect on the ability to continue in business.

§ 100.4 Determination of penalty; minimum assessment.

As proposed, this section would allow the assessment of a fixed minimum penalty of $20 for violations involving low level gravity and no negligence. In addition, paid violations for which a minimum penalty was assessed would not be included in the operator's history of previous violations.

Commenters generally expressed approval of the concept of a minimum penalty. However, commenters objected that the minimum penalty as proposed was not low enough, that too few violations would actually be assessed the minimum penalty under the proposal, and that inspector judgment would differ with reference to gravity and negligence determinations. Several commenters suggested that the application of a minimum penalty should be expanded to include any violations where the likelihood of injury to miners is low. Other commenters stated that the minimum penalty factors contained in the proposal do not adequately differentiate between serious and nonserious violations, that there should be no penalty for violations which do not pose a risk of substantial impact on safety and health, and that the penalty system should address the probability of injury and severity of the accident.

In response to these objections and suggestions, MSHA is considering applying the minimum penalty to those violations which are not reasonably likely to result in a reasonably serious injury or illness. This criterion for minimum penalty assessment comports with the Agency's present definition of those violations of the Act which are not considered to significantly and substantially contribute to the cause and effect of a mine safety and health hazard. Generally, MSHA believes that this class of violations has a minimal impact upon miner safety and health.

MSHA believes that this approach should focus attention on those violations which have the greatest impact on safety and health. Under this approach, the time necessary to evaluate and administratively process those violations which are not reasonably likely to result in a reasonably serious injury or illness would be reduced, thereby allowing both the agency and mine operators to focus their resources on more serious violations. A more efficient use of safety and health resources was strongly advocated by commenters. MSHA agrees, and believes that this approach should result in a more beneficial allocation of resources for both the agency and the affected mining community.

Hearing participants are specifically requested to focus on this approach to the application of the minimum penalty concept.

§ *100.5 Special assessments.*

Although the majority of violations are processed through the regular assessment formula provided in Section 100.3, the nature or seriousness of some violations at times precludes an adequate assessment under the formula. In these instances the special assessment provides an individualized violation review process.

Most commenters favored restricting the categories of instances under which violations are considered for special assessment. However, opinion differed as to which of the enumerated special assessment categories should be deleted. Other commenters felt that special assessments remained a vague area potentially subject to arbitrary application.

As stated in the proposed rule, no category of violation is automatically specially assessed. The categories represent only violations which are reviewed to determine whether a special assessment is needed.

§ *100.6 Procedures for assessment of civil penalties; initial review and conferences.*

This proposed section sets out the procedures for processing penalties once the initial penalty amount is proposed. Once an amount is proposed, the section provides for an initial review of the citation or order with notification of results to the appropriate parties. Further, the section sets out the time period during which a conference can be requested along with specifics on place, content, granting of conferences and the time period for payment of the penalty amount.

It is important to note that under MSHA's forthcoming reorganization, the conference function will continue to be available.

Several commenters suggested an increase in the time operators have to request a conference or submit additional evidence after initial review.

Other commenters believed that a conference should be granted as a matter of right and not at MSHA's discretion.

§ *100.7 Issuances of notice of proposed penalty; notice of contest.*

This proposed section is unchanged from the present regulation and sets out: (1) under what circumstances a notice of proposed penalty will be served on the parties; (2) procedures for contesting a notice of proposed penalty; and (3) when a proposed penalty becomes final.

One commenter suggested that the section should be amended to reflect that either the citation or the proposed penalty can be contested within thirty (30) days.

§ *100.8 Service.*

This proposed section differs from the present regulation in that a third category is added which provides that service for operators who fail to file under 30 CFR Part 41 will be upon the last known business address recorded with MSHA. There were no significant comments on this proposed section.

Dated: January 11, 1982.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 82-1141 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-45-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on the Resubmitted Alabama Permanent Regulatory Program

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

ACTION: Proposed Rule: Notice of Receipt of Permanent Program Resubmission: Schedule for Public Hearing and Public Comment Period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of the proposed Alabama regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which has been resubmitted by the state. The resubmission consists of the entire regulatory program which was disapproved by the Secretary of the Interior in his initial decision on October 16, 1980, (45 FR 68665–68673).

This notice sets forth the times and locations that the Alabama program is available for public inspection; the date when and location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may submit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the proposed Alabama program resubmission will be held at Jasper, Alabama on February 11, 1982 at the address listed under Addresses.

Comments from members of the public must be received on or before the close of business on February 16, 1982, in order to be considered in the Secretary's decision on the proposed Alabama program resubmission.

ADDRESSES: The public hearing will be held at the Holiday Inn, 1400 US Highway 78 Bypass, Jasper, Alabama. Written comments should be sent to: Mr. W. Hord Tipton, Acting Regional Director, Office of Surface Mining, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee, 37902, or may be hand delivered to the Regional Office.

Copies of the full text of the proposed Alabama program and OSM's administrative record on the program review are available for review during regular business hours at the following locations:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street, S.W., Suite 500, Knoxville, TN 37902

Office of Surface Mining Administrative Record Room, Room 5315, 1100 L Street NW., Washington, D.C. 20204

Alabama Surface Mining, Reclamation Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, AL 35501

Alabama Surface Mining, Reclamation Commission, 100 Third Street, Fort Payne, AL

A copy of this notice along with a copy of the Alabama statutes and regulations regarding the proposed Alabama regulatory program has been placed on file and is available for inspection in the library of the Office of the Federal Register, Room 8301, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional

Director, State and Federal Programs, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee, 37902. Telephone: (615) 971–5104.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Alabama. The program was submitted by the Director of the Alabama Surface Mining Reclamation Commission, the State primary regulatory authority, at the direction of the Governor's Office. Notice of receipt of the submission initiating the program review was published in the March 12, 1980, **Federal Register** (45 FR 15947–15948) and in newspapers of general circulation within the State. The announcement noted information for public participation in the initial phase of the review process relating to the OSM Regional Director's determination of whether the submission was complete.

On April 14, 1980, a public review meeting on the program and its completeness was held by the OSM Regional Director in Jasper, Alabama. April 14, 1980, was also the close of the public comment period on completeness, which had begun March 12, 1980.

On April 29, 1980, the OSM Regional Director published notice in the **Federal Register** announcing that he had determined that the program did not fulfill the content requirements for program submissions under 30 CFR 731.14 (45 FR 28367–28368). In accordance with § 732.11(c) and (d) of the permanent program regulations, as amended on May 20, 1980 (45 FR 33926–33927), the Regional Director's notice identified the elements missing from the Alabama submission and established June 16, 1980, the 104th day after program submission, as the final date for submission of a revised program.

Alabama did not submit major additions and/or modifications to the incomplete program of March 3, 1980.

On June 26, 1980, the Secretary published notice in the newspapers of general circulation within Alabama and in the **Federal Register** (45 FR 43220–43221) of a public hearing and its procedures and of the comment period to review the substance of the Alabama program submission. On July 11, 1980, public comment was invited on a tentative list of provisions in the Alabama program which appeared to be based on suspended and remanded Federal rules (45 FR 46820–46826).

On July 24, 1980, the public hearing on the Alabama program submission was held in Jasper, Alabama. The public comment period on the Alabama program ended on July 28, 1980.

On August 4, 1980, the OSM Regional Director submitted to the Director of OSM his recommendation that the Alabama program be disapproved, together with copies of the transcript of the public meeting and the public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the administrative record.

On August 13, 1980, the Secretary, pursuant to 30 CFR 732.13(b)(1), publicly disclosed the comments received on the Alabama program from the Environmental Protection Agency, the Secretary of Agriculture, and other Federal agencies (45 FR 53841).

On September 16, 1980, the Director recommended to the Secretary that the Alabama program be disapproved.

On September 17, 1980, the Secretary disapproved the Alabama program submission.

The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of the disapproval by the Secretary (45 FR 68665–68673) published on October 16, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Alabama had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. On November 12, 1980, in Civil Action No. CF 80–369, the Circuit Court of Walker County, Alabama enjoined the Alabama Surface Mining Reclamation Commission from submitting or resubmitting to OSM the Alabama Permanent State Program. Civil Action No. CF 80–369 expired on November 12, 1980, and the state submitted its revised program for consideration on January 11, 1982.

In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 30 days for public review and comment. The comment period announced today ends at 4:00 p.m., on February 16, 1982. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, the State of Alabama will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal and non-Indian lands in Alabama. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing regulation of these activities on Federal lands in Alabama. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Alabama. To codify decisions on state programs, Federal programs, and other matters affecting individual states, OSM has established Subchapter T of 30 CFR, Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Alabama will be found in 30 CFR Part 901 after Alabama's resubmission has been approved or disapproved.

At the public hearing on February 11, 1982, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of scheduled speakers. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted

to supplement, or in lieu of, an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedures in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of the state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperations by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's disapproval of the initial program submission (45 FR 68665–68673) published on October 16, 1980. That document contains detailed findings and explanations relating to the initial submission.

Set forth below is a summary of the contents of the resubmitted Alabama program.

(a) State Law and Regulations.
(b) Other Related State Laws.
(c) Attorney General's Opinion.
(d) Delegation of Regulatory Authority.
(e) Structural Organization-Staffing Functions.
(f) Supporting Agreements Between Agencies.
(g) Narrative Description for:
(1) Issuing Exploration for Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding-Insurance.
(4) Inspecting and Monitoring.
(5) Enforcing the Administrative, Civil and Criminal Sanctions.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalties.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinates with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters.
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review,
(16) Providing a Small Operator Assistance Program (SOAP).
(h) Statistical Information.
(i) Summary of Staff with Titles, Functions, Job Experience and Training.
(j) Description of Staffing Adequacy.
(k) Projected Use of Other Professional and Technical Personnel.
(l) Budget Information.
(m) Physical Resources Information.
(n) Other Programs Administered by the Regulatory Authority.

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. This document is not a major rule under E.O. 12291; therefore no Regulatory Impact Analysis is being prepared on this approval.

Dated: January 12, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1179 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Parts 716 and 826

Second-Cut Remining; Correction; Extension of Comment Period; Public Hearing

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

ACTION: Proposed rule; correction and extension of comment period and public hearing dates.

SUMMARY: OSM is revising the dates for receiving public comments and for holding a public hearing for 30 CFR 716.2(a) and 826.12(b), second-cut remining, published January 7, 1982, in the **Federal Register.**

DATES: The public comment period is being extended to February 8, 1982. All comments must be received by 5:00 p.m. on February 8, 1982, at the address listed below. The public hearing is being rescheduled to be held on February 1, 1982 at 9:30 a.m. at the address below.

Representatives of OSM will be available to meet with interested persons upon request before the close of the public comment period.

ADDRESSES: Written comments must be mailed to: Administrative Record (TSR–13), Office of Surface Mining, Room 5315–L, South Interior Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

Comments may be hand carried to the following addresses:

Office of Surface Mining, Room 239, 1951 Constitution Avenue NW., Washington, D.C.
Office of Surface Mining, 1100 "L" Street NW., Room 5315, Washington, D.C.

A public hearing will be held at the Main Auditorium, Department of the Interior, 18th and C Streets, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Engineering Analysis Division, 1951 Constitution Avenue, NW., Washington, D.C. 20240, 202–343–5244.

Dated: January 11, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-1050 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 948

Cancellation of Public Hearing on Modified Portions of the West Virginia Permanent Regulatory Program

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

ACTION: Cancellation of public hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of a public hearing on the substantive adequacy of program modifications to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) submitted by West Virginia pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and 30 CFR 732.17.

This notice cancels the public hearing but does not alter the time and location at which the West Virginia program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATES: The following hearing is cancelled: The public hearing on the proposed modifications to the West Virginia program, January 18, 1982.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining, Reclamation and Enforcement, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

Copies of the West Virginia program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Region I Office and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125

Office of Surface Mining, Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240, Telephone: (202) 343–4728

West Virginia Department of Natural Resources, Building 3, Room 630, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348–9160

FOR FURTHER INFORMATION CONTACT:

Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342–8125.

SUPPLEMENTARY INFORMATION:

On April 29, 1981, West Virginia provided a copy of proposed coal refuse disposal regulations to OSM for review (Administrative Record No. WV–400). On June 8, 1981, OSM provided an informal listing of deficiencies found in the proposed regulations (Administrative Record No. WV–401a) and informed the State that the promulgated regulations must be submitted as a formal program amendment which would be subject to public comment.

The regulations were promulgated on October 1, 1981, and submitted as a program amendment on October 29, 1981. On December 21, 1981, notice of opportunity for public hearing on the proposed modifications to the West Virginia program, was published in the **Federal Register** (46 FR 61897). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Ms. Struminski by January 4, 1982, and that if no person contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by January 4, 1982, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m., on January 20, 1982, to be considered in the Director's decision on whether the proposed amendments are acceptable.

Dated: January 12, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82–1186 Filed 1–14–82; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[ORD–FRL–1962–3]

National Ambient Air Quality Measurement Methodology; Proposed Minor Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: As described in this notice, the U.S. Environmental Protection Agency (EPA) is proposing to revise Appendixes A, B, and C to 40 CFR Part 50. Appendixes A and B set forth the respective reference methods for measuring sulfur dioxide and total suspended particulates in the atmosphere. Appendix C describes the measurement principle and calibration procurement applicable to reference methods for measuring carbon monoxide in the atmosphere. The revisions are needed to clarify certain provisions of these appendixes, to correct certain identified shortcomings, and to incorporate technical improvements developed subsequent to their 1971 promulgation. Although the proposed text of the revised appendixes is substantially rewritten and reorganized in some cases, the revisions are considered minor from a technical aspect. In particular, technical changes have been specifically limited to those that EPA believes will cause no loss of continuity or comparability between ambient measurements made with the existing methods and those made in accordance with the proposed revised methods.

DATE: Comments should be received no later than February 16, 1982.

ADDRESS: Comments (in duplicate, if possible) should be sent to Public Docket No. A–81–34, U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. This docket may be inspected at this address between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT:

Larry J. Purdue, Chief, Methods Standardization Branch (CM–77), Quality Assurance Division, Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 (919–541–2665).

SUPPLEMENTARY INFORMATION: When the National Ambient Air Quality Standards (NAAQS) prescribed in 40 CFR Part 50 were promulgated in 1971, an appendix to Part 50 was provided for each standard to describe a reference method for measuring that pollutant. Since then, several of these appendixes (C, D, and F) have undergone major revisions to (1) establish the "measurement principle and calibration procedure" concept for automated reference methods, (2) supersede an existing reference method with a new measurement principle and calibration procedure, or (3) replace a calibration procedure with a substantially better procedure. Also since 1971, it has become apparent that several other appendixes should be changed—but only to a minor extent—to incorporate clarifications and relatively minor technical improvements in the current methodology. Accordingly, such changes are hereby proposed.

Minor revisions are proposed to three appendixes: Appendix A, "Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)"; Appendix B, "Reference Method for the Determination of Suspended Particulates in the Atmosphere (High-Volume Method)"; and Appendix C, "Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)". The specific nature, rationale, and technological effect of the revisions for each appendix are subsequently described in detail. In some cases, the text of the appendix is substantially rewritten and somewhat reorganized. However, in all cases, the technical changes are limited to those that will not jeopardize the continuity or comparability of ambient measurements made according to the proposed revised method with those made previously according to the existing method. For Appendix C, the measurement principle and calibration procedure are simply clarified, and no technical changes are proposed.

Comments

The method revisions, particularly those in Appendix B (High-Volume Method) have been extensively reviewed by experts in monitoring methodology, both within and outside of EPA, and their comments have been incorporated into the proposed revisions to the extent possible. During the current comment period, all interested persons are invited to submit written comments on the proposed revisions set forth here.

All such comments received by EPA during the comment period will be available for inspection during normal business hours at the address indicated previously. After consideration of the comments received, the proposed revisions will be modified as appropriate and will become effective upon final promulgation in the **Federal Register.**

Appendix A.—Reference Method For Sulfur Dioxide

Background

On April 30, 1971, the Environmental Protection Agency (EPA) promulgated (36 FR 8187) a Federal Reference Method (FRM) for the determination of sulfur dioxide (SO_2) in the atmosphere. The FRM was presented in Appendix A of 40 CFR Part 50 (National Ambient Air Quality Standards) and prescribed detailed procedures for sample collection and analysis. Measurements of SO_2 with the FRM are based on collection in potassium tetrachloromercurate (TCM) solution and subsequent spectrophotometric analysis after the addition of formaldehyde and pararosaniline. During sample collection, SO_2 is stabilized as the monochlorosulfanatomercurate complex (TCM–SO_2), which resists oxidation by oxygen in the air.

Prior to the promulgation of the FRM in 1971, research (*1*), (*2*), (*3*), (*4*), (*5*), on pararosaniline methods very similar to the FRM indicated that SO_2 samples collected in TCM were subject to a temperature-dependent decay. Most of these earlier studies focused on the stability of collected samples when stored at room temperature (20° to 25° C). Results by the various investigators were generally in good agreement and indicated that TCM–SO_2 samples decay at a rate of about 1 percent per day. One of the investigators (*3*) observed significant SO_2 losses (decay) when samples were stored at 40° C and noted that such temperatures could occur at some sites during strong solar radiation in summer or overheating in winter.

Nevertheless, following promulgation of the FRM in 1971, it became common practice during typical field use to house the sampling equipment in a thermostated sampling unit at 32° C and, after sample collection, to transport the 24-hour samples back to the analytical laboratory in containers that generally had no means of controlling the temperature. Often, collected samples remained in the sampling unit several days before being transported back to the laboratory. Collected samples were sometimes transported to the laboratory by the field operator, but were often sent through the mail. Once received by the analytical laboratory, samples might be stored for several days or even weeks at either room temperature or in a refrigerator. Thus, prior to analysis, samples were exposed to a variety of temperatures for various lengths of time. Temperature exposures were often extreme, especially during the summer months at sites with relatively little protection from the elements (e.g., rooftop locations).

Subsequent to the promulgation of the FRM, additional studies were conducted to determine the effects of temperature and other parameters on the FRM. In a study by the Texas Air Control Board (*6*), the decay rate of TCM–SO_2 samples at temperatures ranging from −15° to 43° C was investigated. The observed decay per day for samples corresponding to the 30-minute ambient SO_2 concentrations of 0.1 and 0.3 ppm was approximately 1 to 1.5 percent at −15° C and 13° C, 2 to 2.5 percent at 30° C, and 14 to 32 percent at 43° C. In another study, the Illinois EPA (*7*) monitored the internal temperature of a typical SO_2 sampler unit under varying ambient air temperature and operating conditions. The internal temperature averaged about 35° C and frequently exceeded 45° C over 10 test days during which the ambient temperature varied from 4.4° to 34.4° C (40° to 94° F). The decay rates of TCM–SO_2 samples corresponding to 24-hour ambient SO_2 concentrations from 33 to 260 $\mu g\ SO_2/m^3$ (0.013 to 0.1 ppm) were examined at temperatures ranging from 10° to 45° C (50° to 112°). Significant losses of SO_2 were observed at temperatures above 27° C (80° F). The observed decay rates were about 10 percent per day at 35° C (95° F) and 40 to 50 percent per day at 45° C (112° F).

EPA Temperature Effect Study

As a result of these reported temperature-related problems with the FRM and other similar reports, EPA undertook an investigation (*8*) to determine the effect of temperature on the stability of collected TCM–SO_2 samples. Simulated field samples representing 24-hour SO_2 concentrations from 35 to 278 $\mu g\ SO_2/m^3$ (0.013 to 0.106 ppm) were exposed to temperatures ranging from 20° C to 50° C. At a given exposure temperature, the rate of decay was found to be independent of SO_2 concentration. The equation best fitting the data was described by an exponential curve of the form:

$$C = C_o e - kt$$

where

C = concentration measured at time = t, $\mu g\ SO_2/mL$

C_o = concentration measured at t = O, $\mu g\ SO_2/mL$

k = rate of decay, day^{-1}

t = time, day

The average decay rates for each exposure temperature are given in Table 1 and indicate about a fivefold increase in decay rate for each 10° C rise in temperature.

TABLE 1.—EFFECT OF TEMPERATURE ON PERCENT DECAY PER DAY

Temperature, °C	Average rate of decay (k)	Percent loss per day
20	0.009 day^{-1}	0.9
30	0.051 day^{-1}	5.0
40	0.287 day^{-1}	25.0
50	1.33 day^{-1}	73.6

Based on the decay data, an equation was derived to relate decay rate to temperature. The equation

$$\ln k = 48.735 - 15661\ (\tfrac{1}{T}),$$

where T = temperature in K° can be used to calculate the rate of decay at any temperature within the range of 20° to 50° C and to estimate the rate of decay outside this range. The calculated rate of decay at 22° C is 1.3 percent per day, which is in good agreement with the value of 1 percent per day reported in the earlier literature.

Using the decay data, Table 2 was constructed showing the percent of SO_2 remaining in the TCM absorbing solution after exposure to various temperatures. The table shows that sample collection at 25° C results in only a 1.1-percent loss in SO_2 during the 24-hour sampling period, but that further exposure of the collected sample for 4 days at this temperature leads to a 10-percent loss in SO_2.

TABLE 2.—EFFECTS OF TIME AND TEMPERATURE ON COLLECTED SO_2-TCM SAMPLES

°C	°F	Percent SO_2 remaining							
		At end of sampling	Day						
			1	2	3	4	5	6	7
5	41	99.9	99.8	99.9	99.8	99.7	99.7	99.6	99.6
10	50	99.9	99.8	99.7	99.6	99.5	99.4	93.5	99.2
15	59	99.8	99.4	99.0	98.6	98.2	97.8	97.4	97.0
20	68	99.6	98.7	97.8	96.9	96.1	95.2	94.3	93.5
25	77	98.9	96.7	94.4	92.2	90.2	88.1	86.1	84.2

TABLE 2.—EFFECTS OF TIME AND TEMPERATURE ON COLLECTED SO_2-TCM SAMPLES—Continued

°C	°F	Percent SO_2 remaining							
		At end of sampling	Day						
			1	2	3	4	5	6	7
30	86	97.4	92.2	87.4	82.8	78.5	74.3	70.4	66.7
35	95	95.1	84.0	74.1	65.5	57.9	51.3	45.2	39.9
40	104	87.6	66.8	50.8	38.7	29.5	22.5	17.2	13.0
45	113	75.3	41.4	22.7	12.5	6.9	3.8	1.9	1.1
50	122	56.3	15.6	4.3	1.2	0.9	0.1	0	0

EPA Bubbler Temperature Study

As a result of the EPA temperature effect study, EPA conducted an investigation (*9*) to (1) characterize the temperatures that TCM absorbing solutions might be exposed to before, during, and after routine ambient air sampling, and (2) evaluate techniques for controlling absorbing solution temperatures during routine use of the method. Two commercially available sampling shelters were utilized in this study. The Indoor Five-Gas Sampler® consists of a thermostated compartment in which the five-gas sampling system is housed and a separate external sampling pump. The All-Weather Five-Gas Sampler® consists of a shelter that houses a temperature-controlled five-gas sampling system in one section and a sampling pump in a separate ventilated section. Both samplers were equipped with a standard heater controlled at 32° C.

Initially, tests were conducted with the two samplers in an environmental chamber capable of maintaining the desired test temperature within ±0.5° C over the range of 0° to 50° C. The tests showed that at chamber temperatures above 20° C, the temperatures inside the samplers were elevated enough to cause significant decay in collected TCM–SO_2 samples.

Additional tests were conducted under actual sampling conditions using the All-Weather sampler equipped with a thermostated heater. Ambient temperature varied from about 5° to 20° C during the tests, while the temperature inside the sampler varied from about 10° to 30° C. The test results were somewhat inconclusive (poor correlation between ambient temperature and sampler temperature) and suggested that the temperature inside the sampler may be affected by other external meteorological conditions such as windspeed and wind direction.

A final test was conducted to determine the temperature of the TCM absorbing solution in the Indoor sampler during sampling under various chamber temperature conditions. The results indicated that decay of SO_2 could be a problem when the sampler is operated with a 32° C controlled heater and when the ambient temperature exceeds 8° C.

The remainder of this study focused on investigating various measures to control the TCM absorbing solution temperature during and after sampling. One of the approaches evaluated was the use of a commercially available, 1.5–ft^3 (42–L) refrigerator to house the SO_2 absorber. Test results showed that the TCM solution temperature could be maintained at 12° ±5° C at ambient temperatures of 25° to 50° C. To prevent solutions from freezing at ambient temperatures below 20° C, a small heater strip was installed in the refrigerator to keep the temperature above 7° C. Condensation in sample inlet lines and in the absorber was a problem when the relative humidity of the sample stream was high. Wrapping the sample inlet line with standard water pipe insulation or a heater tape minimized or eliminated the condensation.

Another approach investigated was the use of a thermoelectrically controlled chamber to house the SO_2 absorber. Three prototype thermoelectric coolers were evaluated and found to be capable of maintaining the TCM solution temperature 12° ±5° C over an ambient temperature range or 0° to 50° C. Two of these devices were designed to be incorporated into the existing Indoor or All-Weather samplers. Minor modifications to each of the samplers were required to provide proper ventilation for the thermoelectric cooler. The third device was a prototype three-gas sampler with cooling capability for one of the three absorbers.

The use of styrofoam containers equipped with a eutectic mixture for cooling was evaluated as a means of shipping collected samples. The temperature of a TCM solution was maintained below 21° C for up to 50 hours at ambient temperatures up to 50° C. In a test in which exposure temperatures were varied from 25° to 40° C for varying periods of time (simulated transit conditions), TCM solution temperature was maintained below 21° C for as long as 62 hours.

Other Reference Method Deficiencies

In addition to the temperature-dependent sample decay problem, several other shortcomings that affect the precision and accuracy of SO_2 measurements obtained with the existing FRM have been identified.

The use of a needle valve/flowmeter combination, currently prescribed as one of two flow control techniques, has been found to be generally unreliable at low flow rates over a 24-hour sampling period. Furthermore, reliance on a single sample flow measurement (at the initiation of sampling) is also recognized as inadequate. Calibration of flow control devices under conditions (temperature and pressure external to the sampling train) different from those encountered during routine sampling can often introduce errors in the air sample volume measurements. The flow measurement procedure as currently prescribed is not sufficiently explicit. No specifications are given regarding the constancy of the flow rate over the sampling period. Quality control measures to ensure acceptable precision and accuracy in the overall measurement process are generally lacking throughout the existing method description.

Although not technically deficient, the currently prescribed dynamic calibration procedure is impractical when applied to the 24-hour procedure. With the current procedure, preparation of calibration standards requires 6 days unless multiple concentrations are generated and sampled simultaneously.

Proposed Revisions

Many of the reference method shortcomings discussed above can be corrected or their effects minimized by:

- The use of adequate temperature control during sample collection, shipment, and storage.
- The use of more reliable flow control and flow measurement techniques during sample collection.
- The incorporation of more explicit specifications, instructions, and quality control measures throughout the method.

In developing the FRM revisions, the comparability between SO_2 measurements obtained with the original and revised versions of the method is an important consideration. Ambient SO_2 measurements obtained with the original FRM under conditions of extreme temperature exposures are highly suspect because of the demonstrated temperature-dependent decay problem. The data base, from promulgation of the FRM in 1971 to early

1976 is, no doubt, biased low. In December 1975 (*10*) the EPA regional offices were apprised of the temperature sensitivity of the SO_2 reference method. At that time, EPA recommended that agencies making SO_2 measurements with the FRM carry out the method in such a manner that TCM absorbing solution temperatures be maintained at 25° C or less during sampling and that the temperature of collected samples be maintained at 20° C or less until analysis. Since that time, most agencies that use the FRM have incorporated temperature control measures in their procedures. Thus, the data base from early 1976 to the present is much less likely to be affected. Furthermore, the comparability between future data and data from 1976 to the present is not expected to change, since the proposed revisions merely formalize the recommendations and guidance given in 1975.

The economic impact on monitoring agencies was also considered and every attempt was made to keep the cost of implementing the proposed changes in the revised method as low as possible. With the exception of one change, the costs should be minimal. Much of the additional equipment required in the revised method is available in most analytical labortories. An exception is the cooler for controlling the absorbing solution temperature during and after sampling (until shipment to the analytical laboratory). Cooler costs range from approximately $150 for a small refrigerator to $600 for a thermoelectric cooler specifically designed for SO_2 sampling.

Section-by-Section Changes

The numbers given below correspond to similarly numbered sections in the revised method.

1.0 *Applicability.*

1.1 Since the principle and applicability of the method are not necessarily related, these descriptive elements have been separated into individual sections. (This, of course, changes the section numbering.) The applicability section is clarified to specifically reference monitoring for compliance with the NAAQS for SO_2. The revised method includes the formal specifications and procedures, with additional quality assurance techniques and other guidance described in other documents, principally 40 CFR Part 58 and the Quality Assurance Handbook.

2.0 *Principle.*

2.1 This section has been expanded and reworded to describe the principle more explicitly and to clarify that the reported measurements are expressed as micrograms per cubic meter of air corrected to EPA reference conditions (25° C, 760 mmHg).

3.0 *Range.*

3.1 This section has been reworded to specify the range limits of the analytical procedure and gives the corresponding ambient SO_2 concentrations when the prescribed short-term and long-term sampling procedures are used.

4.0 *Interferences.*

4.1 This section has been reworded and expanded to include a statement regarding interference by ammonia.

5.0 *Precision and Accuracy.*

5.1 These two descriptive elements have been separated from the discussion of the stability of the TCM–SO_2 complex. This section gives the precision of the analytical procedure.

5.2 This new section has been added to give estimates of the precision (repeatability and reproducibility) of the 24-hour procedure based on collaborative test data. A statement about the accuracy (bias) of the method based on these data has also been added.

6.0 *Stability.*

6.1 The discussion of the stability of the collected TCM–SO_2 complex has been placed in a separate section and the section has been expanded to include a statement regarding retention of the complex during sampling.

7.0 *Apparatus.*

7.1 *Sampling.* This section has been expanded to include descriptions and/or specifications for all equipment and supplies required for both short-term and long-term sampling. Thermoelectric coolers, small modified refrigerators, or other means of controlling temperature are now required to maintain the temperature of the TCM absorbing solution at 15° ± C during sampling.

7.2 *Shipping.* This new section has been added to include a requirement for the use of a shipping container that can maintain the temperature of collected TCM–SO_2 samples at 5° ±5° C during shipment to the analytical laboratory.

7.3 *Analysis.* This section has been expanded to include more explicit requirements for spectrophotometer wavelength calibration and cell matching. A temperature control device is also now required during the color development step of the analytical procedure. The device must be capable of maintaining solution temperatures to ±1° C in the range of 20° to 30° C. A waste receptacle is required for the storage of spent TCM solutions.

8.0 *Reagents.*

8.1 *Sampling.* This section has been expanded to include a procedure for testing the purity of the distilled water used in the preparation of reagents and in the analytical procedure.

8.2 *Analysis.* This section has been expanded to include instructions for the preparation of all reagents used in the calibration and analytical procedures. Procedures for purification and assay of the pararosaniline dye have also been included in the revision.

9.0 *Sampling Procedure.*

9.1 *General Considerations.* The step-by-step procedures for sample collection, analytical calibration, and sample preparation and analysis have been separated into individual sections and have been ordered in the sequence that they would be carried out during routine use of the method. This first section contains general guidance for sampling when the prescribed sampling procedures are not appropriate to meet the special needs of the method user.

9.2 *30-Minute and 1-Hour Sampling.* This section has been expanded to include more explicit instructions for short-term sampling.

9.3 *24-Hour Sampling.* This section has been expanded to include more explicit instructions for long-term sampling. During the sampling period, the absorbing solution temperature must be controlled to 15° ±10° C.

9.4 *Flow Measurement.* This new section has been added to give more explicit instructions for the measurement of sample flow rate. All flow controllers must be calibriated in the sampling train with absorber in solution in place. Sample flow measurements must be obtained both prior to and following the sampling period and the sample must be invalidated if the difference between the intial and final flow rates exceeds 5 percent.

9.5 *Sample Storage and Shipment.* This new section has been added to give instructions regarding sample storage and shipment. After sample collection, a mark is placed on the absorber or shipping bottle indicating the volume of solution remaining. This mark is used later to verify that the solution volume has not changed during shipment of the sample to the analytical laboratory. The sample must be shipped and/or stored at 5° ±5 C unless it is analyzed within 8 hours of the end of the sampling period.

10.0 *Analytical Calibration.*

10.1 *Spectrophotometer Cell Matching.* This new section has been added to incorporate a procedure for spectrophotometer cell matching and determination of corrected absorbance.

10.2 *Static Calibration Procedure (Option 1).* This section has been reworded.

10.3 *Dynamic Calibration Procedures (Option 2).* This section has been expanded to incorporate dynamic calibration procedures applicable to short-term and long-term sampling procedures. The short-term procedure is carried out using sampling conditions identical to those used during field sampling. The long-term procedure is carried out using a high concentration of SO_2 and varying collection times.

11.0 *Sample Preparation and Analysis.*

11.1 *Sample Preparation.* This section has been expanded to include more explicit instructions for sample preparation. Solution temperature and volume are verified and the volume is adjusted as required. The sample must be invalidated if the sample volume differs by more than 10 mL from the original volume.

11.2 *Sample Analysis.* This section has been expanded to include more explicit instructions for sample analysis. The color development step must now be carried out within ±1° C of that temperature used during the analytical calibration. Two control standards must be prepared and analyzed with each batch of field samples.

11.3 *Absorbance Range.* This section has been reworded and expanded to include a recommendation that samples be reanalyzed using a smaller aliquot when dilution ratios greater than 1.1 are required to obtain absorbance readings below 1.0 absorbance units.

11.4 *Reagent Disposal.* This new section has been added and requires that spent reagents containing mercury be stored and disposed of using one of the procedures in Section 13.0.

12.0 *Calculations.*

12.1 *Calibration Slope, Intercept, and Correlation Coefficient.* This new section has been added to give instructions and a data form for calculating the slope, intercept, and correlation coefficient for the analytical calibration curve.

12.2 *Total Sample Volume.* This section has been revised to give an equation for calculating the air sample volume from the initial and final standard flow rates and the sampling time.

12.3 *Sulfur Dioxide Concentration.* This section has been revised to be consistent with the revised calibration procedures and other changes in the method.

12.4 *Control Standards.* This new section has been added to allow for the calculation of the amount of SO_2 in the control standards. The difference between the true and analyzed values of the control standards must not be greater than 5 percent.

12.5 *Conversion of $\mu g/m^3$ to ppm.* This section has not been revised.

13.0 *Disposal of Mercury-Containing Solutions.* This new section describes two procedures for disposing of spent mercury-containing solutions. One procedure is based on the formation of an amalgam with zinc or magnesium and the other uses aluminum foil strips to convert the mercury to its elemental form.

14.0 *References.*

New references have been added as required.

Appendix B.—Reference Method for Total Suspended Particulate Matter

Background

Since its promulgation in 1971 (36 FR 8187), the Federal Reference Method (high-volume method) for total suspended particulates (TSP) has presented a number of significant problems to method users and sampler manufacturers. Specifications and tolerances are insufficiently explicit, the calibration procedure is unclear, pressure and temperature corrections contain errors, and there is little provision for the incorporation of recent technological improvements such as automatic flow control and alternative flow measurement devices. Because of the wide ranges of flow and inlet sizes currently allowed, samplers of similar appearance may have substantially different particle capture air velocities, which could cause differences in the size range of particles collected.

These problems can lead to unnecessary variability in measured TSP values. Many of these shortcomings can be corrected rather readily by more carefully and scientifically selected specifications, which should both reduce the method variability and at the same time allow additional flexibility for sampler manufacturers to develop and incorporate technological improvements.

It is recognized that EPA is currently reviewing the ambient air quality standard for particulate matter. One possible outcome may be the establishment of a standard based on particulates of a defined size range (inhalable particulates). If this course is taken, EPA intends to promulgate a new reference method for measuring inhaled particulates (IP). Nevertheless, promulgation of a revised TSP method is still justified because it will be very useful, during the interim time period prior to the establishment of any new ambient air quality standard, for historical continuity in trend analysis and for the measurement of another criteria pollutant, lead. It is also quite possible that a grandfather clause may be introduced to permit continued use of TSP measurements until such time as new monitoring equipment becomes available and can be purchased and installed by monitoring agencies. Finally, it would be desirous to determine if any quantitative relationship exists between the present TSP method and any new method that may be established for national trend monitoring purposes.

Objectives

The objectives of the revised method are to:

- Clarify specifications and tolerances so that sampler variability is reduced and sampler manufacturers and users will better understand what is acceptable and unacceptable.
- Change, where possible, to functional specifications to allow sampler manufacturers more flexibility to incorporate innovations and improvements.
- Provide more stringent specifications and guidance applicable to the design of new samplers.
- Provide a more explicit calibration procedure and clarify temperature and pressure corrections.

In developing the method revisions, an overriding constraint was to maintain basic comparability between TSP measurements obtained under the original and revised methods. This is extremely important because of the extensive existing data base of TSP measurements and the magnitude of resulting control requirements. Comparable TSP data will likely continue to be important for trend analysis and for ambient lead measurements. Accordingly, all the proposed changes in the revised method are intended to decrease the variability—i.e., reduce the uncertainty in the TSP measurements—without causing any bias or change in the comparability to the previously collected TSP meaurements. In some areas, this severely restricts the extent of any technical changes that can be incorporated.

Another important consideration in revising the method was to minimize the impact on the current TSP monitoring effort. Thus, revised method specifications must attempt to reduce the variability in new samplers without requiring the replacement of large numbers of samplers currently in use. These opposing objectives are particularly challenging because of the lack of clarity in the original specifications and because of the variety of samplers in use, some of which even predate the 1971

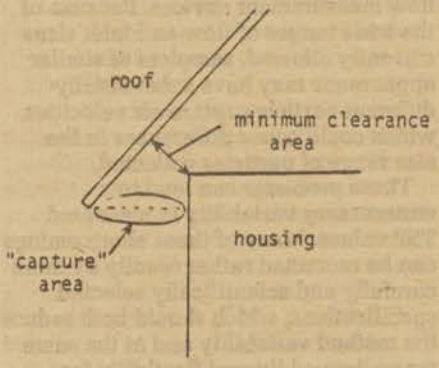
specifications. The revised method strives to accommodate both objectives with a combination of "grandfather" provisions (specific exclusions for existing samplers) and voluntary compliance with suggested "ideal" specifications. Monitoring agencies will be encouraged to check and replace any nonconforming samplers and to phase out older, marginal samplers as funds become available for newer samplers. A new IP standard requiring new monitoring methods would surely reduce the number of TSP samplers required and thereby allow retirement of many old samplers. Finally, many of the proposed changes in the revised method are in the calibration procedures, and such changes can, of course, be readily implemented with little or no economic impact.

In view of the restrictions described above, the changes contained in the revised method are minor to the extent that no changes have been made to the basic principle or comparability of the method, and no substantial impact will result to monitoring agencies. Although the actual language of the method has been changed extensively, the effect of the changes is limited to clarification and control of variability. EPA firmly believes that any apparent differences in ambient measurements that may be observed between the original method and the revised method will be less than the actual *uncertainty* in TSP measurements under the original method. Because of the lack of clarity and wide tolerances of some of the specifications, the maximum variability permitted by the original method is likely to be considerably greater than that observed under typical conditions.

Most Salient Issues

Inlet design. Perhaps the most significant and complex issue is the matter of the sampler air inlet and its relationship to the size of particles collected. Since the original sampler inlet design was only vaguely suggested by a simple line drawing, it was apparently not intended to provide any sort of particle size discrimination. But the inlet geometry does affect the size of particles collected, although the suggested geometric configuration is too simple to provide any sharp cutoff in particle size. A specification is provided for the clearance area between the roof and the main housing at its closest point (580.5 cm^2), but the specified tolerance (±193.5 cm^2) is ±33 percent, which is not very restrictive. Moreover, the specified flow range of 1.13 to 1.70 m^3/min (40 to 60 ft^3/min) allows the inlet velocity to range from 24.3 to 73.2 cm/s—a range of 200 percent. Since the size of collected particles is related to this inlet velocity, such a large velocity range could significantly affect the upper limit of the particle size collected. Changes in the upper particle size limit contribute to overall variability, particularly because of the day-to-day and site-to-site variation in the concentration of large particles (which tend to settle out at low windspeeds).

To complicate matters further, most older samplers (11½" x 14") had clearance area around 450 cm^2, which is near the lower limit of the specified range (387–774 cm^2), and newer (15" x 15") samplers have clearance areas as low as 340 cm^2—apparently below the lower range limit. However, measuring the clearance area at the closest point between the roof and the housing may not be plausible. An alternative concept suggests that whether particles are captured or not captured by the sampler depends on their aerodynamic size and the vertical air velocity in the "capture area" between the lower edge of the roof overhang and the side of the shelter housing.



Once a particle is moving vertically in this capture area, the air velocity increases to a maximum at the minimum clearance area and the particle is collected. Thus, the inlet area used to calculate this "capture air velocity" should be measured in a horizontal plane at the lower edge of the roof overhang, not at the closest point between the roof and the sampler housing.

Of course, this simple concept does not take into account the disturbances caused by windspeed at the air inlet and the fact that the air velocity is not vertical at the inlet. However, in view of the simple design of the sampler inlet, this analysis is not unreasonable. Based on this capture area concept, typical high-volume samplers are estimated to have inlet areas ranging from 700 to 900 cm^2. However, the inlet areas of older samplers may vary widely if the roof is improperly mounted or improperly latched after a filter change, or if the sampler or roof is bent or distorted. Also, on many current samplers, the inlet is not uniform on the four sides of the sampler.

To provide greater sampler-to-sampler uniformity, the particle size sampling characteristics—and hence the capture velocity—should be more closely controlled. The revised method, therefore, uses the above approach and specifies capture velocity rather than inlet area. The inlet area would be required to be sized to provide a capture air velocity of between 20 and 35 cm/s at the recommended operational flow rate. This velocity range is considerably narrower than the currently allowed range. In addition, an "ideal" velocity of 23 ±2 cm's is given as a nominal design specification for new, flow-controlled samplers. This specification is based on the average or typical capture air velocity for most samplers currently in use. Older samplers having capture velocities outside this specified range would have to be modified, either by changing their flow rate or by a physical change to the inlet area, to meet the velocity specifications.

At the specified capture velocity, particles of approximately 60μm and smaller aerodynamic diameter would be collected by the sampler, based on the settling velocity of particles with a density of 1 g/cm^3. This captured size range should be comparable to—but more uniform than—current samplers because the capture velocity would be the same as the current average but would be better controlled. However, this particle size limit is approximate because (1) actual particles are irregularly shaped and vary in density; (2) the simple geometry of the sampler provides a broad rather than a sharp size cutoff characteristic; (3) capture velocity will still vary with changes in temperature, pressure, flow rate, and inlet area; and (4) changes in windspeed significantly alter the sampler characteristics.

A capure velocity of 23 cm/s (0.5 mph) is very low with respect to typical ambient windspeeds. Hence, wind can significantly change the particle size characteristics of the sampler. This

effect has been confirmed by wind tunnel tests. There is very little that can be done to reduce the windspeed effect short of a more sophisticated inlet design. In the interest of data comparability, the revised method specifies no new or improved inlet design. Similarly, there is no attempt to improve the particle size selectivity or the sharpness of the size cutoff.

Another inlet characteristic that causes variability in TSP measurements is the rectangular shape of the sampler and the gabled roof, which obviously lead to directional sensitivity. A circular design with respect to the central vertical axis, with a domed or conical roof and an annular inlet area, would certainly reduce this directional sensitivity. However, such a substantial change in the shape of the sampler could likely lead to apparent, if not actual, loss of comparability with current TSP measurements. Therefore, the rectangular shape and gabled roof are retained in the revised method.

Flow rate measurement device. Because of the large volume of air sampled by the sampler, measurement of the total volume of air sampled is not practical. Hence, the total volume must be computed from the flow rate and the sample time period. The flow rate indicator currently specified is a small, inexpensive rotameter connected to measure a portion of the air flow at the sampler air exhaust. This device has been shown to be subject to a variety of errors, including shifts in calibration due to physical changes that alter the fraction of air sampled, deposition of dirt in the rotameter (primarily carbon from the motor brushes), and flow restrictions in the connecting tubing or rotameter outlet.

The current method does allow other types of flow indicators. Another common type consists of a manometer or aneroid pressure indicator to measure the pressure across an orifice plate mounted in the sampler air exhaust. This device is also inexpensive and eliminates many of the errors associated with the rotameter. It is generally reliable, but requires temperature and pressure corrections and is not without its own particular problems associated with the location of the orifice downstream of the motor where brush carbon, turbulence, and temperature gradients can affect measurement accuracy. In a variation of this flow indicator, the orifice is placed in the clean, less turbulent air stream between the filter and the motor. However, this requires a differential pressure indicator because neither side of the orifice is at atmospheric pressure. Also, the calibration of the device must accommodate the change in pressure drop as the filter loads during sampling.

Electronic mass flowmeters have been applied extensively to TSP samplers in the form of flow controllers, but with a suitable readout, they can certainly serve as flow indicators. Although they do not have the inherent mechanical reliability of a fixed orifice and manometer, these flowmeters appear to have adequate reliability and usually require no manual temperature or pressure corrections. The flow sensor is often mounted in the clean, nonturbulent airstream in the neck of the sampler where it senses a portion of the airflow. During calibration, a clean filter is installed on the sampler to insure that the flow pattern at the sensor is the same as it is during normal sampling.

Most other types of flow measuring devices such as venturis, turbine flowmeters, etc., are impractical because of physical or economic considerations.

The revised method allows any type of flow indicator other than the rotameter but provides a resolution specification (0.02 $stdm^3/min$) applicable to new samplers. Since the orifice/manometer and the electronic mass flowmeters are generally the most commonly used, these two types are addressed in the calibration and operational procedures. The rotameter described in the current method would be specifically disallowed 1 year after the effective date of the revised method.

Flow rate transfer standard. The use of transfer standards other than the conventional orifice/manometer type (such as an electronic mass flowmeter) would be permitted.

Filter conditioning environment. Conditioning filters prior to weighing is quite important, as humidity can substantially affect the filter weight. There is some data to indicate that relative humidities less than about 50 percent RH are suitable and necessary, but there are few or no data on temperature range for the conditioning environment. The upper temperature limit has been reduced slightly from 35° to 30° C, but the conditioning specifications are essentially the same as in the current method.

Calibration relationship. As noted above, the orifice/manometer type of flowmeter is commonly used for both the sampler's internal flow indicator and as a flow rate transfer standard. Therefore, the revised procedure addresses this type of flowmeter in detail, including the necessary temperature and pressure corrections. These corrections can be handled in a number of ways, but the most expedient way, used in the revised procedure, is as follows: During calibration, the I or ΔH values from the manometer (or aneroid instrument) are multiplied by the dimentionless expression, $(P_1/760)\ (298/T_1)$, where P_1 is the barometric pressure and T_1 is the ambient temperature during the calibration. This "corrected" or "normalized" I or ΔH is then used to establish the calibration relationship to the standard flow rate, Q_{std}. During use, the indicated I or ΔH is multiplied by the similar expression $(P_2/760)\ (298/T_2)$, where P_2 and T_2 are the barometric pressure and temperature, respectively, at the time of use. This "corrected" I or ΔH is then used with the calibration relationship to determine Q_{std}. This process allows the calibration relationship to be used at any pressure and temperature.

Although other forms for the "normalization" expression could have been used, the expression form $(P/760)\ (298/T)$ was chosen because (1) it is dimentionless when P is in units of mmHg and T is in kelvins, (2) the expression reduces to 1.00 and can, therefore, be ignored when the pressure and temperature are close to EPA reference conditions of 760 mmHg and 298 K, and (3) at normal conditions the "corrected" I or ΔH is usually very close to the uncorrected I or ΔH which many method users have been using previously. The form of this expression is identical to the expression used in gas volume corrections; however, this similarity is entirely coincidental, as the normalization process is *not* a simple gas volume correction. In fact, to obtain a linear calbration relationship, the expression becomes

$$\sqrt{\Delta H(P/760)(298/T)}.$$

A further provision included in the revised method is a variation off the normalization expression to allow geographic, average barometric pressure and seasonal average temperature to be incorporated into sampler orifice calibrations. These average pressure and temperature values approximate the actual values and permit the sampler flows to be obtained without further pressure or temperature corrections each time the sampler is used. For many sites, these approximations cause relatively small errors and considerably simplify the use of the sampler.

Other variations of the normalization expression are also used for other types of flow indicators. The actual expression to be used is selected from Table 1 of the revised method.

Flow adjustment. Under section 7.2.1 of the revised method, new samplers

would be required to have a means to adjust the sampler flow rate to accommodate changes in line voltage and filter pressure drop. This flow adjustment would likely be effected by an adjustment to the motor voltage. Any such adjustment to the motor changes the motor operating conditions, which may result in a significant change in the temperature of the sampler exhaust air. Such a change in temperature could significantly affect the calibration of an orifice flow indicator located in the sampler exhaust. The magnitude of such an effect varies from sampler to sampler and probably varies with different operating conditions, but it is usually not very large. Also, the extent of any flow adjustment needed to accommodate changes in line voltage and filter pressure drop is likely to be small. Therefore, such flow adjustments are allowed without recalibration, and a warning is provided (in Section 8.8) to alert the operator of the potential problem when making a minor flow adjustment.

Section-by-Section Changes

The numbers given below correspond to similarly numbered sections in the revised method.

1.0 *Applicability*

1.1 Since the principle and applicability of the method are not necessarily related, these descriptive elements have been separated into individual sections. (This, of course, changes the section numbering.) The applicability is clarified to specifically reference monitoring for compliance with the NAAQS for TSP, with the optional possibility of subsequent chemical analysis of the sample. As is the policy for other manual reference methods, the revised method includes the formal specifications and procedures, with quality assurance techniques described in other documents, principally 40 CFR Part 58 and the Quality Assurance Handbook.

2.0 *Principle*

This section has been expanded and reworded to describe the principle more explicitly and to clarify that the reported measurements are expressed as micrograms per cubic meter of air corrected to EPA reference conditions (25° C, 760 mmHg).

3.0 *Range*

3.1 Again, the range, precision, and accuracy are described in separate sections. The approximate upper and lower concentration range limits are stated more explicitly, with explanations of the limiting phenomena. Also included are statements concerning the range of particle sizes collected. Other specifications currently in Section 2.2 (such as weighing resolution) are moved to more appropriate sections.

4.0 *Precision*

4.1 The precision values obtained from collaborative testing are not changed.

5.0 *Accuracy*

5.1 The TSP measurement obtained is essentially defined by the method itself. The "absolute" accuracy is undefined because of the difficulty in defining the "true" particulate concentration. The usefulness of the method does not depend on the absolute accuracy. The ±50 percent error mentioned in the current method is deleted because recent tests and experience indicate that that level of variability is unrealistically pessimistic. Moreover, the new specifications and improved quality assurance procedures should significantly reduce the measurement uncertainty.

6.0 *Inherent Sources of Error*

This new section is added to discuss various recognized sources of error and what, if anything, can be done to minimize these errors. Error sources discussed are (1) air flow variation, (2) air volume measurement, (3) loss of volatiles, (4) artifact (extrinsic) particulates, (5) humidity, (6) filter handling, (7) nonsampled particulates, and (8) timing errors.

The current specification (Section 7.1.2) that the sample is to be collected "from midnight to midnight" has been dropped. The start and stop times of the sampler are of interest here only in determining the elapsed sampling period and have no other bearing on the technical aspects of the method. Omitting this specification is also consistent with § 58.13(b), which covers the operating schedule of manual methods but does not specify starting times for sampling periods.

7.0 *Apparatus*

7.1 *Filter.* Specifications for the collection filter—appearing in various sections of the current method—are brought together in this section, clarified, and augmented with new specifications for maximum pressure drop, pH, integrity, pinholes, tear strength, and brittleness.

7.2 *Sampler.* The sampler specifications are reoriented to reflect functional descriptions allowing more flexibility in sampler design within clearly defined limits. Figure B1 is eliminated, and the specifications are itemized. A new provision applicable only to samplers sold after the effective date of the revision would require samplers to have some sort of flow rate adjustment to accommodate variations in line voltage, filter pressure drop, expected filter loading, or operational preference within the specified flow range. Another new provision requires samplers equipped with flow controllers to have a means to disable the flow controller during calibration of the sampler flow rate indicator.

The flow rate range is reduced slightly (about 12 percent) from 1.13 to 1.70 m^3/min (40 to 60 ft^3/min) to 1.0 to 1.5 m^3/min (35.3 to 53 ft^3/min). This should have no significant effect on the comparability of measurements for two reasons: First, the sampler has been shown to be relatively insensitive to minor changes in flow rate, and second, as discussed under Salient Issues, it is the capture air velocity that affects the particle collection characteristics, not the flow rate alone. A new specification applies to the capture air velocity. Advantages of the slightly reduced flow rate include round-number specifications in metric units (m^3/min), slightly reduced noise and power consumption, greater control range on existing flow-controlled samplers, and extended brush life.

7.3 *Sampler Shelter.* As with the sampler, the shelter specifications are restated as functional specifications. The clearance area specification is replaced with a capture air velocity specification (20 to 35 cm/s) as discussed previously. An "ideal" velocity of 23 ±2 cm/s (1.1 m^3/min flow rate with a capture area of about 800 cm^2) is suggested as a nominal design objective for newly designed samples. Inlet openings of existing samplers that do not allow a capture velocity of 20 to 35 cm/s to be obtained would have to be modified.

7.4 *Flow rate measurement device.* See previous discussion under Most Salient Issues.

7.5 *Thermometer.* May be needed for temperature measurements when using an orifice-type flow indicator.

7.6 *Barometer.* May be needed for pressure measurements when using an orifice-type flow indicator.

7.7 *Timing/control device.* Since most samplers are operated from midnight to midnight, some sort of timer is needed to start and stop the sampler. Emphasis is put on accuracy of the elapsed time rather than the exact start and stop times. An accuracy of time setting specification (± 15 min) is provided for existing sampler timers that have no elasped-time capability. This specification is broad enough to continue to allow mechanical timers, although electronic timers with their much better set-point resolution are recommended. (Note cross reference to section 6.8.)

7.8 *Flow rate transfer standard.* Calibration of the sampler's internal flow rate indicator requires a rather specialized calibration device; therefore, the method includes specifications for such a device. Again, the specifications are functional in nature to allow flexibility in the type of device used rather than to limit it to a specific orifice unit as described in the current method. Consistent with its role and with established policy, the device is referred to as a flow rate transfer standard.

The above notwithstanding, the conventional orifice/manometer type transfer standard is rugged, reliable, inexpensive, and is in wide-spread use. Thus, much of the calibration procedure is addressed to this type of transfer standard. Although the conventional use of various individual resistance plates would still be allowed, a new device having an variable, external resistance adjustment is recommeded. Newer electronic mass flowmeter-type transfer standards are also available. Figure 2 illustrates examples of three commonly used transfer standards.

7.9 *Filter conditioning environment.* See discussion under "Salient Issues."

8.0 *Procedure*

As noted previously, the revised method provides only basic procedural information with the associated quality assurance procedures contained in other sources (references 1 and 2). The procedure section is clarified and restated in a more stepwise format, and the instructions are generalized and oriented toward either a mass flowmeter or an orifice/manometer-type flow rate indicator, since the rotameter is not allowed as a flow indicator. Because orifice/manometer flow indicators generally require temperature and pressure correction, the procedure includes instructions to make these corrections as well as instructions for using geographic barometric pressure and seasonal average temperature to simplify sampler use.

9.0 *Calibration*

9.1 Calibration refers to calibration of the sampler's internal flow rate indicator. The two phases—calibration of the transfer standard and calibration of the flow indicator—are described separately and are illustrated in Figure 2.

9.2 Because the orifice/manometer type of transfer standard is so widely used and because it requires temperature and pressure corrections for accurate, use, the transfer standard calibration procedure applies rather exclusively to that type of transfer standard. Other types of transfer standards—electronic mass flowmeters for example—are allowed, but they would almost certainly require a different calibration procedure. The calibration procedure for any other type of flow transfer standard would have to be approved under 40 CFR Part 58 (Modifications of Methods by Users).

The transfer standard calibration procedure is greatly expanded and more detailed than the current procedure. Temperature and pressure corrections are explicitly specified and a data worksheet (Figure 3) is provided for convenience and accuracy. The entire procedure is designed so that even an inexperienced analyst can obtain a correct result if the steps are followed completely and accurately.

Because of the temperature and pressure sensitivity of orifice-type transfer standards, the calibration relationship (between standard flow and indicated reading) is developed in a way that can be readily applied in the field at any temperature and pressure (see discussion of this procedure under "Salient Issues"). Either a linear or nonlinear graphical method can be used or least-squares regression analysis can be applied to establish the calibration relationship.

9.3 Similarly, the calibration procedure for the sampler is also greatly expanded and detailed, including explicitly specified temperature and pressure corrections and a calibration worksheet (Figure 4). The procedure is designed chiefly for orifice-type flow indicators located downstream of the motor but also covers electronic mass flowmeters; these are the two most common flow indicators. The calibration procedure may have to be modified to accommodate other types of flow indicators.

Again, the calibration procedure is developed so that it can be applied at any temperature or pressure according to the instructions provided. The procedure also allows for incorporation of geographic, average barometric pressure and seasonal average temperature. Either a linear or nonlinear graphical or least-squares regression relationship can be established. For electronic mass flow meters, no temperature or pressure corrections are usually required. The procedure also covers the special case of the pressure recorder which has square-root-function chart paper (e.g., Dixon meter). These various options are accommodated by selection of the appropriate expression from Table 1 to use in the calibration relationship.

For samplers equipped with a flow controller, the controller is disabled during the calibration so that the flow indicator can be calibrated over a range of flow rates rather than just at the controlled flow rate. Normally, the flow rate would be varied by adjusting the flow resistance provided by the transfer standard. However, in the case of an electronic mass flowmeter, the flow could be adjusted equally well by adjusting the voltage or power supplied to the motor.

10.0 *Calculations*

The calculations necessary to determine the ambient TSP concentration are specified in explicit stepwise form and cover the three most common types of flow indicators: electronic mass flowmeter, orifice/manometer flowmeter, and orifice/pressure flow indicator with square-root chart (Dixon). The calculations are facilitated by selection of the proper expression from Table 2 to correspond with the expression from Table 1 selected during calibration. The calculations are greatly simplified when geographic average barometric pressure and seasonal average temperature are incorporated into the calibration. Also provided is an alternate method for determining the average sampler flow rate when using a continuous flow recorder. Finally, a formula is provided for converting the conventional TSP concentration in micrograms per standard cubic meter to the actual concentration in micrograms per actual cubic meter (actual conditions).

Appendix C—Measurement Principle and Calibration Procedure for Carbon Monoxide

Background

Appendix C to Part 50 was amended in 1975 (40 FR 7043) to incorporate the measurement principle and calibration procedure concept for carbon monoxide (CO) reference methods. However, the language of the current measurement principle description and calibration procedure, which were left largely unchanged from the original promulgation in 1971, is in need of additional clarification. The present measurement principle describes a particular photometer design that is not unique to the basic physical principles of the CO measurement intended and thereby leaves doubt as to the qualification of other designs or configurations that also utilize the same basic principle. The present calibration procedure is sketchy and needs supplemental details and specifications to assure adequate calibration of CO reference methods.

To correct these deficiencies, Appendix C has been largely rewritten, but no significant changes are proposed to the basic objectives and intent. The

proposed new language augments the existing measurement principle and calibration procedure with additional technical details and clarification. In addition, the new version is more consistent with the measurement principle and calibration procedure descriptions in other appendixes to Part 50.

Measurement Principle

The revised description of the measurement principle is written in a more generalized, functional form to allows a variety of designs of the photometer. This is important so that the measurement principle description does not inadvertently preclude new, improved designs or new configurations of components that are clearly within the intended scope of the measurement principle. In particular, the new description more clearly allows analyzers using the gas filter correlation technique to qualify as reference methods.

Calibration Procedure

The calibration procedure is augmented with much more technical detail, following a format used for other calibration procedures in other appendixes to Part 50. Two calibration methods are described, one using dilution of a single compressed gas CO standard and the other using multiple compressed gas CO standards. Typical calibration system configurations for each method are shown along with specifications for the major components and for the CO standards. The procedure provides step-by-step instructions for establishing flowing CO atmospheres, calculating diluted CO standard concentrations, adjusting the analyzer's zero and span controls, and preparing calibration curves. Also, section 3.1 allows CO calibration standards to be traceable to either a National Bureau of Standards (NBS) Standard Reference Material (SRM) or to an NBS/EPA-approved gas manufacturer's Certified Reference Material (CRM). This provision is consistent with similar provisions in amendments being proposed to 40 CFR Parts 50 and 58 elsewhere in this **Federal Register.**

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(10) Clements, J. B. Memorandum to Directors, Surveillance and Analysis Divisions, Air and Hazardous Materials Divisions, Quality Control Coordinators, EPA Regions I–X; Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, December 29, 1975.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed rule is not a major regulation because it principally revises the existing reference methods for SO_2, TSP, and CO to correct identified short-comings and ambiguities. Certain technical improvements have also been incorporated, but all of the proposed changes are designed to improve the quality and comparability of ambient measurements.

This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule, if promulgated, would impose no new regulatory requirements; principally, it would correct certain identified shortcomings, clarify ambiguities, and incorporate minor but important technical improvements in the existing reference methods for SO_2, TSP, and CO. The economic impact on monitoring agencies resulting from these method revisions is not considered significant because of the minimal cost of upgrading existing equipment and procedures.

Dated: January 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

As indicated in the foregoing discussion, it is proposed to amend 40 CFR Part 50 as follows:

1. By revising Appendix A to read as follows:

Appendix A—Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method)

1.1 This method provides a measurement of the concentration of sulfur dioxide (SO_2) in ambient air for determining compliance with the primary and secondary national ambient air quality standards for sulfur oxides (sulfur dioxide) as specified in § 50.4 and § 50.5 of this chapter. The method is applicable to the measurement of ambient SO_2 Concentrations using sampling periods ranging from 30 minutes to 24 hours. Additional quality assurance procedures and guidance are provided in part 58, appendixes A and B, of this chapter and in references (*1*) and (*2*).

2.0 *Principle.* 2.1 A measured volume of air is bubbled through a solution of 0.04 M potassium tetrachloromercurate (TCM). The SO_2 present in the air stream reacts with the TCM solution to form a stable monochlorosulfonatomercurate (*3*) complex. Once formed, this complex resists air oxidation (*4*) (*5*) and is stable in the presence of strong oxidants such as ozone and oxides of nitrogen. During subsequent analysis, the complex is reacted with acid-bleached pararosaniline dye and formaldehyde to form an intensely colored pararosaniline methyl sulfonic acid. (*6*) The optical density of this species is determined spectrophotometrically at 548 nm and is directly related to the amount of SO_2 collected. The total volume of air sampled, corrected to EPA reference conditions (25° C, 760 mm Hg), is determined from the measured flow rate and the sampling time. The concentration of SO_2 in the ambient air is computed and expressed in micrograms per standard cubic meter ($\mu g/std\ m_3$).

3.0 Range. 3.1 The lower limit of detection of SO_2 in 10 mL of TCM is 0.75 μg (based on collaborative test results). (*7*) This represents a concentration of 25 $\mu g\ SO_2/m_3$ (0.01 ppm) in an air sample of 30 standard liters (short-term sampling) and a concentration of 13 $\mu g\ SO_2/m^3$ (0.005 ppm) in an air sample of 288 standard liters (long-term sampling). Concentrations less than 25

$\mu g\ SO_2/m^3$ can be measured by sampling larger volumes of ambient air; however, the collection efficiency falls off rapidly at low concentrations (*8*)(*9*) Beer's law is adhered to up to 34 μg of SO_2 in 25 mL of final solution. This upper limit of the analysis range represents a concentration of 1,130 $\mu g\ SO_2/m^3$ (0.43 ppm) in an air sample of 30 standard liters and a concentration of 590 $\mu g\ SO_2/m^3$ in an air sample of 288 standard liters. Higher concentrations can be measured by collecting a smaller volume of air, by increasing the volume of absorbing solution, or by diluting a suitable portion of the collected sample with solution prior to analysis.

4.0 *Interferences.* 4.1 The effects of the principal potential interferences have been minimized or eliminated in the following manner: nitrogen oxides by the addition of sulfamic acid, (*10*)(*11*) heavy metals by the addition of ethylenediamine tetracetic acid disodium salt (EDTA) and phosphoric acid, (*10*)(*12*) and ozone by time delay. (*10*) Up to 60 μg Fe (III), 22 μg V (V), 10μg Cu (II), 10 μg Mn (II), and 10 μg Cr (III) in 10 mL absorbing reagent can be tolerated in the procedure. (*10*) No significant interference has been encountered with 2.3 $\mu g\ NH^3$. (*13*)

5.0 *Precision and Accuracy.* 5.1 The precision of the analysis is 4.6 percent (at the 95 percent confidence level) based on the analysis of standard sulfite samples.(*10*)

5.2 Collaborative test results (*14*) based on the analysis of synthetic test atmospheres (SO_2 in scrubbed air) using the 24-hour sampling procedure and the sulfite-TCM calibration procedure show that:

- The replication error varies linearly with concentration from $\pm 2.5\ \mu g/m^3$ at concentrations of 100 $\mu g.m^3$ to $\pm 7\ \mu g.m^3$ at concentrations of 400 $\mu g/m^3$.
- The day-to-day variability within an individual laboratory (repeatability) varies linearly with concentration from $\pm 18.1\ \mu g/m^3$ at levels of 100 $\mu g.m^3$ to $\pm 50.9\ \mu g/m^2$ at levels of 400 $\mu g.m^3$.
- The day-to-day variability between two or more laboratories (reproducibility) varies linearly with concentration from $\pm 36.9\ \mu g/m^3$ at levels of 100 $\mu g/m^3$ to $\pm 103.5\ \mu g/m^3$ at levels of 400 $\mu g/m^3$.
- The method has a concentration-dependent bias, which becomes significant at the 95 percent confidence level at the high concentration level. Observed values tend to be lower than the expected SO_2 concentration level.

6.0 *Stability.* 6.1 By sampling in a controlled temperature environment of 15° ±10° C, greater than 98.9 percent of the SO_2—TCM complex is retained at the completion of sampling. (*15*) If kept at 5° C following the completion of sampling, the collected sample has been found to be stable for up to 30 days. (*10*) The presence of EDTA enhances the stability of SO_2 in the TCM solution and the rate of decay is independent of the concentration of SO_2. (*16*)

7.0 *Apparatus.*

7.1 *Sampling.*

7.1.1 *Sample probe:* A sample probe meeting the requirements of section 7 of 40 CFR Part 58, Appendix E (Teflon® or glass with residence time less than 20 sec.) is used to transport ambient air to the sampling train location. The end of the probe should be inverted to preclude the sampling of precipitation, large particles, etc. A suitable probe can be constructed from Teflon® tubing connected to an inverted funnel.

7.1.2 *Absorber—short-term sampling:* An all glass midget impinger having a solution capacity of 30 mL and a stem clearance of 4 ±1 mm from the bottom of the vessel is used for sampling periods of 30 minutes and 1 hour (or any period considerably less than 24 hours). Such an impinger is shown in Figure 1. These impingers are commercially available from distributors such as Ace Glass, Incorporated.

7.1.4 *Absorber—24-hour sampling:* A polypropylene tube 32 mm in diameter and 164 mm long (available from Bel Art Products, Pequammock NJ) is used as the absorber. The cap of the absorber must be a polypropylene cap with two ports (rubber stoppers are unacceptable because the absorbing reagent can react with the stopper to yield erroneously high SO_2 concentrations). A glass impinger stem, 6 mm in diameter and 158 mm long, is inserted into one port of the absorber cap. The tip of the stem is tapered to a small diameter orifice (0.4 ±0.1 mm) such that a No. 79 jeweler's drill bit will pass through the opening but a No. 78 drill bit will not. Clearance from the bottom of the absorber to the tip of the stem must be 6 ±2 mm. Glass stems can be fabricated by any reputable glass blower or can be obtained from a scientific supply firm. Upon receipt, the orifice test should be performed to verify the orifice size. The assembled absorber is shown in Figure 2.

7.1.4 *Moisture trap:* A moisture trap constructed of a glass trap as shown in Figure 1 or a polypropylene tube as shown in Figure 2 is placed between the absorber tube and flow control device to prevent entrained liquid from reaching the flow control device. The tube is packed with silica gel as shown in Figure 2. Glass wool may be substituted for silica gel when collecting short-term samples (1 hour or less) as shown in Figure 1.

7.1.5 *Heat shrinkable tape (24-hour sampling):* A heat skrink seal of appropriate diameter is required for sealing the absorber and cap and the moisture trap and cap to prevent leakage during sampling. A heat gun for shrinking the tape is also required. Figure 2 shows a sampling assembly utilizing the heat shrink seal.

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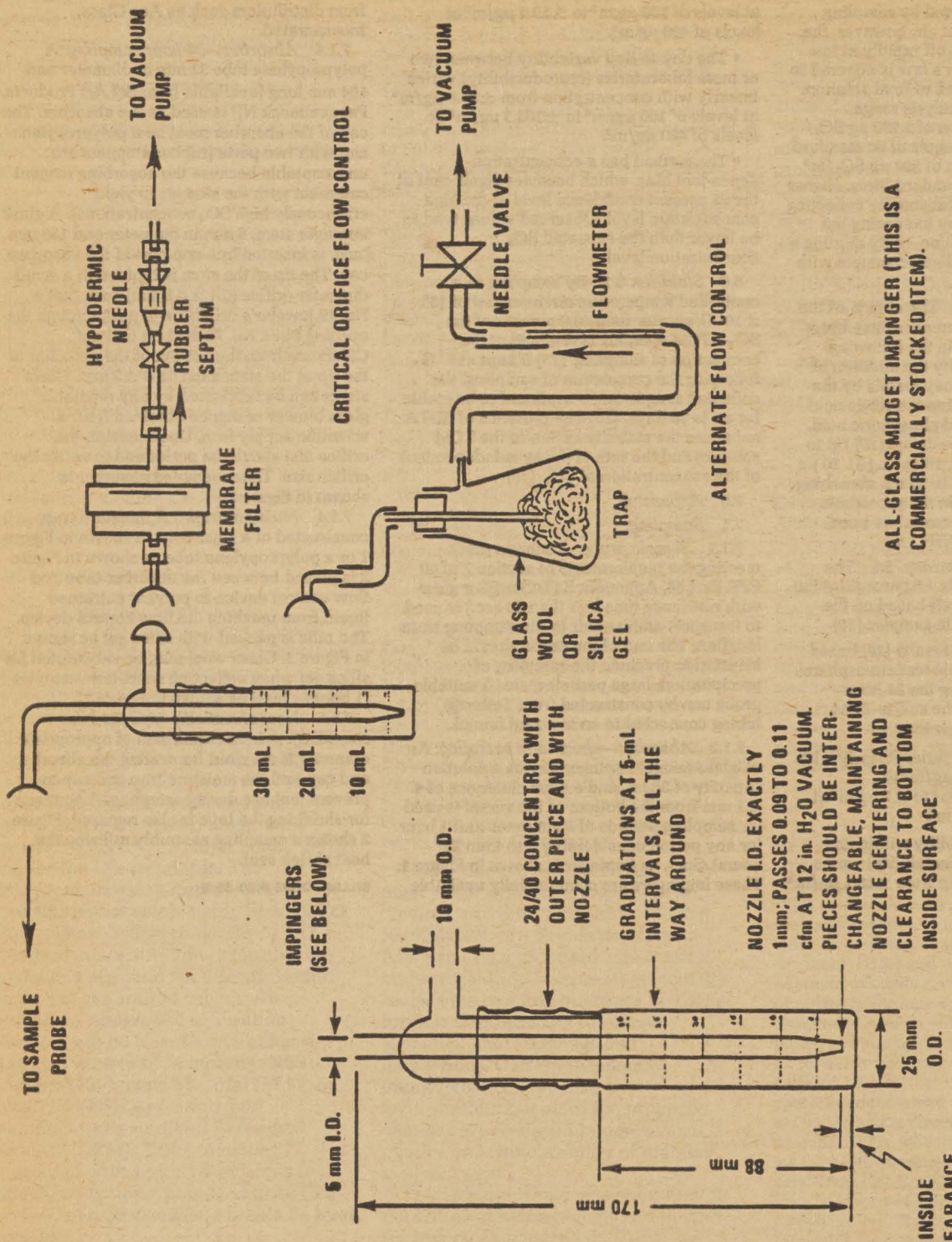

Figure 1. Short-term sampling train.

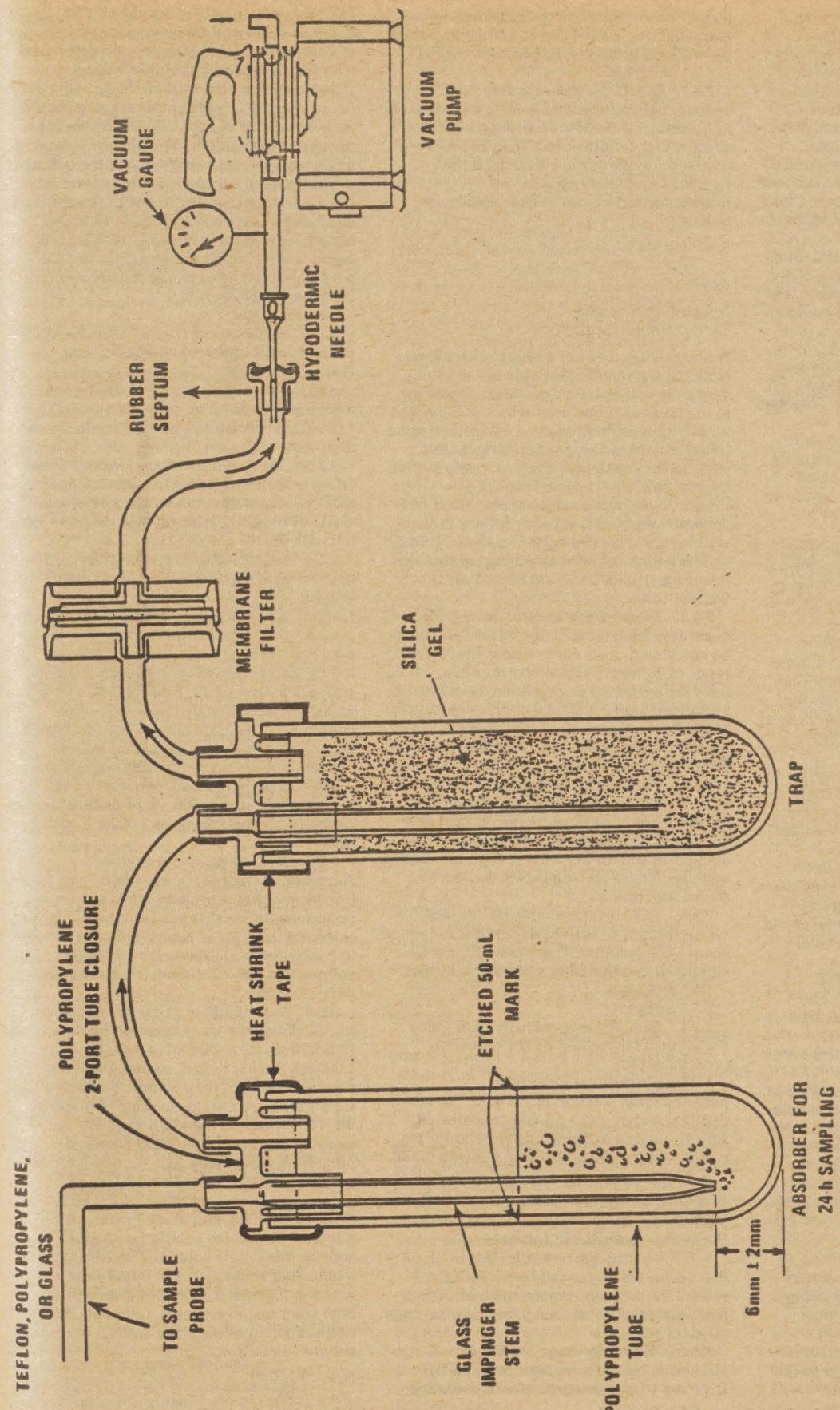

Figure 2. 24-Hour sampling system.

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7.1.6 *Flow control device:* A calibrated rotameter and needle valve combination capable of maintaining and measuring air flow to within ±2 percent is suitable for short-term sampling but may not be used for long-term sampling. Calibrated critical orifices can be used for both long- and short-term sampling. A 22-gauge hypodermic needle 25 mm long may be used as a critical orifice to yield a flow rate of 1 L/min for a 30-minute sampling period. When sampling for 1 hour, a 23-gauge hypodermic needle 16 mm in length will provide a flow rate of approximately 0.5 L/min. Flow control for a 24-hour sample may be provided by a 27-gauge hypodermic needle critical orifice that is 9.5 mm in length. The flow rate should be in the range of 0.18 to 0.22 L/min.

7.1.7 *Membrane particle filter:* A membrane filter of 0.8 to 2 μm porosity is used to protect the flow controller from particles during long-term sampling. This item is optional for short-term sampling.

7.1.8 *Vacuum pump:* A vacuum pump equipped with a vacuum gauge and capable of maintaining at least a 0.7 atm vacuum differential across the flow control device at the specified flow rate is required for sampling.

7.1.9 *Temperature control device:* The temperature of the absorbing solution during sampling must be maintained at 15° ±10° C. As soon as possible following sampling and until analysis, the temperature of the collected sample must be maintained at 5°±5° C. Where an extended period of time may elapse before the collected sample can be moved to the lower storage temperature, a collection temperature near the lower limit of the 15 ±10° C range should be used to minimize losses during this period. Thermoelectric coolers specifically designed for this temperature control are available commercially and normally operate in the range of 5° to 15° C. Small refrigerators can be modified to provide the required temperature control; however, inlet lines must be insulated from the lower temperature to prevent condensation when sampling under humid conditions. A small heating pad may be necessary when sampling at low temperatures (<7° C) to prevent the absorbing solution from freezing. (*17*).

7.1.10 *Sampling train container:* The absorbing solution must be shielded from light during and after sampling. Most commercially available sampler trains are enclosed in a light-proof box.

7.1.11 *Timer:* A timer is recommended to initiate and to stop sampling for the 24-hour period. The timer is not a required piece of equipment; however, without the timer a technician would be required to manually start and stop sampling. An elapsed time meter is also recommended to determine the duration of the sampling period.

7.2 *Shipping.*

7.2.1 *Shipping container:* A shipping container that can maintain a temperature of 5°±5° C is used for transporting the sample from the collection site to the analytical laboratory. Ice coolers or refrigerated shipping containers have been found to be satisfactory. The use of eutectic cold packs instead of ice will give a more stable temperature control. Such equipment is available from Cole-Parmer Company, 7425 North Oak Park Avenue, Chicago, IL 60648.

7.3 *Analysis.*

7.3.1 *Spectrophotometer:* A spectrophotometer suitable for measurement of absorbances at 548 nm with an effective spectral bandwidth of less than 15 nm is required for use during analysis. If the spectrophotometer reads out in transmittance, convert to absorbance as follows:

$$A = \log_{10}(1/T) \quad (1)$$

where

A = absorbance, and
T = transmittance (0<T<1).

A neutral density filter available from the National Bureau of Standards is used to verify the wavelength calibration according to the procedure enclosed with the filter. The wavelength calibration must be verified upon initial receipt of the instrument and after each 160 hours of normal use or every 6 months, whichever occurs first.

7.3.2 *Spectrophotometer cells:* A set of 1-cm path length cells suitable for use in the visible region is used during analysis. If the cells are unmatched, a matching correction factor must be determined according to Section 10.1.

7.3.3 *Temperature control device:* The color development step during analysis must be conducted in an environment that is in the range of 20° to 30° C and controlled to ±1° C. Both calibration and sample analysis must be performed under identical conditions (within 1° C). Adequate temperature control may be obtained by means of constant temperature baths, water baths with manual temperature control, or temperature controlled rooms.

7.3.4 *Glassware:* Class A volumetric glassware of various capacities is required for preparing and standardizing reagents and standards and for dispensing solutions during analysis. These include pipets, volumetric flasks, and burets.

7.3.5 *TCM waste receptacle:* A glass waste receptacle is required for the storage of spent TCM solution. This vessel should be stoppered and stored in a hood at all times.

8.0 *Reagents.*

8.1 *Sampling.*

8.1.1 *Distilled water:* Purity of distilled water must be verified by the following procedure: (*18*)

- Place 0.20 mL of potassium permanganate solution (0.316 g/L), 500 mL of distilled water, and 1 mL of concentrated sulfuric acid in a chemically resistant glass bottle, stopper the bottle, and allow to stand.
- If the permanganate color (pink) does not disappear completely after a period of 1 hour at room temperature, the water is suitable for use.
- If the permanganate color does disappear, the water can be purified by redistilling with one crystal each of barium hydroxide and potassium permanganate in an all glass still.

8.1.2 *Absorbing reagent (0.04 M potassium tetrachloromercurate [TCM]):* Dissolve 10.86 g mercuric chloride, 0.066 g EDTA, and 6.0 g potassium chloride in distilled water and dilute to volume with distilled water in a 1,000-mL volumetric flask. (*Caution:* Mercuric chloride is highly poisonous. If spilled on skin, flush with water immediately.) The pH of this reagent should be between 3.0 and 5.0. (*10*) Check the pH of the absorbing solution by using pH indicating paper or a pH meter. If the pH of the solution is not between 3.0 and 5.0, the solution must be discarded according to one of the disposal techniques described in Section 13.0. The absorbing reagent is normally stable for 6 months. If a precipitate forms, discard the reagent according to one of the procedures described in Section 13.0.

8.2 *Analysis.*

8.2.1 *Sulfamic acid (0.6%):* Dissolve 0.6 g sulfamic acid in 100 mL distilled water. Prepare fresh daily.

8.2.2 *Formaldehyde (0.2%):* Dilute 5 mL formaldehyde solution (36 to 38 percent) to 1,000 mL with distilled water. Prepare fresh daily.

8.2.3 *Stock iodine solution (0.1 N):* Place 12.7 g resublimed iodine in a 250-mL beaker and add 40 g potassium iodide and 25 mL water. Stir until dissolved, then dilute to 1,000 mL with distilled water.

8.2.4 *Iodine solution (0.01 N):* Prepare approximately 0.01 N iodine solution by diluting 50 mL of stock iodine solution (Section 8.2.3) to 500 mL with distilled water.

8.2.5 *Starch indicator solution:* Triturate 0.4 g soluble starch and 0.002 g mercuric iodide (preservative) with enough distilled water to form a paste. Add the paste slowly to 200 mL of boiling distilled water and continue boiling until clear. Cool and transfer the solution to a glass stoppered bottle.

8.2.6 *1 N hydrochloric acid:* Slowly and while stirring, add 86 mL of concentrated hydrochloric acid to 500 mL of distilled water. Allow to cool and dilute to 1,000 mL with distilled water.

8.2.7 *Potassium iodate solution:* Accurately weigh to the nearest 0.1 mg, 1.5 g (record weight) of primary standard grade potassium iodate that has been previously dried at 180° C for at least 3 hours and cooled in a dessicator. Dissolve, then dilute to volume in a 500-mL volumetric flask with distilled water.

8.2.8 *Stock sodium thiosulfate solution (0.1 N):* Prepare a stock solution by dissolving 25 g sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$) in 1,000 mL freshly boiled, cooled, distilled water and adding 0.1 g sodium carbonate to the solution. Allow the solution to stand at least 1 day before standardizing. To standardize, accurately pipet 50 mL of potassium iodate solution (Section 8.2.7) into a 500-mL iodine flask and add 2.0 g of potassium iodide and 10 mL of 1 N HCl. Stopper the flask and allow to stand for 5 minutes. Titrate the solution with stock sodium thiosulfate solution (Section 8.2.8) to a pale yellow color. Add 5 mL of starch solution (Section 8.2.5) and titrate until the blue color just disappears. Calculate the normality (N_s) of the stock sodium thiosulfate solution as follows:

$$N_s = \frac{W \times 2.80}{M} \quad (2)$$

where
M = volume of thiosulfate required in mL, and
W = weight of potassium iodate in g (recorded weight in Section 8.2.7).

$$2.80 = \frac{10^3 \text{ (conversion of g to mg)} \times 0.1 \text{ (fraction iodate used)}}{35.67 \text{ (equivalent weight of potassium iodate)}}$$

8.2.9 *Working sodium thiosulfate titrant (0.01 N):* Accurately pipet 100 mL of stock sodium thiosulfate solution (Section 8.2.8) into a 1,000-mL volumetric flask and dilute to volume with freshly boiled, cooled, distilled water. Calculate the normality of the working sodium thiosulfate titrant (N_T) as follows:

$$N_T = N_s \times 0.100$$

8.2.10 *Standardized sulfite solution for the preparation of working sulfite-TCM solution:* Dissolve 0.30 g sodium metabisulfite ($Na_2S_2O_5$) or 0.40 g sodium sulfite (Na_2SO_3) in 500 mL of recently boiled, cooled, distilled water. (Sulfite solution is unstable; it is therefore important to use water of the highest purity to minimize this instability.) This solution contains the equivalent of 320 to 400 μg SO_2/mL. The actual concentration of the solution is determined by adding excess iodine and back-titrating with standard sodium thiosulfate solution. To back-titrate, pipet 50 mL of the 0.01 N iodine solution (Section 8.2.4) into each of two 500-mL iodine flasks (A and B). To flask A (blank) add 25 mL distilled water, and to flask B (sample) pipet 25 mL sulfite solution. Stopper the flasks and allow to stand for 5 minutes. Prepare the working sulfite-TCM solution (Section 8.2.11) immediately prior to adding the iodine solution to the flasks. Using a buret containing standardized 0.01 N thiosulfate titrant (Section 8.2.9), titrate the solution in each flask to a pale yellow color. Then add 5 mL starch solution (Section 8.2.5) and continue the titration unitl the blue color just disappears.

8.2.11 *Working sulfite-TCM solution:* Accurately pipet 5 mL of the standard sulfite solution (Section 8.2.10) into a 250-mL volumetric flask and dilute to volume with 0.04 M TCM. Calculate the concentration of sulfur dioxide in the working solution as follows:

$$C_{TCM/SO_2} (\mu g\ SO_2/mL) = \frac{(A-B)(N_T)(32{,}000)}{25} \times 0.02 \quad (4)$$

where
A = volume of thiosulfate titrant required for the blank, mL;
B = volume of thiosulfate titrant required for the sample, mL;
N_T = normality of the thiosulfate titrant, from equation (3); 32,000 = milliequivalent weight of SO_2, μg;
25 = volume of standard sulfite solution, mL; and
0.02 = dilution factor.

This solution is stable for 30 days if kept at 5° C. (*16*) If not kept at 5° C, prepare fresh daily.

8.2.12 *Purified pararosaniline (PRA) stock solution (0.2% nominal):*

8.2.12.1 *Dye specifications—*

• The dye must have a maximum absorbance at a wavelenght of 540 nm when assayed in a buffered solution of 0.1 M sodium acetate-acetic acid;

• The absorbance of the reagent blank, which is temperature sensitive (0.015 absorbance unit/°C), must not exceed 0.170 at 22° C with a 1-cm optical path length when the blank is prepared according to the specified procedure;

• The calibration curve (Section 10.0) must have a slope equal to 0.030 ±0.002 absorbance unit/μg SO_2 with a 1-cm optical path length when the dye is pure and the sulfite solution is properly standardized.

8.2.12.2 *Preparation of stock PRA solution*—A specially purified (99 to 100 percent pure) solution of pararosaniline, which meets the above specifications, is commercially available in the required 0.20 percent concentration (Harleco Co.). Alternatively, the dye may be purified, a stock solution prepared, and then assayed according to the procedure as described below.[10]

8.2.12.3 *Purification procedure for PRA—*

1. Place 100 mL each of 1-butanol and 1 N HCl in a large separatory funnel (250-mL) and allow to equilibrate. Note: Certain batches of 1-butanol contain oxidants that create an SO_2 demand. Before using, check by placing 20 mL of 1-butanol and 5 mL of 20 percent potassium iodide (KI) solution in a 50-mL separatory funnel and shake thoroughly. If a yellow color appears in the alcohol phase, redistill the 1-butanol from silver oxide and collect the middle fraction or purchase a new supply of 1-butanol.

2. Weigh 100 mg of pararosaniline hydrochloride dye (PRA) in a small beaker. Add 50 mL of the equilibrated acid (drain in acid from the bottom of the separatory funnel in 1.) to the beaker and let stand for several minutes. Discard the remaining acid phase in the separatory funnel.

3. To a 125-mL separatory funnel, add 50 mL of the equilibrated 1-butanol (draw the 1-butanol from the top of the separatory funnel in 1.). Transfer the acid solution (from 2.) containing the dye to the funnel and shake carefully to extract. The violet impurity will transfer to the organic phase.

4. Transfer the lower aqueous phase into another separatory funnel, add 20 mL of equilibrated 1-butanol, and extract again.

5. Repeat the extraction procedure with three more 10-mL portions of equilibrated 1-butanol.

6. After the final extraction, filter the acid phase through a cotton plug into a 50-mL volumetric flask and bring to volume with 1 N HCl. This stock reagent will be a yellowish red.

7. To check the purity of the PRA, perform the assay and adjustment of concentration (Section 8.2.12.4) and prepare a reagent blank (Section 11.2); the absorbance of this reagent blank at 540 nm should be less than 0.170 at 22° C. If the absorbance is greater than 0.170 under the conditions, further extractions should be performed.

8.2.12.4 *PRA assay procedure*—The concentration of pararosaniline hydrochloride (PRA) need be assayed only once after purification. It is also recommended that commercial solutions of pararosaniline be assayed when first purchased. The assay procedure is as follows: (*10*)

1. Prepare 1 M acetate-acetic acid buffer stock solution with a pH of 4.79 by dissolving 13.61 g of sodium acetate trihydrate in distilled water in a 100-mL volumetric flask. Add 5.70 mL of glacial acetic acid and dilute to volume with distilled water.

2. Pipet 1 mL of the stock PRA solution obtained from the purification process or from a commercial source into a 100-mL volumetric flask and dilute to volume with distilled water.

3. Transfer a 5-mL aliquot of the diluted PRA solution from 2. into a 50-mL volumetric flask. Add 5 mL of 1 M acetate-acetic acid buffer solution from 1. and dilute the mixture to volume with distilled water. Let the mixture stand for 1 hour.

4. Measure the absorbance of the above solution at 540 nm with a spectrophotometer against a distilled water reference. Compute the percentage of nominal concentration of PRA by

$$\%\ PRA = \frac{A \times K}{W} \quad (5)$$

where
A = measured absorbance of the final mixture (absorbance units);
W = weight in grams of the PRA dye used in the assay to prepare 50 mL of stock solution (for example, 0.100 g of dye was used to prepare 50 mL of solution in the purification procedure; when obtained from commercial sources, use the stated concentration to compute W; for 98% PRA, W = .098 g.); and
K = 21.3 for spectrophotometers having a spectral bandwidth of less than 15 nm and a path length of 1 cm.

8.2.13 *Pararosaniline reagent:* To a 250-mL volumetric flask, add 20 mL of stock PRA solution. Add an additional 0.2 mL of stock solution for each percentage that the stock assays below 100 percent. Then add 25 mL of 3 M phosphoric acid and dilute to volume with distilled water. The reagent is stable for at least 9 months. Store away from heat and light.

9.0 *Sampling Procedure.*

9.1 *General Considerations.* Procedures are described for short-term sampling (30-minute and 1-hour) and for long-term sampling (24-hour). Different combinations of absorbing reagent volume, sampling rate, and sampling time can be selected to meet special needs. For combinations other than those specifically described, the conditions must be adjusted so that linearity is maintained between absorbance and concentration over the dynamic range. Absorbing reagent volumes less than 10 mL are not recommended. The collection efficiency is above 98 percent for the conditions described; however, the efficiency may be substantially lower when sampling concentrations below 25 μg SO_2/m^3. (*8*) (*9*)

9.2 *30-Minute and 1-Hour Sampling.* Place 10 mL of TCM absorbing reagent in a midget impinger and seal the impinger with a thin film of silicon stopcock grease (around the ground glass joint). Insert the sealed impinger into the sampling train as shown in Figure. 1,

making sure that all connections between the various components are leak tight. Greaseless ball joint fittings, heat shrinkable Teflon® tubing, or Teflon® tube fittings may be used to attain leakfree conditions for portions of the sampling train that come into contact with air containing SO_2. Shield the absorbing reagent from direct sunlight by covering the impinger with aluminum foil or by enclosing the sampling train in a light-proof box. Calibrate the critical orifice or flowmeter according to Section 9.4.1. Collect the sample at 1 ±0.10 L/min for 30-minute sampling or 0.500 ±0.05 L/min for 1-hour sampling. Record the exact sampling time in minutes, as the sample volume will later be determined using the sampling flow rate and the sampling time. Record the atmospheric pressure and temperature.

9.3 *24-Hour Sampling.* Place 50 mL of TCM absorbing solution in a large absorber, close the cap, and apply the heat shrink sealant tape as shown in Figure 3. Make a mark on the absorber with a triangular file to indicate the starting volume of absorbing reagent. Insert the sealed absorber into the sampling train as shown in Figure 2. At this time verify that the absorber temperature is controlled to 15° ±10° C. During sampling, the absorber temperature must be controlled to prevent decomposition of the collected complex. From the onset of sampling unitl analysis, the absorbing solution must be protected from direct sunlight. Calibrate the critical orifice according to Section 9.4.1. Collect the sample for 24 hours from midnight to midnight at a flow rate of 0.200 ±0.020 L/min. A start/stop timer is helpful for initiating and stopping sampling and an elapsed time meter will be useful for determining the sampling time.

9.4 *Flow Measurement.*

9.4.1 *Calibration:* Calibrate all flow controllers (i.e., critical orifices) and flow measuring devices against a reliable flow or volume standard such as an NBS traceable bubble flowmeter or calibrated wet test meter. Flow controllers used in the sampling train must meet the flow rate specifications in 9.2 and 9.3. Flow controllers must be calibrated in the sampling train with an absorber solution in place.

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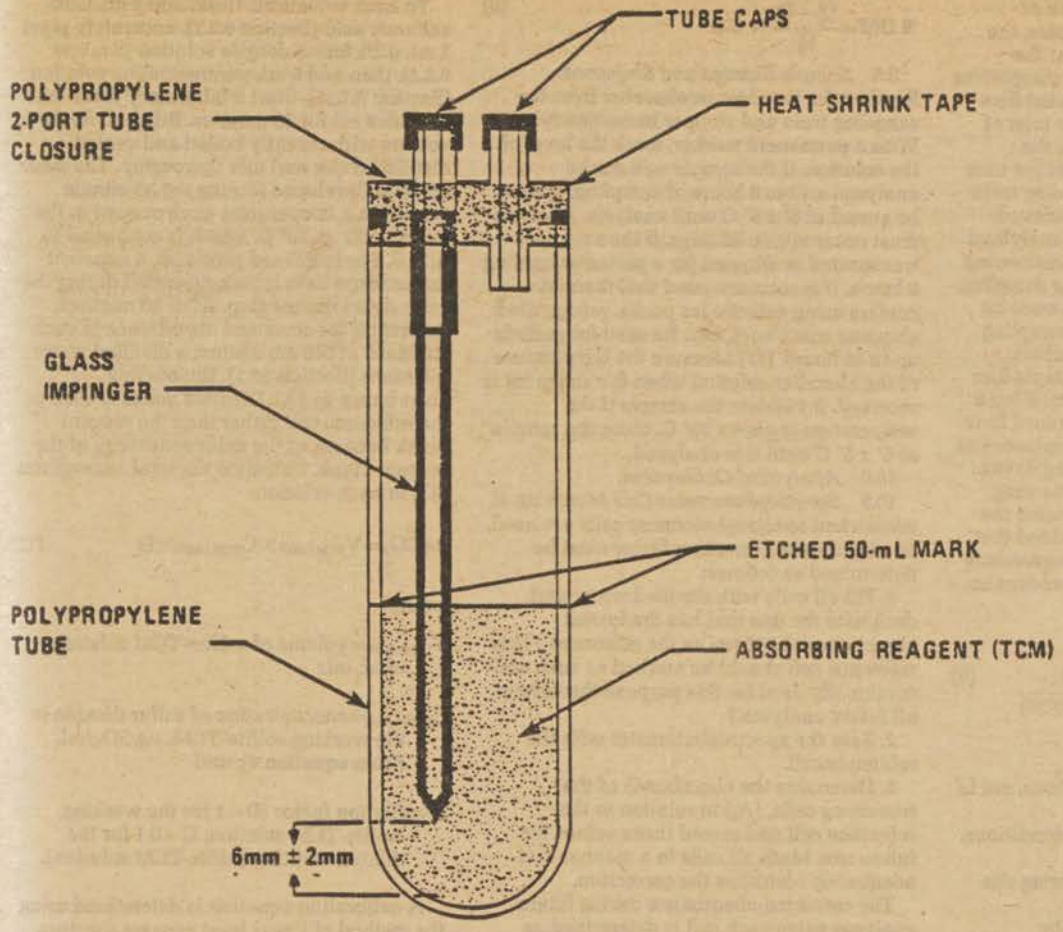

Figure 3. An absorber (24-hour sample) filled and assembled for shipment.

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9.4.2 *Determination of flow rate at sampling site:* For short-term samples, the standard flow rate is determined at the sampling site at the initiation and completion of sample collection with a calibrated flow measuring device connected to the inlet of the absorber. For 24-hour samples, the standard flow rate is determined at the time the absorber is placed in the sampling train and again when the absorber is removed from the train for shipment to the analytical laboratory with a calibrated flow measuring device connected to the inlet of the sampling train. The flow rate determination must be made with all components of the sampling system in operation (e.g., the absorber temperature controller and any sample box heaters must also be operating). Equation 6 may be used to determine the standard flow rate when a calibrated positive displacement meter is used as the flow measuring device. Other types of calibrated flow measuring devices may also be used to determine the flow rate at the sampling site provided that the user applies any appropriate corrections to devices for which output is dependent on temperature or pressure.

$$Q_{std}=Q_{act}\times\frac{P_b-P_{H2O}}{760}\times\frac{298.16}{(T_{meter}+273.16)} \quad (6)$$

where

Q_{std} = flow rate at standard conditions, std L/min (25° C and 760 mm Hg);

Q_{act} = flow rate at monitoring site conditions, L/min;

P_b = barometric pressure at monitoring site conditions, mm Hg;

P_{H2O} = vapor pressure of water at the temperature of the air in the flow or volume standard, mm Hg, (for wet volume standards only, i.e., bubble flowmeter or wet test meter; for dry standards, i.e., dry test meter, $P_{H2O}=0$); and

T_{meter} = temperature of the air in the flow or volume standard, °C (e.g., bubble flowmeter).

If a barometer is not available, the following equation may be used to determine the barometric pressure:

$$P_b=760-[.076(H)] \quad (7)$$

where

H = sampling site elevation above sea level in meters. If the initial flow rate (Q_i) differs from the flow rate of the critical orifice or the flow rate indicated by the flowmeter in the sampling train (Q_c) by more than 5 percent as determined by equation (8), check for leaks and redetermine Q_i.

$$\%\ Diff=\frac{Q_i-Q_c}{Q_c}\times 100 \quad (8)$$

Invalidate the sample if the difference between the initial (Q_i) and final (Q_f) flowrates is more than 5 percent as determined by equation (9)

$$\%\ Diff=\frac{Q_i-Q_f}{Q_f}\times 100 \quad (9)$$

9.5 *Sample Storage and Shipment.* Remove the impinger or absorber from the sampling train and stopper immediately. With a permanent marker, mark the level of the solution. If the sample will not be analyzed within 8 hours of sampling, it must be stored at 5°±5° C until analysis. Analysis must occur within 30 days. If the sample is transported or shipped for a period exceeding 8 hours, it is recommended that thermal coolers using eutectic ice packs, refrigerated shipping containers, etc., be used for periods up to 48 hours. (*17*) Measure the temperature of the absorber solution when the shipment is received. Invalidate the sample if the temperature is above 10° C. Store the sample at 5°±5° C until it is analyzed.

10.0 *Analytical Calibration.*

10.1 *Spectrophotometer Cell Matching.* If unmatched spectrophotometer cells are used, an absorbance correction factor must be determined as follows:

1. Fill all cells with distilled water and designate the one that has the lowest absorbance at 548 nm as the reference. (This reference cell should be marked as such and continually used for this purpose throughout all future analyses.)

2. Zero the spectrophotometer with the reference cell.

3. Determine the absorbance of the remaining cells, (A_c) in relation to the reference cell and record these values for future use. Mark all cells in a manner that adequately identifies the correction.

The corrected absorbance during future analyses using each cell is determined as follows:

$$A=A_{obs}-A_c \quad (10)$$

where

A = corrected absorbance,

A_{obs} = uncorrected absorbance, and

A_c = cell correction.

10.2 *Static Calibration Procedure (Option 1).* Prepare a dilute working sulfite-TCM solution by diluting 10 mL of the working sulfite-TCM solution (Section 8.2.11) to 100 mL with TCM absorbing reagent. Following the table below, accurately pipet the indicated volumes of the sulfite-TCM solutions into a series of 25-mL volumetric flasks. Add TCM absorbing reagent as indicated to bring the volume in each flask to 10 mL.

Sulfite-TCM solution	Volume of sulfite-TCM solution, mL	Volume of TCM, mL	Total μg SO_2 (approximately)[1]
Working	4.0	6.0	28.8
Working	3.0	7.0	21.6
Working	2.0	8.0	14.4
Dilute working	10.0	0.0	7.2
Dilute working	5.0	5.0	3.6
—	0.0	10.0	0.0

[1] Based on working sulfite-TCM solution concentration of 7.2 μg SO_2/mL; the actual total μg SO_2 must be calculated using equation 11 below.

To each volumetric flask, add 1 mL 0.6% sulfamic acid (Section 8.2.1), accurately pipet 2 mL 0.2% formaldehyde solution (Section 8.2.2), then add 5 mL pararosaniline solution (Section 8.2.13). Start a laboratory timer that has been set for 30 minutes. Bring all flasks to volume with recently boiled and cooled distilled water and mix thoroughly. The color must be developed (during the 30-minute period) in a temperature environment in the range of 20° to 30° C, which is controlled to ±1° C. For increased precision, a constant temperature bath is recommended during the color development step. After 30 minutes, determine the corrected absorbance of each standard at 548 nm against a distilled water reference (Section 10.1). Denote this absorbance as (A). Distilled water is used in the reference cell rather than the reagent blank because of the color sensitivity of the reagent blank. Calculate the total micrograms SO_2 in each solution:

$$\mu g\ SO_2=V_{TCM/SO2}\times C_{TCM/SO2}\times D \quad (11)$$

where

$V_{TCM/SO2}$ = volume of sulfite-TCM solution used, mL;

$C_{TCM/SO2}$ = concentration of sulfur dioxide in the working sulfite-TCM, μg SO_2/mL (from equation 4); and

D = dilution factor (D=1 for the working sulfite-TCM solution; D=0.1 for the diluted working sulfite-TCM solution).

A calibration equation is determined using the method of linear least squares (Section 12.1). The total micrograms SO_2 contained in each solution is the x variable, and the corrected absorbance associated with each solution is the y variable. For the calibration to be valid, the slope must be in the range of 0.030 ±0.002 absorbance unit/μg SO_2, the intercept as determined by the least squares method must be equal to or less than 0.170 when the color is developed at 22° C (add 0.015 to this 0.170 specification for each °C above 22° C) and the correlation coefficient must be greater than 0.998. If there criteria are not met, it may be the result of an impure dye and/or an improperly standardized sulfite-TCM solution. A calibration factor (B_s) is determined by calculating the reciprocal of the slope and is subsequently used for calculating the sample concentration (Section 12.3).

10.3. *Dynamic Calibration Procedures (Option 2).* Atmospheres containing accurately known concentrations of sulfur dioxide are prepared using permeation devices. In the systems for generating these atmospheres, the permeation device emits gaseous SO_2 at a known, low, constant rate, provided the termperature of the device is held constant (±0.1° C) and the device has been accurately calibrated at the temperature of use. The SO_2 permeating from the device is carried by a low flow of dry carrier gas to a

mixing chamber where it is diluted with SO_2-free air to the desired concentration and supplied to a vented manifold. A typical system is shown schematically in Figure 4 and this system and other similar systems have been described in detail by O'Keeffe and Ortman; (*19*) Scaringelli, Frey, and Saltzman; (*20*) and Scaringelli, O'Keeffe, Rosenberg, and Bell. (*21*) Permeation devices may be prepared or purchased and in both cases must be traceable either to a National Bureau of Standards (NBS) Standard Reference Material (SRM 1625, SRM 1626, SRM 1627) or to an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference 22, and a list of CRM sources is available from the address shown for Reference 22. A recommended protocol for certifying a permeation device to an NBS SRM or CRM is given in Section 2.0.7 of Reference 2. Device permeation rates of 0.2 to 0.4 μg/min, inert gas flows of about 50 mL/min, and dilution air flow rates from 1.1 to 15 L/min conveniently yield standard atmospheres in the range of 25 to 600 μg SO_2/m^3 (0.010–0.230 ppm).

10.3.1 *Calibration option 2A (30-minutes and 1-hour samples):* Generate a series of six standard atmospheres of SO_2 (e.g., 0, 50, 100, 200, 350, 500, 750 μg/m^3) by adjusting the dilution flow rates appropriately. The concentration of SO_2 in each atmosphere is calculated as follows:

$$C_a = \frac{P_r - 10^3}{(Q_d + Q_p)} \quad (12)$$

where

C_a = concentration of SO_2 at standard conditions, μg/m^3;

P_r = permeation rate, μg/min;

Q_d = flow rate of dilution air, stdL/min; and

Q_p = flow rate of carrier gas across permeation device, stdL/min.

Be sure that the total flow rate of the standard exceeds the flow demand of the sample train, with the excess flow vented at atmospheric pressure. Sample each atmosphere using similar apparatus as shown in Figure 1 and under the same conditions as field sampling (i.e., use same absorbing reagent volume and sample same volume of air at an equivalent flow rate). Due to the length of the sampling periods required, this method is not recommended for 24-hour sampling.

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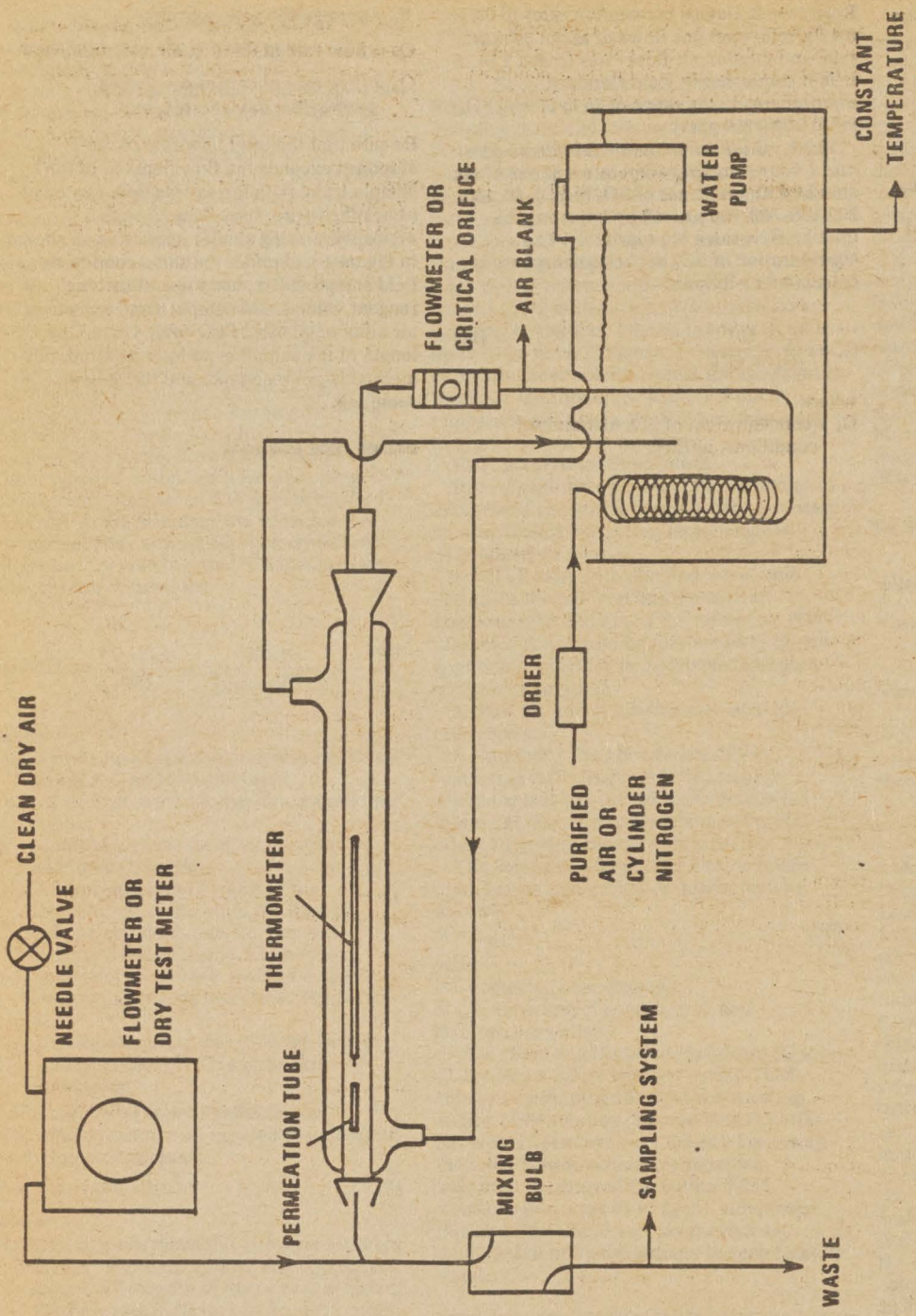

Figure 4. Permeation tube schematic for laboratory use.

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At the completion of sampling, quantitatively transfer the contents of each impinger to a series of 25-mL volumetric flasks (if 10 mL of absorbing solution was used) using small amounts of distilled water for rinse (<5 mL). If >10 mL of absorbing solution was used, bring the absorber solution in each impinger to orignial volume with distilled H_2O and pipet 10-mL portions from each impinger into a series of 25-mL volumetric flasks. If the color development steps are not started within 8 hours of sampling, store the solutions at 5° ±5° C. Calculate the total micrograms SO_2 in each solution as follows:

$$\mu g\ SO_2 = \frac{C_a \times Q_s \times t \times V_a}{V_b} \times 10^{-3} \quad (13)$$

Where:

C_a = concentration of SO_2 in the standard atmosphere, $\mu g/m^3$;

$Q_s = \frac{Q_i + Q_f}{2}$ = sampling flow rate, stdL/min;

t = sampling time, min;

V_a = volume of absorbing solution used for color development (10 mL); and

V_b = volume of absorbing solution used for sampling, mL.

Add the remaining reagents for color development in the same manner as in Section 10.2 for static solution. Calculate a calibration equation and a calibration factor (B_s) according to Section 10.2, adhering to all the specified criteria.

10.3.2 *Calibration option 2B (24-hour samples):* Generate a standard atmosphere containing approximately 1,050 $\mu g\ SO_2/m^3$ and calculate the exact concentration according to equation 12. Set up a series of six absorbers according to Figure 2 and connect to a common manifold for sampling the standard atmosphere. Be sure that the total flow rate of the standard exceeds the flow demand at the sample manifold, with the excess flow vented at atmospheric pressure. The absorbers are then allowed to sample the atmosphere for varying time periods to yield solutions containing 0, 0.2, 0.6, 1.0, 1.4, 1.8, and 2.2 $\mu g\ SO_2$/mL solution. The sampling times required to attain these solution concentrations are calculated as follows:

$$t = \frac{V_b \times C_s}{C_a \times Q_s \times 10^{-3}} \quad (14)$$

Where:

t = sampling time, min;

V_b = volume of absorbing solution used for sampling (50 mL);

C_s = desired concentration of SO_2 in the absorbing solution, $\mu g/mL$;

C_a = concentration of the standard atmosphere calculated according to equation 12, $\mu g/m^3$; and

Q_s = sampling flow rate, stdL/min.

At the completion of sampling, bring the absorber solutions to original volume with distilled water. Pipet 10-mL portion from each absorber into a series of 25-mL volumetric flasks. If the color development steps are not started within 8 hours of sampling, store the solutions at 5°±5° C. Add the remaining reagents for color development in the same manner as in Section 10.2 for static solutions. Calculate the total $\mu g\ SO_2$ in each standard as follows:

$$\mu g\ SO_2 = \frac{t \times C_a \times Q_s \times V_a}{V_b} \times 10^{-3} \quad (15)$$

Where:

V_a = volume of absorbing solution used for color development (10 mL).

All other parameters are defined in equation 14.

Calculate a calibration equation and a calibration factor (B_s) according to Section 10.2 adhering to all the specified critieria.

11.0 *Sample Preparation and Analysis.*

11.1 *Sample Preparation.* Remove the samples from the shipping container. If the shipment period exceeded 8 hours from the completion of sampling, verify that the temperature is below 10° C. Also, compare the solution level to the level marked on the absorber prior to shipping. If either the temperature is above 10° C or there was significant loss (more than 20%) of the sample during shipping, make an appropriate notation in the record and invalidate the sample. Prepare the samples for analysis as follows:

1. For 30-minute or 1-hour samples: Quantitatively transfer the entire 10 mL amount of absorbing solution to a 25-mL volumetric flask and rinse with a small amount (<5 mL) of distilled water.

2. For 24-hour samples: If the volume of the sample is less than the original volume marked on the absorber, adjust the volume back to the original volume with distilled water to compensate for water lost to evaporation during sampling. If the final volume is greater than the original volume, the volume must be measured using a graduated cylinder. To analyze, pipet 10 mL of the solution into a 25-mL volumetric flask.

11.2 *Sample Analysis.* For each set of determinations, prepare a reagent blank by adding 10 mL TCM absorbing solution to a 25-mL volumetric flask, and two control standards containing approximately 5 and 15 $\mu g\ SO_2$, respectively. The control standards are prepared according to Section 10.2 or 10.3. The analysis is carried out as follows:

1. Allow the sample to stand 20 minutes after the completion of sampling to allow any ozone to decompose (if applicable).

2. To each 25-mL volumetric flask containing reagent blank, sample, or control standard, add 1 mL of 0.6% sulfamic acid (Section 8.2.1) and allow to react for 10 min.

3. Accurately pipet 2 mL of 0.2% formaldehyde solution (Section 8.2.2) and then 5 mL of pararosaniline solution (Section 8.2.13) into each flask. Start a laboratory timer set at 30 minutes.

4. Bring each flask to volume with recently boiled and cooled distilled water and mix thoroughly.

5. During the 30 minutes, the solutions must be in a temperature-controlled environment in the range of 20° to 30° C maintained to ±1° C. This temperature must also be within 1° C of that used during calibration.

6. After 30 minutes and before 60 minutes, determine the corrected absorbances of each solution at 548 nm using 1-cm optical path length cells against a distilled water reference (Section 10.1). (*Distilled water is used as a reference instead of the reagent blank because of the color sensitivity of the reagent blank to temperature.*)

7. Do not allow the colored solution to stand in the cells because a film may be deposited. Clean the cells with isopropyl alcohol after use.

8. The reagent blank must be within 0.03 absorbance units of the intercept of the calibration equation determined in Section 10.

11.3 *Absorbance range.* If the absorbance of the sample solution ranges between 1.0 and 2.0, the sample can be diluted 1:1 with a portion of the reagent blank and the absorbance redetermined within 5 minutes. Solutions with higher absorbances can be diluted up to sixfold with the reagent blank in order to obtain scale readings of less than 1.0 absorbance unit. However, it is recommended that a smaller portion (<10 mL) of the original sample be reanalyzed (if possible) if the sample requires a dilution greater than 1:1.

11.4 *Reagent disposal.* All reagents containing mercury compounds must be stored and disposed of using one of the procedures contained in Section 13. Until disposal, the discarded solutions can be stored in closed glass containers and should be left in a fume hood.

12.0 *Calculations.*

12.1 *Calibration Slope, Intercept, and Correlation Coefficient.* The method of least squares is used to calculate a calibration equation in the form of:

$$y = mx + b \quad (16)$$

Where:

y = corrected absorbance,

m = slope, absorbance unit/$\mu g\ SO_2$,

x = micrograms of SO_2,

b = y intercept (absorbance units).

The slope (m), intercept (b), and correlation coefficient (r) are calculated as follows:

$$m = \frac{n\Sigma xy - (\Sigma x)(\Sigma y)}{n\Sigma x^2 - (\Sigma x)^2} \quad (17)$$

$$b = \frac{\Sigma y - m\Sigma x}{n} \quad (18)$$

$$r = \frac{n\Sigma y^2 - (\Sigma y)^2}{m} \quad (19)$$

where n is the number of calibration points.

A data form (Figure 5) is supplied for easily organizing calibration data when the slope, intercept, and correlation coefficient are calculated by hand.

12.2 *Total Sample Volume.* Determine the sampling volume at standard conditions as follows:

$$V_{std} = \frac{Q_i + Q_f}{2} \times t \quad (20)$$

Where:

V_{std} = sampling volume in stdL,
Q_i = standard flow rate determined at the initiation of sampling in stdL/min,
Q_f = standard flow rate determined at the completion of sampling in stdL/min, and
t = total sampling time, min.

12.3 *Sulfur Dioxide Concentration.* Calculate the concentration of each sample as follows:

$$\mu g\ SO_2/m^3 = \frac{(A-A_o)\ (B_x)\ (10^3)}{V_{std}} \times \frac{V_b}{V_a} \qquad (21)$$

Where:
A = corrected absorbance of the sample solution;
A_o = corrected absorbance of the reagent blank;
B_x = calibration factor equal to B_s, B_r, or B_t depending on the calibration procedure used, the reciprocal of the slope of the calibration equation.
V_a = volume of absorber solution analyzed, mL;
V_b = total volume of solution in absorber, mL; and
V_{std} = standard air volume sampled, stdL (from Section 12.2)

DATA FORM FOR HAND CALCULATIONS

Calibration point number	Micrograms SO_2 x	Absorbance units y	x^2	xy	y^2
1					
2					
3					
4					
5					
6					

Σx = ... Σy = ... Σx^2 = ... Σxy = ... Σy^2 = ...
n = (number of pairs of coordinates).

Figure 5. Data form for hand calculations.

12.4 *Control Standards.* Calculate the analyzed micrograms of SO_2 in each control standard as follows:

$$C_q = (A-A_o) \times B_x \qquad (22)$$

Where:
C_q = analyzed μg SO_2 in each control standard,
A = corrected absorbance of the control standard, and
A_o = corrected absorbance of the reagent blank.

The difference between the true and analyzed values of the control standards must not be greater than 1 μg. If the difference is greater than 1 μg, the source of the discrepancy must be identified and corrected and the samples must be reanalyzed.

12.5 *Conversion of $\mu g/m^3$ to ppm (v/v).* If desired, the concentration of sulfur dioxide at reference conditions is converted to ppm SO_2 (v/v) as follows:

$$\text{ppm } SO_2 = \frac{\mu g\ SO_2}{M_3} \times 3.82 \times 10^{-4} \qquad (23)$$

13.0 Disposal of Mercury-Containing Solutions.

13.1 The TCM absorbing solution and any reagents containing mercury compounds must be treated and disposed of by one of the methods discusses below. Both methods remove greater than 99.99 percent of the mercury.

13.2 *Method for Forming an Amalgam.*

(1) For each liter of waste solution, add approximately 10 g of sodium carbonate until neutralization has occurred (NaOH may have to be used).

(2) Following neutralization, add 10 g of granular zinc or magnesium.

(3) Stir the solution in a hood for 24 hours. Caution must be exercised as hydrogen gas is evolved by this treatment process.

(4) After 24 hours, allow the solution to stand without stirring to allow the mercury amalgam (solid black material) to settle to the bottom of the waste receptacle.

(5) Upon settling, decant and discard the supernatant liquid.

(6) Quantitatively transfer the solid material to a container and allow to dry.

(7) The solid material can be sent to a mercury reclaiming plant. It must not be discarded.

13.3 *Method Using Aluminum Strips.*

(1) Place the waste solution in an uncapped vessel in a hood.

(2) Add aluminum foil strips to the solution until the foil is no longer consumed and allow the gas to evolve for 24 hours.

(3) Decant the supernatant liquid and discard.

(4) Transfer the elemental mercury that has settled to the bottom of the vessel to a storage container.

14.0 *References for SO_2 Method.*

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2. By revising Appendix B to read as follows:

Appendix B.—Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High Volume Method)

1.0 *Applicability.* 1.1 This method provides a measurement of the mass concentration of total suspended particulate matter (TSP) in ambient air for determining compliance with the primary and secondary national ambient air quality standards for particulate matter as specified in § 50.6 and § 50.7 of this chapter. The measurement process is nondestructive, and the size of the sample collected is usually adequate for subsequent chemical analysis. Quality assurance procedures and guidance are provided in Part 58, Appendixes A and B, of this chapter and in References (*1*) and (*2*).

2.0 *Principle.* 2.1 An air sampler, properly located at the measurement site, draws a measured quantity of ambient air into a covered housing and through a filter during a 24-hr (nominal) sampling period. The sampler flow rate and the geometry of the shelter favor the collection of particles smaller than approximately 60 μm (aerodynamic diameter). The filters used are specified to have a minimum collection efficiency of 99 percent for 0.3 μm (DOP) particles at face velocities between 150 and 225 cm/sec (see Section 7.1.4).

2.2 The filter is weighed (after moisture equilibration) before and after use to determine the net weight (mass) gain. The total volume of air sampled, corrected to EPA standard conditions (25° C, 760 mm Hg), is determined from the measured flow rate and the sampling time. The concentration of total suspended particulate matter in the ambient air is computed as the mass of collected particles divided by the volume of air sampled, corrected to standard conditions, and is expressed in micrograms per standard cubic meter (μg/std m³). For samples collected at temperatures and pressures significantly different than standard conditions, these corrected concentrations may differ substantially from actual concentrations (in micrograms per actual cubic meter), particularly at high elevations. The actual particulate matter concentration can be calculated from the corrected concentration, using the actual temperature and pressure during the sampling period.

3.0 *Range.* 3.1 The approximate concentration range of the method is 2 to 750 μg/std m³. The upper limit is determined by the point at which the sampler can no longer maintain the specified flow rate due to the increased pressure drop of the loaded filter. This point is affected by particle size distribution, moisture content of the collected particles, and variability from filter to filter, among other things. The lower limit is determined by the sensitivity of the balance (see Section 7.10) and by inherent sources of error (see Section 6). 3.2 At wind speeds between 1.3 and 4.5 m/sec (3 and 10 mph), the high-volume air sampler has been found to collect an aerosol mass equal to the total aerosol mass fraction below about 60 μm³. For the filter specified in Section 7.1 there is effectively no lower limit on the particle size collected.

4.0 *Precision.* 4.1 Based upon collaborative testing, the relative standard deviation (coefficient of variation) for single analyst precision (repeatability) of the method is 3.0 percent. The corresponding value for interlaboratory precision (reproducibility) is 3.7 percent. (*4*)

5.0 *Accuracy.* 5.1 The absolute accuracy of the method is undefined because of the complex nature of atmospheric particulate matter and the difficulty in determining the "true" particulate matter concentration. This method provides a measure of particulate matter concentration suitable for the purpose specified under Section 1.0, Applicability.

6.0 *Inherent Sources of Error.*

6.1 *Airflow variation.* The weight of material collected on the filter represents the (integrated) sum of the product of the instantaneous flow rate times the instantaneous particle concentration. Therefore, dividing this weight by the average flow rate over the sampling period yields the true particulate matter concentration only when the flow rate is constant over the period. The error resulting from a nonconstant flow rate depends on the magnitude of the instantaneous changes in the flow rate and in the particulate matter concentration. Normally, such errors are not large, but they can be greatly reduced by equipping the sampler with an automatic flow controlling mechanism that maintains constant flow during the sampling period. Use of a constant flow controller is recommended.

6.2 *Air volume measurement.* If the flow rate changes substantially or nonuniformly during the sampling period, appreciable errors in the estimated air volume may result by averaging the presampling and postsampling flow rates. Greater air volume measurement accuracy may be achieved by (1) equipping the sampler with a flow controlling mechanism that maintains constant airflow during the sampling period, (2) using a calibrated, continous flow rate recording device to record the actual flow rate during the sampling period and integrating the flow rate over the period, or (3) any other means that will accurately measure the total air volume sampled during the sampling period. Use of a continuous flow recorder is recommended, particularly if the sampler is not equipped with a constant flow controller.

6.3 *Loss of volatiles.* Volatile particles collected on the filter may be lost during subsequent sampling or during shipment and/or storage of the filter prior to the postsampling weighing. (*5*) Although such losses are largely unavoidable, the filter should be reweighed as soon after sampling as practical.

6.4 *Artifact particulate matter.* Artifact particulate matter can be formed on the surface of alkaline glass fiber filters by oxidation of acid gases in the sample air, resulting in a higher than true TSP determination. (*6*) (*7*) This effect usually occurs early in the sample period and is a function of the filter pH and the presence of acid gases. It is generally believed to account for only a small percentage of the filter weight gain, but the effect may become more significant where relatively small particulate weights are collected.

6.5 *Humidity.* Glass fiber filters are comparatively insensitive to changes in relative humidity, but collected particulate matter can be hygroscopic. (*8*) The moisture conditioning procedure minimizes but may not completely eliminate error due to moisture.

6.6 *Filter handling.* Careful handling of the filter between the presampling and postsampling weighings is necessary to avoid errors due to loss of fibers or particles from the filter. A filter paper cartridge or cassette used to protect the filter can minimize handling errors. (See Reference (*2*), Section 2.)

6.7 *Nonsampled particulate matter.* Particulate matter may be deposited on the filter by wind action during periods when the sampler is inoperative. (*9*) It is recommended that errors from this source be minimized by an automatic mechanical device that keeps the filter covered during nonsampling periods, or by timely installation and retrieval of filters to minimize the nonsampling periods prior to the following operation.

6.8 *Timing errors.* Samplers are normally controlled by clock timers set to start and stop the sampler at selected times. Errors in the nominal 1,440-min sampling period may result from a power interruption during the sampling period or from a discrepancy between the start or stop time recorded on the filter information record and the actual start or stop time of the sampler. Such discrepancies may be caused by (1) poor resolution of the timer set-points, (2) timer error due to power interruption, (3) misetting of the timer, or (4) timer malfunction. In general, digital electronic timers have much better set-point resolution than mechanical timers, but require a battery backup system to maintain continuity of operation after a power interruption. A continuous flow recorder or elapsed timer provides an indication of the sampler run-time as well as an indication of any power interruption during the sampling period and is therefore recommended.

7.0 *Apparatus.*

(See References (*1*) and (*2*) for quality assurance information.)

Note.—Samplers purchased prior to the effective date of this amendment are not subject to specifications preceded by (*).

7.1 *Filter.* (Filters supplied by the Environmental Protection Agency can be assumed to meet the following criteria. Additional specifications are required if the sample is to be analyzed chemically.)

7.1.1 *Size:* 20.3±0.2×25.4±0.2 cm (nominal 8 x 10 in).

7.1.2 *Nominal exposed area:* 406.5 cm² (63 in²).

7.1.3 *Material:* Glass fiber or other relatively inert, nonhygroscopic material.[8]

7.1.4 *Collection efficiency:* 99 percent minimum as measured by the DOP test (ASTM–2986) for particles of 0.3 μm diameter at face velocities between 150 and 225 cm/sec.

7.1.5 *Maximum pressure drop:* 43 mm Hg (23 in. water) at a flow rate of 1.5 std m^3/min through nominal exposed area.

7.1.6 *pH:* 6 to 10. (*10*)

7.1.7 *Integrity:* 2.4 mg maximum weight loss. (*10*)

7.1.8 *Pinholes:* None.

7.1.9 *Tear strength:* 500 g minimum for 20 mm wide strip cut from filter in weakest dimension. (See ASTM Test D828–60.)

7.1.10 *Brittleness:* No cracks or material separations after single lengthwise crease.

7.2 *Sampler.* The air sampler shall provide means for drawing the air sample, via reduced atmospheric pressure, through the filter at a uniform face velocity.

7.2.1 The sampler shall have suitable means to:

a. Hold and seal the filter to the sampler housing.

b. Allow the filter to be changed conveniently.

c. Preclude leaks that would cause error in the measurement of the air volume passing through the filter.

d. * Adjust the flow rate to accommodate variations in line voltage and filter pressure drop. This may be accomplished by an automatic flow controller or by a manual flow adjustment device. Any manual adjustment device must be designed with positive detents or other means to avoid unintentional changes in the setting.*

7.2.2 A sampler equipped with a flow regulation mechanism must have the means to temporarily disable the flow controller to allow calibration of the flow indicator over the specified flow range.

7.2.3 *Minimum sample flow rate, heavily loaded filter:* 1.0 std m^3/min.

7.2.4 *Maximum sample flow rate, clean filter:* 1.5 std m^3/min.

7.2.5 *Blower Motor:* The motor must be capable of continuous operation for 24-hr periods.

7.3 *Sampler shelter.* 7.3.1 The sampler shelter shall:

a. Maintain the filter in a horizontal position at least 1 m above the floor or supporting surface so that sample air is drawn downward through the filter.

b. Be rectangular in shape with a gabled roof, similar to the design shown in Figure 1.

c. Cover and protect the filter and sampler from precipitation and other weather.

d. Discharge exhaust air at least 40 cm from the sample air inlet.

e. Be designed to minimize the collection of dust from the supporting surface by incorporating a baffle between the exhaust and the supporting surface.

7.3.2 The sampler cover or roof shall overhang the sampler housing somewhat, and shall be mounted so as to form an air inlet gap between the cover and the sampler housing walls. This sample air inlet should be approximately uniform on all sides of the sampler. The area of the sample air inlet must be sized to provide an effective particle capture air velocity of between 20 and 35 cm/sec at the recommended operational flow rate. The capture velocity is the sample air flow divided by the inlet area measured in a horizontal plane at the lower edge of the cover. Ideally, the inlet area and operational flow rate should be selected to obtain a capture air velocity of 23±2 cm/sec. (A flow rate of 1.1 m^3/min and an inlet area of about 800 cm^2 are recommended.)

7.3.3 Inlet openings of existing samplers that do not permit an inlet velocity within the range of 20 to 35 cm/sec at a flow rate as specified in 7.2.3 and 7.2.4 should be suitably modified to meet these specifications.

7.4 *Flow rate measurement device.* 7.4.1 The sampler shall incorporate a flow rate measurement device capable of indicating the total sampler flow rate. Two common types of flow indicators covered in the calibration procedure are (1) an electronic mass flowmeter and (2) an orifice or orifices located in the sample air stream (downstream of the filter) together with a suitable pressure indicator such as a manometer, or aneroid pressure gauge. A pressure recorder may be used with an orifice to provide a continuous record of the flow. Other types of flow indicators having comparable precision and accuracy are also acceptable.

7.4.2 *The flow rate measurement device must be capable of being calibrated and read in units corresponding to a flow rate which is readable to the nearest 0.02 std m^3/min over the range 0.9 to 1.6 std m^3/min.

Note.—Flow rate devices consisting of a rotameter (e.g., visi-float) connected to measure a portion of the sample flow may be used only until 1 year after the effective date of this amendment.

7.5 *Thermometer,* to indicate approximate air temperature at the flow rate measurement orifice, when temperature corrections are used.

7.5.1 *Range:* −40° to +50°C.

7.5.2 *Resolution:* 2°C.

7.6. *Barometer,* to indicate barometric pressure at the flow rate measurement orifice, when pressure corrections are used.

7.6.1 *Range:* 500 to 800 mm. Hg.

7.6.2 *Resolution:* ±5 mm. Hg.

7.7 *Timing/control device.*

7.7.1 The timing device must be capable of starting and stopping the sampler to obtain an elapsed run-time of 24 hr. ±1 hr. (1,440 ±60 min).

7.7.2 *Accuracy of time setting:* ±15 min., or better. (See Section 6.8.)

7.8. *Flow rate transfer standard,* traceable to a primary standard. (See Section 9.2.)

7.8.1 *Approximate range:* 0.9 to 1.6 std. m^3/min.

7.8.2 *Resolution:* 0.02 std. m^3/min.

7.8.3 *Reproducibility:* ±2 percent (2 times coefficient of variation) over normal ranges of ambient temperature and pressure for the stated flow rate range. (See Reference 2, Section 2.)

7.8.4 The flow rate transfer standard must connect without leaks to the inlet of the sampler and measure the flow rate of the total air sample.

7.8.5 The flow rate transfer standard must include a means to vary the sampler flow rate over the range 0.9 to 1.6 std m^3/min by introducing various levels of flow resistance between the sampler and the transfer standard inlet.

7.8.6 The conventional type of flow transfer standard consists of: an orifice unit with adapter that connects to the inlet of the sampler, a manometer or other device to measure orifice pressure drop, a means to vary the flow through the sampler unit, a thermometer to measure the ambient temperature, and a barometer to measure ambient pressure. Two such devices are shown in Figures 2a and 2b. Figure 2a shows fixed resistance plates, which necessitate disassembly of the unit each time the flow resistance is changed. A preferable design, illustrated in Figure 2b, has a variable flow restriction that can be adjusted externally without disassembly of the unit. Use of a conventional, orifice-type transfer standard is assumed in the calibration procedure (Section 9). However, the use of other types of transfer standards, such as the one shown in Figure 2c, meeting the above specifications may be approved; see the note following Section 9.1.

7.9 *Filter conditioning environment.*

7.9.1 *Controlled temperature:* between 15° and 30° C with less than ±3° C variation.

7.9.2 *Controlled humidity:* less than 50 percent relative humidity, constant within ±5 percent.

7.10 *Analytical balance.*

7.10.1 *Sensitivity:* 0.1 mg.

7.10.2 Weighing chamber designed to accept an unfolded 20.3x25.4 cm (8 x 10 in) filter.

7.11 *Area light source,* similar to x-ray film viewer, to backlight filters for visual inspection.

7.12 *Numbering device,* capable of printing identification numbers on the filters before they are placed in the filter conditioning environment.

8.0 *Procedure.* (See References (*1*) and (*2*) for quality assurance information.)

8.1 Number each filter near its edge with a unique identification number.

8.2 Backlight each filter and inspect for pinholes, particles, and other imperfections; filters with visible imperfections must not be used.

8.3 Equilibrate each filter in the conditioning environment for 24 hr.

8.4 Following equilibration, weigh each filter to the nearest milligram and record this tar weight (W_i) with the filter identification number.

8.5 Do not bend or fold the filter before collection of the sample.

8.6 Open the shelter and install a numbered, preweighed filter in the sampler, following the sampler manufacturer's instructions. During inclement weather, precautions must be taken while changing filters to prevent damage to the clean filter and loss of sample from or damage to the exposed filter. Filter cassettes loaded and unloaded in the laboratory may be used to minimize this problem. (See Section 6.6).

8.7 Close the shelter and run the sampler for at least 5 min to establish run-temperature conditions.

8.8 Record the flow indicator reading and, if needed, the barometric pressure and the ambient temperature (see Note following step

* See note at beginning of Section 7.

8.12). Stop the sampler. Determine the sampler flow rate (see Section 10.1); if it is outside the acceptable range (1.0 to 1.5 std M^3/min), use a different filter, or adjust the sampler flow rate. Warning: Manual flow adjustments may affect the calibration of the orifice-type flow indicators and may necessitate recalibration.

8.9 Record the sample information (filter number, site location or identification number, sample date, and starting time).

8.10 Set the timer to start and stop the sampler at appropriate times.

8.11 As soon as practical following the sampling period, run the sampler for at least 5 min to again establish run-temperature conditions.

8.12 Record the flow indicator reading and, if needed, the barometric pressure and the ambient temperature.

Note.—No onsite pressure or temperature measurements are necessary if the sampler flow indicator does not require pressure or temperature corrections (e.g., a mass flowmeter), or if average barometric pressure and seasonal average temperature for the site are incorporated into the sampler calibration (see step 9.3.9). For individual pressure and temperature corrections, the ambient pressure and temperature can be obtained by onsite measurements or from a nearby weather station. Barometric pressure readings obtained from airports must be station pressure, not corrected to sea level, and may need to be corrected for differences in elevation between the sampler size and the airport. For samplers having flow recorders but not constant flow controllers, the average temperature and pressure at the site *during the sampling period* should be estimated from weather bureau or other available data.

8.13 Stop the sampler and carefully remove the filter, following the sampler manufacturer's instructions. Touch only the outer edges of the filter.

8.14 Fold the filter in half lengthwise so that only surfaces with collected particulates are in contact, and place it in the filter holder (glassine envelope or manila folder).

8.15 Record the ending time or elapsed time on the filter information record, either from the stop set-point time, from an elapsed time indicator, or from a continuous flow record. The sample period must be 1,440 ± 60 min. for a valid sample.

8.16 Record on the filter information record any other factors, such as meteorological conditions, construction activity, fires or dust storms, etc., that might be pertinent to the measurement. If the sample is known to be defective, void it at this time.

8.17 Equilibrate the exposed filter in the conditioning environment for 24 hours.

8.18 Immediately after equilibration, reweigh the filter to the nearest milligram and record the gross weight with the filter identification number.

9.0 *Calibration.* 9.1 Calibration of the high volume sampler's flow indicating device is necessary to establish traceability of the field measurement to a primary standard via the flow rate transfer standard. Figure 3a illustrates the certification of the flow rate transfer standard and Figure 3b illustrates it's use in calibrating the sampler flow indicator. Determination of the corrected flow rate from the sampler flow indicator, illustrated in Figure 3c, is addressed in Section 10.1.

Note.—The following procedure assumes use of a conventional, orifice-type transfer standard. Other types of transfer standards may be used if the manufacturer or user provides an appropriately modified calibration procedure that has been approved by EPA under Section 2.8 of Appendix C to Part 58 of this chapter.

9.2 *Certification of the flow rate transfer standard.* (May be accomplished by either the user or the supplier.)

9.2.1 *Equipment required:* Positive displacement volume standard traceable to the National Bureau of Standards (such as a Roots meter or equivalent), stop-watch, manometer, thermometer, and barometer.

9.2.2 Connect the flow rate transfer standard to the inlet of the volume standard. Connect the manometer to measure the pressure at the inlet of the volume standard. Connect the orifice manometer to the pressure tap on the transfer standard. Connect a high-volume air pump (such as a high volume sampler blower) to the outlet side of the volume standard. See Figure 3a.

9.2.3 Check for leaks by temporarily clamping both manometer lines (to avoid fluid loss) and blocking the orifice with a large-diameter rubber stopper, wide cellophane tape, or other suitable means. Start the high-volume air pump and note any change in the volume standard reading. The reading should remain constant. If the reading changes, locate any leaks by listening for a whistling sound and/or retightening all connections, making sure that all gaskets are properly installed.

9.2.4 After satisfactorily completing the leak check as described above, unclamp both manometer lines and zero both manometers.

9.2.5 Achieve the appropriate flow rate through the system, either by means of the variable flow resistance in the transfer standard or by varying the voltage to the air pump. (Use of resistance plates as shown in Figure 1a is discouraged because the above leak check must be repeated each time a new resistance plate is installed.) A minimum of five different but constant flow rates, evenly distributed with at least three in the specified flow rate interval (1.0 to 1.5 std m^3/min), is required.

9.2.6 Measure and record the certification data on a form similar to the one illustrated in Figure 4 according to the following steps.

9.2.7 Observe the barometric pressure and record as P_1 (item 8 in Figure 4).

9.2.8 Read the ambient temperature in the vicinity of the standard volume meter and record it as T_1 (item 9 in Figure 4).

9.2.9 Start the blower motor, adjust the flow, and allow the system to run for at least 1 min for a constant motor speed to be attained.

9.2.10 Observe the standard volume meter reading and simultaneously start a stopwatch. Record the initial meter reading (V_i) in column 1 of Figure 4.

9.2.11 Maintain this constant flow rate until approximately 5 m^3 have passed through the standard volume meter. Record the standard volume inlet pressure manometer reading as ΔP (column 5 in Figure 4), and the orifice manometer reading as ΔH (column 7 in Figure 4). Be sure to indicate the correct units of measurement.

9.2.12 After at least 5 m^3 of air have passed through the system, observe the standard volume meter reading while simultaneously stopping the stop-watch. Record the final meter reading (V_f) in column 2 and the elapsed time (t) in column 3 of Figure 4.

9.2.13 Calculate the volume measured by the standard volume meter at meter conditions of temperature and pressures as $V_m = V_f - V_i$. Record in column 4 of Figure 4.

9.2.14 Correct this volume to standard volume (std m^3) as follows:

$$V_{std} = V_m \left(\frac{P_1 - \Delta P}{P_{std}}\right)\left(\frac{T_{std}}{T_1}\right) = V_m \left(\frac{P_1 - \Delta P}{760}\right)\left(\frac{298}{T_1}\right)$$

where

V_{std} = standard volume, std m^3;
P_1 = barometric pressure during calibration, mm Hg;
ΔP = differential pressure at inlet to volume meter, mm Hg;
P_{std} = 760 mm Hg;
T_{std} = 298 K;
T_1 = ambient temperature during calibration, K.

Calculate the standard flow rate (std m^3/min) as follows:

$$Q_{std} = \frac{V_{std}}{t}$$

where

Q_{std} = standard volumetric flow rate, std m^3/min.
t = elapsed time, minutes.

Record Q_{std} to the nearest 0.01 std m^3/min in column 6 of Figure 4.

9.2.15 Repeat steps 9.2.9 through 9.2.14 for at least four additional constant flow rates, evenly spaced over the approximate range of 0.9 to 1.6 std m^3/min.

9.2.16 Plot $\Delta H(P_1/760)(298/T_1)$ against Q_{std} or, to obtain a linear curve, plot $\sqrt{\text{Plot } \Delta H(P_1/760)(298/T_1)}$ against Q_{std} as shown in Figure 3a. Draw the orifice transfer standard certification curve or calculate the linear least squares slope and intercept of the certification curve. A certification graph should be readable to 0.02 std m^3.

9.2.17 Recalibrate the transfer standard annually or as required by applicable quality control procedures. (See Reference 2.)

9.3 *Calibration of sampler flow indicator.*

Note.—For samplers equipped with a flow controlling device, the flow controller must be disabled to allow flow changes during calibration of the sampler's flow indicator. For samplers using an orifice-type flow indicator downstream of the motor, do not vary the flow rate by adjusting the voltage or power supplied to the sampler.

9.3.1 A form similar to the one illustrated in Figure 5 should be used to record the calibration data.

9.3.2 Install a clean filter on the sampler and connect the transfer standard to the inlet of the sampler over the filter. Connect the

orifice manometer to the orifice pressure tap, as illustrated in Figure 3b. Make sure there are no leaks between the orifice unit and the sampler.

9.3.3 Operate the sampler for at least 5 minutes to establish thermal equilibrium prior to the calibration.

9.3.4 Measure and record the ambient temperature, T_a, and the barometric pressure, P_a, during calibration.

9.3.5 Adjust the variable resistance or, if applicable, insert the appropriate resistance plate (or no plate) to achieve the desired flow rate.

9.3.6 Let the sampler run for at least 2 min to establish run-temperature conditions. Read and record the pressure drop across the orifice (ΔH) and the sampler flow rate indication (I) in the appropriate columns of Figure 5.

9.3.7 Calculate $\sqrt{\Delta H(P_a/760)(298/T_a)}$ or (whichever form was used in step 9.2.16) and determine the flow rate at standard conditions Q_{std} either graphically from the certification curve or by calculating Q_{std} from the least squares slope and intercept of the transfer standard's certification curve. Record the value of Q_{std}.

9.3.8 Repeat steps 9.3.5, 9.3.6, and 9.3.7 for several additional flow rates distributed over the range of 1.0 to 1.5 std m^3/min.

9.3.9 Determine the calibration curve by plotting values of the appropriate expression involving I against Q_{std} (Table 1). The choice of expression depends on the flow rate measurement device used (see Section 7.4.1) and also on whether the calibration curve incorporates geographic average barometric pressure (P_a) and seasonal average temperature (T_a) for the site to approximate actual pressure and temperature. For many sites, using P_a and T_a is sufficiently accurate and avoids the need for subsequent pressure and temperature calculation when the sampler is used. The geographic average barometric pressure (P_a) may be obtained from an altitude-pressure table or by making an (approximate) elevation correction of −26 mm Hg. for each 305 m (1,000 ft) above sea level (760 mm Hg). The seasonal average temperature (T_a) may be obtained from weather station or other records.

9.3.10 Draw the sampler calibration curve or calculate the linear least squares slope, intercept, and correlation coefficient of the calibration curve. Calibration curves should be readable to 0.02 std m^3/min.

9.3.11 For a sampler equipped with a flow controller, the flow controlling mechanism should be re-enabled and the sample flow rate should be verified at this time with a clean filter installed. Then add two or more filters to the sampler to see if the flow controller maintains a constant flow.

10.0 *Calculation of TSP Concentration.*

10.1 Determine the average sampler flow rate during the sampling period according to either 10.1.1 or 10.1.2 below.

10.1.1 For a sampler without a continuous flow recorder, determine the appropriate expression to be used from Table 2. (The expression will correspond to the one from Table 1 used in step 9.3.9.) Using the appropriate expression, determine Q_{std} for the initial flow rate from the sampler calibration curve, either graphically or from the regression equation. Similarly, determine Q_{std} from the final flow reading, and calculate the average flow Q_{std} as one-half the sum of the initial and final flow rates.

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TABLE 1. EXPRESSIONS FOR PLOTTING SAMPLER CALIBRATION CURVES

Sampler flow rate measuring device	Expression	
	For actual pressure and temperature corrections	For incorporation of geographic average pressure and seasonal average temperature
Mass flowmeter	I	I
Orifice, nonlinear curve	$I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$	$I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)$
Orifice, linear curve	$\sqrt{I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	$\sqrt{I\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$
Pressure recorder having square root scale	$I\sqrt{\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	$I\sqrt{\left(\frac{P_2}{P_a}\right)\left(\frac{T_a}{T_2}\right)}$

TABLE 2. EXPRESSIONS FOR DETERMINING FLOW RATE DURING SAMPLER OPERATION

Sampler flow rate measuring device	Expression	
	For actual pressure and temperature corrections	For use when geographic average pressure and seasonal average temperature have been incorporated into the sampler calibration
Mass flowmeter	I	I
Orifice	$I\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)$	I
Orifice, linear curve	$\sqrt{I\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)}$	$\sqrt{I}$
Pressure recorder having square root scale	$I\sqrt{\left(\frac{P_3}{760}\right)\left(\frac{298}{T_3}\right)}$	I

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10.1.2 For a sampler with a continuous flow recorder, determine the average flow rate device reading I for the period. Determine the appropriate expression from Table 2. (The expression will correspond to the one from Table 1 used in step 9.3.9.) Then using this expression and the average flow rate reading, determine $\overline{Q_{std}}$ from the sampler calibration curve, either graphically or from the regression equation. (If the trace shows substantial flow change during the sampling period, greater accuracy may be achieved by dividing the sampling period into intervals and averaging the individual interval flow rates to find $\overline{Q_{std}}$.

10.2 Calculate the total air volume sampled as:

$$V = \overline{Q_{std}} \times t$$

where

V = total air volume sampled, in standard volume units, std m^3;

$\overline{Q_{std}}$ = average standard flow rate, std m^3/min;

t = sampling time, min.

10.3 Calculate the particulate matter concentration as:

$$TSP = \frac{(W_f - W_i) \times 10^6}{V}$$

where

TSP = mass concentration of total suspended particulate matter, μg/std m^3;

W_i = initial weight of clean filter, g;

W_f = final weight of exposed filter, g;

V = air volume sampled, converted to standard conditions, std m^3;

10^6 = conversion of g to μg.

10.4 If desired, the actual particulate matter concentration (see Section 2.2) can be calculated as follows:

$$(TSP)_a = TSP\ (P_a/760)(298/T_a)$$

where

$(TSP)_a$ = actual concentration at field conditions, $\mu g/m^3$;

TSP = concentration at standard conditions, $\mu g/m^3$;

P_a = average barometric pressure during sampling period, mm Hg;

T_a = average ambient temperature during sampling period, K.

11.0 *References.*

(*1*) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I, Principles. EPA–600/9–76–005, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1976.

(*2*) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods. EPA–600/4–77–027a, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1977.

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(*10*) EPA Test Procedures for Determining pH and Integrity of High-Volume Air Filters. QAD/M–80.01. Available from the Methods Standardization Branch, Quality Assurance Division, Environmental Monitoring Systems Laboratory (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, 1980.

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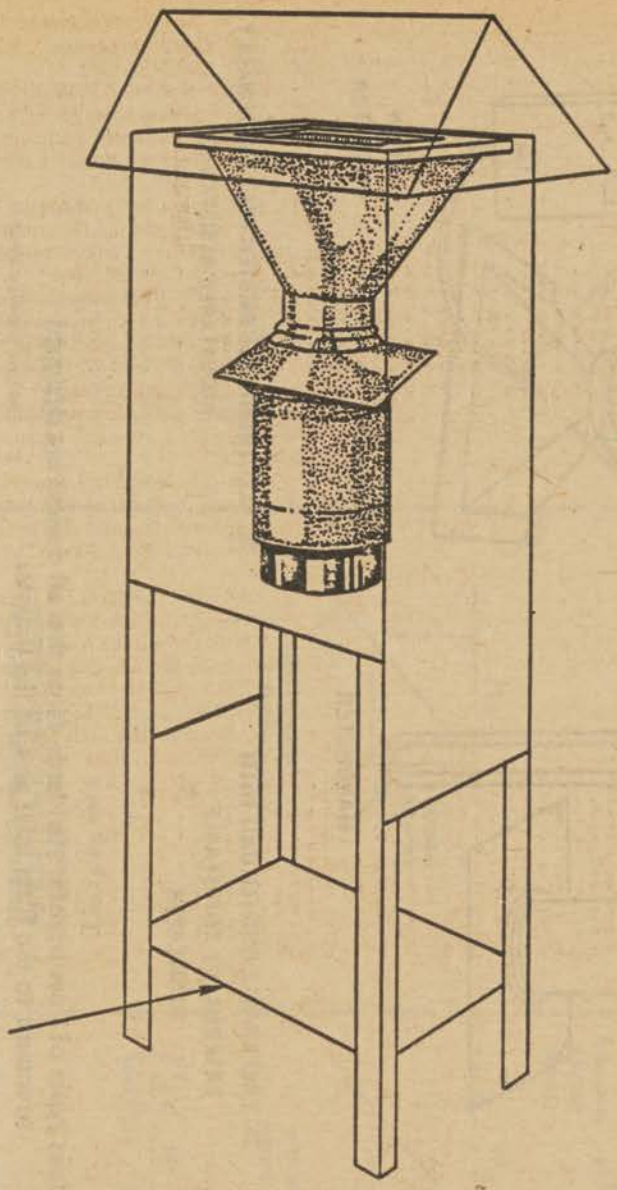
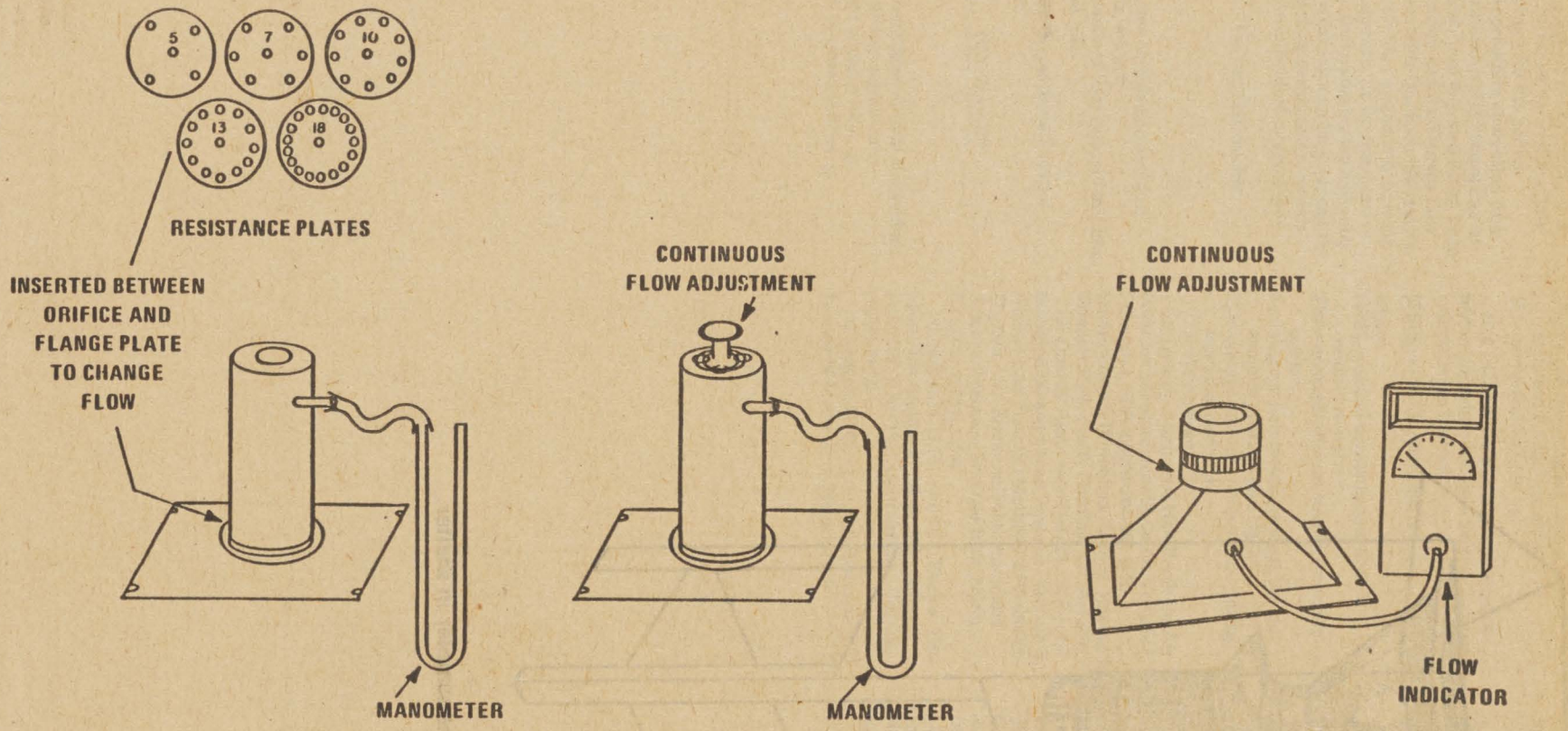


Figure 1. High-volume sampler in shelter.

ORIFICE TYPE FLOW TRANSFER STANDARDS

NONORIFICE TYPE FLOW TRANSFER STANDARD



2a. ORIFICE UNIT USING FIXED RESISTANCE PLATES.

2b. PREFERABLE ORIFICE UNIT WITH EXTERNALLY ADJUSTABLE RESISTANCE.

2c. ELECTRONIC FLOWMETER WITH EXTERNALLY ADJUSTABLE RESISTANCE.

Figure 2. Various types of flow transfer standards. Note that all devices are designed to mount to the filter inlet area of the sampler.

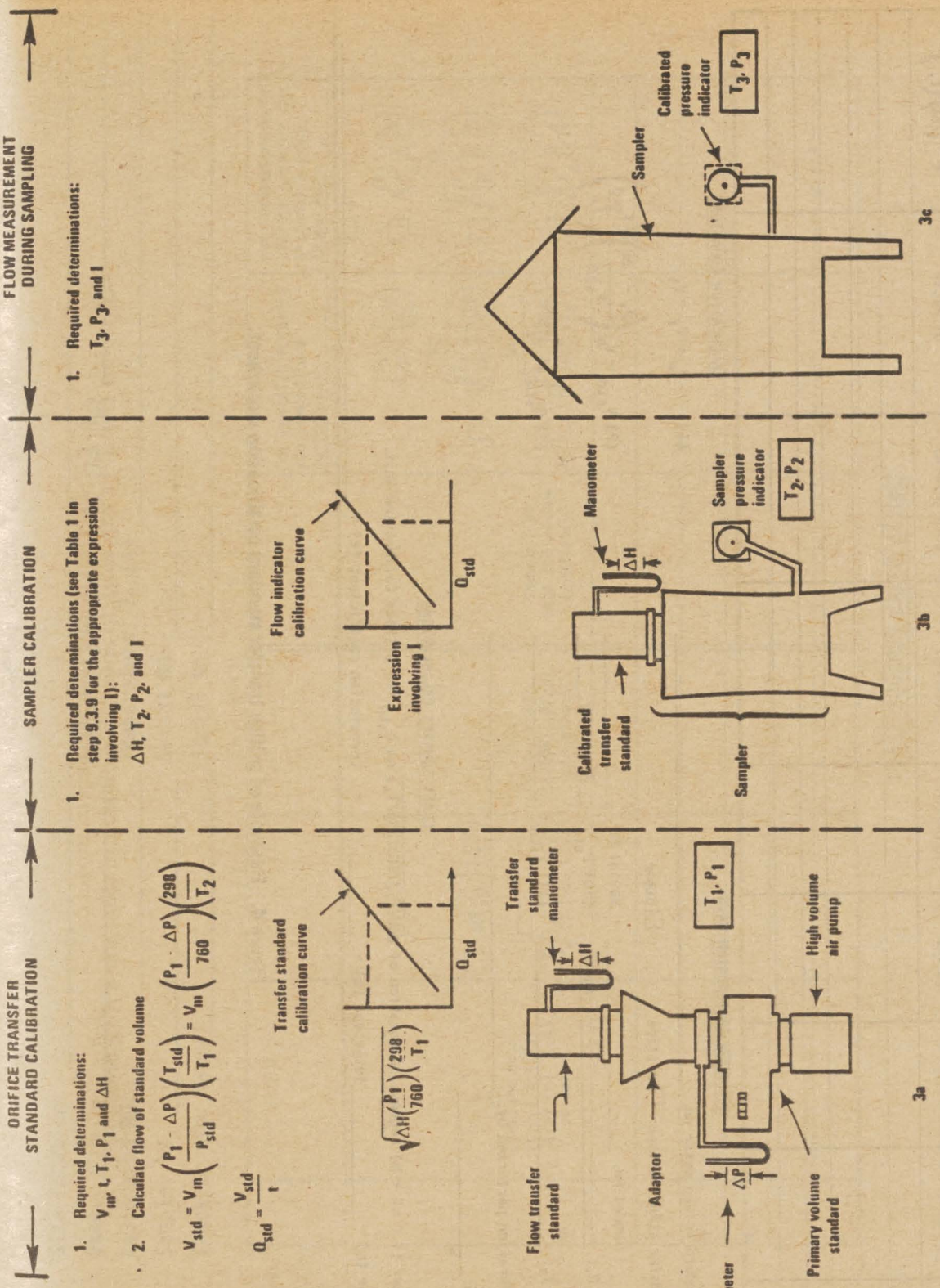


Figure 3. Illustration of the 3 steps in the flow measurement process.

ORIFICE TRANSFER STANDARD CERTIFICATION WORKSHEET

Run No.	(1) Meter reading start V_i (m^3)	(2) Meter reading stop V_f (m^3)	(3) Sampling time t (min)	(4) Volume measured V_m (m^3)	(5) Differential pressure (at inlet to volume meter) ΔP (mm Hg)	(6) Flow rate Q_{std} (std m^3/min)	(7) Pressure drop across orifice ΔH ☐ (in) or ☐ (cm) of water	(7a) ☐ $\Delta H\left(\frac{P_1}{760}\right)\left(\frac{298}{T_1}\right)$ or ☐ $\sqrt{\Delta H\left(\frac{P_1}{760}\right)\left(\frac{298}{T_1}\right)}$
1								
2								
3								
4								
5								
6								

RECORDED CALIBRATION DATA

Standard volume meter no. _____

Transfer standard type: ☐ orifice ☐ other

Model No. _____ Serial No. _____

(8) P_1: _____ mm Hg (10) P_{std}: 760 mm Hg

(9) T_1: _____ K (11) T_{std}: 298 K

Calibration performed by: _____

Date: _____

CALCULATION EQUATIONS

(1) $V_m = V_f - V_i$

(2) $V_{std} = V_m\left(\frac{P_1 - \Delta P}{P_{std}}\right)\left(\frac{T_{std}}{T_1}\right)$

(3) $Q_{std} = \frac{V_{std}}{t}$

LEAST SQUARES CALCULATIONS

Linear ($Y = mX + b$) regression equation of $\sqrt{\Delta H(P_1/760)(298/T_1)}$ on Q_{std} for Orifice Calibration Unit.

Slope (m) = _____ Intercept (b) = _____ Correlation coefficient (r) = _____

Figure 4. Example of orifice transfer standard certification worksheet.

HIGH-VOLUME AIR SAMPLER CALIBRATION WORKSHEET

Site Location: _____

Date: _____ Barometric Pressure, P_2 (mm Hg) _____

Calibrated By: _____ Temperature, T_2 (K) _____

Sampler No. _____ Serial No. _____

Transfer std. type: _____ Serial No. _____

No.	ΔH Pressure drop across orifice ☐(in) or ☐(cm) of water	☐ $\Delta H\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$ or ☐ $\sqrt{\Delta H\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	Q_{std} (from orifice certification) std m^3/min	I Sample flow rate indication (arbitrary)	For specific pressure and temperature corrections: ☐ I; ☐ $I\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)$; or ☐ $I\sqrt{\left(\frac{P_2}{760}\right)\left(\frac{298}{T_2}\right)}$	For incorporation of average pressure and seasonal average temperature: ☐ I; ☐ $I\left(\frac{P_2}{\bar{P}_a}\right)\left(\frac{T_a}{T_2}\right)$; or ☐ $I\sqrt{\left(\frac{P_2}{\bar{P}_a}\right)\left(\frac{T_a}{T_2}\right)}$
1						
2						
3						
4						
5						
6						

LEAST SQUARES CALCULATIONS

Linear regression of Y on X: $Y = mX + b$

Slope (m) = _____ Intercept (b) = _____ Correlation Coeff. (r) = _____

$X = Q_{std}$, Y = Expression above (see Table 1 in step 9.3.9)

Figure 5. Example of high-volume air sampler calibration worksheet.

BILLING CODE 6560-35-C

3. By revising Appendix C to read as follows:

Appendix C—Measurement Principle and Calibration Procedure for the Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry)

Measurement Principle

1. Measurements are based on the absorption of infrared radiation by carbon monoxide (CO) in a non-dispersive photometer. Infrared energy from a source is passed through a cell containing the gas sample to be analyzed, and the quantitative absorption of energy by CO in the sample cell is measured by a suitable detector. The photometer is sensitized by CO by employing CO gas in either the detector or in a filter cell in the optical path, thereby limiting the measured absorption to one or more of the characteristic wavelengths at which CO strongly absorbs. Optical filters or other means may also be used to limit sensitivity of the photometer to a narrow band of interest. Various schemes may be used to provide a suitable zero reference for the photometer. The measured absorption is converted to an electrical output signal, which is related to the concentration of CO in the measurement cell.

2. An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter.

3. *Sampling considerations.* The use of a particle filter on the sample inlet line of an NDIR CO analyzer is optional and left to the discretion of the user or the manufacturer. Use of the filter should depend on the analyzer's susceptibility to interference, malfunction, or damage due to particles.

Calibration Procedure

1. *Principle.* Either of two methods may be used for dynamic multipoint calibration of CO analyzers: (1) One method uses a single certified standard cylinder of CO, diluted as necessary with zero air, to obtain the various calibration concentrations needed. (2) The other method uses individual certified standard cylinders of CO for each concentration needed. Additional information on calibration may be found in Section 2.0.9 of Reference (*1*).

2. *Apparatus.* The major components and typical configurations of the calibration systems for the two calibration methods are shown in Figures 1 and 2.

2.1 *Flow controller(s).* Device capable of adjusting and regulating flow rates. Flow rates for the dilution method (Figure 1) must be regulated to ± 1%.

2.2 *Flow meter(s).* Calibrated flow meter capable of measuring and monitoring flow rates. Flow rates for the dilution method (Figure 1) must be measured with an accuracy of ± 2% of the measured value.

2.3 *Pressure regulator(s) for standard CO cylinder(s).* Regulator must have nonreactive diaphragm and internal parts and a suitable delivery pressure.

2.4 *Mixing chamber.* A chamber constructed of glass, Teflon®, or other nonreactive material and designed to provide through mixing of CO and diluent air for the dilution method.

2.5 *Output manifold.* The output manifold should be constructed of glass, Teflon, ® or other nonreactive material and should be of sufficient diameter to insure an insignificant pressuer drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

3. *Reagents.*

3.1 *CO concentration standard(s).* Cylinder(s) of CO in air containing appropriate concentration(s) of CO suitable for the selected operating range of the analyzer under calibration; CO standards for the dilution method may be contained in a nitrogen matrix if the zero air dilution ratio is not less than 100:1. The assay of the cylinder(s) must be traceable either to a National Bureau of Standards (NBS) CO in air Standard Reference Material (SRM) or to an NBS/EPA-approved commercially available Certified Reference Material (CRM). CRM's are described in Reference (*2*), and a list of CRM sources is available from the address shown for Reference (*2*). A recommended protocol for certifying CO gas cylinders against either a CO SRM or a CRM is given in Reference 1. CO gas cylinders should be recertified on a regular basis as determined by the local quality control program.

3.2 *Dilution gas (zero air).* Air, free of contaminants which will cause a detectable response on the CO analyzer. The zero air should contain <0.1 ppm CO. A precedure for generating zero air is given in Reference (*1*).

4. *Procedure Using Dynamic Dilution Method. 4.1* Assemble a dynamic calibration system such as the one shown in Figure 1. All calibration gases including zero air must be introduced into the sample inlet of the analyzer system. For specific operating instructions refer to the manufacturer's manual.

4.2 Insure that all flowmeters are properly calibrated, under the conditions of use, if appropriate, against an authoritative standard such as a soap-bubble meter or wet-test meter. All volumetric flowrates should be corrected to 25° C and 760 mm Hg. A discussion on calibration of flowmeters is given in Reference (*1*).

4.3 Select the operating range of the CO analyzer to be calibrated.

4.4 Connect the signal output of the CO analyzer to the input of the strip chart recorder or other data collection device. All adjustments to the analyzer should be based on the appropriate strip chart or data device readings. References to analyzer responses in the procedure given below refer to recorder or data device responses.

4.5 Adjust the calibration system to deliver zero air to the output manifold. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air in pulled into the manifold vent. Allow the analyzer to sample zero air until a stable response is obtained. After the response has stabilized, adjust the analyzer zero control. Offsetting the analyzer zero adjustments to +5 percent of scale is recommended to facilitate observing negative zero drift. Record the stable zero air response as Z_{co}.

4.6 Adjust the zero air flow and the CO from the standard CO cylinder to provide a diluted CO concentration of approximately 80 percent of the upper range limit (URL) of the operating range of the analyzer. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent. The exact CO concentration is calculated from:

$$[CO]_{OUT} = \frac{[CO]_{STD} \times F_{CO}}{F_D + F_{CO}} \quad (1)$$

Where:

$[CO]_{OUT}$ = diluted CO concentration at the output manifold, ppm

$[CO]_{STD}$ = concentration of the undiluted CO standard, ppm

F_{CO} = flow rate of the CO standard corrected to 25° C and 760 mm Hg, 1/min

F_D = flow rate of the dilution air corrected to 25° C and 760 mm Hg, 1/min

Sample this CO concentration until a stable response is obtained. Adjust the analyzer span control to obtain a recorder response as indicated below:

$$\text{recorder response (percent scale)} = \frac{[CO]_{OUT}}{URL} \times 100 + X_{CO} \quad (2)$$

Where:

URL = nominal upper range limit of the analyzer's operating range

Z_{CO} = analyzer response to zero air, % scale

If substantial adjustment of the analyzer span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating Steps 4.5 and 4.6. Record the CO concentration and the analyzer's response.

4.7 Generate several additional concentrations (at least three evenly spaced points across the remaining scale are suggested to verify linearity) by decreasing F_{CO} or increasing F_D. Be sure the total flow exceeds the analyzer's total flow demand. For each concentration generated, calculate the exact CO concentration using Equation (1). Record the concentration and the analyzer's response for each concentration. Plot the analyzer responses versus the corresponding CO concentrations and draw or calculate the calibration curve.

5. *Procedure Using Multiple Cylinder Method.* Use the procedure for the dynamic dilution method with the following changes:

5.1 Use a multi-cylinder system such as the typical one shown in Figure 2.

5.2 The flowmeter need not be accurately calibrated provided the flow in the output manifold exceeds the anlayzer's flow demand.

5.3 The various CO calibration concentrations required in Steps 4.6 and 4.7 are obtained without dilution by selecting the appropriate certified standard cylinder.

References

(*1*) Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II—

Ambient Air Specific Methods, EPA–600/4–77–027a, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina 27711, 1977.

(2) A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard Reference Materials. EPA–600/7–81–010, U.S. Environmental Protection Agency, Environmental Monitoring Systems Laboratory (MD–77), Research Triangle Park, North Carolina 27711, January 1981.

BILLING CODE 6560–35–M

[FR Doc. 82–1029 Filed 1–14–82; 8:45 am]

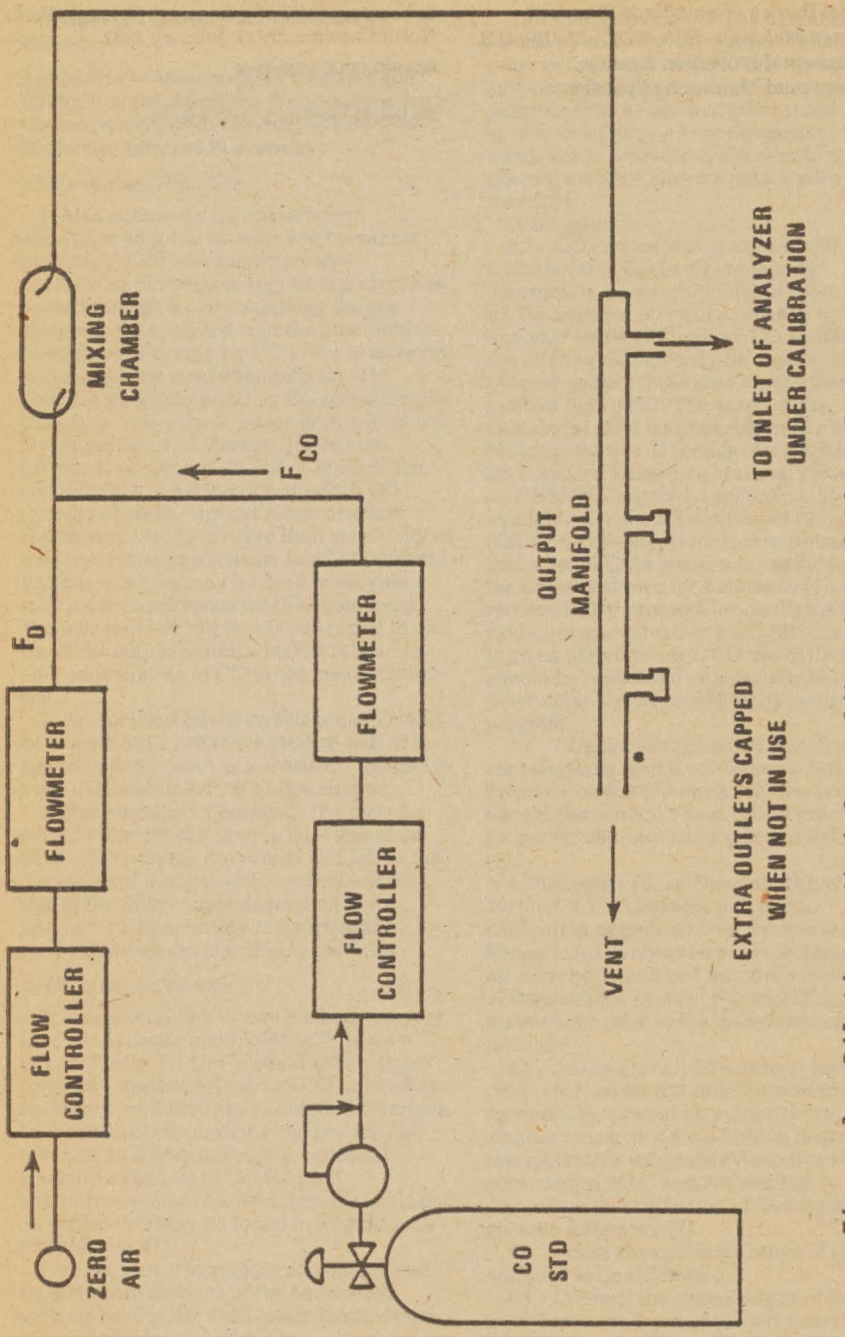


Figure 1. Dilution method for calibration of CO analyzers.

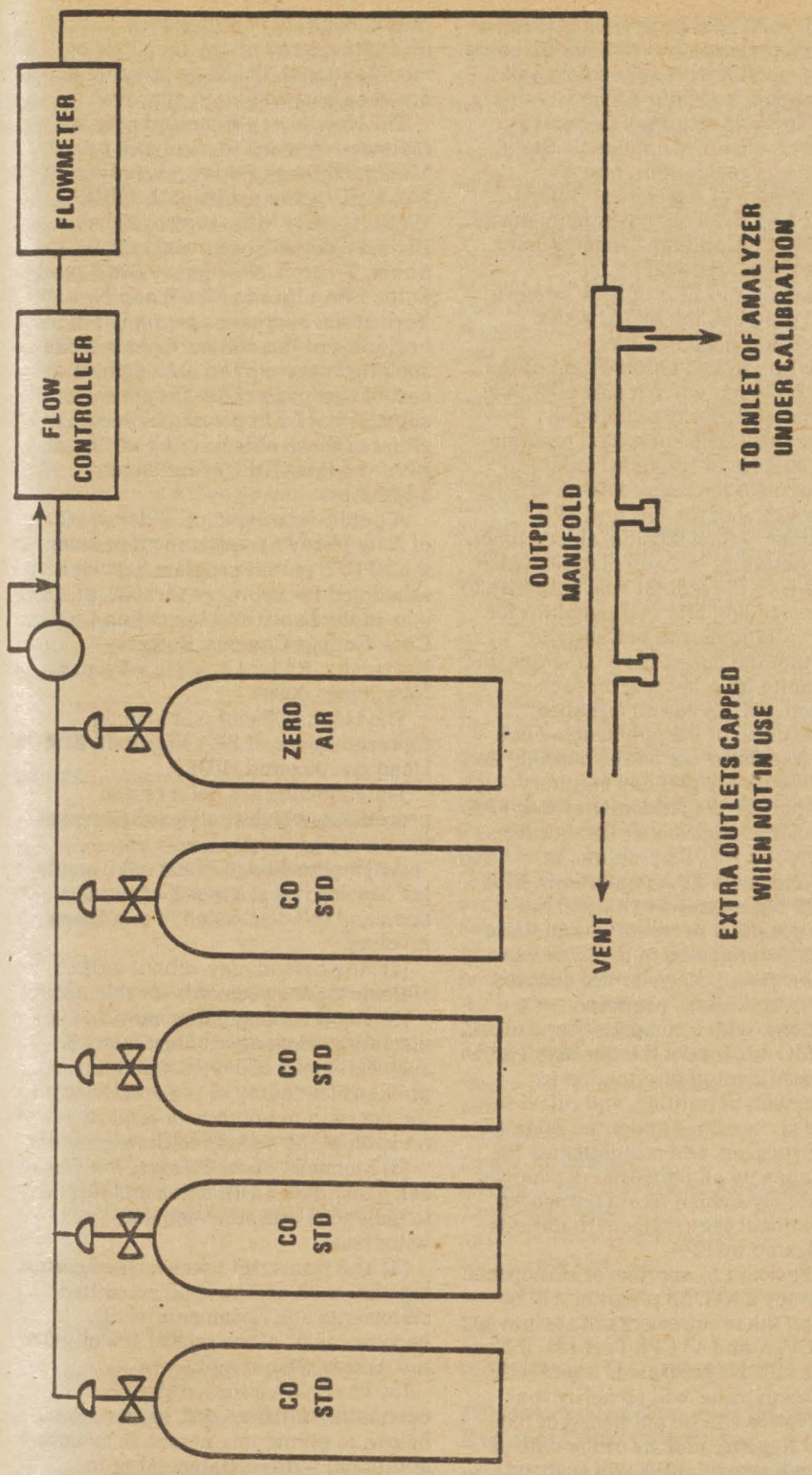


Figure 2. Multiple cylinder method for calibration of CO analyzers.

BILLING CODE 6560-35-C

40 CFR Part 123

[WE-2-FRL 2023-3]

New Jersey's Application to Administer the National Pollutant Discharge Elimination System (NPDES) Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of application.

SUMMARY: The State of New Jersey has submitted a request to the Environmental Protection Agency for approval to administer the National Pollutant Discharge Elimination System (NPDES) program for regulating discharges of pollutants into waters within the State. According to the State's proposal, the NPDES program would be administered by the New Jersey Department of Environmental Protection (NJDEP) under the direction of Jerry Fitzgerald English, Commissioner. This notice provides for a public hearing and a comment period on New Jersey's request. Under EPA regulations, the Administrator shall approve or disapprove a State NPDES program after taking into consideration all comments received.

DATES: Comments must be received on or before March 1, 1982. A public hearing has been scheduled for February 16, 1982, at 10:00 a.m. at the Labor and Education Center, Cook College Campus, Rutgers University, Ryder Lane, New Brunswick, New Jersey 08903.

ADDRESSES: Comments should be addressed to Richard G. Tisch, Chief, Water Enforcement Branch, Enforcement Division, Region II, 26 Federal Plaza, New York, N.Y. 10278.

FOR FURTHER INFORMATION CONTACT: George Pavlou, Water Facilities Branch, New Jersey Management Division, U.S. EPA, 26 Federal Plaza, New York, N.Y. 10278, (212) 264–9878, or Richard Weinstein, Esq., Water Enforcement Branch, Enforcement Division, U.S. EPA, 26 Federal Plaza, New York, N.Y. 10278, (212) 264–4859.

SUPPLEMENTARY INFORMATION: Section 402 of the Federal Clean Water Act created the NPDES under which the Administrator of the United States Environmental Protection Agency (EPA) may issue permits for the discharge of pollutants into waters of the United States under conditions required by that Act.

New Jersey's program submission contains a letter from the Governor requesting NPDES program approval, a complete program description (including funding, personnel requirements and organization, and enforcement procedures), an Attorney General's statement, copies of applicable State statutes and regulations, and a Memorandum of Agreement (MOA) executed by the Regional Administrator, Region II, EPA and the Commissioner, NJDEP. Upon approval by the Administrator of EPA of New Jersey's NPDES program, the MOA, which establishes procedures for administration and enforcement of the State's program, will become effective. The Administrator is required to approve each such submitted program within 90 days of submittal unless it does not meet the requirements of section 402(b) of the Act and EPA regulations, which include, among other things, authority to issue permits which comply with the federal Act, authority to impose civil and criminal penalties for permit violations, and authority to insure that the public is given notice and opportunity for a hearing on each proposed NPDES permit issuance.

At the close of the public comment period (including the public hearing) and within the ninety (90) day statutory review period, the Administrator of EPA will decide to approve or disapprove New Jersey's NPDES program. In accordance with EPA regulations, EPA and DEP have agreed to extend the review period, if necessary, until State regulations proposed in the November 2, 1981 *New Jersey Register* are adopted and effective. These proposed regulations, which comprise Appendix C to the MOA, concern the treatment and use of confidential information in enforcement, permitting, and rule-making proceedings under the State's NPDES program and requirements for compliance by all industrial discharges into publicly-owned treatment works with National Pretreatment Standards promulgated by EPA.

The decision to approve or disapprove New Jersey's NPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If New Jersey's NPDES program is approved, the Administrator will so notify the State. Notice will be published in the **Federal Register** and, as of the date of program approval, EPA will suspend issuance of NPDES permits in New Jersey. The State's program will implement federal law and operate in lieu of the EPA administered program. However, EPA will retain the right to object to NPDES permits proposed to be issued by an approved State. If the Administrator disapproves New Jersey NPDES program, the Administrator will notify the State of reasons for disapproval and of any revisions or modification to the State program which are necessary to obtain approval.

The New Jersey submittal may be reviewed from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, by the public at the NJDEP, Water Quality Management Element, Division Water Resources, 1474 Prospect Street, Trenton, New Jersey 08625, and at the EPA office in New York, New York at the address appearing at the beginning of this Notice. Copies of the submittal may also be obtained (at a cost of 20¢/page or $70 for the entire submission) by appearing in person at either of those offices, or by writing to EPA and the NJDEP at the same addresses.

A public hearing to consider the State of New Jersey's request to administer the NPDES permit program has been scheduled for February 16, 1982, at 10:00 a.m. at the Labor and Education Center, Cook College Campus, Rutgers University, Ryder Lane, New Brunswick, New Jersey 08903.

The Hearing Panel will include representatives of EPA Region II, EPA Headquarters and NJDEP.

The following are policies and procedures which shall be observed at the public hearing:

(1) The Presiding Officer shall conduct the hearing in a manner that permits open and full discussion of any issues involved;

(2) Any person may submit written statements or documents for the record;

(3) The Presiding Office may, in his discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony or is not relevant to the decision to approve or require revision of the submitted State program;

(4) Members of the Hearing Panel may ask questions of witnesses and respond to questions and statements of witnesses;

(5) The transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Administrator; and

(6) The hearing record shall be left open until March 1, 1982, as described below, to permit any person to submit additional written statement or to present views or evidence tending to rebut testimony presented at the public hearing; immediately following the public comment period the Regional Administrator shall forward a copy of the complete hearing record to the Adminstrator.

Hearing statements may be oral or written. Written copies of oral

statements are urged for accuracy of the record and for the use of the hearing panel and other interested persons. Statements should summarize any extensive written materials.

All comments or objections received by EPA Region II by March 1, 1982, or presented at the public hearing will be considered by EPA before taking final action on the New Jersey Request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know will be interested in this matter. All written comments and questions on the hearing or the NPDES program should be addressed to Richard G. Tisch, Esq., Chief, Water Enforcement Branch, Enforcement Division, Region II.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 82-288 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 246

[SW-FRL-1944-1]

Solid Waste Management; Guidelines for Beverage Containers; Resource Recovery Facilities Guidelines; Source Separation for Materials Recovery Guidelines

Correction

In FR Doc. 82-708, appearing at page 1307, in the issue of Tuesday, January 12, 1982, make the following change:

On page 1308, in the middle column, change paragraph "2." to read as follows:

"2. Section 246.100 is amended by removing paragraph (g) and by redesignating paragraph (h) as paragraph (g) and revising it to read as follows:"

BILLING CODE 1505-01-M

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40 CFR Part 799

[OPTS-42002A; TSH-FRL-2030-6]

Fluoroalkenes; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed test rule for fluoroalkenes published in the Federal Register of October 30, 1981 (46 FR 53704) to give interested persons additional time to comment on the plan to propose test rules.

DATE: All comments on the proposed rule should be sumbitted on or before February 1, 1982.

ADDRESS: Written comments should bear the document control number OPTS-42002A and should be submitted in triplicate to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460.

The administrative record supporting this action is available for public inspection in Rm. E107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 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: EPA issued an advance notice of proposed rulemaking for fluoroalkenes under section 4 of TSCA in the **Federal Register** of October 30, 1981 (46 FR 53704). The comment period for this proposed test rule will be extended 30 days (from December 29, 1981, to January 29, 1982) to give interested persons additional time to comment on testing requirements for this rule. A notice providing further information will be forthcoming at a later date.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003 (15 U.S.C. 2601))

Dated: January 5, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-1185 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

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40 CFR Part 761

[OPTS 211004; FRL 1989-8]

Polychlorinated Biphenyls (PCBs); Denial of Citizen's Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule Related Notice.

SUMMARY: This notice announces the Administrator's decision to deny a citizen's petition submitted under section 21 of the Toxic Substances Control Act (TSCA). The petitioner requested that the Agency amend its PCB rule (40 CFR Part 761) to exempt research and development activities from control, integrate the PCB rule with hazardous waste regulations issued under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901), establish closure and post closure fund requirements, authorize salvage of metals from PCB items, establish performance standards for alternate disposal methods, and give the Administrator approval authority for disposal methods.

ADDRESS: A copy of the petition and all related information is located in: The office of the Document Control Officer (TS-793), Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

It is available for viewing and copying from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Office of Industry Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, 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:

I. Introduction

On August 7, 1981, EPA received a TSCA section 21 petition concerning the PCB rules from EOI, Inc., a PCB waste management company headquartered in Washington, D.C. In general, the petition seeks changes in the PCB rule that would encourage the development of new technology, insure consistency among Regional Office in the implementation of the rule, and integrate the PCB rule with the RCRA hazardous waste regulations. EOI submitted six specific recommendations in its petition to change the PCB regulations.

EPA agrees that EOI has recognized six important areas which require clarification in the PCB regulations. However, EPA feels that the proper clarification can be accomplished without amending the regulation.

II. Petitioner's Arguments and the Agency's Responses

A. EOI has petitioned EPA for the addition to the PCB rule of a general exemption for research and development (R&D) activities involving storage, decontamination, transport, and disposal of PCB materials.

With one very narrow exception,[1] the present PBC rule has no specific

[1] Use of Small Quantities of PCBs for Research and Development is authorized (40 CFR 761.31 (j)).

Continued

provision which allows the use of PCBs in R&D activities. EPA recognizes that R&D for new methods of PCB handling and disposal is most desirable. The PCB rule establishes the Regional Administrators as the approval authority for PCB disposal methods. R&D on disposal methods has usually been regulated using the authority of the Regional Administrators, contained in 40 CFR 761.10(e), to approve alternative disposal methods. Some companies have conducted R&D on PCBs without the EPA Regional Office even being aware of their activities.

If EPA were to amend the PCB rule to deal with R&D activities, the prime objective of the amendment would be to allow legitimate research to proceed with a minimum of red tape while allowing EPA a means of halting research projects that present an unreasonable risk to human health and the environment. It is also desirable that any R&D rules provide a systematic set of procedures so that their application would be as consistent as possible throughout the country. This can be accomplished without rulemaking. EPA Headquarters will issue a guidance memorandum to the Regional Offices in the near future.

B. EOI has petitioned EPA to transfer immediately all regulations for control of PCBs from TSCA to RCRA authority.

The petitioner assumes that it is a simple process to integrate the rules promulgated under TSCA and RCRA. Unfortunately, this is not so. There are many complexities involved in integrating the PCB regulations into the RCRA. The TSCA rules for waste PCBs are in place, and they are well understood by the regulated community. As of this writing, the RCRA rules are the subject of pending litigation. In addition, the RCRA rules are undergoing comprehensive regulatory impact analyses that may result in a number of regulatory amendments. A major effort to integrate the PCB rules now could be confusing to the regulated community and could be inefficient if changes are made in the RCRA rules as a result of the litigation or the regulatory impact analyses. Moreover, effective implementation of the waste PCB regulatory control program could be interrupted.

For these reasons, EPA intends to leave the rules separate at this time, with waste PCBs controlled solely under the TSCA rules. Efforts to integrate the rules will resume after the major RCRA litigation issues are resolved and the RCRA regulatory impact analyses are completed.

C. EOI has petitioned EPA to establish a requirement for closure and post-closure funds for facilities storing, processing, or disposing of PCBs.

Closure and post-closure funds represent money set aside by companies managing wastes to ensure environmentally acceptable closure of the facility. These funds are not required by the PCB rule, but financial assurance for facility closure is required under the RCRA hazardous waste regulations.

The petitioner expresses the concern that some firms are collecting and storing PCBs waiting for an easier and/or cheaper disposal method to be approved. It this does not occur, the petitioner speculates that these firms may not have the resources to dispose properly of the PCBs they have collected. EPA's approach to combat irresponsible activities has been to place the burden on the generator to determine whether a person taking possession of their PCBs is reputable. EPA enunciated this policy in the preamble to the PCB Ban Rule (44 FR 31539, May 31, 1979). In addition, if there are problems with improperly stored PCB waste, EPA has authority under several statutes to take action to clean up or require others to clean up the problem. Although requiring closure and post-closure funds would be an improvement on the present system, the current approach is not unworkable. Therefore, EPA will leave the PCB regulation silent with respect to closure funds, and address this issue when the PCB/RCRA integration takes place.

D. EOI has petitioned EPA to add a provision to the regulation that allows the salvage of copper and steel from PCB Equipment, as defined in 40 CFR 761.2 (w); PCB Transformers, as defined in 40 CFR 761.2 (y); and PCB Containers, as defined in 40 CFR 761.2 (v).

There is some confusion in the regulated community on this subject. In this notice, EPA is seeking to clarify its current policies regarding metal recovery operations. Under the current regulations, there is a way that these metals may be salvaged.

EPA's major concern when developing the PCB Rule was the high human and environmental exposure to PCBs that resulted from the rebuilding and salvage of PCB Transformers. Standard industry practices were very sloppy. Because of their large number and relatively low PCB concentration, PCB-Contaminated Transformers, as defined in 40 CFR 761.2 (z), were permitted to be rebuilt and salvaged. Because of the far smaller number of PCB Transformers and the great uncertainty related to the industry's ability to adequately protect against human and environmental PCB exposure, EPA decided not to include in the PCB Rule any specific provision for the decontamination for salvage of PCB Transformers.

EPA's position is that physical separation of PCBs from the metal portion of the transformers, followed by recycle of the metal by incineration or other destruction of the PCB portion remaining in the transformer, can be approved under the current regulatory structure defined in 40 CFR 761.10(e). However, it must be shown that the total alternate disposal method provides environmental protection equivalent to incineration under Annex I of the PCB rule found in 40 CFR 761.40

The PCB rule prohibits removal of the core from PCB Transformers for servicing and requires that the intact, flushed PCB Transformer, minus the PCB dielectric fluid, be disposed of in an incinerator or EPA-approved chemical waste landfill. The PCB rule provides that waste materials requiring incineration may be disposed of by alternative disposal methods that can be shown to achieve performance equivalent to PCB incinerators. Since metal recovery furnaces operate at very high temperatures for long periods of time, it may be possible for a furnance owner to obtain EPA approval as an alternative disposal method for the PCBs.

If a recycle/incineration system were developed for PCB Transformers that reduced worker and environmental PCB exposures to a level no greater than that which occurs when PCB-Contaminated Transformers are rebuilt, there should be little concern about approving such a system. An additional advantage of such a system, beyond the salvage of valuable metals, would be the reduction in disposal-related transportation costs and in landfill space required for PCB Transformers. The owner of a metals recovery furnace could apply for approval, as an alternative PCB disposal method, under 40 CFR 761.10(e).

Thus, EPA's policy is that metal recyclers can either incinerate metal parts at conditions which destroy PCB molecules, or completely remove PCB molecules from metal parts by use of solvents in the vapor or liquid phase. In addition, the PCB regulation allows transformer owners to lower the contamination classification of their transformers by retrofilling, followed by three months of operation (40 CFR 761.31(a)(5)). During this three-month period, the heat of operation and the

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Small Quantities for Research and Development is defined to include only PCBs originally packaged in one or more hermetically sealed containers of a volume no more than five milliliters (40 CFR 761.2 (ee)).

circulation of dielectric fluid serves to remove PCBs from the transformer core. The disposal of metals from properly reclassified transformers is not controlled under the PCB rule. This process of reclassification might also be accomplished by retrofilling and simulating transformer operation. Any such potential method of metal recovery may be proposed and demonstrated for approval as an alternate method of disposal (40 CFR 761.10 (e)).

There is one other section of the PCB rule which bears an important relationship to the topic of alternate disposal methods. That is 40 CFR 761.30(c)(2), which allows processing and distribution in commerce for purposes of disposal. "Processing for purposes of disposal" has been suggested as a section of the PCB rule which would authorize decontamination of PCB transformers and other equipment for recycle. The section authorizing processing for disposal was intended to facilitate disposal activities. For example, in the case of capacitor disposal, processing for disposal allows grinding of the capacitors prior to incineration. Without this allowance, the regulation would require incineration of whole capacitors, a difficult technical task.

It is theoretically possible to develop a method of physically separating the PCBs from the metals (e.g., solvent extraction). If the method were successful in completely removing all detectable PCBs from the metals, the metal could then be salvaged without subsequent treatment. PCBs removed from the transformer would require incineration. In a case where disposal of the PCB equipment or liquids was regulated, any alternate disposal method requires prior approval under § 761.10(e). This is also the case with PCB-contaminated solvents. These liquids must be incinerated because they are the result of dilution of high concentrations of PCBs.

E. EOI has petitioned EPA to establish separate performance and efficiency standards for alternate disposal techniques.

The advantage of 40 CFR 761.10(e), as it is currently written, is that it can be used to evaluate any new disposal method that may be proposed regardless of the process used. At the time the disposal regulation was issued, EPA recognized that it could not anticipate the technological advances that might be developed toward solving the PCB disposal problem. If EPA set specific parameters, or standards, it would probably be unable to apply them to every possible new disposal technique. In fact, a set of standards would stifle creativity because all new methods would have to be designed to fit the standards.

Section 761.10(e) of the PCB rule states, in part, "Any person who is required to incinerate any PCBs and PCB Items under this subpart and who can demonstrate that an alternative method of distroying PCBs and PCB Items exists and that this alternative method can achieve a level of performance equivalent to Annex I incinerators or high efficiency boilers * * * may submit a written request to the Regional Administrator for an exemption from the incineration requirements." The word "equivalent" is not interpreted to mean "identical", but rather to define a system that provides for the same amount of environmental protection.

One chemical disposal method has been approved under this section and many other varied methods are proposed or under development. Since the present regulation appears to be working, EPA will leave it in place.

F. EOI has petitioned EPA to remove the authority for approval of disposal facilities from the EPA Regional Administration and give it to the Administrator.

The PCB rule gives all the authority for approval of disposal methods to the Regional Administrators. There is a need, however, for uniformity. EPA believes that this consistency can be achieved by improved communication between EPA Headquarters and EPA Regional Offices and among the Regional Offices. Specifically, EPA Headquarters will issue a guidance memorandum to the Regional Offices addressing the need for consistency.

Continuation of decentralized control is desirable because the Regional Offices have traditionally filled this role and are accustomed to it. They have personnel who have learned through experience how best to implement a program for approval of PCB disposal facilities. EPA presently has a contract for technical assistance to the Regional Offices to provide additional review of proposed disposal methods.

EPA therefore intends to leave the approval authority with the Regional Administrators.

Finding

The administrator hereby denies the petition submitted by EOI, Inc., under section 21 of TSCA.

Dated: December 22, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-1175 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Flood Insurance for Undeveloped Coastal Barriers; Preliminary Identification

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Availability of Draft Document.

SUMMARY: This notice is to announce the availability of a draft (Pre-Proposed) document amplifying on the statutory definition and draft maps with supporting information summaries concerning the preliminary identification of undeveloped coastal barriers for initial public review and comments prior to issuance of proposed rule.

DATE: Comments on the draft definitions, draft maps, and draft information summaries should be received no later than March 22, 1982.

ADDRESS: Mr. Ric Davidge, Chairman; Coastal Barriers Task Force; United States Department of the Interior; Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Rich Davidge, Chairman; Coastal Barriers Task Force; United States Department of the Interior; Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: On December 1, 1981, the Secretary of the Interior issued a "Notice of intent to issue a proposed rule" on or about August 13, 1982. As indicated in that Notice, the proposed rule will concern delineation of those areas along the Atlantic Coast and Gulf of Mexico which are determined to be undeveloped coastal barriers, as defined in the Omnibus Budget Reconciliation Act (OBRA) of 1981. 46 Fed. Reg. 58346. Final designation of undeveloped coastal barriers by the Secretary of the Interior will occur thereafter—pursuant to final rulemaking. That action will not occur prior to October 1, 1982. Designation of undevelopd coastal barriers will impact upon the availability of Federal flood insurance after October 1, 1983, pursuant to the National Flood Insurance Act of 1968, as amended by OBRA. Section 1321(a) of that Act provides that "[n]o new flood

insurance coverage shall be provided under this title on or after October 1, 1983, for any new construction or substantial improvements of structures located on undeveloped coastal barriers which shall be designated by the Secretary of the Interior." This final designation will be for Federal flood insurance purposes only.

The December 1, 1981, Notice of Intent outlines the two-fold responsibilities of the Department of the Interior with regard to section 341 of the Omnibus Budget Reconciliation Act, as enacted on August 13, 1981. The Notice was amended slightly on December 8, 1981. 46 FR 69022. As amended, this December Notice served to establish the process the Department of the Interior will follow in order to:

- Conduct a study for the purpose of designating undeveloped coastal barriers and to provide a report to Congress concerning the conclusions of such study and any recommendations regarding the definition of the term "coastal barrier"; and
- Designate undeveloped coastal barriers.

This December Notice also discussed the relationships of the OBRA implementation process to other Federal legal requirements, such as NEPA, and the Department's concern for extensive public review and comment at each step in the preliminary identification and delineation, study, and designation efforts.

The process outlined in the December Notice remains essentially unchanged. The first step was the development of draft definitions and draft maps. This task has now been completed. Consideration was given to comments and suggestions that were received concerning the proper interpretation of OBRA. Initial comments on the draft definitions were then solicited from concerned Members of Congress and Governors of coastal States pursuant to letters from the Secretary of the Interior dated December 9 or 10, 1981. To the degree comments were received prior to January 9, 1982, they have been considered in the preparation of the present draft definitions document and the draft maps. Comments received thereafter will be considered prior to issuance of a proposed rule and submission of the proposed designations of the undeveloped coastal barriers to the Congress.

As indicated in the December Notice, the next step is the public release of these draft definitions, draft maps, and draft summaries of information relevant to designation of undeveloped coastal barriers. This is being done today. The comment period on these draft definitions, draft maps, and draft information summaries will close on March 15, 1982, with any comments received within one week thereafter considered. These comments will then serve as a basis for review and reconsideration of the draft definitions document, draft maps, and draft information summaries and preparation of proposed definitions and proposed maps. Upon completion of that review, proposed designations and supporting material will be made available for additional public review and comment and will be provided to the Congress for their consideration. Consistent with OBRA, this task will be completed prior to August 13, 1982.

As indicated in the December Notice these proposed designations will be based upon the status of the various coastal barriers as of the close of this comment period—March 15, 1982. This date has been chosen to ensure that proposed designations can be provided to the Congress on or before August 13, 1982, as required by OBRA. It is important that public comments on the draft definitions, draft maps, and draft information summaries being released today include a discussion of the factual situation on the coastal barriers as of March 15, 1982. Status of development, nature and extent of infrastructure leading toward development, existence of structures and man's activities on the coastal barriers, and whether an area is otherwise protected as provided by Section 1321(b)(3) of the National Flood Insurance Act of 1968, as amended by OBRA—all of these factors need to be addressed as of the close of the comment period on March 15, 1982. It is for this reason that comments received within one week after March 15, 1982, will still be considered.

It is important to emphasize that this March 15 date is not dictated by OBRA. This legislation did not address the question of what date should be used as a basis for final designations; that is, what date would be used to established the factual situation on each coastal barrier. While it is clear that some date no later than October 1, 1983, must be chosen to ensure that final designations of coastal barriers can be established as of the effective date, it is also obvious that dates other than March 15, 1982, could be utilized. This is important factor still under consideration within the Department of the Interior at this time.

It is also important to emphasize that this discussion does not affect the sale of flood insurance prior to October 1, 1983, for any new construction or substantial improvements. Rather, it concerns the determination of which areas fall within the definitions provided by OBRA and must be designated as undeveloped coastal barriers. Flood insurance in effect prior to October 1, 1983, will remain valid thereafter for those insured structures regardless of designation of a coastal barrier area consistent with the provisions of OBRA. After October 1, 1983, Federal flood insurance will not be available on designated coastal barriers for new construction or substantial improvements.

Another point warrants emphasis. Many other areas not preliminarily identified as undeveloped coastal barriers also contain important wetland and other aquatic habitats. Other Federal laws applicable to these resources (e.g., the Fish and Wildlife Coordination Act or sections 9 and 10 of the Rivers and Harbors Act of 1899) are not affected by this action. The OBRA provision does not affect the applicability of any Federal statutes other than the National Flood Insurance Act of 1968, as amended.

The December Notice also discussed the relationship of the coastal barrier process to other Federal legal requirements. That discussion remains applicable to the present situations. It is contemplated that a Draft Environmental Impact Statement will be available shortly. In this regard, a notice of intent to prepare an environmental impact statement, as published in the **Federal Register** on December 21, 1981, 46 FR 61929, discusses NEPA compliance in greater detail.

The final issue in the December Notice was the Department's concern for extensive public review and comment. As indicated above, this remains an important issue to the Department. It should be emphasized that the draft definitions, draft maps and draft information summaries being released for public review and comment today, are indeed, drafts. A second round of comments will be solicited at the proposed rulemaking stage, on or before August 13, 1982, and proposed definitions and proposed maps will be made available for public review and comment at that time, prior to final designation.

Draft maps, along with the draft definitions document, and draft summaries of information used to tentatively delineate the undeveloped coastal barriers depicted on the maps, are being sent to a number of classes of recipients with special interest in this issue. The Secretary of the Interior has suggested that these recipients seek the widest possible distribution of these draft definitions, draft maps, and draft

information summaries. The classes of recipients of these materials include:

—Senators and Members of Congress from the 16 affected States
—U.S. Fish and Wildlife Service
  —Washington Office
  —Regional Offices
  —Area Offices
  —Ecological Services Field Offices
  —Cooperative Fish and Wildlife Research Units
  —National Coastal Ecosystems Team
—National Park Service
  —Washington Office
  —Regional Offices
  —National Seashores
  —Cooperative Research Units
—Federal Emergency Management Agency
  —Washington Office
  —Regional Offices
—Other Federal Agency Washington Offices
  —Department of Commerce
  —U.S. Army Corps of Engineers
  —Office of Management and Budget
  —Department of Transportation
  —Department of Housing and Urban Development
  —Governors of the 16 affected States
  —A–95 Clearinghouses of the 16 affected States
  —Affected Local Governments
  —Affected Regional governmental entities.

To facilitate public review, the Department has established a system whereby anyone interested may learn where the closest set of maps can be examined. This can be accomplished by calling the U.S. Geological Survey, Eastern National Cartographic Information Center (E–NCIC), at (703) 860–6336 or FTS: 928–6336 between the hours of 8:00 a.m. and 4:00 p.m. EST. Callers must indicate the State and County in which the units of concern are located as well as where they are located. PLEASE NOTE: Maps cannot be ordered by calling this telephone number.

Addresses

Draft undeveloped coastal barrier maps can be purchased from the U.S. Geological Survey at the address indicated below. To cover reproduction and handling costs, a fee of $3.25 will be charged *per map* for each 36 in. x 42 in. paper ozalid copy. Requests for copies must be made using the following ORDER FORM (or a copy thereof) and must be prepaid by check or money order (NO cash or stamps) made payable to: THE UNITED STATES GEOLOGICAL SURVEY. The ORDER FORM and check or money order should be sent to: Eastern National Cartographic Information Center (E–NCIC), U.S. Geological Survey, 536 National Center, Reston, Virginia 22092.

Requests for additional copies of the draft definitions document and draft information summaries must be made in writing and directed to: Ms. Deborah Lanzone, National Park Service—780, Pension Building, Room 201, 440 G Street, NW., Washington, D.C. 20243, (202) 272–3566.

Comments on the draft definitions, draft maps, and draft information summaries should be addressed to: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, United States Department of the Interior, Washington, D.C. 20240.

Maps may be inspected at and hand-delivered comments may be taken to: Office of the Assistant Secretary for Fish and Wildlife and Parks, Main Interior Building, 18th and C Streets, NW., Room 3148, Washington, D.C. 20240.

For Further Information Contact

Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. (202) 343–5347.

Dated: December 12, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

ATTACHMENT A

Order Form

Draft Undeveloped Coastal Barrier Maps

This form will enable you to obtain copies of some or all of the 161 draft Undeveloped Coastal Barrier Maps identified by the U.S. Department of the Interior pursuant to Section 341(d)(1) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Each paper print which measures 36 inches by 42 inches will cost $3.25.

PLEASE INDICATE THE NUMBER OF MAPS OF EACH UNIT YOU WANT TO ORDER IN THE APPROPRIATE BOX ON THE FOLLOWING LIST OF MAPS. IF YOU MARK THE STATE BOX, THE NUMBER OF SETS OF MAPS INDICATED FOR THE ENTIRE STATE WILL BE MAILED TO YOU.

☐ MAINE (6 maps)
  ☐ A03—Jasper
  ☐ A04—Pond Island
  ☐ A06—Cape Elizabeth
  ☐ A07—Scarborough Beach
  ☐ A08—Crescent Surf
  ☐ A09—Seapoint
☐ MASSACHUSETTS (31 maps)
  ☐ C01—Wingaersheek
  ☐ C02—North Scituate Beach
  ☐ C03—Rivermoor
  ☐ C04—Plymouth Bay
  ☐ C06—Center Hill Complex
  ☐ C08—Scorton
  ☐ C09—Sandy Neck
  ☐ C10—Freemans Pond
  ☐ C11—Namskaket Spits
  ☐ C12—Chatham Roads
  ☐ C13—Lewis Bay
  ☐ C14—Squaw Island
  ☐ C15—Centerville
  ☐ C16—Dead Neck
  ☐ C17—Popponesset Spit
  ☐ C18—Waquoit Bay
  ☐ C19—Black Beach
  ☐ C20—Coatue
  ☐ C21—Sesachacha Pond
  ☐ C22—Cisco Beach
  ☐ C23—Esther Island Complex
  ☐ C24—Tuckernuck Island
  ☐ C25—Muskeget Island
  ☐ C26—Eel Pond Beach
  ☐ C27—Cape Poge
  ☐ C28—South Beach
  ☐ C29—Squibnocket Complex
  ☐ C31—Elizabeth Islands
  ☐ C32—Mishaum Point
  ☐ C33—Little Beach
  ☐ C34—Horseneck Beach
☐ RHODE ISLAND (8 maps)
  ☐ D01—Little Compton Ponds, MA/RI
  ☐ D02—Fogland Marsh
  ☐ D03—Card Ponds
  ☐ D04—Green Hill Beach
  ☐ D05—East Beach
  ☐ D06—Quonochontaug Beach
  ☐ D07—Maschaug Ponds
  ☐ D08—Napatree
☐ CONNECTICUT (7 maps)
  ☐ E01—Wilcox Beach
  ☐ E02—Goshen Cove
  ☐ E03—Jordan Cove
  ☐ E04—Menunketesuck Island
  ☐ E05—Hammonasset
  ☐ E06—Sandy Hook
  ☐ E07—Milford Point
☐ NEW YORK (11 maps)
  ☐ F01—Fishers Island Barriers
  ☐ F02—Eatons Neck
  ☐ F04—Crane Neck
  ☐ F05—Old Field Beach
  ☐ F06—Shelter Island Barriers
  ☐ F07—North Haven
  ☐ F08—Clam Island
  ☐ F9—Gardiners Island Barriers
  ☐ F10—Napeaque
  ☐ F11—Mecox
  ☐ F12—Southhampton Beach
☐ NEW JERSEY (2 maps)
  ☐ G01—Stone Harbor Point
  ☐ G02—Cape May Complex
☐ DELAWARE (1 map)
  ☐ H01—North Bethany Beach
☐ VIRGINIA (5 maps)
  ☐ K01—Assawomen Island
  ☐ K02—Metomkin Island
  ☐ K03—Cedar Island
  ☐ K04—Little Cobb Island
  ☐ K05—Fishermans Island
☐ NORTH CAROLINA (9 maps)
  ☐ L01—Currituck Banks
  ☐ L02—Bodie Island
  ☐ L03—Hatteras Island
  ☐ L04—Bogue Banks
  ☐ L05—Onslow Beach Complex
  ☐ L06—Topsail
  ☐ L07—Lea Island Complex
  ☐ L08—Wrightsville Beach
  ☐ L09—Masonboro Island
☐ SOUTH CAROLINA (13 maps)

- ☐ M01—Waites Island Complex, NC/SC
- ☐ M02—Litchfield Beach
- ☐ M03—Pawleys Inlet
- ☐ M04—Debidue Beach
- ☐ M05—Dewees Island
- ☐ M06—Morris Island Complex
- ☐ M07—Bird Key Complex
- ☐ M08—Captain Sams Inlet
- ☐ M09—Edisto Complex
- ☐ M10—St. Helena Sound Complex
- ☐ M11—Harbor Island
- ☐ M12—St. Phillips Island Complex
- ☐ M13—Daufuskie Island

☐ GEORGIA (4 maps)
- ☐ N01—Little Tybee Island
- ☐ N02—St. Catherines Island
- ☐ N03—Little St. Simons Island
- ☐ N04—Sea Island

☐ FLORIDA (32 maps)
- ☐ P01—Amelia Island
- ☐ P02—Bird/Talbot Islands
- ☐ P04—Guana River
- ☐ P04A—Usinas Beach
- ☐ P05—Conch Island
- ☐ P05A—Matanzas River
- ☐ P07—Ormond-By-The-Sea
- ☐ P09—Ponce Inlet
- ☐ P10—Vero Beach
- ☐ P10A—Blue Hole
- ☐ P11—Hutchinson Island
- ☐ P12—Hobe Sound
- ☐ P13—Jupiter
- ☐ P13A—Lake Worth
- ☐ P14A—North Beach
- ☐ P15—Cape Romano
- ☐ P16—Keewaydin Island
- ☐ P17—Lovers Key Complex
- ☐ P18—Sanibel Island Complex
- ☐ P19—North Captiva Island
- ☐ P20—Cayo Costa
- ☐ P21—Bocilla Island
- ☐ P22—Casey Key
- ☐ P23—Longboat Key
- ☐ P24—The Reefs
- ☐ P25—Atsena Otie Key
- ☐ P26—Pepperfish Keys
- ☐ P28—Dog Island
- ☐ P29—St. George Island
- ☐ P30—Cape San Blas
- ☐ P31—St. Andrew Complex
- ☐ P32—Moreno Point

☐ ALABAMA (2 maps)
- ☐ Q01—Mobile Point
- ☐ Q02—Dauphin Islands

☐ MISSISSIPPI (3 maps)
- ☐ R01—Round Island
- ☐ R02—Deer Island
- ☐ R03—Cat Island

☐ LOUISIANA (14 maps)
- ☐ S01—Bastian Bay Complex
- ☐ S01A—Bay Joe Wise Complex
- ☐ S02—Grande Terre Islands
- ☐ S03—Caminada
- ☐ S04—Bay Champagne
- ☐ S05—Timbalier Island
- ☐ S06—Isles Dernieres (2 maps)
- ☐ S07—Point au Fer
- ☐ S08—Cheniere Au Tigre
- ☐ S09—Rollover
- ☐ S10—Mermentau River Complex
- ☐ S11—Sabine (2 maps)

☐ TEXAS (13 maps)
- ☐ T01—Sea Rim
- ☐ T02—High Island
- ☐ T03—Bolivar Peninsula
- ☐ T04—Follets Island
- ☐ T05—Brazos River Complex
- ☐ T06—Sargent Beach
- ☐ T07—Matagorda Peninsula (2 maps)
- ☐ T08—San Jose Island Complex
- ☐ T09—Mustang Island
- ☐ T10—North Padre Island
- ☐ T11—South Padre Island
- ☐ T12—Boca Chica

☐ COMPLETE SET OF ALL DRAFT UNDEVELOPED COASTAL BARRIER MAPS (161 maps)

COPIES OF THE DRAFT UNDEVELOPED COASTAL BARRIER MAPS ARE AVAILABLE FROM THE U.S. GEOLOGICAL SURVEY. REPRODUCTION AND HANDLING COSTS ARE $3.25 FOR EACH 36 in. x 42 in. PAPER OZALID COPY. REQUESTS FOR COPIES MUST BE PREPAID BY CHECK OR MONEY ORDER (NO CASH OR STAMPS) AND DIRECTED TO:

Eastern National Cartographic Information Center (E-NCIC)
U.S. Geological Survey
536 National Center
Reston, Virginia 22092
Telephone: (703) 860-6336 or FTS 928-6336

MAKE CHECKS PAYABLE TO: THE UNITED STATES GEOLOGICAL SURVEY

PLEASE INDICATE WHERE THESE MAPS SHOULD BE SENT:

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STREET ADDRESS _____
CITY STATE ZIP CODE
ORGANIZATION _____

TO BE ABLE TO CONTACT YOU IN THE EVENT THERE ARE QUESTIONS ABOUT YOUR ORDER, PLEASE INCLUDE A TELEPHONE NUMBER WHERE YOU CAN BE REACHED WEEKDAYS BETWEEN 8:00 a.m. AND 4:00 p.m. EST.:

TELEPHONE: AREA CODE ( ) NUMBER

[FR Doc. 82-1197 Filed 1-14-82; 8:45 am]
BILLING CODE 4310-70-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-1; FCC No. 82-1]

Subsidiary Communications Authorization (SCA) Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the amendment of §73.593 of the Commission's Rules to permit public broadcasting FM stations to stand on the same footing as commercial FM stations in conducting their Subsidiary Communications Authorization operations.

DATES: Comments must be filed on or before February 11, 1982, and reply comments on or before February 26, 1982.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 5, 1982.

Released: January 11, 1982.

1. The Commission has before it the provisions of § 73.593 of the Commission's Rules which impose restrictions on the use of a Subsidiary Communications Authorization ("SCA") granted to noncommercial educational FM stations, now called public broadcasting stations. Recent amendments to the Communications Act[1] have called upon educational stations to provide more of their own funding. As discussed below, this raises the question whether the current restriction on SCA use should be continued.

2. In addition to the regular broadcast service offered on the main carrier (channel), FM stations have the capacity to program one or more subcarriers[2] on a multiplex basis to provide SCA service.[3] upon grant of the necessary application, both commercial and public broadcast FM stations are permitted to provide SCA service. Unlike the commercial station, the public broadcasting can only transmit programs of a noncommercial nature which are in furtherance of an educational purpose.

3.The placement of restrictions on the use of an SCA by a public broadcasting station reflects the then prevailing view about the nature of these stations as well as the expectation that they would have adequate funding from outside sources. Recently, the situation has changed. Federal funding, once a major source, has been greatly curtailed. Recognizing the consequences of dwindling Federal funding, the Congress acted to let these stations do more to help themselves. In fact, one of the main purposes of the Public Broadcasting

[1] Pub. L. 97-35 (Public Broadcasting Amendment Act of 1981).

[2] One such subcarrier is necessary to carry the second signal if the station operates in stereo.

[3] SCA's can be used for a variety of broadcast-like services. It is frequently used by commercial stations for background music in stores and offices. Public broadcasting stations are not now permitted to use it for such commercial purposes.

Amendments Act of 1981 was to help these broadcasters develop such other funding. To this end, the bill (Pub. L. 97–35) contained (in new Section 399B) provisions allowing public broadcast stations to engage in offering services, facilities or products for remuneration. This provision allows these educational licensees to engage in a variety of remunerative non-broadcast activities.

4. Examination of the new public broadcasting provisions and the Reports and debates which accompany them suggest that it may be inappropriate to continue the restriction on licensees of public radio stations that limits these SCA's to educational purposes and prevents these stations from using their subcarrier SCA capacity for remunerative purposes. In fact, an argument can be made that the current restriction is inconsistent with the new Section 399B. Therefore, we are proposing to consider deletion of the current restriction. With this deletion, commercial and noncommercial educational stations would stand on the same footing in regard to the basis on which they could obtain an SCA and the uses to which it could be put.[4]

5. Regulatory Flexibility Analysis:

I. *Reason for action:* Use of the SCA in the fashion proposed could help educational FM stations be self-supporting and could lead to more efficient use of their subcarrier frequencies, which now sometimes lie fallow.

II. *The objective:* The Commission proposed to allow educational FM stations to employ SCA's for the same purposes now permitted commercial FM stations.

III. *Legal basis:* The action proposed would explore new and improved uses of radio and thus would be in furtherance of Sections 303(g) and 399B of the Communications Act of 1934, as amended.

IV. *Description, potential impact and number of small entities affected:* The proposed removal of the restriction on SCA uses by public broadcasting stations could be expected to enhance the ability of these stations to generate revenues and be more self-supporting. This, in turn, could provide opportunities to enhance competition and increase the availability of SCA services in a community. The rule change, if adopted, would directly affect the almost 1,200 public broadcasting FM stations and indirectly affect the more than 3,500 commercial FM stations which do not now receive competition from public broadcasting station SCA's run on a commercial basis. It is also possible that such a step could have an impact on small governmental or business entities which would gain access to SCA services for the first time. Finally, small entities involved in supplying equipment or services connected with constructing or conducting SCA operations could be affected as such opportunities increased.

V. *Recording, record keeping and other compliance requirements:* None.

VI. *Federal rules which overlap, duplicate or conflict with this rule:* None.

VII. *Any significant alternative minimizing impact on small entities and consistent with stated objective:* The only alternative would be to maintain the status quo and thereby continue to preclude expanded SCA uses by public broadcasting FM stations.

[4]Recently, the Commission adopted a change in permissable use of the commercial station SCA to authorize non-broadcast transmissions for utility load management. Thus, the proposed rule change treating commercial and public broadcasting FM stations on the same footing would permit this use for educational stations as well.

PART 73—RADIO BROADCAST SERVICES

6. Accordingly, it is proposed, that pursuant to the provisions of Sections 4(i), 303 (b), (g) and 399B of the Communications Act of 1934, as amended, § 73.593 of the Commission's Rules be revised to read as follows:

§ 73.593 Subsidiary communications authorizations.

The provisions governing SCA authorizations set forth in § 73.293 are applicable to noncommercial educational FM stations.

7. Authority for the institution of this proceeding is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before February 11, 1982, and reply comments on or before February 26, 1982. The Commission will consider all relevant and timely comments and may also consider other relevant information before it before taking further action in this proceeding.

9. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and five copies of all comments, replies, briefs, and other documents shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. All filings in this proceeding will be available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C. 20554.

10. For further information concerning this proceeding, contact Jonathan David, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file.

11. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554, (202) 632–7000.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–1060 Filed 1–14–82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81–741]

Transmission of Teletext by TV Stations; Order Extending Time for Filing Comments and Reply Comments; Authorization

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and replies to comments to a Notice of Proposed Rule Making, (46 FR 60851; December 14, 1981) Docket No. 81–741, which proposed amendment of Part 73 of Commission Rules to allow transmission of teletext by TV stations. Several parties filed requests for such an extension.

DATE: Comments are due on or before February 10, 1982 and replies to

comments are due on or before March 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Alan Stillwell, Broadcast Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments to Notice of Proposed Rulemaking (46 FR 60851; December 14, 1981)

Adopted: December 29, 1981.
Released: January 6, 1982.

In the matter of amendment of Part 73 to authorize the transmission of teletext by TV stations.

1. On October 20, 1981, the Commission adopted a Notice of Proposed Rulemaking, Docket 81–741 proposing to amend Part 73 of its rules in a manner that would permit the transmission of teletext by television licensees. The Notice was released on November 27, 1981 with comments due by January 11, 1982 and reply comments to be received by February 10, 1982.

On December 18, 1981 the National Captioning Institute (NCI) petitioned to extend the comment period 30 days. NCI bases its request on the fact that 19 business days provide insufficient time to study and distribute the notice to its members.

Comments supporting the NCI petition were received from the National Association of Broadcasters (NAB), the American Broadcasting Companies, Inc. (ABC), and the Consumer Electronics Group of the Electronic Industries Association (EIA/CEG). In addition to complaints about the short time frame, both NAB and EIA/CEG state that meetings within their groups have been scheduled shortly after the original comment date. Thus they desire an extension in order to benefit from the discussions at those meetings.[1]

The Commission is interested in expeditiously completing the teletext proceeding. However, the Commission also recognizes the importance of this proceeding and wishes to grant sufficient time for the parties to submit comments. Consequently, the 30-day extension of time for comments and reply comments is granted.

Accordingly, it is ordered, that the time for filing comments and replies to comments to the above referenced Notice of Proposed Rulemaking, Docket 81–741, is extended to and including February 10, 1982 for comments and March 12, 1982 for reply comments.

(Sec. 4(i), 5(d)(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules)

Federal Communications Commission.

Henry L. Baumann,

Deputy Chief, Broadcast Bureau.

[FR Doc. 82–1082 Filed 1–14–82; 8:45 am]

BILLING CODE 6712–01–M

[1] In addition to these comments, informatl requests for extension of time were sbumitted by the Rhode Island School for the Deaf, the State of North Carolina Department of Human Resources and Ellan Maynard.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fishing and Groundfish of the Gulf of Alaska; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the quota for a species in an Appendix and Table contained in proposed regulations to implement Amendment 10 to the fishery management plan for the Groundfish of the Gulf of Alaska. The proposed regulations were published December 7, 1981, (46 FR 59565).

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, 907–586–7221.

Dated: January 11, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

§§ 611.20, 672.20 [Corrected]

Accordingly, NOAA corrects Appendix 1, entry 4E, of 50 CFR 611.20 and Table 1 of 50 CFR 672.20 by changing the reserve and TALFF amounts for thornyhead rockfish, species code 749, from 450 mt and 3,294 mt to 750 mt and 2,994 mt, respectively.

[FR Doc. 82–1181 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 47, No. 10
Friday, January 15, 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

Rural Electrification Administration

Continental Divide Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Continental Divide Electric Cooperative, Inc., (Cooperative) of Grants, New Mexico, for the construction of new 69 kV transmission facilities in New Mexico. A proposed transmission line will extend approximately 15.5 km (25 mi) from the existing Zuni Substation in McKinley County to the proposed Ramah Substation in Valencia County. The Ramah Substation will be built at the eastern terminus of the line.

REA reviewed a Borrower's Environmental Report (BER) submitted by the Cooperative. Based upon the BER and the Cooperative's 1981–1982 Biennial Work Plan, REA prepared an Environmental Assessment concerning the proposed project and its impacts. REA determined that the proposed project 1) will not affect federally listed threatened or endangered species, important farmlands or known cultural resources; and 2) will have no adverse effect or incompatible development associated with wetlands or floodplains. Alternatives examined include no action, energy conservation, upgrading existing facilities and an alternative route. After reviewing these alternatives, REA determined that the proposed project is the preferred alternative because it best meets the District's needs with minimal adverse impacts. REA concluded that the proposed financing assistance would not be a major Federal action significantly affecting the quality of the human environment.

The FONSI, Environmental Assessment and BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone: (202) 382–8848, or at the office of Continental Divide Electric Cooperative, Inc., (Mr. Fred A. Lackey, Manager), P.O. Box 1087, Grants, New Mexico 87020, telephone: (505) 285–6656.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 7th day of January 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82–1032 Filed 1–14–82; 8:45 am]

BILLING CODE 3410–15–M

Brazos Electric Power Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has issued a Final Environmental Impact Statement (FEIS) in connection with the proposed construction of a 30.6 km (19 mi) 345 kV transmission line and associated facilities by the Brazos Electric Power Cooperative (Brazos) that would connect the Texas Power & Light Company's Elm Mott Substation in McLennan County, Texas, with the proposed Whitney Substation in Bosque County, Texas. It is anticipated that Brazos will request REA to provide financing assistance for construction of the facilities.

Alternatives considered in the FEIS are no action, alternative voltages, upgrading of existing facilities, alternative sources, energy conservation, and alternative routes and construction methods.

The preferred alternative, which is construction of the 345 kV transmission line, would cross over 0.72 km (0.45 mi) of floodplain and 0.09 km (0.06 mi) of wetlands. One tower, with a base of 0.01 ha (0.02 acre), may be located in the floodplain. REA has concluded that there is no practicable alternative to crossing these areas. Further information concerning this matter can be found in the FEIS.

Copies of the FEIS have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality regulations. Limited supplies of the FEIS are available upon request to: Mr. Frank Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St. and Independence Avenue, SW., Washington, D.C. 20250.

The FEIS may also be examined during regular business hours at the following locations:

Rural Electrification Administration, USDA, 14th & Independence Ave., SW., Room 0230, Washington, D.C. 20250

Brazos Electric Power Cooperative, 2404 La Salle Ave., Waco, Texas 76706

Hillsboro Public Library, 118 S. Waco St., Hillsboro, Texas 76645

Waco-McLennan Public Library, 1717 Austin St., Waco, Texas 76701

Final REA action concerning the project, including any release of funds for construction, will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes, regulations, Executive Orders, and Secretary's Memorandum.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 12th day of January, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82–1162 Filed 1–14–82; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Pipe Creek Critical Area Treatment R. C. & D. Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315–423–5076.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pipe Creek RC&D Measure, Tioga County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for these projects.

The measure concerns critical area treatment. The planned works of improvement include clearing, grading, installing heavy rock rip rap along the streambank and seeding.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd, State Conservationist. The FNSI has been sent to various federal, state and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 16, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 4, 1982.

Paul A. Dodd,

State Conservationist.

[FR Doc. 82-803 Filed 1-14-82; 8:45 am]

BILLING CODE 3410-16-M

Plum Bayou Watershed Flat Bayou Portion, Arkansas; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, Post Office Box 2323, 700 West Capitol, Little Rock, Arkansas 72203, telephone—501/378-5445.

Notice: Jack C. Davis, responsible federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Arkansas, is hereby providing notification that a record of decision to proceed with installation of the Plum Bayou Watershed Flat Bayou Portion is available. Single copies of this record of decision may be obtained from Jack C. Davis at the above address.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 7, 1982.

Jack C. Davis,

State Conservationist.

[FR Doc. 82-946 Filed 1-14-82; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Animal Glue and Inedible Gelatin from the Netherlands; Preliminary Results of Administrative Review of Antidumping Findings

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Findings.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from the Netherlands. The review covers the two known producers and the two known third-country resellers of this merchandise to the United States, and separate consecutive time periods for each through November 30, 1980. This review indicates the existence of dumping margins for all of the firms for all but one period.

As a result of the review, the Department has preliminary determined to assess dumping duties for individual exporters equal to the calculated differences between the United States price and foreign market value on each of their shipments during the periods of review. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1977, a dumping finding with respect to animal glue and inedible gelatin from the Netherlands was published in the **Federal Register** as Treasury Decision 78-2 (42 FR 64115). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 if the Tariff Act, the Department has conducted an administrative review of the finding on animal glue and inedible gelatin from the Netherlands. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are animal glue and inedible gelatin, of which there are two principal types, hide glue, and bone glue. They are organic colloids of protein derivation. There is no significant differences between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents, as an essential part of many compositions, and as colloids in emulsions and cleaning compounds.

Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Dutch producers and two third-country resellers of this merchandise to the United States, Wed. P. Smits & Zoon B.V. ("Smits"), Lijmfabriek C. Trommelen B.V. ("Trommelen"), F. Leiner & Co., Ltd. (U.K.), and Sheppy

Fertilizers & Chemicals (U.K.) ("Sheppy").

Smits' response was adequate for analysis. Trommelen's response was incomplete since it covered most, but not all, sales to the U.S. Sheppy was non-responsive and F. Leiner's response was inadequate. For Trommelen's reported sales (direct shipments) we will use the calculated margin of appraisement and cash deposit purposes. For its unreported sales (indirect shipments) we will use the best information available, which is its fair value rate, for appraisement and cash deposit purposes, as it is higher than current rates for responding firms in the current period. We will use this rate also as best information available for both Sheppy and F. Leiner.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the C&F or FOB price to an unrelated purchaser in the United States. Where applicable, deductions were made for forwarding fees, foreign inland freight, ocean freight, and loading charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value for Trommelen, the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Trommelen sold over 11 percent of its total production in the home market, and home market sales were at least 12 percent of all sales for export to countries other than the U.S. during the period covered. Home market sales were at ex-factory, or "free customer's factory", packed prices. Adjustments were made for inland freight, unloading at the customer's factory, and differences in packing, where appropriate.

In calculating foreign market value for the other producer, Smits, the Department used the price to purchasers in a third country (the United Kingdom), as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate, as sales in the home market were insufficient to provide a basis for comparison. The foreign market values were based on ex-factory prices and were adjusted for differences in packing, where appropriate. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Producer	Time period	Margin (direct shipments) (percent)	Margin (indirect shipments)[1] (percent)
Wed. P. Smits & Zoon.	Apr. 1, 1977–Dec. 1, 1978.	0	N/A
	Dec. 2, 1978–Dec. 31, 1979.	34.14	N/A
	Jan. 1, 1980–Nov. 30, 1980.	0.32	N/A
Lijmfabriek C. Trommelen.	July 1, 1977–Dec. 31, 1977.	13.35	N/A
	Jan. 1, 1978–Dec. 31, 1978.	7.89	43.00
	Jan. 1, 1979–Dec. 31, 1979.	21.63	43.00
	Jan. 1, 1980–Nov. 30, 1980.	20.47	43.00
Third-Country Reseller Sheppy/F. Leiner (United Kingdom).	Jan. 1, 1979–Nov. 30, 1980.	43.00	N/A

[1]Indirect shipments are through or from a country other than the country of production. N/A is not applicable.

Interested parties may submit written comments on these preliminary results on or before February 16, 1982, and may request disclosure and/or a hearing on or before February 1, 1982. Any request for an adminstrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments by these firms of animal glue and inedible gelatin from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. We shall waive the cash deposit requirement for Smits since the most recent weighted-average margin for Smits is less than 0.5 percent and, therefore, *de minimis*. this deposit requirement, and the waiver for Smits, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 8, 1982.

[FR Doc. 82-1144 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Polychloroprene Rubber From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on polychloroprene rubber from Japan. This review covers the three known exporters of this merchandise to the United States and various periods from July 1, 1973 through November 30, 1980.

One firm did not ship during its review period. The other two firms provided inadequate responses. Where company-supplied information was inadequate, the Department has used the best information available to determine assessment and estimated deposit rates.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administation, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, a dumping finding with respect to polychloroprene rubber from Japan was published in the Federal Register as Treasury Decision 73–333 (38 FR 33593). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The

Department published in the Federal Register of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on polychloroprene rubber from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

This review covers imports of polychloroprene rubber from Japan, which is an oil resistant synthetic rubber also know as polymerized chlorobutadiene or neoprene and is currently classifiable under items 446.1521 and 446.2000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 3 exporters of Japanese polychloroprene rubber to the United States. This review covers all three for all time periods up to November 30, 1980, during which shipments of polychloroprene rubber may have been made to the United States and for which appraisement instructions ("master lists") have not been issued.

One firm, Denki, stated that it did not export polychloroprene rubber to the United States during the period reviewed for Denki. There are no known unliquidated entries for this firm. The estimated deposit rate for Denki shall be based on the most recent information for that firm. Two other firms, Hoei Sangyo and Suzugo Corporation, provided inadequate responses. For these firms we proceeded to use the best information available to determine the assessment and estimated deposit rates. Since there is no previous information for these firms, the best information available is the rate calculated during the original fair value investigation.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time Period	Margin (percent)
Denki	4/79–11/80	[1] 0
Denki/Hoei Sangyo	7/73–11/80	55
Suzugo Corporation	7/73–11/80	55

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before February 16, 1982 and may request disclosure and/or a hearing on or before February 1, 1982. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish a notice of the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries with purchase dates during the time periods involved. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based on the margins above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 6, 1982.

[FR Doc. 82-1148 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Argentina; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 19, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Argentina. The review covered the only known exporter of this merchandise to the United States for the period August 1, 1980 through July 31, 1981. Interested parties were given an opportunity to submit oral or written comments. We received no comments.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1981, the Department of Commerce ("the Department") published in the Federal Register (46 FR 56840) the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Argentina (38 FR 22794, August 24, 1973). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of printed vinyl film to the United States from Argentina. The review covers this exporter, Plavinil Argentina S.A.I.C., for the period August 1, 1980 through July 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no comments. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 146 percent shall be required on all shipments of printed vinyl film entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next review by the end of August 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 11, 1982.

[FR Doc. 82-1145 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Printed Vinyl Film From Brazil; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 19, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Brazil. The review covered the two known exporters of this merchandise to the United States for the period August 1, 1980 through July 31, 1981. Interested parties were given an opportunity to submit oral or written comments. We received no comments.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–5345/5289).

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 56840–41) the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Brazil (38 FR 22794, August 24, 1973). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of printed vinyl film, also known as printed polyvinyl chloride sheeting, currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two exporters of printed vinyl film to the United States from Brazil. The review covers these two exporters for the period August 1, 1980 through July 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of 52 percent shall be required on all shipments of printed vinyl film from Plasticos Plavinil, S.A., entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. There shall be no cash deposit requirement for shipments from Vulcan Material Plastico, S.A. For any shipments from a new exporter not covered in this administrative review, unrelated to either covered firm, a cash deposit shall be required at the 52 percent rate. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of August 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 11, 1982.

[FR Doc. 82–1146 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–25–M

Certain Fasteners From India; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On July 31, 1981, the Department of Commerce published in the **Federal Register** a notice of the "Preliminary Results of Administrative Review of Countervailing Duty" with respect to certain fasteners from India. The review covers the period from July 21, 1980 through December 31, 1980. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 18 percent of the f.o.b. invoice price of the merchandise. Interested parties were invited to comment. Upon review of all comments received, the Department determines that countervailing duties in the amount of 18 percent *ad valorem* shall be assessed on entries of certain fasteners from India entered during the period from July 21, 1980 through December 31, 1980. The Department currently is enjoined from liquidating these entries. If the Court sustains our position, the entries will be liquidated in accordance with these final results.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, International Trade Administration, Room 2802, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

The Department of Commerce ("the Department") published a notice of "Final Countervailing Duty Determination and Countervailing Duty Order" in the **Federal Register** of July 21, 1980 (45 FR 48607). The notice stated that the Department had determined that the Government of India had provided bounties or grants (subsidies) on the production or exportation of certain fasteners within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). The Department published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct an administrative review of this countervailing duty order. On July 31, 1981, the Department published in the **Federal Register** (46 FR 39194) a notice of the preliminary results of the administrative review of the countervailing duty order regarding this merchandise. The Department has now completed that review.

Scope of the Review

The imports covered by this review are certain industrial fasteners. This merchandise is currently classifiable in the Tariff Schedules of the United States under item numbers 646.49, 646.54, 646.56, 646.58, 646.60 and 646.63. The review covers the period July 21, 1980, the date of the order, through December 31, 1980, and is limited to the programs cited in the order. These programs are: (1) Cash rebates on export, that is, "Cash Compensatory Support" ("CCS"), (2) preferential export financing and (3) a deduction from taxable income up to 133 percent of overseas business expenses.

Analysis of Comments Received

The Government of India officially declined to respond to our questionnaire requesting information on the status of benefits bestowed under these programs on fasterners during the review period. Therefore, the Department is using the rates published in the order as the best information available. As cited in the order the *ad valorem* benefit found under the CCS program was 17.5 percent; under preferential export financing, 0.4 percent; and under the

export tax deduction program, 0.1 percent.

While we did not receive comments from the Government of India, we did receive comments from the Indian Engineering Export Promotion Council. Those comments were directed more to the correctness of the order than to the conclusions reached in this review. Since the order is before the Court of International Trade we believe that it is inappropriate now to reply to those comments.

We received an additional comment from counsel representing the American importers in the litigation before the court. He requested that we delay the publication of this review pending the decision of the court so that we can apply that decision as appropriate. Liquidation of entries of this merchandise has been enjoined by the court pending its decision. The law requires that we conduct annual reviews. As such the effect of this review is to fix the instructions for liquidation to the Customs Service assuming the court sustains our position in the final determination. We will order liquidation in accordance with these final results and the final court decision as required by section 516A(e) of the Tariff Act.

Final Results of Review

As a result of our review, we determine that the total net subsidy conferred by the programs cited above is 18 percent *ad valorem* for the period of review. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 18 percent of the f.o.b. invoice price on shipments of this merchandise entered, or withdrawn from warehouse, for consumption from July 21, 1980 through December 31, 1980.

Our instructions regarding assessment will not be given until the completion of the litigation. Those instructions will reflect the decision of the court to the extent that the decision differs from these final results. The suspension of liquidation previously ordered and the requirement for a deposit of estimated countervailing duty of 18 percent of the f.o.b. invoice price will continue until further notice. The Department intends to complete the next administrative review by the end of July 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 12, 1982.

[FR Doc. 82-1107 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Lamb Meat From New Zealand; Termination of Countervailing Duty Investigation

Correction

In FR Doc. 82-689 published in the issue of Tuesday, January 12, 1982 at 47 FR 1316, the appendix was omitted. It should have appeared immediately following the signature as follows:

Appendix

202/862-8168

December 22, 1981.

By Hand

Mr. Gary N. Horlick
Deputy Assistant Secretary, International Trade Administration
Room 2800,
U.S. Department of Commerce,
Washington, D.C. 20230

Re: *Countervailing Duty Investigation of Lamb from New Zealand*

Dear Mr. Horlick: By this letter and in accordance with 19 U.S.C § 1671c(a), the National Wool Growers Association, Inc. and the National Lamb Feeders Association, Inc., hereby withdraw their petition in the above-captioned investigation and request that this investigation be terminated.

Sincerely,

William Silverman,

John C. Jost,

Dow, Lohnes & Albertson, 1225 Connecticut Ave., NW. Washington, D.C. 20036, Counsel for the National Wool Growers Association, Inc. and the National Lamb Feeders Association, Inc.

cc: Mr. A. C. Cranston,
Edward J. Farrell, Esq.

BILLING CODE 1505-02

Imported Steel Mill Products Trigger Price Mechanism; Suspension

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is suspending the operation of the steel trigger price mechanism (TPM) in response to the filing of major antidumping and countervailing duty petitions by U.S. steel producers.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Import Administration, U.S. Department of Commerce, (202) 377-3793.

SUPPLEMENTARY INFORMATION: When the TPM was reinstated on October 8, 1980, the Department of Commerce declared that it was a "substitute for and not a supplement to major antidumping petitions by the domestic industry (45 FR 66833)." It further stated that, "if any interested party files a dumping or contervailing duty petition . . . then the TPM may be withdrawn." With the filing of major antidumping and countervailing duty petitions on January 11, 1982 by several U.S. steel producers, the basis upon which the TPM was maintained no longer exists, and it is therefore suspended.

The Commerce Department will devote the resources that had been involved in operating the TPM towards investigation of the industry's complaints, in accordance with the Trade Agreements Act of 1979. Importers must continue to complete the Special Summary Steel Invoice (SSSI), and all outstanding questionnaires must be completed. The specialty steel urge mechanism will continue to operate.

Dated: January 11, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-1053 Filed 1-14-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) J.W. Trueth and Sons, Inc., 328 Oella Avenue, Catonsville, Maryland 21228, producer of meat (accepted December 23, 1981); (2) Southeastern Cedar Products, P.O. Box 7838, Ketchikan, Alaska 99901, producer of cedar shingles (accepted December 28, 1981); (3) Winer Industries, Inc., 404 Grand Street, Paterson, New Jersey 07505, producer of men's, women's and children's jackets, pants, shirts, vests and suits (accepted December 30, 1981); (4) Republic Hose Manufacturing Corporation, 1350 Albert Street, Youngstown, Ohio 44505, producer of hydraulic hoses (accepted December 30, 1981); (5) Liberty Woodcrafts, Inc., 3300 Benzing Road, Orchard Park, New York 14127, producer of table tops (accepted December 30, 1981); (6) York Luggage Corporation, 204 N. Union Street, Lambertville, New Jersey 08530, producer of luggage (accepted January 4, 1982); (7) Hunt Country Furniture, Inc., Webatuck Road, Wingdale, New York 12594, producer of furniture (accepted January 5, 1982); (8) Danville

Loungewear, Inc., 38 East 32nd Street, New York, New York 10016, producer of women's sleepwear, robes and dusters (accepted January 5, 1982); (9) Metaframe, Inc., 475 Market Street, Elmwood Park, New Jersey 07407, producer of aquarium equipment and pet supplies (accepted January 5, 1982); (10) J. Levine Textile, Inc., 369 Broadway, New York, New York 10013, producer of fabrics (accepted January 6, 1982); and (11) Heritage Cutlery, Inc., P.O. Box 476, Bolivar, New York 14715, producer of scissors (accepted January 6, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82–1054 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement; New York State Coastal Management Program

The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a Draft Environmental Impact Statement (DEIS) on the proposed approval of the New York State Coastal Management Program (NYSCMP) under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended), and distribute it in April, 1982.

Federal approval of the New York State Coastal Management Program would allow program administrative grants to be awarded to the State and require that Federal actions be consistent with the Program.

The Program consists of numerous policies on diverse resource management issues. These policies, contained in several State laws and the recently enacted Waterfront Revitalization and Coastal Resources Act, concern the following major issues; agriculture, air quality, development, energy, fish and wildlife, flooding and erosion hazards, public access, recreation, scenic quality, and water quality. The New York Program will condition, restrict or prohibit some uses in parts of the management area, while encouraging development and other uses in other parts. The Program should improve the decision-making process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. Federal alternatives will include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. State alternatives include the possibility to modify parts of the Program or withdraw its application for Federal approval.

In order to determine the scope and significance of issues to be addressed in the DEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

(1) The adequacy of the scope and geographic coverage of the Program's laws and regulations to ensure implementation of the Program's enforceable policies.

(2) The extent to which the Program's inforceable policies are sufficiently comprehensive and specific to regulate land and water uses, control developments, and resolve conflicts among competing uses.

(3) The adequacy of the mechanisms for administrative review and enforcement of compliance of agency decisions.

(4) The adequacy of the mechanisms for State agency coordination and consultation in order to effectively implement the NYSCMP.

(5) The extent to which the inland boundary of the Program includes those areas the management of which is necessary to control uses which have direct and significant impacts on coastal waters.

Persons or organizations wishing to submit comments on these or other issues should do so by February 12, 1982. Any comments received after that time will be considered in the response to comments received on the DEIS. Please submit all comments to: Kathryn Cousins, North Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202/634–4126.

(Federal Domestic Assistance Catalog No. 11.419, Coastal Zone Management Programs)

Dated: January 11, 1982.

[FR Doc. 82–1048 Filed 1–14–82; 8:45 am]

BILLING CODE 3510–08–M

COMMODITY FUTURES TRADING COMMISSION

Kansas City Board of Trade Proposed 90-Day Treasury Bill Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Kansas City Board of Trade ("KCBT") has applied for designation as a contract market in 90-day Treasury bills. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making the proposed contract 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 March 16, 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 KCBT 90-day Treasury bill futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, 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 KCBT proposed 90-day Treasury bill futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Copies 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 KCBT in support of its application 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)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies 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 contract, or with respect to other materials submitted by the KCBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, by March 16, 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 January 11, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–1051 Filed 1–14–82; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, February 22, 1982, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in special study on the Department of Defense Intelligence Information System.

Dated: January 12, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82–1194 Filed 1–14–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and time: Tuesday, February 16, 1982—9:00 a.m.–6:00 p.m.; Wednesday, February 17, 1982—9:00 a.m.–6:00 p.m.

Place: Department of Energy, Room A–410, Germantown, MD

Contact: John R. Erskine, Department of Energy, Division of Nuclear Physics, ER–23 GTN, Washington, D.C. 20545, Telephone: 301–353–3613, FTS 233–3613

Purpose of committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda

—Discussion of NSF and DOE budget situations for FY 1982 and FY 1983, as reflected in the President's January 1982 budget submission to Congress

—Presentation and discussion of proposals for FY 1984 facility construction

—Reports of subcommittees

—Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 11, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Office.

[FR Doc. 82–1047 Filed 1–14–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER82–205–000]

Central Power and Light Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, Central Power and Light Company (CP&L) tendered for filing an amendment to the interchange agreement between CP&L, South Texas Electric Cooperatives Inc., and Medina Electric Cooperative, Inc.

CP&L states that the above-mentioned amendment amends the interchange agreement entered into on February 6, 1979 which was the subjct matter of FERC Docket No. ER81–178–000. CP&L further states that the substantive effect of this amendment is to modify the energy charge formula.

CP&L requests an effective date of May 1, 1981, and therefore requests waiver of the Commission's notice requirements.

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 February 1, 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. 82–11471 Filed 1–14–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER77-488 and ER78-520 (Phase II)]

El Paso Electric Co.; Compliance Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on January 4, 1982, El Paso Electric Company filed a modified refund report in compliance with the Commission's letter dated December 1, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before January 29, 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. 82-1148 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-84-001]

Florida Gas Transmission Co.; Change in Tariff Sheets

January 11, 1982.

Take notice that Florida Gas Transmission Company (FGT) on December 17, 1981, tendered for filing the below listed tariff sheets pursuant to Ordering paragraph (D) of the Commission's Order issued July 31, 1981:

Original Volume No. 1

Substitute 27th Revised Sheet No. 3-A

Original Volume No. 2

Substitute 17th Revised Sheet No. 128

Original Volume No. 3

Substitute 3rd Revised Sheet No. 126
Substitute 2nd Revised Sheet No. 181
Substitute 2nd Revised Sheet No. 245
Substitute 2nd Revised Sheet No. 265
Substitute 2nd Revised Sheet No. 283
Substitute 2nd Revised Sheet No. 305
Substitute 2nd Revised Sheet No. 332
Substitute 2nd Revised Sheet No. 365
Substitute 2nd Revised Sheet No. 395
Substitute 2nd Revised Sheet No. 396
Substitute 2nd Revised Sheet No. 423
Substitute 1st Revised Sheet No. 453

Ordering paragraph (D) of the Commission's Order dated July 31, 1981, requires FGT to file on or before December 31, 1981, revised tariff sheets to become effective January 1, 1982, reflecting the elimination of all costs associated with facilities not in service on or before December 31, 1981; provided, however, that FGT shall not be permitted to make offsetting adjustments to the suspended rates prior to hearing, except for those adjustments made pursuant to Commission approved tracking provisions, or adjustments required in a Commission order.

Accordingly, FGT included Revised Exhibits to reflect the elimination of all costs associated with facilities which will not be in service as of December 31, 1981. The effect on jurisdictional revenues due to the elimination of these costs is to reduce the annual jurisdictional revenue increase requested from the original $14,639,008 to $9,645,209.

FGT also made adjustments to the rates proposed in its July 1, 1981 filing to: 1) incorporate the cost of gas and balancing adjustment included in FGT's purchase gas adjustment filing approved by the Commission to be effective October 1, 1981 (TA82-1-34); and 2) to incorporate the GRI Funding Unit approved by the Commission to be effective January 1, 1982 (FGT filing dated November 25, 1981, TA82-1-34 (GRI82-1).

FGT als filed an Agreement and Undertaking pursuant to Section 154.67(b) of the Commission's Rules and Regulations and Motion To Make Effective Revsed Tariff Sheets.

Copies of the filing were mailed to all customers affected by the filing and to interested State Commissions.

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, N.E., Washington, D.C. 20426, in acordance 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 January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 82-1149 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP81-50-000]

Gulf Oil Corp., Roetker Well No. 1, JD No. 81-01664; Request for Withdrawal of Final Well Category Determination

Issued December 7, 1981.

On September 22, 1981, Gulf Oil Corporation (Gulf) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit the withdrawal of the final well category determination for the Roetker Well No. 1, Lovedale Field, Harper County, Oklahoma, pursuant to the Commission's authority under the Natural Gas Policy Act of 1978, (NGPA), 15 U.S.C. 3301-3432 (Supp. III 1979).

With respect to Roetker Well No. 1, the Commission received from the Oklahoma Corporation Commission an affirmative determination that the well qualified as a stripper well under section 108 of the NGPA on October 14, 1980. This determination became final November 29, 1980, pursuant to 18 CFR 275.202(a).

Gulf states that its stripper well determination filing was made in error, inasmuch as total production of natural gas from the Roetker Well No. 1 exceeded 60 Mcf per day during the qualifying 90-day production period that was referred to in the application filed with the jurisdictional agency for this well. Gulf states that the total production was understated due to the lease fuel attributable to the production of natural gas from the well being inadvertently overlooked when the qualifying 90-day production volumes were compiled. Gulf therefore requests that the Commission vacate and permit withdrawal of the final well category determination for the Roetker Well No. 1 as a stripper well under section 108 of the NGPA.

Gulf states that no refunds will be due following the vacation and withdrawal of the final well category determination since it has not collected a price in excess of the NGPA section 104 price for natural gas which has been sold from this well. With respect to the question of refunds arising out of Gulf's request for withdrawal of the subject final well category determination, notice is hereby given that the question of whether refunds, plus interest computed under 18 CFR 154.120(d), will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, on or before February 15, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with 18 CFR 1.8 or 1.10. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in

accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1150 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-207-000]

Kansas Power & Light Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, the Kansas Power and Light Company (KP&L) tendered for filing amendments to Service Schedules B, D, H, and I of the Interconnection and Interchange Agreement with Sunflower Electric Cooperative.

KP&L states that the above-mentioned amendments replace the language in the service schedules calling for percentage adders.

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 February 1, 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. 82-1151 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-187-000]

Maine Electric Power Co.; Filing

January 12, 1982.

The filing Company submits the following:

Take notice that on December 21, 1981, Maine Electric Power Company (MEPCO) tendered for filing a transmission contract between MEPCO and Boston Edison Company (Boston Edison) for the delivery of 100 MW of Point Le Preau power under MEPCO's Rate Schedule No. 1 Supplement No. 5

The terms of the proposed contract shall begin on the first day of the month following the commercial operation date of Point Le Preau Unit No. 1 and shall end on October 31, 1987, with Boston Edison having the right of three (3) consecutive annual extensions provided a 24 months' notice is given for each extension.

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 February 1, 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. 82-1152 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-31-000]

Natural Gas Pipeline Co. of America; Filing of Report of Refund

January 11, 1982.

Take notice that Natural Gas Pipeline Company of America (Natural), filed on December 23, its verified report on the disposition of supplier refunds.

Natural states that this report for the three months ended November 30, 1981 is being filed under the provisions of Subsection 29.5 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1.

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 Section 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 January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1153 Filed 1-14-82; 8:45 pm]

BILLING CODE 6717-01-M

[Project No. 5266-000]

Lawrence R. Taft; Application for Preliminary Permit

January 11, 1982.

Take notice that Lawrence R. Taft (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5266 to be known as the Cranberry Lake Power Project located on the East Branch Oswegatchie River in the Town of Clifton, St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip J. Movish, Daverman & Associates, 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing facilities owned by the Oswegatchie River-Cranberry Lake Commission consisting of: (1) a 162-foot long and 17-foot high concrete gravity-type dam having a 110-foot long spillway section and having five sluice ways; (2) reservoir having a surface area of 6,975 acres and a storage capacity of 60,100 acre-feet at normal maximum pool elevation 1,486 m.s.l.; and (3) appurtenant facilities.

Applicant proposes to construct a new powerhouse at the toe of the dam containing three generating units having a total rated capacity of 400 kW. Applicant estimates that the average annual energy output would be 2,450,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

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 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before March 19, 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 March 19, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than May 18, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 19, 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.

Prior Notices—This notice supersedes all prior notices issued for this project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1154 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-17-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 11, 1982.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 30, 1981 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Revised Sixty-first Revised Sheet No. 14
Revised Sixty-first Revised Sheet No. 14A
Revised Sixty-first Revised Sheet No. 14B
Revised Sixty-first Revised Sheet No. 14C
Revised Sixty-first Revised Sheet No. 14D
Fifth Revised Sheet No. 14E

These sheets were issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge and section 23, Purchased Gas Cost Adjustment. These sheets were also issued pursuant to Article IX, Transportation Tracker, of the Stipulation and Agreement in RP78–87 approved by Commission Order issued April 4, 1980.

The changes proposed herein consisted of:

(1) Changes in the DCA Commodity Surcharges pursuant to section 12.4, mentioned above;

(2) PGA increases of $.158/dth in the demand component of rates and 65.88¢/dth in the commodity component based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of November 30, 1981 pursuant to section 23;

(3) Projected Incremental Pricing Surcharges for the period February, 1982 through July, 1982 pursuant to section 23;

(4) Increases in the T&C by Others Adjustments to reflect increased projected transportation and compression costs and the estimated January 31, 1982 balance in the Deferred Transportation Cost Account pursuant to the provisions of Article IX of the RP78–87 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is February 1, 1982.

Texas Eastern requested waiver of any regulations to enable the above tariff sheets to become effective on February 1, 1982.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

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, DC 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 January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1155 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-18-001]

Texas Gas Transmission Corp., Proposed Changes in FPC Gas Tariff

January 11, 1982.

Take notice that Texas Gas Transmission Corporation, on Dec. 23, 1981, tendered for filing Thirty-Sixth Revised Sheet No. 7 and Fifth Revised Sheet No. 7–B to its FPC Gas Tariff, Third Revised Volume No. 1.

These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas' Purchased Gas Adjustment Clause. The filing also reflects changes in costs associated with advance payments, and the cost of transportation of gas by others pursuant to the provisions of Articles VII and IX of the Stipulation and Agreement approved by Commission order issued June 8, 1981 in Docket No. RP80–101.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

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 Jan. 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1156 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-61-000]

West Lake Arthur Corp.; Change in Rates

January 11, 1982.

Take notice that West Lake Arthur Corporation (WLAC), on December 30, 1981 tendered for filing Sheet No. PGA-1 of its FERC Gas Tariff, Original Volume No. 1. The tariff sheet was filed pursuant to the Purchased Gas Cost Adjustment provision contained in Section 15 of WLAC's tariff.

Copies of the filing were served upon WLAC's jurisdictional customer and interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-1157 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-206-000]

Wisconsin Electric Power Co.; Filing

January 12, 1982.

The Filing Company submits the following:

Take notice that Wisconsin Electric Power Company ("Wisconsin Electric") on January 6, 1982, tendered for filing assignment agreements supplementing Wisconsin Electric's existing electric service agreements with two of its wholesale customers—the City of Lake Mills and the Village of Slinger, Wisconsin ("Customers"). Under the assignment agreements, each of the Customers assigns its rights and duties under existing individual service agreements with Wisconsin Electric to Wisconsin Public Power Incorporated ("WPPI"), a bulk power supply municipal electric company created under Wisconsin law. The assignment agreements are due to become effective on November 1, 1981 for Lake Mills and on January 1, 1982 for Slinger.

Wisconsin Electric requests waiver of the Commission's 60 day notice requirement in order to allow effective dates of November 1, 1981 and January 1, 1982, respectively.

Copies of this filing have been served on the Customers and the Public Service Commission of Wisconsin.

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., 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 February 1, 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. 82-1158 Filed 1-14-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.

Date and time: Thursday, February 4, 1982—9:00 am to 5:00 pm, Friday, February 5, 1982—9:00 am to 5:00 pm.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue, SW, Washington, DC 20585.

Contact: Gloria Decker, Advisory Committee Management, Department of Energy, Forrestal Building, Room 4D-024, 1000 Independence Avenue, SW, Washington, DC 20585, Telephone: 202-252-4357.

Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

—Status Reports from Panels

—Budget overview, as reflected in the President's Fiscal 1983 budget submission to Congress (if available)

—Briefings and Discussion of R&D Priorities

—Discussion of DOE Sunset Review

—Discussion of DOE Reorganization

Public participation: The motion is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 am and 4:00 pm, Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 12, 1982.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 82-1129 Filed 1-14-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-2030-3]

Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste;

Correction

Cross Reference

For a document correcting the RCRA/SUPERFUND Hotline telephone number which appeared in two documents: "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (46 FR 56592, Nov. 17, 1981) and "Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste" (46 FR 62689, Dec. 28, 1981), see FR Doc. 82-1042 in the Rules section of this issue. Refer to the

table of contents for the appropriate page number.

BILLING CODE 6560-30-M

[ER-FRL-2032-5]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR 1506.9

Responsible Agency: USEPA, Office of Federal Activities.
Information Contact: Ms. Kathi Wilson (202) 245-3006.
EISs Filed: January 4-8, 1982.
Comment Due Dates: Drafts—March 1, 1982; Finals—February 16, 1982.

Corps of Engineers: Draft—Clear Creek Flood Control Project, Texas (EPA EIS #820006)
DOC: National Oceanic and Atmospheric Administration: Final Supplement—Mid-Atlantic Surf Clam and Ocean Quahog, FMP (EPA EIS #820009)
DOI: Fish and Wildlife Service: Final—Salt and Gila Rivers Phreatophytic Vegetation Clearing, Arizona (EPA EIS #820007)
DOT: Federal Aviation Administration: Final—Ocean Shores Airport Master Plan, King County, Washington (EPA EIS #820003)
DOT: Federal Highway Administration (FHWA): Final—TN-35 Improvement, Sevier, Jefferson and Cocke Counties, Tennessee (EPA EIS #820008)
DOT: FHWA: Final—TX-71 Upgrading through La Grange, Fayette County, Texas (EPA-EIS #820012)
Department of Housing and Urban Development (HUD): Draft—Northwood Residential Subdivision, Mortgage Insurance, Kings County, California (EPA EIS #820004)
HUD: Draft—Winding Creek Subdivision, Mortgage Insurance, McHenry County, Illinois (EPA EIS #820005)
HUD: Final—Lakewood Estates, Mortgage Insurance, McLean County, Illinois (EPA EIS #820000)
HUD: Final—Columbia Farms Planned Unit Development, Mortgage Insurance, Monroe County, Illinois (EPA EIS #820001)
HUD: Final—Dale City Subdivision, Mortgage Insurance, Prince William County, Virginia (EPA EIS #820011)
Federal Energy Regulatory Commission: Final—Trans-Anadarko Pipeline Project, Certificate, Texas and Louisiana (EPA EIS #820010)
Upper Mississippi River Basin Commission: Final—Upper Mississippi River System Management Plan, Illinois, Iowa, Minnesota, Missouri and Wisconsin (EPA EIS #820002)

Extended Reviews

USDA: Forest Service: Draft—Southwestern Region Land and Resource Management Plan, Arizona, New Mexico, Oklahoma and Texas—published FR 9-18-81; DUE 1-15-82 (EPA EIS #810738)
DOI: Bureau of Reclamation (BR): Draft—Acreage Limitation, Reclamation Act of 1902—published FR 7-31-81; DUE 3-15-82 (EPA EIS #810015)
DOI: BR: Draft—Tucson Aqueduct Construction and Operation, Arizona—published FR 12-4-81; DUE 1-28-82 (EPA EIS #810961)
Veterans Administration: Draft Supplement—San Francisco Medical Center, California—published 11-27-81; DUE 2-11-82 (EPA EIS #810940)

Dated: January 12, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-1173 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-51381; TSH-FRL-2030-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMNs and provides a summary of each.

DATES: Written comments by: PMN 82-5, 82-6, 82-7, 82-8, 82-9, 82-10, & 82-11, March 7, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51381]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-5

Close of Review Period. April 8, 1982.
Importer's Identity. Claimed confidential business information.
Specific Chemical Identity. Claimed confdential business information. Generic name provided: Alkyl [(substituted phenyl) alkylate].
Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in an industrial use.
Imported Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Off-white, crystalline powder, odorless.
Specific gravity—~1.14.
Melting point—76-79° C.
Solubility:
Water—<0.01%.
Acetone—~50%.
Methanol—~12%
Vapor pressure—4×10^{-10} mbar @ 10° C

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>7,000 mg/kg.
Skin irritation (rabbit)—None.
Eye irritation (rabbit)—None.
Exposure. The importer states during manufacture workers may experience dermal and inhalation exposure 1 hr/day during manual transfer.
Environmental Release/Disposal. The importer states that no release to the environment is anticipated.

PMN 82-6

Close of Review Period. April 8, 1982.
Manufacturer's Identity. American Color and Chemical Corporation, Mt. Vernon Street, Lock Haven, PA 17745.
Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Dialkylaminophenylazo)azobenzene sulfonic acid.
Use. The manufacturer states that the PMN substance will be used in nylon carpet and nylon upholstery.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	2,000
2d year	2,000	5,000

PRODUCTION ESTIMATES—Continued

	Kilograms per year	
	Minimum	Maximum
3d year	5,000	10,000

Physical/Chemical Properties

Appearance—Dark, red solution.
pH—9.0–9.5.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 2 workers may experience dermal exposure 2 hrs/day, 2 days/yr during cleaning and weighing.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air, land, and water. Disposal is to a publicly owned treatment works (POTW).

PMN 82–7

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	40,000
2d year	40,000	200,000
3d year	200,000	400,000

Physical/Chemical Properties

Flash point—20° F.
Viscotity—15 to 50 cps.
Acid value—5.0 to 8.0 Mg KOH/g.
Percent total solids—44 to 46.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 105 workers may experience dermal and occular exposure up to 6 hrs/day, up to 200 days/yr during procuring, sampling, testing, filling, analyzing, drumming, cleaning, and processing.

Environmental Releas/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–100,000 kg/yr to land. Disposal is to a landfill and by incineration.

PMN 82–8

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester from vegetable oil acids, alkane triol, carbomonocyclic anhydride and carbomonocyclic acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	7,000	45,000
2d year	13,200	90,000
3d year	33,000	225,000

Physical/Chemical Properties

Flash point—138° F.
Viscosity—100 stokes.
Acidity—0.26 Meg/g.
Basicity—0.15 Meg/g.
Color, Gardner—11.
Percent total solids—29.0.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 111 workers may experience dermal and occular exposure up to 6 hrs/day, up to 114 days/yr during procuring, transferring, shipping, charging, sampling, testing, filling, storage, and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–10,000 kg/yr to land. Disposal is to a landfill and by incineration.

PMN 82–9

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Greater than $500,000,000.

Manufacturing site—East-North Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted dialkyl dithio phosphate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	25,000	50,000
2d year	50,000	75,000
3d year	75,000	100,000

Physical/Chemical Properties

Specific gravity—1.08.
Flash point—>350° F.

Toxicity Data

Skin irritation (rabbit)—Non-irritant.
Eye irritation (rabbit)—Irritating.

Exposure. The manufacturer states that during manufacture and processing 27 workers may experience dermal and inhalation exposure 8 hrs/day, 15 days/yr during mixing and drumming.

Environmental Release/Disposal. The manufacturer states that release to air and water will occur up to 8 hrs/day, up to 10 days/yr. Disposal is to a POTW.

PMN 82–10

Close of Review Period. April 8, 1982.

Manufacturer's Identity. The Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. 2-ethylmercapto-3-ethylbenzthiazole iodide.

Use. The manufacturer states that the PMN substance will be used as a synthesis intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	40	60
2d year	40	60
3d year	40	60

Physical/Chemical Properties

Melting point—105° C

Toxicity Data. No data were submitted.

Exposure. The manufacturer states

that during manufacture 3 workers may experience dermal exposure 4 hrs/day, 4 days/yr during filtration, washing and transfer.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Disposal is by incineration.

PMN 82-11

Close of Review Period. April 8, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of a dihalo alkene, an alkyl alkenoate, and a substituted alkyl alkenoate.

Use. Claimed confidential business information. Generic use infomration provided: The manufacturer states that the PMN substance will be used as an industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Milky fluid.

pH—1.8–2.2.

Specific gravity—1–1.1.

Boiling point—212°F.

Flash point—>400°F.

Viscosity—85–100 cps.

Percent volatiles—50–55.

Vapor pressure—16–18 mm Hg @ 20°C.

Surface tension—45–60 dynes/cm.

Class transition temperature, Tg—5–15°C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use 10 workers may experience dermal exposure 8 hrs/day, 120 days/yr during cleaning, filtering, and drumming.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and 10–100 to land and water. Disposal is to a POTW and an approved landfill.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1167 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59078; TSH-FRL-2031-1]

Ethanol, 2-(3-(Amino-4-Methoxyphenyl)Sulfonyl-, Hydrogen Sulfate Ester Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: February 1, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-59078]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the TME received by the EPA:

TME 82-1

Close of Review Period. February 20, 1982.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. Ethanol, 2-[3-(amino-4-methoxyphenyl]sulfonyl-, hydrogen sulfate ester.

Use. The manufacturer states that the TME substance will be used as an intermediate for a dye.

Production Estimates. 3,000—Maximum (kg/yr).

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 2–3 employees may be exposed while emptying and filling drums for a maximum exposure of 15–20 man hours for the year.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1166 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51382; TSH-FRL—2030-7]

Substituted Polyhydroxy Benzene Derivative Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 82-12, March 8, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51382]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 82-12

Close of Review Period. April 7, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—289.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted polyhydroxy benzene derivative.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical specialty.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	7,500
2d year	10,000	25,000
3d year	50,000	100,000

Physical/Chemical Properties

pH—3–8.0.

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—1,000 mg/kg.

Skin sensitization (guinea pig)—Non-irritant.

Exposure. The manufacturer states that during manufacture, processing, and use 7 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 260 days/yr during drumming, clean up, and transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and land and 1,000-10,000 kg/yr to water. Disposal is to an approved landfill or incineration.

Dated: January 7, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-1168 Filed 1-14-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Transmittals Nos. 43 and 45]

American Telephone and Telegraph Co. and the Bell System Operating Companies Tariff FCC No. 9 (BSOC 9) Exchange Network Facilities for Interstate Access; Trunk Terminations; Order Instituting Investigation

Adopted: December 31, 1981.

Released: January 6, 1982.

1. Before the Bureau are petitions to reject or, alternatively, suspend and investigate the above tariff filings made by the American Telephone and Telegraph Company (AT&T) on behalf of the Bell System Operating Companies (BSOC).[1] For reasons to be explained, we decline to reject or suspend these tariff filings. We shall, however, investigate the proposed tariff and require that AT&T keep accurate account of revenues received pursuant to it.

2. By way of background, Exchange Network Facilities for Interstate Access (ENFIA–A), provides other common carriers (OCCs) lineside connections with BSOC local offices for origination and termination of their MTS/WATS–like services (See BSOC Tariff FCC No. 8). Under the proposal set out in Transmittal No. 43, the BSOCs would for the first time offer two additional local access arrangements for OCCs. The first, designated ENFIA–B, would allow trunk-side connections in many BSOC local offices. The other, ENFIA–C, would provide similar trunk-side connections in many BSOC local tandem offices.

3. Under Transmittal No. 43, AT&T would establish three separate rate elements for these new service features. Rate element 1 would consist of a dedicated Voice Grade Central Office Connecting Facility (VGCOCF) between the OCC's terminal location and the BSOC local central office. Rate element 2 would comprise local switching and trunking, connecting the VGCOCF serving the OCC's terminal location and the loop plant serving the OCC's patrons via commonly used exchange network facilities. Lastly, rate element 3, Jointly Used Subscriber Plant, would provide connection, using non-traffic sensitive plant (e.g., loop plant), between a BSOC local office serving the OCC's patrons and the patrons' premises. Under Transmittal No. 45, AT&T proposes rate increases for rate element 2 of ENFIA–B and C.

4. Several petitions call for rejection of Transmittal No. 43 primarily on a theory that the cost support data provided by AT&T are inappropriate. For example, they challenge AT&T's development of costs based on the categories set forth in the Separations Manual, 47 CFR Part 67. We see no merit to these claims. While we agree that some of the questions raised should be investigated, we do not conclude that the data are so inadequate as to warrant rejection.

5. Further, as stated, we find grounds for investigation, but believe suspension is unwarranted. There appears to be no dispute that ENFIA–B and C would provide some additional capabilities which are not available under ENFIA–A. Thus, suspension of these new offerings would only serve to prevent or delay availability of service options to those who have expressed a need for them, such as SBS.[2]

6. Accordingly, we will permit these offerings to become effective as soon as possible, while leaving the substantive issues for investigation. It is our intent to set out these issues with particularity in a separate designation order. In the meantime, we will enter an accounting order to protect customers in the event the rates are subsequently found to be unreasonably high.

7. We additionally find no ground requiring rejection or suspension of Transmittal No. 45. The proposed increases are based primarily on revisions to the Interim Cost Allocation Manual mandated by the Commission in May, 1981, rather than the January, 1981 version relied upon in Transmittal No. 43.[3] Accordingly, we will deny the petitions to reject or suspend the increased rates. We will, however, subject these rates also to investigation and impose an accounting order.

8. SBS has stated that it has an immediate need for ENFIA–C facilities in order to perform installation, testing and other tasks necessary to meet its scheduled February 1, 1982 Message Service I start-up date.[4] AT&T in its submissions also asserts that prompt

[1] Transmittal No. 43 was originally scheduled to become effective December 17, 1981, but was deferred at the request of the Bureau until February 1, 1982. Transmittal No. 45 would also become effective on that date.

MCI Telecommunications Corporation (MCI), Southern Pacific Communications Company (SPCC) and United States Transmission Systems, Inc. (USTS) seek rejection, or in the alternative, suspension and investigation of the proposed tariffs. Satellite Business Systems, Inc. (SBS) petitions for investigation of the tariff filing made under Transmittal No. 43, rejection or suspension and investigation of the filing made under Transmittal No. 45 and for an accounting order. Comments have been filed on behalf of U.S. Telephone Communications, Inc.

[2] In its petition, SBS states that any delay in the effectiveness of BSOC 9 would jeopardize commitments to its prospective Message Service I customers and result in substantial revenue losses. In contrast, the OCCs calling for suspension have indicated that they do not intend to take service under either of these offerings. At the same time, OCCs which do not wish to obtain these services would be able to continue subscribing to ENFIA–A, and offer services to their patrons accordingly.

[3] *AT&T Manual and Procedures for the Allocation of Costs*, 84 FCC 2d 384 (released January 6, 1981); *modified on reconsideration*, 86 FCC 2d 667 (released May 15, 1981).

[4] Subsequent to filing the petition, SBS and AT&T entered into a contract for the provision of the required facilities during the interim period prior to the effectiveness of BSOC–9. This contract has been filed with the Commission.

effectiveness of the new offering is essential to meet the needs of OCCs for improved interconnections. For these reasons, we grant AT&T special permission to advance the effective date of the tariff material contained in Transmittal No. 43, on not less than one day's notice.

9. Accordingly, it is ordered, that, pursuant to authority delegated under § 0.291 of the Commission's Rules, 47 CFR 0.291, the petition filed by Satellite Business Systems for investigation of the tariff material contained in AT&T–BSOC Transmittal No. 43 is granted to the extent indicated but is otherwise denied.

10. It is further ordered, that the petitions by MCI Telecommunications Corporation, Southern Pacific Communications Company, and United States Transmission Systems, Inc. to reject or suspend the above-captioned tariff filings and the petition by Satellite Business Systems, Inc. to reject or suspend the tariff revisions contained in Transmittal No. 45 are granted to the extent indicated but are otherwise denied.

11. It is further ordered, that AT&T shall, until the termination of this investigation, keep accurate account, by individual customers of all amounts received by reason of the effectiveness of the above-captioned transmittals.

12. It is further ordered, that AT&T is granted special permission to advance the effective date of the tariff material filed in Transmittal No. 43 on not less than one day's notice.

13. It is further ordered, that for the purpose of this order the provisions of §§ 61.58 and 61.59 and 61.116 of the Commission's Rules, 47 CFR 61.58, 61.59 and 61.116, are waived.

14. It is further ordered, that this order is effective immediately on adoption.

15. It is further ordered, that the secretary shall cause this Order to be published in the **Federal Register.**

Federal Communications Commission.

Jack D. Smith,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 82-1081 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee, Aeronautical Communications Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the Aeronautical Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Tuesday, February 9, 1982. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A–110, 1229 20th Street, N.W., Washington, D.C. at 9:30 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items:

1. Introduction of attendees.
2. Chairman's Opening Remarks.
3. Adoption of Agenda.
4. Review of Recent Developments:
   SCATANA
   WASP
   CRAF
   SARDA
5. Operational Plan—Airport Operations, Aircraft Manufacturing, Operational and Maintenance.
6. Presidential Directive PD/NSC–53.
7. Review of AECS Plan.
8. Restoration Priorities.
9. Security Clearances.
10. Expanded Membership.
11. Other Business.
12. Next Meeting.

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. 82-1078 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1326]

Petitions for Reconsideration of Actions in Rule Making Proceedings

January 8, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before February 1, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Request amendment of Part 95 of the Commision's Technical Regulations pertaining to External Controls on CB Transmitters. (RM–3531)
Filed By: Earl N. Anderson, Secretary-Treasurer for Washington State CB Radio Association on 12–10–81.

Subject: Request amendment of Part 97 to relieve amateur repeater licensees from responsibility for content of messages. (RM–3618)
Filed By: Robert Thornburg & David A. Faraone on 12–24–81.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Tulsa, Sand Springs and Pawhuska, Oklahoma) (BC Docket No. 80–329, RM's 3447 and 3553)
Filed By: Richard J. Dent, Attorney for Westside Communications, Inc. on 1–4–82.

Subject: Elimination of the Telephone Company—Cable Television Cross-Ownership Rules, §§ 63.54–63.56, for Rural Areas. (CC Docket No. 80–767)
Filed By: G. Daniel McCarthy, Attorney for Telephone & Data Systems, Inc., National REA Telephone Association & Ardmore Telephone Company, Inc., on 1–4–82. Arthur Blooston & David L. Nace, Attorneys for Missouri Telephone Company, North-West Telephone Company & Platteville Telephone Company on 1–4–82. David Cosson & Amy S. Gross, Attorneys for National Telephone Cooperative Association on 1–4–82.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coxsackie and Rotterdam, New York) (BC Docket No. 81–322, RM's 3722 and 3935)
Filed By: Scott H. Robb, Attorney for Catskill Communications, Inc. (WCKL), on 12–21–81.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Petosky, Michigan) (BC Docket No. 81–504, RM–3749)
Filed By: Jeffrey D. Southmayd, Attorney for Mighty-Mac Broadcasting Company (WIDG), on 1–4–82.

William J. Tricarico,

Secretary,

Federal Communications Commission

[FR Doc. 82-1077 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

December 29, 1981.

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 2:00 p.m. in Room 856 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government aspects of international telecommunications operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT Study Group I and III meetings.

Members of the general public may attend the meeting and join in the discussion subject to instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 632-3214.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-1079 Filed 1-14-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-651-DR]

California; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA-651-DR), dated January 7, 1982, and related determinations.

DATE: January 9, 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 California dated January 7, 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 January 7, 1982:

Solano County for Individual Assistance only.

Contra Costa, Marin, San Mateo, Santa Cruz and Sonoma Counties for Public Assistance in addition to Individual Assistance.

(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. 82-1061 Filed 1-14-82; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-651-DR]

California; 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 California (FEMA-651-DR), dated January 7, 1982, and related determinations.

DATED: January 7, 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 January 7, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of California resulting from severe storms, mudslides, high tides and flooding beginning on or about December 19, 1981, 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 California.

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 requirements that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent. Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the individual and family grant program to be repaid to the United States by the State when it is able to do so.

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 Delegation of Authority, I hereby appoint Mr. Robert L. Vickers 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 California to have been affected adversely by this declared major disaster.

Contra Costa, Marin, San Mateo, Santa Cruz and Sonoma Counties for Individual 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. 82-1060 Filed 1-14-82; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-REP-3-PA-1]

Pennsylvania 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 Commonwealth of Pennsylvania has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Pennsylvania, and include those of local governments near the General Public Utility Corporation's Three Mile Island Nuclear Station located in Dauphin County, Pennsylvania.

DATE: Plans received December 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John Wm. Brucker, Regional Director, FEMA Region III, Curtis Building, 6th 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 government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State

Radiological Emergency Response Plan for the Commonwealth of Pennsylvania 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 zone of the nuclear plant. For the Three Mile Island Nuclear Station, Plans are included for Dauphin, York, Lancaster, Lebanon and Cumberland Counties. Also enclosed are the plans for Adams, Berks, Franklin, Northumberland, Schuylkill, Snyder and Union Counties. These political subdivisions serve as support counties.

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 1867 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 February 16, 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 December 4 issues of the Harrisburg *Evening News*, the *York Dispatch*, the Lancaster *Intelligencer Journal*, the Cumberland County *Evening Sentinel* and the Lebanon *Daily News*. Local radio and television stations also announced the meeting, which was held on Friday, December 18, 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.

John Wm. Brucker,

Regional Director, FEMA Region III.

[FR Doc. 82-1059 Filed 1-14-82; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

Correction

In FR Doc. 82-727 appearing on page 1330 in the issue for Tuesday, January 12, 1982, third column, tenth line from the bottom, "January 22, 1982. * * *" should have read "February 1, 1982. * * *".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463 (5 U.S.C. Appendix I), Annual Reports for the Alcohol, Drug Abuse, and Mental Health Administration Advisory Committees have been filed with the Library of Congress. These are:

Alcohol Abuse Prevention Review Committee
Alcohol Biomedical Research Review Committee
Alcohol Human Resource Development Review Committee
Alcohol Psychosocial Research Review Committee
Basic Behavioral Processes Research Review Committee
Basic Psychopharmacology and Neuropsychology Research Review Committee
Basic Sociocultural Research Review Committee
Board of Scientific Counselors, NIMH
Cognition, Emotion, and Personality Research Review Committee
Community Alcoholism Services Review Committee
Community Processes and Social Policy Review Committee
Criminal and Violent Behavior Review Committee
Drug Abuse Biomedical Research Review Committee
Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee
Drug Abuse Resource Development Review Committee
Epidemiologic and Services Research Review Committee
Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism
Life Course Review Committee
Mental Health Research Education review Committee
Mental Health Services Manpower Development Review Committee
Mental Health Small Grant Review Committee
Minority Group Mental Health Review Committee
National Advisory Council on Alcohol Abuse and Alcoholism
National Advisory Council on Drug Abuse
National Advisory Mental Health Council
Paraprofessional Education Review Committee
Psychiatric Nursing Education Review Committee
Psychiatry Education Review Committee
Psychology Education Review Committee
Psychopathology and Clinical Biology Research Review Committee
Rape Prevention and Control Advisory Committee
Research Scientist Development Review Committee
Social Work Education Review Committee
Treatment Development and Assessment Research Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on weekdays between 9:00 a.m. and 4:30 p.m., at Health and Human Services Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-6791.

Dated: January 11, 1982.

William Mayer,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 82-1100 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 81M-0401]

Central Pharmaceuticals, Inc.; Premarket Approval of Central Salt Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Central Salt Tablets for all soft contact lenses, sponsored by Central Pharmaceuticals, Inc., Seymour, IN. After reviewing the recommendation of the Opthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 16, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets

Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (FHK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 10, 1981, Central Pharmaceuticals, Inc., Seymour, IN, submitted to FDA an application for premarket approval of the Central Salt Tablets for all hydrophilic contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On December 10, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of hydrophilic contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63427), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based in on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Central Salt Tablets states that the solution prepared from the salt tablets is designed for use in heat disinfection of all hydrophilic contact lenses. Sponsors of any hydrophilic contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provision of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F))

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resoultion through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 16, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–824 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

[FDA 225–82–4002

Inspection of Medicated Feed Establishments; Memorandum of Understanding With the Kansas State Board of Agriculture, Control Division

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memordandum of understanding with the Kansas State Board of Agriculture, Control Division. The purpose of the memorandum is to provide for the inspection of 50 medicated feed-manufacturing establishments annually.

DATE: The memorandum of understanding became effective October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC–50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the Federal Register all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING

Between The

KANSAS STATE BOARD OF AGRICULTURE, CONTROL DIVISION

And

REGION VII, FOOD AND DRUG ADMINISTRATION

I. Purpose

The purpose of this Memorandum of Understanding is to formalize a cooperative program between the Kansas State Board of Agriculture, Control Division, and Region VII, Food and Drug Administration (FDA), to provide for the inspection of 50 medicated feed-manufacturing

establishments annually, and to determine compliance with the Federal Food, Drug, and Cosmetic Act as well as compliance with comparable provisions of the Kansas State Feed Law. An objective of this agreement is that overall consumer protection will be enhanced through joint planning and coordination which will avoid duplication of effort and result in more efficient use of inspectional resources.

II. Background

Regional VII, FDA, and the Kansas State Board of Agriculture, Control Division, have been informally scheduling for inspection a number of medicated feed mills in order to avoid a duplication of inspection coverage by the two agencies. The Kansas State Board of Agriculture, Control Division, and Region VII, FDA, have expressed a mutual interest in an agreement to continue formally the effort.

III. Substance of Agreement

A. General Provisions

1. Inspection of medicated feed establishments will be conducted pursuant to FDA's current guidelines re: Compliance Program 7367.004 Medicated Feed (Federal/State) Program.

2. Both agencies will meet annually to list and schedule the medicated feed establishments to be inspected pursuant to the terms of this agreement.

3. Both agencies will exchange inspection information in areas of mutual concern and jurisdiction.

4. Either agency will bring to the attention of the other for mutual consideration any significant deficiencies noted in the reporting of inspectional findings. Corrective measures will be decided upon and implemented.

5. Both agencies, in a timely manner, will exchange the results of analyses on any medicated feed sample(s) collected during an inspection or reinspection.

B. Kansas State Board of Agriculture, Control Division, Agrees To

1. Conduct all medicated feed inspections pursuant to this agreement using FDA-commissioned State employees.

2. Provide copies, using appropriate FDA forms, to Region VII, FDA, of all State-conducted medicated feed inspections and sample collections. These forms will be provided by Region VII, FDA.

3. Provide Region VII, FDA, with the name and address of any new premix manufacturer not listed in FDA's Official Establishment Inventory (OEI), which they may discover during the course of conducting medicated feed inspections pursuant to this agreement.

C. Region VII, FDA, Agrees To

1. Be responsible for the inspection of all premix manufacturers in the State.

2. Provide the Kansas State Board of Agriculture, Control Division, with the most current FDA listing of premix manufacturers for their use and reference.

3. Provide the Kansas State Board of Agriculture, Control Division, with medicated feed inspectional findings resulting from FDA inspections. Such information is to be conveyed via copies of the FD–481 CG–Computer Generated Coversheet A–E and the FD–483–Inspection Observation.

4. Lend an appropriate number of "Feed Additive Compendia" to Kansas State Board of Agriculture to be used by FDA-commissioned State employees in conducting medicated feed inspection pursuant to this agreement.

D. Compliance Activities

Region VII, FDA, and the Kansas State Board of Agriculture, Control Division, agree:

1. To coordinate and maintain close communication on all compliance activities associated with medicated feed establishments conducted in the State of Kansas.

2. That the agency which uncovers a violation associated with an inspection made pursuant to this agreement will have primary responsibility to pursue its correction.

3. That either agency may refer a compliance matter to the other when it appears resolution can best be achieved under the authority of that agency.

4. That either agency may request a specific inspection by the other agency in an emergency or critical situation where the requesting agency does not hae personnel available due to distance, time, or other influencing factors.

5. To mutually exchange all compliance action and correction information for all medicated feed inspectional activities.

E. Training

It is agreed by both parties that:

1. Region VII, FDA, will continue to recommend for FDA commissioning those State Control Division personnel who maintain their medicated feed inspectional expertise.

2. Formal medicated feed training courses sponsored by either agency will be made mutually available whenever possible.

3. Joint inspection for training purposes may be requested by either agency with the underatanding that the ability to respond to such a request by the agency will depend on the availability of personnel and the priorities of that agency.

4. Each agency will apprise the other of any proposed or actual changes in the law or regulations which may affect the accomplishment of this agreement.

IV. Name and Address of Participating Agencies

A. Kansas State Board of Agriculture, Control Division, 901 Kansas Ave., Topeka, KS 66112.

B. Food and Drug Administration, Region VII, 1009 Cherry St., Kansas City, MO 64106.

VI. Liaison Officers

A. For the Kansas State Board of Agriculture: Director, Control Division, Kansas State Board of Agriculture, (currently Robert Guntert), Telephone: 913–296–3786.

B. For the Food and Drug Administration: Director, Investigations Branch, Kansas City District, (currently Mary Woleske), U.S. Food and Drug Administration, Telephone: 816–374–5623.

VI. Period of Agreement

This agreement when accepted by both parties will be effective from date of the last signature and will continue indefinitely. It may be modified by mutual consent or may be terminated by either party upon a 30-day advance written notice to the other.

Approved and accepted for the Kansas State Board of Agriculture:

s/W. W. Duitsman,

Secretary of Agriculture.

Dated: October 19, 1981.

Approved and accepted for the Food and Drug Administration:

s/Clifford G. Shane,

Regional Food and Drug Director.

Dated: October 15, 1981.

Effective date. This memorandum of understanding became effective October 19, 1981.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–825 Filed 1–14–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81F–0403]

Kawasaki Kasei Chemicals Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Kawasaki Kasei Chemicals Ltd. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of soluble anthraquinones, 1,4,4a,9a-tetrahydro-9,10-anthracenedione and the disodium salts of 1,4-dihydro-9,10-dihydroxyanthracene, as components of paper and paperboard in contact with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3585) has been filed by Kawasaki Kasei Chemicals Ltd., Tokyo, Japan, proposing that the food additive regulations be amended in § 176.170 (21 CFR 176.170) to provide for the safe use of soluble anthraquinones, 1,4,4a,9a-tetrahydro-9,10-anthracenedione and the disodium salts of 1,4-dihydro-9,10-dihydroxyanthracene, as components of paper and paperboard in contact with aqueous and fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, a notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register**. in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 7, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-953 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. February 11 and 12, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, February 11, 9 a.m. to 10 a.m.; open committee discussion, February 11, 10 a.m. to 5 p.m.; February 12, 9 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed or investigational prescription drug products for use in obstetrics, gynecology, and contraception.

Agenda—open public session. Interested persons requesting to present data, information or views, orally or in writing, on issues pending before the committee should communicate with the committee executive secretary.

Open committee discussion. On February 11, the committee will discuss (1) FDA action on previous committee recommendations and (2) revision of the oral contraceptive labeling. The discussion of the oral contraceptive labeling, if necessary, will continue at 9 a.m. on February 12, 1982.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation and certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80-1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: January 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-952 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. February 10, 8:30 a.m., Rm. 121, Bureau of Biologics, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9 a.m.; open committee discussion, 9 a.m. to

9:15 a.m.; closed committee deliberations, 9:15 a.m. to 5 p.m.; Jack Gertzog, Bureau of Biologics (HFB–5), Food and Drug Administration, Bldg. 29, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—open public hearing. Any interested persons may present data, information, or views, orally or in writing on issues pending before the committee.

Open committee discussion. Discussion of old business from previous meeting.

Closed committee discussion. The committee will discuss a number of pending investigational new drugs (IND's). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation in certain FDA proceedings including advisory committee meetings. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings. *Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir. November 27, 1981). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Dated: January 7, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-960 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

Cargill, Inc.; Nutrena Feed Division; Tylosin Phosphate Premix; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Cargill Inc.—Nutrena Feed Division, providing for use of Cargill's (Critic Mills') tylosin phosphate premix used to make medicated swine feeds. The firm requested the withdrawal of approval.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Cargill, Inc.—Nutrena Feed Division, P.O. Box 9300, Minneapolis, MN 55440, is the sponsor of NADA 116–041 which provides for use of a 2-gram-per-pound tylosin premix for making swine feeds for increased rate of weight gain and improved feed efficiency. The NADA was originally approved on January 30, 1979, for Critic Mills, Inc., Beardstown, IL. In January 1980, Cargill acquired Critic Mills and their NADA. In Their correspondence of August 31, 1981, Cargill requested the NADA be withdrawn because the product is no longer being manufactured.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 116–041 and all its supplements for Cargill's (Critic Mills') tylosin phosphate premix is hereby withdrawn, effective January 25, 1982.

In a separate document published elsewhere in this issue of the **Federal Register**, Parts 510 and 558 (21 CFR Parts 510 and 558) are amended to remove those portions of the regulations reflecting approval of this NADA.

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-1045 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

Merck Sharp & Dohme Research Laboratories; Sulfaquinoxaline and Arsanilic Acid Medicated Feed; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Merck Sharp & Dohme Research Laboratories providing for use of sulfaquinoxaline and arsanilic acid medicated feed used for coccidiosis and growth stimulation in chickens. The firm requested the withdrawal of approval.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine. (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, is sponsor of an NADA (8–649) which provides for use of sulfaquinoxaline and arsanilic acid medicated feed used for coccidiosis and growth stimulation in chickens.

The application became effective September 26, 1952. In their letter of August 25, 1981, the sponsor requested withdrawal of approval of the NADA because the product is no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 8–649 and all supplements for sulfaquinoxaline and arsanilic acid medicated feed is hereby withdrawn, effective January 25, 1982.

Dated: January 8, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-1046 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Agenda Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the agenda for the Pulmonary-Allergy Drugs Advisory Committee meeting scheduled for January 28 and 29, 1982, has been changed to include a closed session. The meeting as announced in the **Federal Register** of December 15, 1981 (46 FR 61164) was to be entirely in open session. However, the agency has determined that the meeting needs to include discussion of a Notice of Claimed Exemption for an Investigational New Drug and that holding the discussion in open session would disclose trade secret data which may not be disclosed to the public. The Commissioner, with the concurrence of the Chief Counsel, has determined that the portion of the meeting from 10 a.m. unitl adjournment at about 12 m. on January 29 will be closed to permit discussion of these trade secret data (5 U.S.C. 552b(c)(4)).

FOR FURTHER INFORMATION CONTACT: Conrad Ledet, Bureau of Drugs (HFD–160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3500.

Dated: January 12, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-1196 Filed 1-13-82; 10:52 am]

BILLING CODE 4160-01-M

[Docket No. 81D-0148]

Defect Action Levels For Canned Tomato Products; Withdrawal of Guides

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing Compliance Policy Guides 7114.29a and 7114.30a, which would establish on February 15, 1982, revised defect action levels for tomato juice, paste, powder, puree, sauce, and soup that are contaminated by mold and drosophila fly eggs and maggots. FDA is taking this action to evaluate more fully the impact of the revisions on affected tomato growers and producers of tomato products.

ADDRESS: Written comments (preferably two copies) to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 31, 1981 (46 FR 39220), FDA announced the availability of FDA Compliance Policy Guides 7114.29a "Tomato Products Adulterated by Drosophila Fly Eggs and Maggots" and 7114.30a "Tomato Products Adulterated by Rot." These guides are revisions of Compliance Policy Guides 7114.29 and 7114.30, respectively. They list defect action levels for mold and drosophila fly eggs and maggots in tomato products. The revised levels are more stringent than those that previously had been set for tomato juice, paste, powder, puree, sauce, and soup.

Defect action levels are guidelines that, although not promulgated in a rulemaking proceeding, are evaluated by FDA for any potential impact on the affected industry. In some instances in the past. FDA has set action levels on the basis of studies of the actual levels of defects found in correlation with the

attendant natural variables, manufacturing practices, and sanitary conditions. Although FDA recognizes that the actual level of defects constitutes the best data on which to base defect action levels, it lacks the manpower and resources to obtain these kinds of data. Consequently, the agency obtained data for the defect action levels for these tomato products from a retail survey, an alternative procedure that also is adequate.

A defect in a food may have been introduced during the growth, processing, storage, or shipment. When defects are present at levels that meet or exceed defect action levels, FDA considers the condition of the products sufficiently defective, even with no attendant history of production, to justify regulatory action. When there is, or FDA has, evidence of insanitary conditions of production or storage, the agency may initiate regulatory action even when the adulteration is below the action level.

The July 31, 1981 notice invited comments on the defect action levels. In response to that invitation, the National Food Processors Association (NFPA) and others submitted comments to the agency and submitted data contending that the new levels would have adverse economic effects on many small producers and growers, particularly in the East and Midwest, as well as on other domestic and foreign tomato packers. Comments received also questioned the survey design on which FDA based the new level.

As discussed above, the agency believes that the retail survey it used to obtain data is appropriate for the purpose of revising the defect action levels. However, from a preliminary review of the comments and the summary of data presented, FDA is persuaded that there may be a larger adverse economic impact on the tomato packing industry than the agency originally estimated, and concludes that Compliance Policy Guides 7114.29a and 7114.30a should be withdrawn while the agency studies the matter further. Accordingly, these guides are hereby withdrawn. Compliance Policy Guides 7114.29 and 7114.30 remain in effect.

Although FDA intends to establish new tomato product defect action levels in the future, it will not do so until it has gathered addtional data that will aid in assessing the impact of any future revisions of these levels. Interested persons are invited to submit data to FDA on any issue affecting the selection of appropriate levels. It would be particularly useful to have data that correlates (1) the level of a specific defect in the end product with the incoming product, and (2) the quantity of a product that exceeds the level, with the manufacturing practices of the producer. It would also be useful to have data that are representative of the various tomato-producing States and regions of the United States and foreign countries.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this notice of withdrawal. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments are to identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 11, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82-1199 Filed 1-14-82; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Allergy and Immunology Study Section, et. al; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections for February through March 1982, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the executive secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	February–March 1982 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301–496–7380	Mar. 11–13	8:30	Linden Hill Hotel, Bethesda, MD.
Bacteriology & Mycology–1, Dr. Milton Gordon, Rm. 304, Tel. 301–496–7340	Feb. 24–26	8:30	Holiday Inn, Chevy Chase, MD.
Bacteriology & Mycology–2, Dr. William Branche, Jr., Rm. 435, Tel. 301–496–1862	Mar. 3–5	9:00	Holiday Inn, Georgetown, DC.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301–496–7109	Feb. 23–26	9:00	Holiday Inn, Georgetown, DC.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301–496–7430	Mar. 3–5	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Biochemistry–1, Dr. Adolphus Toliver, Rm. 318, Tel. 301–496–7516	Mar. 3–6	9:00	Linden Hill Hotel, Bethesda, MD.
Biochemistry–2, Dr. Adolphus Toliver, Rm. 318, Tel. 301–496–7516	Feb. 18–19	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Bio-Organic & Natural, Products Chemistry, Dr. Michael Rogers, Rm. A–27, Tel. 301–496–7107.	Mar. 4–6	9:00	Linden Hill Hotel, Bethesda, MD.
Biophysical Chemistry, Dr. John Wolff, Rm. 236, Tel. 301–496–7070	Feb. 18–20	8:30	Marriott Hotel, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301–496–7058	Mar. 1–4	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Constance E. Weinstein, Rm. 2A–04, Tel. 301–496–7316.	Feb. 24–26	8:00	Linden Hill Hotel, Bethesda, MD.
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 326, Tel. 301–496–7901	Feb. 24–26	8:30	Holiday Inn, Georgetown, DC.
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301–496–7681	Feb. 22–24	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301–496–7078	Mar. 8–10	8:00	Holiday Inn, Bethesda, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 225, Tel. 301–496–7550	Mar. 10–12	8:30	Holiday Inn, Georgetown, DC.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219, Tel. 301–496–7650	Feb. 22–24	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301–496–7346	Mar. 1–3	7:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Epidemiology & Disease, Control–1, Dr. Michael Alavanja, Rm. 203, Tel. 301–496–7246.	Feb. 23–25	8:30	Holiday Inn, Rosslyn, VA.
Epidemiology & Disease, Control–2, Dr. Ann Schluederberg, Rm. 203 Tel. 301–496–7246.	Feb. 23–25	8:30	Holiday Inn, Rosslyn, VA.

Study section	February–March 1982 meetings	Time	Location
Experimental Cardiovascular, Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301–496–7940.	Mar. 2–4	8:00	Ramada Renaissance, Washington, DC.
Experimental Immunology, Dr. David Lavrin, Rm. 222, Tel. 301–496–7238	Mar. 3–5	8:30	Westpark Hotel, Rosslyn, VA.
Experimental Therapeutics, Dr. Ira Kline, Rm. 319, Tel. 301–496–7839	Feb. 24–27	12:30 p.m.	Kenwood Country Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 206, Tel. 301–496–7474	Feb. 21–24	2:00 p.m.	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354, Tel. 301–496–7797	Mar. 4–6	8:30	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301–496–7730	Feb. 23–25	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301–496–7271	Feb. 25–27	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301–496–7508	Mar. 4–6	8:00	In-Town Motel, Chevy Chase, MD.
Human Development & Aging–1, Dr. Teresa Levitin, Rm. 303, Tel. 301–496–7025	Mar. 9–12	8:30	Gramercy Inn, Washington, DC.
Human Development & Aging–2, Dr. Samuel Rawlings, Rm. 305, Tel. 301–496–7640.	Feb. 15–17	9:00	Holiday Inn, Georgetown, DC.
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301–496–7597.	Mar. 2–5	8:00	Linden Hill Hotel, Bethesda, MD.
Immunobiology, Dr. William Stylos, Rm. 222, Tel. 301–496–7780	Mar. 3–5	8:30	Linden Hill Hotel, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233, Tel. 301–496–7179	Feb. 24–26	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301–496–7271	Feb. 25–27	8:30	Marriott Hotel, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A–27, Tel. 301–496–7107	Mar. 3–5	9:00	Holiday Inn, Chevy Chase, MD.
Metabolism, Dr. Robert Leonard, Rm. 339, Tel. 301–496–7091	Mar. 4–6	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301–496–7733	Feb. 25–27	9:00	Holiday Inn, Georgetown, DC.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301–496–7183	Feb. 24–26	8:30	Holiday Inn, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301–496–7830	Feb. 18–20	8:30	Holiday Inn, Georgetown, DC.
Molecular & Cellular, Biophysics, Dr. James Cassatt, Rm. 236, Tel. 301–496–7060	Feb. 11–13	9:00	Westpark Hotel, Rosslyn, VA.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233, Tel. 301–496–7149	Feb. 25–27	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Neurological Sciences, Dr. Edwin Bartos, Rm. 439, Tel. 301–496–7280	Feb. 25–27	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. Mischa E. Friedman, Rm. 326, Tel. 301–496–7095	Mar. 10–13	9:00	Room 8, Bldg. 31C, Bethesda, MD.
Neurology B, Dr. Willard McFarland, Rm. 2A–03, Tel. 301–496–7422	Feb. 24–27	8:30	Wellington Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301–496–7178	Mar. 3–5	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Oral Biology & Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818	Feb. 23–26	8:30	Linden Hill Hotel, Bethesda, MD.
Orthopedics & Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301–496–7581	Mar. 4–6	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301–496–7820	Feb. 24–27	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. William A. Kachadorian, Rm. 337, Tel. 301–496–7305	Mar. 9–12	8:00	Holiday Inn, Bethesda, MD.
Pathology B, Dr. Catherine Woodbury, Rm. 352, Tel. 301–496–7244	Feb. 24–26	8:30	Holiday Inn, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408	Feb. 23–25	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218, Tel. 301–496–7120	Feb. 18–20	9:00	Holiday Inn, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339, Tel. 301–496–7837	Feb. 25–27	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7878	Feb. 11–13	2:00 p.m.	Holiday Inn, Georgetown, DC.
Radiation, Dr. Robert Straube, Rm. 219, Tel. 301–496–7073	Mar. 8–10	9:00	Shoreham Hotel, Washington, DC.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318	Feb. 17–20	8:00	Ramada Inn, Bethesda, MD.
Social Sciences & Population, Ms. Carol Campbell, Rm. 210, Tel. 301–496–7906	Feb. 25–27	8:30	Dupont Plaza Hotel, Washington, DC.
Surgery & Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301–496–7506	Feb. 25–26	8:00	Holiday Inn, Bethesda, MD.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319, Tel. 301–496–7771	Feb. 22–24	8:30	Westpark Hotel, Rosslyn, VA.
Toxicology, Faye Calhoun, Rm. 205, Tel. 301–496–7570	Feb. 20–22	8:30	Colonnade Hotel, Boston, MA.
Tropical Medicine & Parasitology, Dr. Betty June Myers, Rm. 225, Tel. 301–496–7494.	Mar. 1–3	8:00	Room 8, Bldg. 31C, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605	Mar. 4–6	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 207, Tel. 301–496–7000	Mar. 15–17	9:00	Shoreham Hotel, Washington, DC.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251	Mar. 10–13	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: January 7, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–1093 Filed 1–14–82; 8:45 am]

BILLING CODE 4140–01–M

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, January 29, 1982, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on January 29 from 9:00 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 29, from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1087 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Clinical Investigation Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, February 22-23, 1982, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on February 22, from 8:30 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 22, from 9:30 a.m. to 5:00 p.m., and on February 23, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Dorothy K. Macfarlane, Executive Secretary, Cancer Clinical Investigation Review Committee, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7481) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.395, Project grants in cancer treatment research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1088 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, January 28-29, 1982, Gaithersburg Room, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on January 28 from 9:00 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 28, from 10:00 a.m. to adjournment and on January 29, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 10A-03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "Programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1089 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on February 1, 1982, 8:30 to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluaton of the implementation of the long-range plan to combat diabetes. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

The agenda and roster of members may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1090 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on February 22, 1982, 8:30 to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland, to discuss the Board's activities and to continue the evaluaton of the implementation of the long-range plan to combat diabetes. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

The agenda and roster of members may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office,

NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496–5765.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1091 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee), National Cancer Institute, March 3, 1982, Building 31, Conference Room 9, C Wing, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on March 3 from 8:30 a.m. to 10:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 3, from 10:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Pancreatic Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

Dated: January 11, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82-1092 Filed 1-14-82; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary

National Environmental Policy Act and Related Acts, Review of Program Actions

AGENCY: Office of the Secretary, HHS.

ACTION: List of HHS Programs that are categorically excluded from the environmental review process.

SUMMARY: This notice provides a list of Departmental programs which will not require future environmental reviews since they conduct activities that come within the functional exclusions contained in the HHS environmental review procedures.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Custard, Director, Office of Environmental Affairs, Department of Health and Human Services, 200 Independence Ave., SW, Washington, D.C. 20201, or telephone (202) 472–9740.

SUPPLEMENTARY INFORMATION: The HHS environmental review procedures include specific functions whose associated actions are of the type which the Department believes to be incapable of causing environmental effects. An Assistant Secretary or comparable official may, after evaluating the types of actions taken by his or her organization, determine that all or part of a program normally can be excluded categorically from the environmental review process if its activities consist of one or more of the following specific functions:

1. Routine administrative and management support, including legal counsel, public affairs, program evaluation, monitoring and individual personnel actions;

2. Appellate reviews when HHS was the plaintiff in the lower court decision (e.g., a case involving failure by a nursing home to comply with fire and safety regulations);

3. Data processing and systems analysis;

4. Education and training grants and contracts (e.g., grants for remedial training programs or teacher training) except projects involving construction, renovation and/or changes in land uses;

5. Grnats for administrative overhead support (e.g., regional health or income maintenance program administration);

6. Grants for social services (e.g., Head Start, senior citizen programs or drug treatment programs) except projects involving construction, renovation and changes in land use;

7. Liaison functions (e.g., serving on task forces, ad hoc committees or representing HHS interests in specific functional areas in relationship with other governmental and non-governmental entities);

8. Maintenance (e.g., undertaking repairs necessary to ensure the functioning of an existing facility), except for properties on or eligible for listing on the National Register of Historic Places;

9. Statistics and information collections and dissemination (e.g., collection of health and demographic data and publication of compilations and summaries);

10. Technical assistance by HHS program personnel (e.g., providing assistance in methods for reducing error rates in State public assistance programs or in determining the cause of a disease outbreak); and

11. Adoption of regulations and guidelines pertaining to the above activities (except technical assistance and those resulting in population changes.)

Officials throughout the Department have examined activities for which they are responsible and concluded that the following programs carry out one or more functions of the type listed above and are therefore subject to a categorical exclusion:

Office of the Regional Director (Regions I thru X) (See note below)
Office for Civil Rights
Health Care Financing Administration
Office of Human Development Services (except for construction and renovation projects)
Office of the General Counsel
Office of the Inspector General
Office of the Assistant Secretary for Legislation
Office of the Assistant Secretary for Management and Budget. (See note below)
Office of the Assistant Secretary for Personnel Administration
Office of the Assistant Secretary for Planning and Evaluation
Office of the Assistant Secretary for Public Affairs Social Security Administration

Whenever extraordinary circumstances indicate that a normally excluded action may cause a significant environmental effect under NEPA, the

program official shall insure that an environmental review is conducted and appropriate documentation prepared. The Council on Environmental Quality has approved the above exclusions.

Note.—Actions associated with the transfer of surplus real property under the Federal Property Assistance Program at headquarters and in the regions are excluded provided they meet the following criteria: Commodity Futures Trading Commission

1. The program of use will not change the basic nature of a property, neighborhood, or natural resource.

2. The population density of the property will remain essentially the same.

3. The program will require no new major construction within the property boundaries.

4. The program will not stimulate major construction outside the property boundaries.

5. The property is not on or eleigible for inclusion in the National Register of Historic Places.

Dated: January 11, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-1142 Filed 1-14-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Outer Continental Shelf; Dates and Locations of Public Hearings Regarding the Environmental Impact Statement for Proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 71

In accordance with 43 CFR 3314.1, public hearings will be held in order to receive comments and suggestions relating to the Draft Environmental Impact Statement prepared for a proposed Outer Continental Shelf oil and gas lease sale of 372 tracts of submerged Federal lands in the Diapir Field region of Alaska. The hearings will be held on the following dates at the locations and times indicated.

Tuesday, February 2, 1982

Barrow High School, Barrow, Alaska, 1:30 p.m. to 7:00 p.m., 8:30 p.m. to 11:00 p.m.

Thursday, February 4, 1982

North Star Borough Assembly Chamber, Fairbanks, Alaska, 9:00 a.m. to 1:15 p.m.

Friday, February 5, 1982

Anchorage Historical and Fine Arts Museum, 121 West 7th Avenue, Anchorage, Alaska, 9:00 a.m. to 1:15 p.m.

The hearings will provide the Secretary of the Interior with information from government agencies and the public which will help in the evaluation of the potential effects of the proposed lease sale.

The Draft Environmental Impact Statement concerning proposed OCS Lease Sale No. 71 was made available to the public on December 18, 1981. Copies of this statement can be obtained from the Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510 (907) 276-2955. Copies of the Draft Environmental Impact Statement are also available for review in public libraries throughout Alaska (46 FR 62324).

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are asked to contact Laura Yoesting, Alaska Outer Continental Shelf Office, at the address and telephone number above, by 4:00 p.m. (Alaska Daylight Time), Friday, January 29, 1982. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to a hearing official at the time of oral presentation or by mail until February 12, 1982. To the extent that time is available after presentation of oral statements by those scheduled to testify, the hearing officer will give others present an opportunity to be heard. The Bureau of Land Management will accept written comments on the Draft Environmental Impact Statement until Friday, February 12, 1982. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments. Written comments should be addressed to the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510.

The Bureau of Land Management recognizes the distances involved and the travel difficulties faced by those in the more remote areas who may be affected by this proposal and may wish to participate in the public hearing process. For this reason we have instituted a supplemental mechanism which we have termed "public hearing extensions." A public hearing extension team will travel to some of the more remote areas in order to receive comments from those who are unable to travel to the formal public hearing sites. These meetings will be recorded and transcribed for the record. Accordingly, public hearing extensions have been scheduled for Nuiqsut, Alaska on February 3, 1982, and Kaktovik, Alaska on February 4, 1982. While the setting and procedures at extension meetings may be less formal and structured, the comments received there are no less important. All comments, whether provided at the formal public hearings, the public hearing extensions, or in writing, are given equal weight in preparation of the Final Environmental Impact Statement.

Robert F. Burford,

Director, Bureau of Land Management.

January 11, 1982.

[FR Doc. 82-1094 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications, Fred Bagley et al.

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Fred Bagley, Jackson Area Office, USFWS, Jackson, MS; PRT 2-8704.

The applicant requests a permit to take (harass) Ozark big-eared bats (*Plecotus townsendii ingens*) and Virginia big-eared bats (*P. t. virginianus*) during population censuses for scientific research and enhancement of survival. Data collected will be used to develop recovery plans.

Applicant: Wayne D. DuBuc, Morgan City, LA; PRT 2-8713.

The applicant requests a permit to take (harass) Bald eagles (*Haliaeetus leucocephalus*) in Louisiana during low level helicopter flights to determine nesting success and food utilization for scientific research.

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD; PRT 2-8714.

The applicant requests a permit to export captive Aleutian Canada geese (*Branta canadensis leucopareia*) to the Niska Wildlife Foundation, Guelph, Ontario, Canada for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI; PRT 2-8715.

The applicant requests a permit to purchase in interstate commerce seven Nene geese (*Branta sandvicensis*) from the St. Louis Zoological Gardens, St. Louis, Missouri for enhancement of propagation.

Applicant: University of North Carolina Herbarium, The University of North Carolina at Chapel Hill, Chapel Hill, NC; PRT 2-8734.

The applicant requests a permit to export and reimport herbarium specimens held at the University of North Carolina Herbarium for scientific research. Herbarium specimens will be

temporarily loaned to foreign institutions.

Applicant: Florida State Museum, Gainesville, FL; PRT 2-8737.

The applicant requests a permit to export and reimport museum specimens held at the Florida State Museum for scientific research.

Applicant: Denver Wildlife Research Center U.S. Fish and Wildlife Service U.S. Fish and Wildlife Service Ft. Collins, Co; PRT 2-8738.

The applicant requests a permit to import from Mexico salvaged dead specimens and blood samples of the following species for scientific research:

Bolson tortoise (*Gopherus flavomarginatus*)
Desert tortoise (*G. agassizzi*)
Aquatic box turtle (*Terrapene coahuila*)
Black softshell turtles (*Trionyx nigricans*)
Cuatro Cienegas softshell turtle (*T. ater*)

Applicant: San Diego Zoo, San Diego, CA; PRT 2-8711.

The applicant requests a permit to import two (2) male Chinese alligators (*Alligator sinensis*) from the People's Republic of China for enhancement of propagation. The animals will be maintained initially at the New York Zoological Park and then transferred to the Rockefeller Wildlife Refuge, Louisiana.

Applicant: Dawn Animal Agency Inc., Colts Neck, NJ; PRT 2-8648.

The applicant requests a permit to purchase in interstate commerce one male captive-bred jaguar (*Panthera onca*) from Mr. Dave Hale, Missouri, for enhancement of propagation and survival in the context of conservation exhibition.

Applicant: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC; PRT 2-8759.

The applicant requests a permit to import and export endangered species involved in litigation to facilitate their availability in court or similar legal proceedings to strengthen law enforcement capability thus enhancing the survival of the affected species.

Applicant: Dr. Richard D. Brown, Carolina Raptor Rehabilitation and Research Center, University of North Carolina at Charlotte, Charlotte, NC; PRT 2-8742.

The applicant requests a permit to take (capture) endangered and threatened raptors such as bald eagles (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus*) found injured in the wild for enhancement of survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 12, 1982.

R. K. Robinson,

Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 82-1163 Filed 1-14-82; 8:45 a.m.]

BILLING CODE 4310-55-M

Marine Mammals Permit; Denver Wildlife Research Center

On September 23, 1981, a notice was published in the **Federal Register** (46 FR 47015), that an application had been filed with the Fish and Wildlife Service by the Chief, Marine Mammal Section, Denver Wildlife Research Center, U.S. Fish and Wildlife Service, Washington, D.C., for a permit to capture West Indian manatees for scientific research purposes.

Notice is hereby given that on December 4, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit PRT 2-8430 to the above applicant subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Federal Wildlife Permit Office, Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: January 11, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-1164 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Best Available and Safest Technologies (BAST)

AGENCY: Geological Survey, Interior.

ACTION: Solicitation for Information.

SUMMARY: Section 21(b) of the OCS Lands Act Amendments of 1978 provides that the Secretary of the Interior shall require on all new drilling and production operations, and wherever practicable on existing operations, the use of the best available and safest technologies. This requirement is equipment oriented and applies to equipment whose failure could adversely affect safety, health, or the environment. Human engineering, personnel training, and operational procedures are considered an integral part of BAST. BAST requirements may, however, be specifically waived in instances where the incremental benefits resulting from the use of BAST do not exceed the incremental costs involved in such use.

Information on and details of new technologies which are considered to include equipment and/or procedures that may assist in the safe and expeditious exploration and development of the leasable minerals of the Outer Continental Shelf (OCS) are solicited. The information and details will be used for the following purposes:

1. To maintain U.S. Geological Survey (USGS) familiarity and understanding of the current state of and advances in technology;
2. To maintain USGS familiarity and understanding of available alternatives;
3. To identify current or potential problem areas;
4. To identify known or suspected deficiencies;
5. To point out the need for new or revised Orders, or standards;
6. To identify problems which require further investigation.

The types of questions which should be addressed in the information submitted are:

1. What is the problem that is being addressed?
2. What is the frequency of occurrence of the problem?
3. What is this technology replacing?
4. What is the economic impact of the problem, and how will the application of this technology affect the economic impact?
5. Are there specific recommended or potential locations for the application of this technology?
6. Is there an expected requirement for maintenance or calibration, and what is the envisioned cycle?
7. Are there any expected or recommended special qualifications for maintenance and operating personnel?
8. Are there any specific environmental or operational limitations?
9. What are the expected initial and operational costs?

This information will be provided to USGS personnel for consideration, analysis, and action. The information will also be available to the public

unless specific information is identified as proprietary or confidential. The proprietary or confidential nature of the information submitted must be fully explained and documented.

It is emphasized that the information submitted will be used to ensure that available technologies are adequately understood and that BAST are reflected in USGS OCS Orders, and standards. The USGS will not be certifying any technology, equipment, or procedure as the best available and safest.

DATES: Comments should be submitted as soon as possible. This solicitation will be repeated periodically.

ADDRESS: Information and details should be submitted to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Richard J. Giangerelli, Chief, BAST Unit, (703) 860–6831.

SUPPLEMENTARY INFORMATION: The BAST requirement has been included in the regulation in 30 CFR Part 250 and OCS Order No. 5. The program the USGS is using to implement BAST is described in a document published by the USGS in April 1980 entitled "The Use of Best Available and Safest Technologies (BAST) During Oil and Gas Drilling and Producing Operations on the Outer Continental Shelf." Copies of this document are available from the Deputy Division Chief, Offshore Minerals Regulation.

The USGS has developed a number of programs over the past years to ensure that oil and gas operations on the OCS are conducted in a manner which takes into consideration safety, health, and environmental concerns. In line with this, OCS Orders establish minimum requirements in the form of performance standards and some specifications for technology which is considered to include equipment and/or procedures. These requirements are based on a determination that the technologies which meet these standards and specifications provide the level of protection necessary to ensure safe operations.

The BAST Program is designed to provide a formalized mechanism through which information on new or improved technologies and their utilization are made available to the USGS field personnel and are addressed in regulatory changes. In addition, the program provides a mechanism for information exchanges about common problems between the four OCS Field Regions and for identification of technological questions which may be susceptible to solution via research and development studies.

The desired impact or benefits of the BAST Program include the following:

1. More expeditious and safer development of OCS minerals;

2. Encouragement of improved technologies and techniques and incorporation in new or revised Orders, standards, and application for permits and approvals;

3. Development of improved technologies where deficiencies are know or suspected.

As this is an evolutionary program, changes will be made to the existing body of regulations, OCS Orders, and standards which govern the drilling for and extraction of minerals from OCS leased lands when improvements, additions, and advances are made in safety concepts and technology.

Dated: January 5, 1982.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 82-1172 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Pending Nominations

Nomination of the following property is being considered for listing in the National Register and was received by the National Park Service before January 11, 1982. Waiver of the 15-day public commenting period following this publication is necessary for the California nomination listed below in order for listing to be accomplished before January 17, 1982, the date of an important festival commemorating the property's significance to the Filipino community in San Francisco. Listing, accordingly, will assist in the preservation of this property.

Carol D. Shull,

Acting Keeper of the National Register.

California
San Francisco County
San Francisco, *St. Joseph's Church and Complex*, 1401—1415 Howard St.

[FR Doc. 82-1170 Filed 1-14-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–34365, published at page 58373, on Tuesday, December 1, 1981, on page 58375, in the first column, under paragraph "MC 150093 (Sub-5)", in the second line "IL," should be corrected to read "IA,".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–35492, published at page 60664, on Friday, December 11, 1981, on page 60668, in the second column, in paragraph "MC 158039", in the fifteen line "Western Counties" should be corrected to read "Weston Counties".

BILLING CODE 1505-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office; Clark Transfer, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Caribbean Worldwide, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

(b) Highway Film Service, Inc., 403 Dulty Road, Burlington, New Jersey 08016.

1. Dana Corporation, 4500 Dorr Street, Toledo, Ohio, 43615, is the parent corporation.

2. Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation are as follows:

i. Wix Corporation, a Delaware corporation;

ii. Tyrone Hydraulics, Inc., a Delaware corporation;

iii. Boston Industrial Products, Inc., a Delaware corporation;

iv. Dana Distribution, Inc., a Delaware corporation.

(1) Parent corporation and address of principal office; General Foods Corporation (a Delaware corporation), 250 North Street, White Plains, New York 10625.

(2) Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(a) Birds Eye, Inc. (Delaware).

(b) Brisk Transportation Inc. (Delaware).

(c) Don's Prize, Inc. (Ohio).

(d) General Foods Caribbean Manufacturing Corporation (Delaware).
(e) General Foods Domestic International Sales Company, Inc. (Delaware).
(f) General Foods Inc. (Puerto Rico).
(g) General Foods Overseas Development Corporation (Delaware).
(h) General Foods Trade Funding Corporation (Delaware).
(i) General Foods Trading Co. (Delaware).
(j) Hudson Commercial Corporation (Delaware).
(k) Italsalumi, Inc. (Illinois).
(l) Kohrs Packing Company (Illinois).
(m) Oscar Mayer & Co. Inc. (Delaware).
(n) Oscar Mayer Export, Ltd. (Wisconsin).
(o) Oscar Mayer Foods Corporation (Delaware).
(p) Maxwell House, Inc. (Delaware).
(q) Meriwether's Restaurants, Inc. (Delaware).
(r) Quality Industrial Plastics, Co., Inc. (Delaware).
(s) Scientific Protein Laboratories, Inc. (Illinois).
(t) Birds Eye de Mexico, S.A. de C.V. (Mexico).
(u) Canterbury Foods (Alberta) Ltd. (Alberta, Canada).
(v) Franklin Baker Company of the Philippines (Philippines).
(w) General Foods, Inc. (Canada).
(x) Hostess Food Products Limited (Ontario, Canada).
(y) ICL Food Services, Ltd. (Brit. Col., Canada).
(z) White Spot Limited (Ontario, Canada).

1. Parent corporation and address of principal office: Media General, Inc., 333 East Grace Street, Richmond, Virginia 23219.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:
(i) Commonwealth Recycling Corp.—Virginia;
(ii) Garden State Paper Company, Inc.—Virginia;
(iii) Media General Financial Services, Inc.—Virginia.

1. Parent corporation and address of principal office: MII, Inc., 2100 W. Fifth Street Road, Lincoln, Illinois 62656.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

Subsidiary and State of Incorporation

(i) MII, Lundia, Inc., Delaware.
(ii) MII, Lincoln, Inc., Delaware.
(iii) MII, Myers Industries, Inc., Delaware.
(iv) MII, Installation Inc., Delaware.
(v) MII, Lincoln Store Fixtures, Inc., Delaware.
(vi) MII, Kiechler Manufacturing Company, Delaware.

1. Parent corporation and address of principal office; The Sherwin-Williams Company, 101 Prospect Ave., Cleveland, OH 4415.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: contract Transportation Systems Co., a Delaware Corporation.

Agatha L. Mergenovich,
Secretary.

FR Doc. 82-1098 Filed 1-14-82; 8:45 am]
BILLING CODE 7035-01-M

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 and 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-79519. By decision of issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to COMPASS EXPRESS, INC. of a portion of Certificate No. MC-99031 (Sub-No. 6F) issued to THE KLUG-DIRECT TRANSPORTATION CO. authorizing: General commodities (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between Cincinnati and Dayton, OH, on the one hand, and, on the other, points in OH. Applicant's representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215.

MC-FC-79543. By decision of January 5, 1982 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WARD EXPRESS, INC. of Certificate of Registration No. MC-121187 (Sub-No. 1) issued April 9, 1964, to DEL GRECO TRANS., INC. evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate No. 5633 dated May 5, 1958 issued by the Massachusetts Department of Public Utilities subject to the following conditions: A copy of state order approving the transfer of the corresponding state rights musts be furnished when it is available. Applicant's representative is: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC-FC-79554. By decision of January 7, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TEXAS EASTERN TRANSPORT, INC., of Lufkin, TX, of Permit No. MC-144771 (Sub-1F) and Certificate Nos. MC-143066 (Sub-Nos. 1 and 3) issued to BGM TRUCKING, INC., of Houston, TX, authorizing the transportation of *frozen potato products* from points in WA, ID, and OR, to points in TX, under continuing contract(s) with Mims Meat Company, Inc., of Houston, TX; *food and related products*, between points in Galveston County, TX, Mobile County, AK, and Harrison County, MS, on the one hand, and, on the other, points in the United States; and (1) *bananas* and (2)

agricultural commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Galveston, TX, Gulfport, MS, and Mobile, AL, to points in ID, OR, and WA. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768.

Notes.—(1) TA has been filed. (2) Transferee does not hold permanent authority from this Commission. (3) Applicants also seek authority to transfer MC–143066 (Sub-No. 2) This authority is still pending before the Commission and a certificate has not yet been issued. Uncertificated authority is not subject to transfer. Applicants should file a petition for substitution of applicant in that proceeding.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1096 Filed 1–14–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: January 11, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–F–14757, filed December 15, 1981. SCHEDULED TRUCKWAYS, INC., 107 N. 14th Street, Rogers, AR 72756—Purchase (portion)—J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative for Transferor: Paul R. Bergant, P.O. Box 130, Lowell, AR 72745. Transferee seeks authority to purchase a portion of the operating rights of Transferor in Permit No. MC–149210 (Sub 2F) which authorizes the transport of *meats, meat products, meat byproducts and articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. Application for temporary authority has not been filed. Impediment: The application is signed by Ted W. Easley, an official and director and a one-third shareholder. In addition, Robert Tulip and Carloyn Sleeth each owns one-third of the stock, and Robert Tulip is a director. Consequently, it is not clear which persons actually have control of Scheduled Truckways, Inc. Therefore, Robert Tulip and Carolyn Sleeth must join in the application as parties in control of the vendee or must submit affidavits satisfactorily explaining why either or both should not be required to join in the application.

MC–F–14764, filed December 21, 1981. Port Side Transport, Inc. (Port Side) (755 West Big Beaver Road, Suite 1200, Troy, MI 48084)—Purchase—Brada Miller Freight System, Inc. (BMFS) and Brada Miller, Inc. (BM)—(W. Cassell Stewart, Trustee-In-Bankruptcy) (P.O. Box 2151, Birmingham, AL). Representatives: Jack Goodman, Axelrod, Goodman, Steiner & Bazelon, 29 South LaSalle Street, Chicago, IL 60603 and J. N. Holt, Holt and Cooper, 529 Frank Nelson Building, Birmingham, AL 35203. Port Side, a noncarrier, seeks to purchase the operating authority of BMFS and other properties of its parent BM; and C.T. Transport, Inc. (CT), of Sterling Heights, MI, a motor carrier which controls Port Side through stock ownership, and, in turn, Centra, Inc., (Centra), also of Sterling Heights, a motor carrier which controls CT through stock ownership, and, in turn, M. J. Moroun, A. A. Moroun, V. M. Baks, F. M. O'Brien and T. J. Moroun, all of Sterling Heights, who control Centra through stock ownership, seek to acquire control of the operating rights through the transaction. Port Side seeks to purchase BMFS's operating rights in No. MC–29079 (lead and subnumbers thereto) generally authorizing the transportation of general and specified commodities in the United States (except AK and HI). (Hearing Site: Detroit, MI.)

Note.—Port Side has filed an application for temporary authority.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–1095 Filed 1–14–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3-006]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: January 11, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number No. 2, Members Carleton, Fisher and Williams.

MC-F-14774, filed December 28, 1981. MARY CHUTZ ESHENBAUGH, RONALD E. CHUTZ, and TIMOTHY A. CHUTZ (Chutz) (R.D. 5, Mercer, PA 16137)—CONTINUANCE IN CONTROL—ABLE TRANSPORT, INC. (Able) R.D. 1, Grove City, PA 16127). Representative: Brian L. Troiano, 918 16th St., NW., Washington, D.C. 20006, (202) 785-3700. Chutz seeks authority to continue in control of Able upon the institution by Able of operations in interstate or foreign commerce, as a motor contract carrier. Chutz, a non-carrier, also controls the capitol stock of Tajon, Inc., which holds common carrier authority in No. MC-5470 and subs thereunder.

Note.—Able has filed as a directly-related matter its initial contract carrier application. This application, docketed No. MC 158994, is published in this same **Federal Register** issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto field within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 158994, filed December 28, 1981. Applicant: ABLE TRANSPORT, INC., R.D. 1, Grove City, PA 16127. Representative: Brian L. Troiano, 918 16th St., NW, Washington, D.C. 20006, (202) 785-3700. Transporting *metal products,* and *waste or scrap materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with The Hanna Mining Company, of Cleveland, OH. Restriction: The authority granted herein shall not be serverable by sale or otherwise from the authority held by Tajon, Inc.

Note.—This application is directly related to MC-F 14774, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-1097 Filed 1-14-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State Wisconsin

This notice announces the beginning of a new Extended Benefit Period in the State of Wisconsin, effective on January 3, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, the Wisconsin unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Wisconsin has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on December 19, 1981, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in that State.

Therefore, a new Extended Benefit Period commenced in that State with the week beginning on January 3, 1982.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State of Wisconsin, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest employment office of the Wisconsin Department of Industry, Labor and Human Relations in their locality.

Signed at Washington, D.C., on January 7, 1982.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-1140 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,358]

Chrysler Corp., Trenton Engine Plant, Trenton, Michigan; Negative Determination Regarding Application for Reconsideration

By application dated October 30, 1981 and November 3, 1981, the United Auto workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing engines at the Trenton Engine plant of the Chrysler Corporation, Trenton, Michigan. The determination was published in the Federal Register on October 2, 1981 (46 FR 48800).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that company imports of the 2.6 liter 4-cylinder engine from Japan in model year MY 1981 and company imports of the 2.2 liter 4-cylinder engine from Mexico in MY 1982 have adversely affected the workers at the Trenton engine plant. The union further asserts that the Department neglected to make a determination as to whether the Aspen, Volare, Cordoba, Mirada, and other mid-size Chrysler autos and light trucks in MY 1981 are import impacted and that this was an important oversight given the fact that Trenton is substantially integrated into the production of these car models. The union also claims that Chrysler Cordoba and Mirada autos assembled in Canada use Trenton-made engines and that the sales of these cars in the United States have been adversely affected by imported automobiles and thus impacted on workers at Chrysler's Trenton engine plant.

The Department's review shows that the worker petition did not meet the "contributed importantly" test of Section 222 of the Trade Act of 1974. There were no company imports of the 1.7 liter and the 2.2 liter engines in MY 1980 and MY 1981. These engines are used as standard and optional equipment, respectively, on the Omni and Horizon models for which the

Department found no import injury (See TA–W–11,937). The 2.2 liter engine is used as standard equipment on the Aries and Reliant models introduced in MY 1981 where no finding of import injury has been made. Although there were company imports of the 2.6 liter engine in MY 1981, these engines were used only for the K-cars (Aries and Reliant models) and such engine imports declined in each successive quarter of MY 1981 for which the Department had data. The Department notes that there may be some degree of competitiveness between the 2.2 liter and the 2.6 liter engines, the latter being used only as optional equipment on the K-cars. However, the Department could not find a direct connection between increases in company imports of the 2.6 liter engines and declines in production of the 2.2 liter engines during MY 1981.

A large share of the 6-cylinder engines produced at Trenton were used in the Aspen and Volare models which Chrysler discontinued following MY 1980. These models were replaced by the Aries and Reliant models and other downsized or modified Chrysler vehicles so as to meet the demand for increased fuel economy. This was the dominant cause of the decline in production and sales of these engines. Company imports of 6-cylinder engines declined in MY 1978 compared to MY 1977 and ceased entirely in MY 1979. The imported 2.6. liter engine was not offered as either standard or optional equipment on any Chrysler vehicle which used the 6-cylinder engines produced at Trenton during the investigation. Therefore, for both technological and competitive reasons, the imported 2.6 liter enginer is not like or directly competitive with the 6-cylinder engine produced at Trenton and could not have contributed importantly to declines in 6-cylinder engine production and related employment at Trenton.

The union's claims that Trenton engine workers producing the 2.2 liter engines were adversely affected by imports of the Japanese 2.6 liter engines in MY 1981 is contradicted by the fact that although the engines are interchangeable on some Chrysler models, company imports of the 2.6 liter engines were found generally to run in tandem with company production of the 2.2 liter engines. The data do not support a finding that increased imports of the 2.6 liter engine were an important cause of loss of jobs by workers producing the 2.2 liter engine. Trenton entered full scale production of the 2.2 liter engine in August, 1980, the same month in which the company began to import the 2.6 liter engine. Company imports of the 2.2 liter engine from Mexico in MY 1982 is out of scope for this reconsideration investigation. Also, the Department does not consider the claim of unrealized business opportunities (had the 2.6 liter engine not been imported more 2.2 liter engines would have been produced at Trenton) as relevant since the Act does not address itself to such potential business losses but addresses itself instead to actual declines in production and/or sales and worker separations.

Concerning the integration-of-production issue (Chrysler's Trenton engines incorporated into Chrysler trade impact autos), the Department notes that Chrysler workers producing Aspen and Volare models which use the 6-cylinder engine produced at Trenton, were certified for trade adjustment assistance on November 6, 1979 (TA–W–5979–5983). However, production of these engines at Trenton increased in MY 1979 compared to MY 1978 and in the first three quarters of MY 1980 compared to the same period in MY 1979. Subsequent declines in plant production of the 6-cylinder engines were principally due to the discontinuation of Chrysler's Aspen and Volare car models and to the reduced production of Cordoba and Mirada cars in Canada.

The union's claim that increased foreign car imports contributed importantly to the decline in engine production at Trenton is belied by the fact that Chrysler increased its auto production in the first eight months of MY 1981 compared to the same period in MY 1980. In MY 1981 the Chrysler auto mix changed with the introduction of the Aries and Reliant models whose production more than offset the discontinuance of the Aspen and Volare models and the decrease in production of Diplomat/LeBaron, Newport/New Yorker, St. Regis and the Cordoba/Mirada models. Workers at Trenton produced engines for all these models.

With respect to imports of Cordoba and Mirada models adversely affecting workers at Trenton, the Department notes that final articles (automobiles) are not like or directly competitive with their component parts (engines). Imports of engines must be considered by themselves in determining import injury to workers who manufactured this product at Trenton. The courts have concluded that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL–CIO* v. *Bedell*, 506 F 2d 174 (D. C. Circ., 1974). In that case, the court held that imported, finished women's shoes were not like or directly competitive with shoe counters, a component of footwear. Trenton's engines used in Canada-assembled vehicles (which may be imported back into the United States) are exports. Diminished sales, this, would reflect loss of an export market. Loss of export sales does not provide a basis, under the Trade Act of 1974, as amended, for a certification.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 9th day of December 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 82–1115 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–12,055]

D. Look Sportswear Corp., New York, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 2, 1981 in response to a worker petition received on October 3, 1980 which was filed by the Amalgamated Clothing and Textile Workers Union on September 12, 1980 on behalf of workers and former workers producing ladies dresses, pants, skirts and blouses at D. Look Sportswear Corporation, New York, New York.

The firm in question apparently has gone out of business. The Department of Labor has not been able to contact officials of the firm or to gain access to the location of any records, ledgers and or documents relating to D. Look Sportswear Corporation. Therefore, the investigation has been terminated.

Signed at Washington, D.C. this 7th day of January 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82–1116 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-12,528]

Emerson Electric Co., Micro Devices Division, Dayton, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 30, 1981 in response to a worker petition received on March 20, 1981 which was filed on behalf of workers at the Emerson Electric Co., Micro Devices Div., Dayton, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1110 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,571]

Favorite Footwear, Inc., Long Island City, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 6, 1981 in response to a worker petition received on March 31, 1981 which was filed on behalf of workers and former workers at Favorite Footwear producing men's, women's and children's slippers. the petition was filed by the Amalgamated Clothing and Textile Workers' Union.

Since the identical group of workers was covered under a previous certification (TA-W-4421), a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 10th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1114 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-10,576]

Hertford Apparel, Hertford, N.C.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 25, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Hertford Apparel, Hertford, North Carolina.

The Hertford plant closed permanently on August 4, 1980. The International Ladies' Garment Workers' Union was not an authorized representative of the employees at the time of the shutdown. Consequently, the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1112 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,272]

Paula Lawrence, Ltd., New York, N.Y.; Termination of Investigation

Pursuant to Section 221, of the Trade Act of 1974, an investigation was initiated on February 17, 1981 in response to a petition received on February 9, 1981 which was filed on behalf of the workers at Paula Lawrence, Ltd., New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1109 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,076]

Reiss Sportswear Brooklyn, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was inititated on September 29, 1980 in response to a worker petition received on September 18, 1980 which was filed on behalf of workers at Reiss Sportswear Brooklyn, New York.

The Department has received no correspondence from the International Ladies' Garment Workers' Union with respect to locating officials of Reiss Sportswear. The firm in question has gone out of business. It has not been possible to contact officials of the firm or to gain access to any records, ledgers, or documents. Therefore, the investigation has been terminated.

Signed at Washington, D.C., this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1113 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,532]

Sager Glove Corp., Murray, Ky.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a worker petition received on October 28, 1980 which was filed on behalf of workers at Sager Glove Corp., Murray, Kentucky.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

FR Doc. 82-1111 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-12,241]

Texas Apparel Co., Eagle Pass, Tex.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 9, 1981 in response to a worker petition received on February 2, 1981 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Eagle Pass #2 (loop 431) plant of Texas Apparel Co., Eagle Pass, Texas.

An active certification covering the petitioning group of workers was in effect (TA-W-4750) at the time all production ceased. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 14th day of December 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-1108 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-67-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., Mascot, Tennessee 37806, has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Immel Mine located in Knox County, Tennessee. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installed at or near shaft stations of intake shafts and at any shaft designated as an escapeway.

2. The two shafts at the mine are of fire resistant construction. They both have concrete or rock walls and steel shaft sets without any wood lagging, and both are wet shafts.

3. The mine, for all practical purposes, is a single-level mine due to many large openings between working areas at various elevations; all haulage and mining areas are interconnected for vehicular traffic.

4. The main ventilating fan is on the surface and is reversible, for protection equivalent to that of doors; and the 100 million cubic feet air volume in mine excavation gives slow air movement which will allow enough time for employees to reach either the regular or emergency exit in case of an emergency.

5. Although the possibility of fire is remote, a two-inch water line will be installed at the shaft collar capable of flooding the upper part of the shaft to extinguish a fire or prevent ignition.

6. Petitioner states that the protection afforded by nonflammable mine workings, dilution of smoke or gas by large volumes of ventilating air from normal air flow and air volume in open stopes, mandatory self-rescue units for personnel, evacuation of downstream personnel, reversible main fan, centrally located refuge chambers and a sprinkler system provide more than adequate equivalent protection in alternative compliance.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1126 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-250-C]

BHT Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

BHT Coal Company, P.O. Box 314, Melvin, KY 41650 has filed a petition to modify the application of 30 CFR 75.1100 (firefighting equipment) to its mine located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that waterlines capable of delivering 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch be installed parallel to the entire length of belt conveyors.

2. The mine is approximately 700 feet above water table making it impractical to drill a well. There is no other water source available.

3. As an alternative to running a waterline the entire length of the belt, petitioner proposes to:

a. Station a miner to patrol the belt to keep the belt in good running condition and rock dusted;

b. Provide telephone communications from the surface to the belt tail piece;

c. Install a fire sensing unit the entire length of the belt with an alarm which would be both audible and visual at the surface;

d. Place 250 pounds of rock dust at intervals not to exceed 250 feet along the belt line;

e. Use an approved fire resistant belt;

f. Provide a belt slippage switch to prevent slippage in the head drive unit.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1123 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-247-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Westland No. 2 Mine located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gasfree atmosphere in the affected area. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and

record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1118 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-234-C]

D.C. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

D.C. Coal Company, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment, general) to its No. 4 Vein Slope located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if a "makeshift" safety device were installed it would be activated on knuckles and curves, when no emergency existed, and cause a tumbling effect on the conveyance which would increase rather than decrease the hazard to the miners.

4. As an alternative method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, which have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standards Specifications for and Use of Wire Rope for Mines.

5. Petitioner states that the proposed alternative method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1129 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-244-C]

Dominion Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Dominion Coal Corporation, Vansant, VA 24656, has filed a petition to modify the application of 30 CFR 75.1403-8 (criteria—track haulage roads) to its Winston No. 9 Mine located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that track haulage roads have a continuous clearance on one side of at least 24 inches from the farthest projection of normal traffic.

2. The areas in question have mine roof conditions that are extremely adverse. The roof consists of stratum layers that are extremely soft with vertical and horizontal cracks and places of weakness. The roof control plan requiers resin bolting because of these abnormal roof conditions.

3. To maintain the required clearance, the belt and track entry must be driven 22 feet wide. Because of the poor roof conditions, petitioner states that the entries must be kept as narrow as possible to maintain good roof control.

4. Petitioner further states that to comply with the standard would necessitate taking more coal from the pillars to make entries wider, which would be adverse to positive roof control.

5. As an alternative method, petitioner proposes to post signs with reflectors warning of the close clearance. Petitioner also proposes to provide an additional one hour class on haulage each year during the annual refresher training.

6. For these reasons, petitioner requests a modification of the standard

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1127 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-262-C]

Harlan-Cumberland Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Harlan-Cumberland Coal Company, Grays Knob, Kentucky 40829 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its H-1 Mine located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be examined in their entirety on a weekly basis.

2. A roof fall has rendered the intake air course impassable but has not interrupted ventilation in any way.

3. Rehabilitation of this air course would expose miners to extremely hazardous conditions.

4. As an alternative method, petitioner proposes to timber off the roof fall area at all access points and place "Danger" signs at these points. The requirements

of the standard would then be satisfied by inspecting the fall from each end.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1120 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-260-C]

Mullins & Sons Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Mullins and Sons Coal Company, Inc., Box 27, Kimper, Kentucky 41539 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 9 Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's truss bolt drill machine.

2. The mining height is approximately 48 inches.

3. Installation of a canopy on the drill machine would result in a diminution of safety for the affected miners because the canopy limits the equipment operator's field of vision, creating a potential hazard to the operator and nearby miners.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1124 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-259-C]

Old Ben Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Old Ben Coal Company, 69 West Washington Street, Suite 700, Chicago, Illinois 60602 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Mines No. 25 and 27 located in Franklin County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return air courses be separated from belt haulage entries in any coal mine opened after March 30, 1970.

2. As an alternative method, petitioner proposes the use of belt entry air to ventilate the active workings. The additional air supplied from the belt entry will help carry away methane and aid in the suppression of respirable dust.

3. Petitioner states that the air in the belt entry is necessary to meet the air requirements for existing longwalls and for future longwall development sections. Strict adherence to the standard would require placement of entries that would interfere with roof control and the overlying strata.

4. In support of the proposed alternative method, petitioner proposes to institute the following safety controls:

a. Install and maintain carbon monoxide (CO) monitors at belt drives and tailpieces;

b. Install and maintain a safety device along the longwall panel beltline which would permit deenergization of the longwall panel belt;

c. Examine the belt conveyor entry at least once during each coal producing shift, while miners are working;

d. Fire protection requirements will be strictly followed.

5. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

FR Doc. 82-1122 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-69-M]

Ormet Corp.; Petition for Modification of Application of Mandatory Safety Standard

Ormet Corporation, P.O. Box 15, Burnside, Louisiana 70738 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its mine located in Ascension Parish, Louisiana. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer bank of elevated roadways.

2. The company presently has three waste residue lakes or ponds located approximately one mile from the plant. Waste products and residue remaining after alumina is extracted from bauxite with caustic soda are piped into these ponds.

3. The levees are 20 feet wide at the top with a slope that is gentle enough so that a vehicle could be driven down the side of the levee.

4. Petitioner states that berms would cause severe drainage problems.

5. The lake/levee area is entirely surrounded by an 8 foot high cyclone fence topped with barbed wire. Gates are to be kept locked. "Posted" and "Hazardous waste" signs are located on the fence. There is no access except to authorized personnel.

6. Vehicular traffic on the levees is minimal. Usually only one vehicle is present on the levee at any one time. The speed limit is 15 miles per hour.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1121 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-243-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15230 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Oak Grove Mine located in Jefferson County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that entries used as intake and return air courses be separated from belt haulage entries and that such air not be used to ventilate active working places.

2. Ventilation is provided by three fans exhausting two million cubic feet of air per minute (cfm). Air is brought in through three air shafts, a material slope, an elevator shaft, and a belt slope. All sections receive between 100,000 and 150,000 cfm to control dust and methane. A minimum of 15,000 cfm is maintained at the face where coal is cut, mined or loaded. A split ventilation system is utilized on all sections.

3. As an alternative method, petitioner proposes to use belt haulage entries as intake entries and:

a. Install at least one low-level carbon monoxide (CO) monitor in each belt haulage entry used as an intake entry at intervals not exceeding 2,000 feet;

b. Inspect the CO monitors weekly, calibrate monthly and maintain accurate records;

c. Assure that the CO monitors are capable of giving a visual and audible signal when 20 parts per minute (ppm) of CO is detected above ambient reading;

d. The CO monitor signal will be noted on the working section involved and at one staffed location where personnel have an assigned post of duty and are equipped with adequate means to communicate with all persons who may be endangered; and

e. The person at the staffed location will be trained in the operation of the monitoring equipment and proper procedures to follow in an emergency situation.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1119 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-65-M]

Utah International, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Utah International, Inc., P.O. Box 325, Imlay, Nevada 89418 has filed a petition to modify the application of 30 CFR 55.9-22 (berms or guards) to its Sutton II Tungsten Mine located in Pershing County, Nevada. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer banks of elevated roadways.

2. A tailings pond has been built on mine property and the roadway on top of the tailings pond dike will be used for the sole purpose of inspection and maintenance. The tailings pond is located approximately two and one half miles from active mine and mill operations.

3. Petitioner states that the installation of berms would create a drainage hazard which could cause washouts and erosion of the banks in wet weather and ice-covered roadways during the winter.

4. As an alternative method, petitioner proposes that:

a. The area surrounding the pond will be fenced and access to the embankment roadway and the dike roadway will be restricted by means of a locked gate;

b. Only authorized personnel will be permitted access to the roadway;

c. The roadway will only be used for maintenance and daily inspections during daylight hours only;

d. Precautionary signs will be posted to warn authorized personnel of the 15 mile per hour speed limit;

e. The roadways will not be used for haulage of overburden, ore or mill residues;

f. Four turnaround areas will be provided along the length of the roadway at approximately 2500-foot intervals; and

g. The roadway will not be used for vehicle inspection during inclement weather with restricted (less than 500 feet) visibility due to fog, snow, rain or blowing dust.

5. Petitioner states that the alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 16, 1982. Copies of the petition are available for inspection at that address.

Dated: January 8, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-1125 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-2; Exemption Application No. D-2390]

Exemption From the Prohibitions for Certain Transactions Involving the James W. Good, M.D., Inc. Defined Benefit Pension Plan Located in San Francisco, California (Exemption Application No. D-2390)

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the sale of two parcels of real property in Bodega Harbour, California (the Property) to the James W. Good, M.D., Inc. Defined Benefit Pension Plan (the Plan) by Dr. James W. Good (Dr. Good) and Dona E. Good (Mrs. Good), disqualified persons with respect to the Plan, and the loan of $29,500 by Dr. and Mrs. Good to the Plan to fund the Plan's purchase of the Property. Since Dr. Good is the sole stockholder of James W. Good, M.D., Inc. (the Employer), and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code (the Code).

EFFECTIVE DATE: This exemption is effective July 26, 1979.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57184) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale on July 26, 1979 of the Property by Dr. and Mrs. Good to the Plan for $89,500, provided that this amount was not higher than the fair market value of the Property as of the date of sale, and to the loan by Dr. and Mrs. Good to the Plan of $29,500, for the period from July 26, 1979 until January 25, 1980, provided the terms of the loan were as favorable to the Plan as those available in an arm's-length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 11th day of January 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-1073 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-12; Exemption Application No. D-2897]

Exemption From the Prohibitions for Certain Transactions Involving the Central States, Southeast and Southwest Area Pension Fund Located in Chicago, Illinois

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the cash sale by the Central States, Southeast and Southwest Area Pension Fund (the Plan) of the Sheraton Savannah Inn & Country Club (Savannah Inn) to the Sheraton Corporation (Sheraton), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57154) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income

Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for the transaction described in an application filed by legal counsel for the Equitable Life Assurance Society of the United States (Equitable), the Plan fiduciary. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency.

One comment was received by the Department from the applicant. In the comment the applicant states that a joint venture arrangement (other than the joint venture arrangement described in the notice of pendency) was entered into between Sheraton and Equitable. Under the joint venture Sheraton and Equitable will construct, own and operate the Sheraton Park Central Hotel in Dallas, Texas. The applicant represents that this joint venture arrangement has no relationship to or bearing on the sale of the Savannah Inn by the Plan to Sheraton. The Department has considered this information and has determined that the exemption should be granted as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the cash sale by the Plan of the Savannah Inn to Sheraton for $7.5 million, provided that this amount is not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1063 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-8; Exemption Application No. D-2577]

Exemption From the Prohibitions for Certain Transactions Involving the Chaimson Brokerage Co., Inc. Pension Trust Located in Baltimore, Maryland

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit: (1) For a period of five years the proposed loans (the Loans) of money by the Chaimson Brokerage Co., Inc. Pension Trust (the Plan) to the Chaimson Brokerage Co., Inc. (the Employer), the sponsor of the Plan; and (2) the personal guarantee of the obligation of the Employer in such Loans by Hanan Sibel (Sibel), the president of the Employer.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52450) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any

interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) the exemption is administratively feasible;

(b) it is in the interests of the Plan and of its participants and beneficiaries; and

(c) it is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply: (1) For a period of five years to the Loans by the Plan to the Employer provided that the terms and conditions of such Loans are at least as favorable to the Plan as those which the Plan could receive in similar transactions with unrelated parties; and (2) to the guarantee of the obligation of the Employer in such Loans by Sibel.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1067 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–5; Exemption Application No. D–2473]

Exemption From the Prohibitions for Certain Transactions Involving Allan Dee Corporation Defined Benefit Pension Plan Located in West Bloomfield, Michigan

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the contribution of a land contract by the Allan Dee Corporation (the Employer) to the Allan Dee Corporation Defined Benefit Pension Plan (the Plan).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57148) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction described in an application filed on behalf of the Plan by its legal counsel. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited

transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject ot an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the contribution of a land contract by the Employer to the Plan provided the contribution is valued at no more than its fair market value on the date of the transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1070 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–1; Exemption Application No. D–1820]

Exemption From the Prohibitions for Certain Transactions Involving the Minnesota Farms Company 1976 Revised Employees' Pension Plan Located in Appleton, MN

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts the cash sale of certain improved real property (the Property) by the Minnesota Farms Company 1976 Revised Employees' Pension Plan (the Plan) to Minnesota Farms Company (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Office of Fiduciary Standards, Pension and Welfare Benefits Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57166) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(A) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471,

April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of Property by the Plan to the Employer, provided that the terms and conditions of this transaction are at least as favorable to the Plan as those obtainable in a similar transaction with an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1074 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-9; Exemption Application No. D-2731]

Exemption From the Prohibitions for Certain Transactions Involving Bermo, Inc. Profit Sharing Plan Located in Marshall, Minnesota

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) For a period of five years, the proposed loans (the Loans) of money by the Bermo, Inc. Profit Sharing Plan (the Plan) to Bermo, Inc. (the Employer), the sponsor of the Plan; and (2) the quarantee of the obligation of the Employer in the Loans by Fred P. Berdass (Berdass), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51501) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975 (c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is a subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply: (1) for a period of five years to the Loans by the Plan to the Employer provided that the terms and conditions of the Loans are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party; and (2) for the personal guarantee of the obligation of the Employer in the Loans by Berdass.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1066 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-3; Exemption Application Nos. D-2406 and D-2407]

Exemption From the Prohibitions for Certain Transactions Involving the Money Purchase Plan of the Wilco Trading Company and the Defined Benefit Pension Plan of the Wilco Trading Company Located in Lakewood, New Jersey

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This temporary exemption exempts the proposed loans of money for a period of five years by the Money Purchase Plan of the Wilco Trading Company and the Defined Benefit Pension Plan of the Wilco Trading Company (the Plans) to the Wilco Trading Company, Inc. (the Employer) and the personal guarantee of repayment by Mr. Harold Wilensky (Mr. Wilensky).

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary and will expire five years after the date of grant with respect to the making of any loan. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for exemption.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57173) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transactions described in an application filed by legal counsel for the Plans. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of Section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed loans of money for a period of five years by the Plans to the Employer and to the guarantee of repayment by Mr. Wilensky, provided that the terms of the transactions are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be comsummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1072 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-7; Exemption Application No. D-2576]

Exemption From the Prohibitions for a Certain Transaction Involving the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan Located in Pottsville, Pennsylvania

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the loan of $300,000 by the J. E. Morgan Knitting Mills, Inc. Profit Sharing Plan (the Plan) to J. E. Morgan Knitting Mills, Inc. (the Employer) for a five-year period.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-7462. (This in not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52456) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction described in an application submitted on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following.

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $300,000 by the Plan to the Employer, provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1068 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-6; Exemption Application No. D-2505]

Exemption From the Prohibitions for Certain Transactions Involving the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and its Subsidiaries Located in Wichita Falls, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit the contribution of certain mineral and royalty interests (the Property) to the Retirement Plan for Employees of First-Wichita Bancshares, Inc. and its Subsidiaries (the Plan) by The First-Wichita National Bank of Wichita Falls (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 27, 1981, notice was published in the **Federal Register** (46 FR 52455) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the

Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1878) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the pareticipants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the contribution of the Property by the Employer to the Plan provided that the Employer's federal tax deduction for the contribution of the Property is not greater than the value of the Property at the time it is contributed to the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1069 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–11; Exemption Application No. D–2799]

Exemption From the Prohibitions for Certain Transactions Involving Semtner Companies, Inc. Profit Sharing Plan Located in Dallas, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the proposed loan of $500,000 by the Semtner Companies, Inc. Profit Sharing Plan (the Plan) to the Semtner Companies, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57193) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a

fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of $500,000 by the Plan to the Employer provided that the terms of such loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1064 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-4; Exemption Application No. D-2472]

Exemption From the Prohibitions for Certain Transactions Involving the R.C. Willey & Son Inc., Profit Sharing Plan (the Plan) to R. C. Willey & Son Inc., Profit Sharing Plan Located in Syracuse, Utah

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits for a period of eight years certain loans (the Loans) of money by the R.C. Willey & Son Inc., Profit Sharing Plan (the Plan) to R.C. Willey & Son Inc., (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57191) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of Code, for transactions described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under setion 408(a) of the Act and section 4975(c) (2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c) (1) (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply for a period of eight years to the Loans by the Plan to the Employer provided that: (1) the aggregate of the outstanding balances of the Loans at any point in time shall not exceed the lesser of $1,000,000 or 25% of the assets of the Plan; and (2) the terms and conditions of the Loans are not less favorable to the Plan than those the Plan could obtain in similar transactions with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of January, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–1071 Filed 1–14–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–10; Exemption Application No. D–2768]

Exemption From the Prohibitions for Certain Transactions Involving the Central Fidelity Banks, Inc. Retirement Plan Located in Lynchburg, Virginia

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the sale of a parcel of real property and improvements (the Property) by the Central Fidelity Banks, Inc. Retirement Plan (the Plan) to the Central Fidelity Bank, N.A. of Lynchburg, Virginia (the Employer).

EFFECTIVE DATE: The effective date of this exemption is December 26, 1981.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20216. (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 20, 1981, notice was published in the **Federal Register** (46 FR 57152) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction as described in the application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statemet of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the notice to interested persons section of the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of the Property by the Plan to the Employer for the cash sum of $525,000, provided that this amount is at least the fair market value of the Property at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms

of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 11th day of January, 1982

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-1065 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: February 2, 1982, 10:00 a.m., N3437 A&B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Joseph S. Papovich, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, January 12, 1982.

Signed at Washington, D.C. this 12th day of January 1982.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 82-1171 Filed 1-14-82; 8:45 pm]

BILLING CODE 4510-28-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Flushing Shirt Mfg. Co., Inc., Frostburg, MD; 9-24-81 to 9-23-82; 10 learners. (Men's shirts)

Franklin Ferguson Co., Inc., Florala, AL; 12-19-81 to 12-18-82. (Men's and boys' shirts)

McCreary Mfg. Co., Stearns, KY; 12-8-81 to 12-7-82. (Men's shirts)

Monticello Mfg. Co., Inc., Monticello, KY; 12-8-81 to 12-7-82. (Men's and boys' shirts

The following plant expansion certificates were issued authorizing the number of learners indicated.

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, LA; 10-5-81 to 4-5-82; 30 learners. (Men's and ladies' pants)

Sportcraft, Inc., McAdoo, PA; 9-21-81 to 3-20-82; 15 learners. (Girls' pants)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Junior Form Lingerie Inc., Boswell, PA; 10-11-81 to 10-10-82; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and sleepwear)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 11-8-81 to 11-7-82; 5 learners for normal labor turnover purposes. (Work gloves)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 1, 1982.

Signed at Washington, D.C. this 6th day of January 1982.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 82-1130 Filed 1-14-82; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Safety Philosophy, Technology and Criteria/ Class-9 Accidents; Meeting

The ACRS Subcommittees on Safety Philosophy, Technology and Criteria/ Class-9 Accidents will hold a meeting on February 3, 1982, Room 1167 at 1717 H Street, NW, Washington, DC. The Subcommittees will discuss the proposed NRC statement: Licensing Policy for New Power Plant Construction Permit Applications, and other issues related to severe accident rulemaking.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Satff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, February 3, 1982—1:00 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Garry Quittschreiber or Mr. Michael Griesmeyer, Staff Engineer (Telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 12, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–1161 Filed 1–14–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–329 OM, 50–330 OM, 50–329 OL, and 50–330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2)

January 6, 1982.

Confirming arrangements reached in the two telephone conference calls on Monday, January 4, 1982, the dates for filing supplemental proposed findings on QA/QC and management attitude issues (including SALP and questions arising from Audit Report No. F–77–32) are hereby deferred, pending a meeting between the Applicant and NRC Staff on January 12, 1982, and further hearings on those issues, if necessary. To the extent hearings are required, they will be held commencing on Tuesday, February 2 at 9 a.m. at the Midland County Courthouse Auditorium, 301 W. Main, Midland, MI. 48640. Those hearings will continue during the remainder of that week as necessary.

It is so ordered.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 82–1160 Filed 1–14–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22358; 70–6683]

Central and South West Corp., et al.; Proposed Equity Investments Through Acquisition of Subsidiaries' Common Stock and Capital Contributions to Subsidiary

In the Matter of Central and South West Corporation; 2700 One Main Place, Dallas, Texas 75250, Central Power and Light Company, 102 North Chaparral Street, Corpus Christi, Texas 78401, Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156, West Texas Utilities Company, 301 Cypress, Abilene, Texas 79601.

January 8, 1982.

Central and South West Corporation ("CSW"), a registered holding company, and Central Power and Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO"), and West Texas Utilities Company ("WTU"), three subsidiaries of CSW, have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 promulgated thereunder.

CSW proposes to make equity investments at any time prior to January 1, 1983 of up to $50,000,000 in CPL, $90,000,000 in SWEPCO and $15,000,000 in WTU. The equity investments in CPL and WTU will consist of the purchase of common shares of CPL and WTU by CSW. In the case of SWEPCO, CSW's equity investment consisf of a cpaital contribution without the purchase of stock.

CPL, SWEPCO and WTU anticipate the need for external financing through the sale of bonds and preferred stock in 1982. However, extremely unsettled market conditions make the timing and amount of such long-term financing uncertain. The equity investments are proposed to avoid short-term debt limitations and to increase the companies' equity bases to support the issuance of senior securities. The equity investments will be used to pay the subsidiaries' short-term debt, including estimated 1982 construction expenditures of $233,000,000 for CPL, $221,000,000 for SWEPCO, and $68,000,000 for WTU.

CSW anticipates ultimately financing its proposed investments through the sale of additional common stock during 1982. Prior to the sale of such stock, CSW will use the proceeds from authorized commercial paper sales and other short-term borrowings.

No funds generated by these capital contributions nor any of the borrowings retired thereby, will be or have been utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of operating companies if it were not part of the CSW System, nor will any expenditures be made for the construction or acquisition of any facility not so needed prior to the time all funds covered by this application-declaration have been expanded. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3–4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The application-declaration and any amendments thereto are availabe for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc 82–1135 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22359; 70-6670]

Central Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

January 8, 1982.

Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403 ("CPL"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CPL proposes to issue and sell up to $75,000,000 principal amount of its First Mortgage Bonds, Series S, —%, not later than June 30, 1982. The terms will be determined by competitive bidding. The bonds will be issued under and secured by CPL's Indenture dated as of November 1, 1943, to the First National Bank of Chicago and A. R. Bohm, as Trustees, as supplemented to be further supplemented. If market conditions make competitive bidding inadvisable, subject to further Commission authorization, CPL will issue and sell the bonds through a negotiated public offering. Net proceeds from sale of the bonds will be used by CPL to finance its business, including partial repayment of short-term borrowings incurred to make construction expenditures estimated to cost $237,000,000 in 1982 and $249,000,000 in 1983.

No funds generated by these capital contributions nor any of the borrowings retired thereby, will be or have been utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of the operating companies if it were not part of the CSW System, nor will any expenditures be made for the construction or acquisition of any facility not so needed prior to the time all funds covered by this declaration have been expended. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in *Central and South West Corporation, et al.* (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the CSW System.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-1134 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22363; 70-6687]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Debentures and Common Stock

January 8, 1982.

The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807 ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Columbia proposes to raise up to an aggregate principal amount of $300,000,000 through the issuance and sale of new debentures and possibly the issuance and sale of common stock through December 31, 1982. The net proceeds will be used for general corporate purposes including the 1982 capital expenditure program of Columbia's subsidiaries, estimated to be $685,000,000, and to repay currently outstanding intermediate term borrowings.

Each series of new debentures will have a term of not less than five nor more than 25 years. The terms will be determined by competitive bidding. The debentures will be issued under Columbia's Indenture, dated as of June 1, 1961, between Columbia and Morgan Guaranty Trust Company of New York, as Trustee, as supplemented and to be further supplemented.

Columbia also seeks authorization to issue and sell up to 3,000,000 additional shares of authorized but unissued common stock, par value $10 per share. The terms would be determined by competitive bidding.

If market conditions make competitive bidding impracticable or inadvisable, Columbia may seek an exception from the competitive bidding requirements of Rule 50 to sell the debentures and to negotiate with underwriters for the sale of common stock.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 4, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are so disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1138 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12152; 812-4998]

Gintel FUND, Inc. and Gintel ERISA Fund, Inc.; Application

Notice is hereby given that Gintel Fund, Inc. Greenwich Office Park, OP-6, Greenwich, Connecticut 06830 ("Gintel Fund") and Gintel ERISA Fund, Inc. ("ERISA Fund", together "Applicants"), open-end, nondiversified, management investment companies, registered under the Investment Company Act of 1940 ("Act"), filed an application on October 21, 1981, for an order of the Commission pursuant to section 6(c) of the Act exempting Applicants, to the extent noted below, from the provisions of section 2(a)(19) of the Act and declaring that Mr. Thomas H. Lenagh, a director of the Applicants, shall not be deemed an "interested peson" of the Applicants, its investment adviser, or the principal underwriter of Applicants within the meaning of section 2(a)(19) of the Act solely by reason of his position as a

director of USLIFE Corporation ("USLIFE"). 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 primary investment objective of Gintel Fund is long-term capital appreciation which it seeks to achieve through investing in common stocks or securities convertible into common stock. ERISA Fund's primary investment objective will be to maximize total investment return through a combination of long-term appreciation and short-term trading profit and investment income. ERISA Fund filed a registration statement on Form N–1 with the Commission on October 2, 1981, and has not yet become effective. ERISA Fund's shares are offered exclusively to pension plans or trusts which qualify unde sections 401, 403(b) or 408 of the Internal Revenue Code and to educational, religious and charitable institutions, foundations and other organizations which are exempt from federal income taxation under Section 501 of the Internal Revenue Code. Applicants state that their investment adviser is Equity Advisors, Inc. ("Adviser"). Gintel & Co., ("Distributor") acts as the principal underwriter for the Applicant.

Applicants state that Mr. Thomas H. Lenagh presently acts as financial adviser to various institutions in addition to serving as a director of Gintel Fund since December 6, 1980, and of ERISA Fund since September 2, 1981. He served as adviser to the Aspen Institute from September, 1979, until September, 1980, as financial vice president of the Aspen Institute from September, 1978, until September, 1979, and as treasurer and financial adviser to the Ford Foundation for more than five years prior to 1978. In addition to being a director of USLIFE, Mr. Lenagh is a trustee of Central Savings Bank, chairman of the board of the New York YWCA, and a director of the following companies: Adams Express Co. (a closed-end investment company), ICN Pharmaceuticals, Inc., SCI Systems, Inc., Systems Planning Corp., and five of the registered investment companies managed by Merrill Lynch Asset Management, Inc.

Applicants state that USLIFE is a financial management company primarily engaged in the life insurane business through seven life insurance subsidiaries. USLIFE has a wholly-owned subsidiary, USLIFE Equity Sales Corp. ("USLIFE Equity"), and a wholly-owned subsidiary, USLIFE Real Estate Services Corporation, which in turn has a wholly-owned subsidiary, USLIFE Real Estate Securities Corporation ("USLIFE Real Estate"). USLIFE Equity and USLIFE Real Estate are broker-dealers registered under the Securities Exchange Act of 1934 ("1934 Act"). Applicants state that USLIFE Equity is engaged in the sale of shares of mutual funds in connection with life insurance sales by USLIFE subsidiaries. USLIFE Real Estate packages and sells to non-affiliated companies participations in commercial real estate investments. USLIFE and its subsidiaries are not engaged in any public brokerage business.

Sections 2(a)(19)(A)(v) and (B)(v) of the Act define an "interested peson" of an investment company, an investment adviser of an investment company or a principal underwriter for an investment company to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes as the definition of an "affiliated person", any person directly or indirectly controlling, controlled by, or under common control with such other person. Due to his position as a director of USLIFE, Mr. Lenagh might be considered, for purposes of section 2(a)(19) of the Act, to be an affiliated person of USLIFE Equity or USLIFE Real Estate or both and, thus, an "interested person" of the Applicants, the Adviser, and of the Distributor.

Applicants represent that their directors wish to have a majority of directors who are not "interested persons" within the meaning of section 2(a)(19) of the Act and do not want to increase the number of directors. The Applicants therefore request an order of the Commission, pursuant to section 6(c) of the Act, exempting them from the provisions of section 2(a)(19) of the Act. On October 18, 1977, the Commission issued an order (Investment Company Act Release No. 9963) pursuant to section 6(c) of the Act granting an exemption from the provisions of section 2(a)(19) of the Act which declared, in pertinent part, that Mr. Lenagh shall not be deemed an "interested person" of Merrill Lynch Basic Value Fund, Inc., Merrill Lynch Municipal Bond Fund, Inc. (the "Merrill Funds"), The Corporate Fund Accumulation Program, Inc. and the Municipal Fund Accumulation Program, Inc., their investment adviser, or the principal underwriter of the Merrill Funds (collectively, the "Original Applicants"). The present application relates to substantially the same situation as did the original application. Accordingly, the Applicants propose to make Mr. Lenagh's status as director of Applicants consistent with his status as a director who is not an "interested person" of the Original Applicants.

Applicants contend that Mr. Lenagh is a person of recognized integrity, judgment, independence and competence in the investment company industry, that he is, in fact, a disinterested director and that it is in the best interest of the Applicants that he be permitted to serve as such. Applicants further contend that Mr. Lenagh's independence in acting on behalf of the Applicants would in no way be impaired because of his affiliation with USLIFE. The Application states that he is not involved in the day-to-day operations of USLIFE or any of its subsidiaries and he has no connection with USLIFE Equity or USLIFE Real Estate other than in his capacity as a director of USLIFE.

Applicants represent that neither the Adviser, the Distributor, nor any registered investment company being advised by the Adviser or for which the Distributor acts as a principal underwriter, has ever done any business with USLIFE Equity or USLIFE Real Estate. The Applicants undertake that should the required exemption be granted, as long as Mr. Lenagh is a director of the Applicants, Applicants will not effect brokerage or other portfolio transactions with USLIFE Equity or USLIFE Real Estate or any other dealer subsidiary of USLIFE that may hereafter be organized. Applicants state that their portfolio transactions and other operations would not be adversely affected by such undertaking.

Applicants request that an order be issued, pursuant to section 6(c) of the Act, declaring that Mr. Lenagh shall not be deemed an interested person of any of the Applicants or of the Adviser or of the Distributor within the meaning of section 2(a)(19) of the Act solely by reason of his being a director of USLIFE Corporation. Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 2, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-1136 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12144; 812-5025]

Sears U.S. Government Money Market Trust; Application

January 8, 1982.

In the matter of Sears U.S. Government Money Market Trust, Five World Trade Center, New York N.Y. 10048 (812–5025).

Notice is hereby given that Sears U.S. Government Money Market Trust ("Applicant") filed an application on November 30, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized as a business trust under the laws of the Commonwealth of Massachusetts, and is registered under the Act as an open-end, diversified, management investment company. The Investment Manager of the Trust is Dean Witter Reynolds InterCapital Inc., a Delaware corporation wholly owned by Dean Witter Reynolds Organization Inc., which is a subsidiary of Sears, Roebuck and Co., a New York corporation.

Applicant is a "money market fund" whose shares will be offered to the public on a no-load basis at a constant public offering price of $1.00 per share. Applicant states that it will attempt to balance its threefold investment objectives of high income, security of principal and liquidity in determining the maturity of the securities selected for investment. Applicant states that it will invest in a variety of short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities, and certificates of deposit of $100,000 or less issued by U.S. regulated banks and savings institutions, without regard to asset size, and fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Applicant states that it also may invest in commitments to purchase securities on a "when-issued" or "delayed delivery" basis, and that it may also enter into repurchase agreements and "reverse" repurchase agreements with respect to its portfolio securities, but any repurchase agreements maturing in more than seven days are limited to 10% of its total net assets, computed together with any other illiquid assets it may hold. Applicant represents that such securities will be carried and treated on Applicant's books and will be valued in accordance with all the conditions set forth in Investment Company Act Release No. 10666, dated April 18, 1979.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been its manager's experience that in order to attract investors and retain shareholders, Applicant should have a stable net asset value and a steady flow of investment income. Applicant states that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and

preferable for Applicant and reflects the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment manager, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives to stabilize the Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of the 1 percent, a requirement that the board of trustees will promptly consider what action, if any, whould be initiated.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1,000 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it seems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair result, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

[1]To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustee's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 29, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[2]In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82–1137 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18408, File No. SR–BSE–81–13]

Boston Stock Exchange, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

January 11, 1982

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1982, the Boston Stock Exchange, Inc. ("BSE") filed with the Securities and Exchange Commission the proposd rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change: (i) increases certain charges assessed to exchange members, generally relating to their operations on the trading floor; and (ii) establishes two new member fees for the use of quotation devices and other communications equipment, as follows:

Floor Post Rental: Monthly fee of $100 per specialist post and $50 per non-specialist post.

Dealer Stock Registration Fee: Monthly fee of $2 per issue for each specialist or alternate stock in which the dealer is registered.

Telephone Connection to Main Switchboard: Monthly telephone extension charge of $20.

Requests for Regulation T and Rule 15c3–3 Extensions: Charge of $1.50 for first request. The second and subsequent requests will increase at $1.00 intervals.

Quotation Devices: Monthly fee of $100 per unit for the basic specialist and non-specialist quotation device, with additional optional features billed back individually at current rates.

Non-standard Equipment: (NASDAQ, Instinet, Western Union Telex). Monthly fee of $25 per device.

The BSE indicated in its submission that some floor charges have not been increased in over fourteen years while other charges have not been revised in over five years. The rule change is designed to partially offset the increased costs to the BSE of supplying the services in question.

The BSE states in its submission that the proposed rule change is consistent with section 6(b)(4) of the Act which requires the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

The foregoing change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before February 5, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–BSE–81–13.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–1139 Filed 1–14–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18403; File No. SR–OCC–81–12]

Self-Regulatory Organizations; Proposed Rule Change by Options Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would provide for the issuance of options on Treasury bonds, notes and bills, the clearance and settlement of Treasury securities options transactions, and the processing and settlement of Treasury securities options exercises. In general, the OCC rules applicable to stock options will apply to Treasury securities options as well, with such exceptions as are specified in the proposed rule change. The format of the proposed Treasury options rules is similar to that of the GNMA options rules.

The proposed rule change would establish definitions applicable to Treasury securities options, make adjustments in the margin requirements for debt securities options to accommodate certain peculiarities of Treasury securities options, and establish procedures for the settlement of Treasury securities options exercises.

The underlying securities in the case of a Treasury note or Treasury bond option will be a particular issue of Treasury bonds or Treasury notes having a specified coupon rate and maturity date. Treasury bill options will cover either 13- or 26-week Treasury bills. In either case, the deliverable bill upon exercise of a Treasury bill option will be a bill with either 13 or 26 weeks (as the case may be) remaining to maturity as of the exercise settlement date.

The principal amount of Treasury securities to be covered by a single option contract in a regular series of Treasury securities options will be $100,000 in the case of Treasury bond or Treasury note options, $1,000,000 in the case of 13-week Treasury bill options, and $500,000 in the case of 26-week Treasury bill options. The rules also provide for "mini series" options covering a principal amount which is ⅕ of the principal amount covered by a regular series option covering the same underlying Treasury securities.

Under the proposed rule change, exercises of Treaury bill options will be settled on a weekly basis, whereas exercises of Treasury note and Treasury bond options will be settled on a daily basis. Exercise settlements for Treasury security options will be on a member-to-member basis similar to the GNMA settlement system except that the securities must be delivered in book entry form to the account of the Receiving Clearing Member at a Federal Reserve member bank which has a Federal Reserve wire terminal and which such Clearing Member has designated for that purpose pursuant to the rules.

II. Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. OCC has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit the trading of Treasury securities options as heretofore proposed by various national securities exchanges. The basic rules pertaining to margin on debt securities options and the Debt Securities Clearing Fund, which are designed to protect OCC against losses sustained in connection with options on GNMA's

and Treasury securities, have previously been approved by the Commission.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 because it would apply to Treasury securities options substantially the same procedures and safeguards that have been used successfully by OCC in connection with stock options and which have been approved by the Commission for use with GNMA options.

(B) Burden on Competition

OCC does not believe that the proposed rule change would have any material impact on competition.

(C) Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By February 19, 1982, or within such longer period (i) as the Commission may designate up to 90 days if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1131 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18400; File No. SR PHLX-81-24]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on December 30, 1981, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statemental of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("PHLX"), pursuant to Rule 19b-4 of the Act, proposes the following rule change. Italics indicate words to be added).

Rule 1014. Obligations and Restrictions Applicable to Specialists and Registered Options Traders

Commentary

.16 *The Options Committee has adopted the following policy concerning bids or offers in any series of options:*

An opening transaction in an options series may not occur at a price which is more than the difference of the preceding session's closing sale and the present session's opening sale in the underlying security, in relation to the closing quotations (bid or offer) in the options series, without prior approval of two floor officials.

This policy is a guideline only. Compliance with it shall not relieve a specialist from the obligations and restrictions set forth in paragraph (a) and the first sentence of paragraph (c) of this rule.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

In 1976, the PHLX Options Committee adopted a guideline for use by specialists in connection with opening transactions. This guideline provided that without prior floor official approval, an opening transaction may not occur at a price which is more than twice the difference of the preceding session's closing sale and the present session's opening sale in the underlying security in relation to the closing bid or offer in the options series. At the request of the staff of the Division of Market Regulation, the Options Committee has reviewed its guideline on opening transactions and determined to narrow it by requiring options openings to occur at a price which is at or between the previous session's closing bid or offer in the options series plus or minus any difference between the underlying security's closing price and its opening price, unless prior floor official approval to do otherwise has been obtained by the specialists. For example, a particular options series' closing quotation is bid at 4½, offered at 5. Assuming the underlying security opens up ½ from the preceding session's closing sale in the underlying security, the options series may open at 5½ or less.

The revised guideline will appear as commentary to Rule 1014 and will note that compliance with it shall not relieve a specialist from his affirmative and negative obligations pursuant to paragraph (a) and the first sentence of paragraph (c) of that rule.

The proposed rule change is based on Section 6(b)(5) of the Act which

provides, in part, that the rules of the exchange be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments on this proposed rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By February 19, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

January 8, 1982.

[FR Doc. 82-1133 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18404; File No. SR-SCCP 81-8]

Self-Regulatory Organizations; Proposed Rule Change by Stock Clearing Corporation of Philadelphia

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP), acting for itself and as billing agent for Philadelphia Depository Trust Company (PHILADEP), proposes to amend Rule 23 (SCCP and PHILADEP rate schedules) as follows:

(1) The basic Account Charge is being increased from $125 to $150 per month.

(2) The fee to lenders in the Stock Loan Program is being raised from the current 30%–50% of broker call (depending upon the extent of clearing activity) to 65% of the broker call rate.

(3) The rebate to holders of short positions in margin accounts is being raised from 40% of the broker call rate to 60% of broker call (providing SCCP is able to borrow the stock).

The text of the proposed rule change is attached to the filing as Exhibit A.

II. Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The reason for the increase in the basic account charge is SCCP's and PHILADEP's need to meet rising costs while continuing to operate with safety. A small increase in the basic account charge for all users was considered the most equitable way to generate the additional revenue.

The changes in the stock loan charges were made in an attempt to revitalize the program, which had fallen off in recent months. The rebate to holders of short positions in margin accounts was increased in order to make it more competitive, thus encouraging the margin account holders to leave their short positions in their SCCP margin accounts. This the basis for the Stock Loan Program. The charge to lenders was increased proportionately in order to allow for this increased rebate.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act) in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants in accordance with Section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not foresee that these rate changes will have an impact on competition, negative or positive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change

Participants were advised of the proposed rule changes in SCCP/PHILADEP Member Bulletin No. 81–26. Comments have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in

furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 5, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 11, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-1132 Filed 1-14-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2022]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the counties of Santa Cruz, San Mateo, Contra Costa, Marin, and Sonoma California, constitute a disaster loan area because of damage resulting from high winds, tides, mudslides, and floods beginning on December 19, 1981. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 8, 1982, and for economic injury until October 7, 1982, at: Small Business Administration, Box 36044, 450 Golden Gate Avenue, San Francisco, California 94102, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere—16%

Homeowners without credit available elsewhere—8%

Businesses with credit available elsewhere—15¾%

Businesses without credit available elsewhere—8%

Businesses (EIDL) without credit available elsewhere—8%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 7, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82-1055 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-0209]

Pencor Financial Associates, Ltd.; 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 Pencor Financial Associates, Ltd., 316 First Federal Building, Florence, Alabama 35631 for a license to operate as a limited partnership 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 management and control of the Applicant are the officers, directors and shareholders of Pencor Capital Corporation as follows:

Name and Address and Title and Relationship

Raymond W. F. Hunt, 104 Ivy Lane, Florence, Alabama 35634—Chairman of the Board, Pencor Capital Corp.

William L. Phipps, Route 8, Box 387, Florence, Alabama 35630—President/Director, Pencor Capital Corp.

Clyde Ray, Jr., 118 Hickory Drive, Muscle Shoals, Alabama 35660—Treasurer/Director, Pencor Capital Corp.

James D. Ashmore, Box 495, Leighton, Alabama 35646—Secretary/Director, Pencor Capital Corp.

Pentron Corporation—100%.

The above officers are the principal owners of Pencor Capital Corporation as follows: Messrs. Hunt (28.1%), Phipps (8.4%), Ray (28.1%), Ashmore (28.1%).

Pencor Capital Corporation is a wholly owned subsidiary of Pentron Corporation. The beneficial owners of Pentron Corporation consists of five individuals. Pencor Capital Corporation was established for the purpose of operating as the corporate general partner of Pencor Financial Associates, Ltd.

Pentron Corporation is the general partner of the limited partnerships of Canton Family Units, Ltd. and Delta Housing Partners, Ltd. which have HUD or FHA guaranteed mortgages.

Pencor Financial Associates, Ltd., a Limited Partnership, was formed May 26, 1981, under the Georgia Uniform Limited Partnership Act for the purpose of providing venture capital to small business concerns and assisting in the development of the business of those concerns.

The limited partner investors will be not more than 35 investors or 35 units at subscriptions of $35,000 per unit. The minimum number of subscriptions will be 16 units.

The Applicant will begin operations with a minimum capitalization of $503,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's considerations 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 accordance with the Act and Regulations.

Notice is hereby given that any person may not later than February 1, 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 Florence, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 7, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1056 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

Mountain Ventures, Inc.; Filing of an Application for Approval of a Conflict of Interest Transaction

[License No. 04/04-0145]

Notice is hereby given that Mountain Ventures, Inc. (MVI), 911 Main Street, London, Kentucky 40741, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1981)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit MVI and its parent, Kentucky Highland Investment Corporation (KHIC) to provide equal financing totaling $225,000, in the form of subordinated notes with common stock purchase warrants to Mount Vernon Plastics Corporation (MVPC), Highway 150, Mt. Vernon, Kentucky.

The proceeds will be used to provide start-up capital. MVPC is engaged in the manufacture and marketing of plastic packaging for the food processing industry.

The acquisition by KHIC of over ten percent of MVPC's common stock results in MVPC becoming an Associate of MVI. As such, the transaction will require an exemption from the provisions of § 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than 15 days from the date of publication of this Notice, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in London, Kentucky.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 8, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-1169 Filed 1-14-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/477]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet on January 28, 1982 at 10:00 a.m. in Room 1406 of the Department of State, 2201 C Street, NW, Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

The agenda for the meeting is as follows:

1. Report of the Meeting of Rapporteurs of Study Group XVIII,

2. Consideration of white documents (contributions to the CCITT) of special interest,

3. Consideration of the delayed contributions for the meeting of Study Group XVIII ISDN Working Party in Munich,

4. U.S. participation in the Munich meeting,

5. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to January 28 persons who plan to attend the meeting inform Mr. Richard Howarth, Office of International Communications Policy, Department of State, telephone (202) 632-1007, of their intention. All attendees must use the C Street entrance to the building.

Dated: December 28, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee

[FR Doc. 82-1101 Filed 1-14-82; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/478]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Safety of Navigation of SOLAS will conduct an open meeting at 9:00 a.m. on February 3, 1982 in Room 3201 of the US Coast Guard Headquarters, 2100 2nd St., SW., Washington, D.C. 20593.

The purpose of the meeting is to prepare position documents for the Twenty-Sixth Session of the Subcommittee on Safety of Navigation of the Inter-Governmental Maritime Consultative Organization (IMCO) to be held in London on February 15, 1982. In particular, the working group will address the following topics:

—routing of ships
—1972 collision regulations
—search and rescue
—ship movement reporting systems
—differential omega
—shipboard navigational aids
—accuracy requirements and harmonization of radionavigation aids
—standard marine navigation vocabulary
—bridge design and layout
—weather routing
—recorder of operational data for ships

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. T.J. Falvey, US Coast Guard (G-WMM-2/11), Washington, D.C. 20593, Telephone (202) 426-4958.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

December 22, 1981.

[FR Doc. 82-1102 Filed 1-14-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 13]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $305,000 has been established for the company.

Name of Company: TEXAS PACIFIC INDEMNITY COMPANY

Business Address: Diamond Shamrock Tower 717 N. Harwood Dallas, Texas 75201

State of Incorporation: Texas

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33974 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: January 7, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-1103 Filed 1-14-82; 8:45 am]

BILLING CODE 4810-35-190-M

Internal Revenue Service

[Delegation Order No. 42 (Rev. 15)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority to sign consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes has been delegated to the Chief, Examination Support Staff/Section. The text of the delegation order appears below.

EFFECTIVE DATE: January 11, 1982.

FOR FURTHER INFORMATION CONTACT: D. Grant, CP:E:G:E, 1111 Constitution Ave., NW., Room 2010, Washington, D.C. 20224, Telephone number, 202-566-3632 (not a toll-free telephone number).

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

John L. Wedick, Jr.,

Director, Examination Division.

Delegation Order

Date of issue: January 11, 1982.

Effective Date: January 11, 1982.

Subject.—Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120; Order No. 150-2; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d); and 26 CFR 301.7701-9; the authority to sign all consents fixing the period of limitations on assessment or collection is delegated to the following officials:

a. Regional Directors of Appeals;

b. Service Center Directors;

c. District Directors;

d. Director of International Operations.

2. This authority may be redelegated but not below the following levels for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence and Processing Section; Revenue Officers; and Chief, Quality Review Staff;

b. Collection—Chiefs, Office Branches and Office Groups; Revenue Officers; Chiefs, Technical and Office Compliance Branches and Groups; Revenue Representative Supervisors;

c. Examination—Reviewers, Grade GS-11; Group Managers; Case Managers; Returns Program Managers; and Classifiers/Screeners, Grade GS-11; Chief, Examination Support Staff/Section;

d. Criminal Investigation—Chiefs, Criminal Investigation Divisions, except this authority in streamlined districts is limited to the District Director;

e. Appeals—Appeals Officers;

f. Office of International Operations—Representatives at foreign posts; Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and levels b, c, and d, above; and

g. District Employee Plants and Exempt Organizations—Reviewers, Grade GS-11; Group Managers.

3. This Order supersedes Delegation Order No. 42 (Rev. 14), issued August 10, 1981.

Roscoe L. Egger,

Commissioner.

[FR Doc. 82-1180 Filed 1-14-82; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Number: 101-5]

Supervision of Bureaus and Offices, Delegation of Certain Authority, and Order of Succession

Dated: December 21, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered that:

1. The Deputy Secretary shall be under the direct supervision of the Secretary.

2. *The following officials shall be under the supervision of the Secretary, and shall report to the Secretary through the Deputy Secretary:*

Under Secretary for Monetary Affairs
Under Secretary for Tax and Economic Affairs
General Counsel
Assistant Secretary (Administration)
Assistant Secretary (Enforcement and Operations)
Assistant Secretary (Legislative Affairs)
Assistant Secretary (Public Affairs)
Assistant Secretary (Public Liaison and Consumer Affairs)
Executive Secretary
Comptroller of the Currency
Commissioner of Internal Revenue
Treasurer of the United States
Inspector General

3. *The following officials shall be under the supervision of the Under Secretary for Monetary Affairs,* and shall exercise supervision over those officers and organizational entities listed:

Director, Office of Monetary Policy Analysis

Assistant Secretary (Domestic Finance)

Deputy Assistant Secretary (Federal Finance)
Director, Office of Government Financing
Director, Office of Market Analysis and Agency Finance
Deputy Assistant Secretary (Financial Institutions and Capital Markets Policy)
Director, Office of Capital Markets Legislation
Director, Office of Securities Market Policies
Deputy to the Assistant Secretary (Corporate Finance)
Director, Office of Corporate Finance and Special Projects
Deputy Assistant Secretary (State and Local Finance)
Director, Office of Municipal Finance
Director, Office of Urban and Regional Economics
Director, Office of State and Local Fiscal Research and Evaluation
Director, Office of New York Finance
Director, Office of Revenue Sharing
Director, Office of Chrysler Finance

Assistant Secretary (International Affairs)

Deputy Assistant Secretary (International Monetary Affairs)
Deputy Assistant Secretary (Developing Nations)
Deputy Assistant Secretary (Trade and Investment Policy)
Deputy Assistant Secretary (Commodities and Natural Resources)
Deputy Assistant Secretary (International Economic Analysis)
Deputy to the Assistant Secretary (Saudi Arabian Affairs)

Deputy to the Assistant Secretary and Secretary of International Monetary Group

Fiscal Assistant Secretary

Deputy Fiscal Assistant Secretary
Commissioner, Bureau of Government Financial Operations
Commissioner of the Public Debt

4. *The following officials shall be under the supervision of the supervision of the Under Secretary for Tax and Economic Affairs,* and shall exercise supervision over those officers and organizational entities listed:

Assistant Secretary (Economic Policy)

Deputy Assistant Secretary (Economic Forecasting)
Deputy Assistant Secretary (Policy Coordination)
Director, Office of Financial Analysis
Director, Office of Special Studies

Assistant Secretary (Tax Policy)

Deputy Assistant Secretary (Tax Legislation)
Office of Tax Legislative Counsel (also part of Legal Division)
Office of International Tax Counsel (also part of Legal Division)
Deputy Assistant Secretary (Tax Analysis)
Director, Office of Tax Analysis

5. The following officials shall exercise supervision over those officers and organizational entities listed:

General Counsel

Deputy General Counsel
Legal Division

Assistant Secretary (Administration)

Deputy Assistant Secretary (Administration)
Director, Office of Administrative Programs
Director, Office of Budget and Program Analysis
Director, Office of Computer Science
Director, Office of Equal Opportunity Program
Director, Office of Management and Organization
Director, Office of Personnel
Director, Office of Procurement
Director, Office of the Secretary Equal Employment Opportunity Staff

Assistant Secretary (Enforcement and Operations)

Deputy Assistant Secretary (Operations)
Deputy Assistant Secretary (Enforcement)
Director, Bureau of Alcohol, Tobacco and Firearms
Commissioner of Customs
Director, U.S. Secret Service
Director, Federal Law Enforcement Training Center
Director, Office of Foreign Assets Control

Assistant Secretary (Legislative Affairs)

Deputy Assistant Secretary (Legislative Affairs)
Office of Legislative Affairs

Assistant Secretary (Public Affairs)

Deputy Assistant Secretary (Public Affairs)
Office of Public Affairs

Assistant Secretary (Public Liaison and Consumer Affairs)

Deputy Assistant Secretary (Public Liaison and Consumer Affairs)
Office of Business Affairs (Office of Small and Disadvantaged Business Utilization)
Office of Consumer Affairs
Office of Operations

Treasurer of the United States

National Director, U.S. Savings Bonds Division
Director, Bureau of the Mint
Director, Bureau of Engraving and Printing

6. The Inspector General shall exercise supervision over:

Deputy Inspector General (Audit)
Deputy Inspector General (Operations and Investigations)

7. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary for Tax and Economic Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his or her own capacity and under his or her own title and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to, the bureaus, offices, or other organizational units over which the incumbent has supervision. Any action heretofore taken by any of these officials in the incumbent's own capacity and under his or her own title is hereby affirmed and ratified as the action of the Secretary.

8. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding the incumbent, until a successor is appointed, or until the absence or sickness shall cease:

a. Deputy Secretary.

b. Under Secretary for Monetary Affairs.

c. Under Secretary for Tax and Economic Affairs.

d. General Counsel.

e. Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary.

9. Treasury Department Orders No. 101–5, January 7, 1981; No. 101–17, March 1, 1980; No. 101–16, March 1, 1980; No. 142, November 30, 1951; No. 62, December 26, 1945; No. 50, June 25, 1943; No. 48, March 2, 1943; No. 45, April 15, 1942; No. 39, March 19, 1941; are rescinded as of this date.

Donald T. Regan

Secretary.

[FR Doc. 82-1062 Filed 1-14-82; 8:45 pm]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 10
Friday, January 15, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Monday, January 18, 1982, 9:00 a.m.—4:00 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of the Miami Hearing Report.
IV. Tentative Agenda for February Retreat.
V. State Advisory Committee Recharter:
  A. New Jersey.
VI. State Advisory Committee Interim Appointments:
  A. Virginia.
VII. Nevada Advisory Committee Report Entitled *Unmet Goals.*
VIII. Civil Rights Developments in the Central States Region.
IX. Staff Director's Report:
  A. Status of Funds,
  B. Personnel Report,
  C. Office Directors' Reports.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-62-82 Filed 1-13-82; 10:22 am]

BILLING CODE 6335-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 A.M., Tuesday, January 19, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, Programs and Priorities.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-63-82 Filed 1-13-82; 12:22 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, January 19, 1982.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 81-11-FOIA-052-NYDO, concerning records contained in a closed ADEA file.
2. Freedom of Information Act Appeal No. 81-11-FOIA-061-MK, concerning materials contained in an investigative file.
3. Section 624 of the Compliance Manual; Reproductive and Fetal Hazards.
4. Proposed EEOC Compliance Manual § 625, Bona Fide Occupational Qualifications.,
5. Report on Commission Operations by the Acting Executive Director.

Closed

1. Litigation Authorization; CC Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

FOR MORE INFORMATION CONTACT: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued January 12, 1982.

[S-59-82 Filed 1-13-82; 10:17 am]

BILLING CODE 6750-06-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, January 12, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Phillips Uranium Corporation, CENT 80-208-M; (Issues include whether owner is responsible for contractor violations).
2. Phillips Uranium Corporation, CENT 79-281-M, etc.; (Issues include whether owner is responsible for contractor violations).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-61-82 Filed 1-13-82; 10:18 am]

BILLING CODE 6820-12-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, January 6, 1982.

PLACE: ROOM 600, 1730 K STREET, NW., WASHINGTON, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Western Steel Corporation, WEST 81-132-RM; Petition for Discretionary Review (Issues include interpretation and application of 30 CFR § 57.4-33).
2. Old Dominion Power Company, VA 81-40-R, etc.; Petition for Discretionary Review (Issues include whether involved public utility is subject to 1977 Mine Act).
3. Eastover Mining Company, VA 80-84; (Issues include interpretation and application of 30 CFR § 75.507-1(a)).
4. Eastover Mining Company, KENT 80-141; (Issues include appropriateness of hearing site and consideration of settlement motion).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-60-82 Filed 1-13-82; 10:18 am]

BILLING CODE 6820-12-M

6

POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote To Close Meeting

On January 6, 1982, the Board of Governors of the United States Postal Service voted to close to public observation its meeting of February 8,

1982. Each of the members voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano. The portion involving planning will also be attended by Assistant Postmaster General Cummings.

One portion of the meeting to be closed will consist of a discussion among the members of compensation for certain postal executives.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

The second portion of the meeting to be closed will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information in connection with future collective bargaining and information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information involving strategies in connection with collective bargaining under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code, and because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the initiation of a particular case involving a determination on the record after opportunity for a hearing. It also determined, pursuant to section 552b(c)(9)(B) and § 7.3(i) of title 39, Code of Federal Regulations, that the discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to future collective bargaining. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portions of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (6), (9)(B) and (10) of title 5 and sections 410(c)(3) and (4) of title 39, United States Code, and sections 7.3(c), (f), (i), and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-64-82 Filed 1-13-82; 2:24 pm]

BILLING CODE 7710-12-M

federal register

Friday
January 15, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81–5129	July 6, 1981.
CA81–5154	Sept. 25, 1981.
Iowa:	
IA81–4088	Nov. 13, 1981.
IA81–4090	Dec. 11, 1981.
IA81–4092	Nov. 27, 1981.
IA81–4096	Nov. 27, 1981.
Kansas: KS81–4053	Oct. 2, 1981.
Louisiana:	
LA81–4084	Nov. 6, 1981.
LA81–4086	Nov. 6, 1981.
Pennsylvania: PA80–3055	Oct. 3, 1980.
Texas:	
TX81–4044	June 26, 1981.
TX81–4077	Oct. 2, 1981.
TX81–4083	Nov. 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:	
IL79–2028(IL82–2001)	May 4, 1979.
IL79–2030(IL82–2001)	May 4, 1979.
IL79–2034(IL82–2001)	May 11, 1979.
IL79–2037(IL82–2001)	May 11, 1979.
IL79–2070(IL82–2001)	Sept. 7, 1979.
Kansas: KS81–4033(KS82–4003)	May 15, 1981.
Texas: TX81–4037(TX82–4002)	June 5, 1981.

Signed at Washington, D.C. this 8th day of January 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

Notice.—This is to advise wage determination users that in the **Federal Register** of January 5, 1982, wage determination changes appeared in two sections. These sections are found at two page numbers 414 and 584.

BILLING CODE 4510-27-M

DECISION NO. CA81-5129 - Mod. #5
(46 FR 34961-July 6, 1981)

Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Modification #3, published 12/28/81 in Volume 46, Page No. 62739 to read:					
Modification #4					
Asbestos Workers	$20.25	$1.30	$1.45		.05
Bricklayers; Stonemasons:					
Area 1	17.59	1.20	1.75		.14
Area 2	17.55	1.15	1.75		.07
Area 3	17.50	1.15	2.20		.05
Area 4	16.20	1.50	2.60		.10
Area 5	16.72	1.75	2.25		.06
Cement Masons:					
Cement Masons	15.24	1.60	2.00	1.70	.10
Cement Floating and Troweling Machine	15.49	1.60	2.00	1.70	.10
Electricians:					
Area 1:					
Electricians	18.43	1.08	3%+2.04		.13
Cable Splicers	18.88	1.08	3%+2.04		.13
Area 6:					
Electricians	19.14	1.12	3%+2.60		.06
Cable Splicers	19.64	1.12	3%+2.60		.06
Area 7:					
Electricians	18.20	1.51	3%+3.15		.04
Cable Splicers	18.70	1.51	3%+3.15		.04
Area 8:					
Electricians	20.63	1.43	3%+1.50		
Cable Splicers	22.69	1.43	3%+1.50		
Glaziers	16.12	1.20	3.00		.07
Lathers:					
Area 3	17.75	1.63	2.63	1.00	.10
Area 4	14.80	1.05	2.50	1.00	.03
Area 5	15.87	.90	1.41	1.03	.01

DECISION NO. CA81-5129 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Area 2:					
Brush	$15.29	$1.29	$1.33	$ .75	.10
Structural Steel; Paint Burner	15.41	1.29	1.33	.75	.10
Tapers	15.89	1.29	1.33	.75	.10
Brush swing stage (13 stories or less); Paperhangers; Sandblasters	15.54	1.29	1.33	.75	.10
Area 3:					
Brush	12.65	1.10	1.10		.07
Brush or roller, swing stage; Paperhanger; Taping joint sheet rock	13.15	1.10	1.10	1.10	.07
Spray; Sandblaster	13.65	1.10	1.10	1.10	.07
Area 4:					
Brush; Pot Tender	15.98	1.25	1.83		.03
Paperhangers, Paste Machine Operators; Iron and Steel	16.23	1.25	1.83		.03
Spray; Taper; Sandblasters	16.48	1.25	1.83		.03
Steeplejack	16.98	1.25	1.83		.03
Plumbers:					
Area 1	16.85	1.69	2.70	2.19	.13
Area 2	17.59	1.28	2.25	1.45	.23
Roofers:					
Area 3	16.52	1.32	3.45		.065
Area 4	16.68	1.17	1.20		.065
Truck Drivers:					
Group 1	14.57	1.25	1.47	1.60	.15
Group 2	14.65	1.25	1.47	1.60	.15
Group 3	14.71	1.25	1.47	1.60	.15
Group 4	14.80	1.25	1.47	1.60	.15
Group 5	14.83	1.25	1.47	1.60	.15
Group 6	14.85	1.25	1.47	1.60	.15
Group 7	14.89	1.25	1.47	1.60	.15
Group 8	14.95	1.25	1.47	1.60	.15
Group 9	14.98	1.25	1.47	1.60	.15
Group 10	15.03	1.25	1.47	1.60	.15
Group 11	15.05	1.25	1.47	1.60	.15
Group 12	15.10	1.25	1.47	1.60	.15
Group 13	15.35	1.25	1.47	1.60	.15
Group 14	15.60	1.25	1.47	1.60	.15
Group 15	15.70	1.25	1.47	1.60	.15
Group 16	15.80	1.25	1.47	1.60	.15
Group 17	16.10	1.25	1.47	1.60	.15
Group 18	16.60	1.25	1.47	1.60	.15

DECISION NO. CA81-5129 (Cont'd)

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Cat, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axles

Group 6: Dump Truck of less than 16 yards water level

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yds.

Group 8: Water Truck, 3 or more axles

Group 9: PB and similar type truck whenperforming within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 10: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 11: Driver or vehicle or combination of vehicles of 4 or more axles

Group 12: Dump, 16 yards but less than 25 yards

Group 13: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier Driver, highway

Group 14: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Tepairman

Group 15: Truck Repairman Welder

Group 16: Low Bed Driver, 9 axle or over

Group 17: Water Pull, single engine with attachments

Group 18: Water Pull, twin engine with attachments

DECISION NO. CA81-5154 - Mod. #7

(46 FR 43784-September 25, 1981)

Imperail, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

Change:
Decision No. CA81-5454-Mod. #5 published 12/28/81 in Volume 46, Page No. 62739 to read:
Decision No. CA81-5154-Mod. #6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Group 1	$14.57*	$1.25	$1.47	$1.60	.15
Group 2	14.65*	1.25	1.47	1.60	.15
Group 3	14.71*	1.25	1.47	1.60	.15
Group 4	14.80*	1.25	1.47	1.60	.15
Group 5	14.83*	1.25	1.47	1.60	.15
Group 6	14.85*	1.25	1.47	1.60	.15
Group 7	14.89*	1.25	1.47	1.60	.15
Group 8	14.95*	1.25	1.47	1.60	.15
Group 9	14.98*	1.25	1.47	1.60	.15
Group 10	15.03*	1.25	1.47	1.60	.15
Group 11	15.05*	1.25	1.47	1.60	.15
Group 12	15.10*	1.25	1.47	1.60	.15
Group 13	15.35*	1.25	1.47	1.60	.15
Group 14	15.60*	1.25	1.47	1.60	.15
Group 15	15.70*	1.25	1.47	1.60	.15
Group 16	15.80*	1.25	1.47	1.60	.15
Group 17	16.10*	1.25	1.47	1.60	.15
Group 18	16.60*	1.25	1.47	1.60	.15

DECISION NO. CA81-5154 (Cont'd)

*When the home of an employee is over thirty (30) road miles from the center of the job or project on Vandeberg Air Force Base, a rate of $22.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Cat, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axles

Group 6: Dump Truck of less than 16 yards water level

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yds.

Group 8: Water Truck, 3 or more axles

Group 9: PB and similar type truck whenperforming within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 10: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 11: Driver or vehicle or combination of vehicles of 4 or more axles

Group 12: Dump, 16 yards but less than 25 yards

Group 13: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier Driver, highway

Group 14: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck Tepairman

Group 15: Truck Repairman Welder

Group 16: Low Bed Driver, 9 axle or over

Group 17: Water Pull, single engine with attachments

Group 18: Water Pull, twin engine with attachments

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4088 - MOD. #3 (46 FR 56121 - November 13, 1981) Black Hawk County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Tile setters	$12.88	.90			
DECISION NO. IA81-4090 - MOD. #2 (46 FR 60752 - December 11, 1981) Des Moines County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Carpenters: Carpenters	14.30	1.05	1.00		.08
Millwrights & pile-drivermen	15.00	1.05	1.00		.08
DECISION NO. IA81-4092 - MOD. #2 (46 FR 58025 - November 27 1981) Johnson County, Iowa					
CHANGE: Building, water treatment plants & sewage disposal plants construction: Tile setters	13.93		.80		

DECISION NO. IA81-4096 - MOD. #2 (46 FR 58023 - November 27, 1981) Woodbury County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$14.14	.90	.55		.045
Marble setters	14.58		1.00		.02
Terrazzo workers	14.58		1.00		.02
Power equipment ops.:					
Group 1	13.645	1.00	1.00		.10
Group 2	13.40	1.00	1.00		.10
Group 3	12.13	1.00	1.00		.10
Group 4	11.35	1.00	1.00		.10

DECISION No. KS81-4053-Mod#2 46 FR 48847 - October 2, 1981) Leavenworth County, Kansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$14.00	.80	1.50	1.00	.10

DECISION NO. LA81-4084 - MOD. #5 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Roofers:					
Calcasieu Parish:					
Roofers	$14.06		.20		

DECISION NO. LA81-4086 - MOD. #5 (46 FR 55189 - November 6, 1981) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Zone 4 - Millwrights	16.275				1%
Painters:					
Zone 7 - Group 1	8.55				
Group 2	9.55				
Group 3	9.05				
Roofers:					
Zone 1 - Roofers	14.06		.20		

DECISION NO. PA80-3055 MOD. NO. 12 (45 FR 65902 - October 3, 1980) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
ELECTRICIANS					
ZONE 3					
COMMERCIAL	$15.27	.92	3%+10%		1/2 of 1%
LINE CONSTRUCTION					
ZONE 1					
LINEMEN	16.27	.60	3%		1%
Groundmen	9.76	.60	3%		1%
Winch truck operator	11.39	.60	3%		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4044 - MOD. #5 (46 FR 33194 - June 26,1981) Bowie County, Texas					
CHANGE:					
Carpenters: Carpenters	$12.20				.05
Millwrights	15.15				.05
Piledrivermen	13.25				.05
DECISION NO. TX81-4077 - MOD. #4 (46 FR 48859 - October 2, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Sheet metal workers: Commercial	14.48	3%+.70	.84		.18
DECISION NO. TX81-4083 - MOD. #4 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Bricklayers & stonemasons: Zone 1	14.74	.67	1.00		.07
Carpenters:					
Zone 1 - Carpenters	14.61	.85	.80		.005
Millwrights	15.01	.85	.80		.005
Piledrivermen	15.11	.85	.80		.005

SUPERSEDEAS DECISION

STATE: ILLINOIS — COUNTIES: *SEE BELOW
DECISION NUMBER: IL82-2001 — DATE: Date of Publication
Supersedes Decision Nos. IL79-2028, dated May 4, 1979 in 44 FR 26415; IL79-2030, dated May 4, 1979 in 44 FR 26421; IL79-2034, dated May 11, 1979 in 44 FR 27856; IL79-2037, dated May 11, 1979 in 44 FR 27867; & IL79-2070, dated September 7, 1979 in 44 FR 52540

*ALEXANDER, CHAMPAIGN, CHRISTIAN, CLARK, CLAY, COLES, CRAWFORD, CUMBERLAND, DEWITT, DOUGLAS, EDGAR, EDWARDS, EFFINGHAM, FAYETTE, FORD, FRANKLIN, GALLATIN, HAMILTON, HARDIN, IROQUOIS, JACKSON, JASPER, JEFFERSON, JOHNSON, LAWRENCE, MARION, MASSAC, MOULTRIE, PERRY, PIATT, POPE, PULASKI, RICHLAND, SALINE, SHELBY, UNION, VERMILION, WABASH, WAYNE, WHITE, & WILLIAMSON

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
AREA 1	$15.49	1.00	1.26		
AREA 2	15.90	.65	1.65		
AREA 3	15.81	.75	1.25		
AREA 4	17.00	1.145	1.645		.06
BOILERMAKERS:					
AREA 1	16.60	1.275	1.10		.03
AREA 2	17.05	1.275	1.60		.03
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:					
AREA 1	13.30	1.00	.65		
AREA 2	14.95	.55	.50		.10
AREA 3	13.85	.95	1.15		.02
AREA 4	14.50		1.00		
AREA 5	14.71	.80	1.30		.01
AREA 6	15.40	.80	.75		.10
AREA 7	15.20	.80	1.55		
AREA 8	15.40	.80	.75		.10
AREA 9	14.90	.65	1.00		.005
CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:					
AREA 1	12.95	.75	.70		.05
AREA 2:					
Carpenters; Lathers; & Soft Floor Layers	14.655	.65	1.30		.08
Millwrights & Piledrivermen	15.155	.65	1.30		.08

SEE PAGE 9 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Carpenters; Lathers; & Soft Floor Layers	$15.005	1.00	.60		.08
Millwrights & Piledrivermen	15.505	1.00	.60		.08
AREA 4:					
Carpenters; Lathers; & Soft Floor Layers	14.85	.75	.55		.08
Millwrights & Piledrivermen	15.35	.75	.55		.08
AREA 5:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.04	.75	.70		.05
Millwrights	13.44	.75	.70		.05
AREA 6:					
Carpenters & Soft Floor Layers	13.87	.75	.85		.04
Millwrights	14.47	.75	.85		.04
Piledrivermen	14.27	.75	.85		.04
AREA 7:					
Carpenters & Soft Floor Layers	14.56	.75	1.50		.07
Millwrights & Piledrivermen	15.06	.75	1.50		.07
AREA 8:					
Carpenters; Piledrivermen; & Soft Floor Layers	11.89	.75	.55		.05
Millwrights	12.29	.75	.55		.05
AREA 9:					
Carpenters; Piledrivermen; & Soft Floor Layers	13.04	.75	.70		.05
Millwrights	13.44	.75	.70		.05
AREA 10	15.85	.95	.80		.03
AREA 11:					
Carpenters; Lathers; & Soft Floor Layers	14.755	.95	.90		.08
Millwrights & Piledrivermen	15.255	.95	.90		.08
AREA 12:					
Carpenters; Lathers; & Soft Floor Layers	14.755	.75	1.10		.08
Millwrights & Piledrivermen	15.255	.75	1.10		.08
CEMENT MASONS & PLASTERERS:					
AREA 1	13.10				
AREA 2:					
Cement Masons	15.875	.55			.025
Plasterers	15.165	.55			.025

SEE PAGES 9 & 10 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Cement Masons	$15.25	.65	.575		
Plasterers	15.47	.65	.575		
AREA 4	11.70		.65		
AREA 5	12.95				.01
AREA 6	15.45				
AREA 7:					
Cement Masons	14.86				
Plasterers	13.25				
AREA 8	13.25	.80	.80		
AREA 9:					
Cement Masons	15.49	.75			
Plasterers	16.86				
AREA 10:					
Plasterers	9.22				.01
AREA 11	10.70				
AREA 12	13.10				
AREA 13:					
Cement Masons	15.20	.80	1.55		
Plasterers	15.00	.80	1.55		
AREA 14	15.05		1.00		
ELECTRICIANS:					
AREA 1	15.21	.55	13%		1%
AREA 2	16.05	.80	3%+.75		.3%
AREA 3:					
Electricians & Cable Splicers	16.45	.65	3%+.65		.35%
AREA 4	16.00	.65	3%+1.00		.01
AREA 5	15.65	.65	3%+.85		½%
AREA 6:					
Electricians	16.88	.88	3%+1.20		.6%
Cable Splicers	17.28	.88	3%+1.20		.6%
AREA 7	15.97	.65	3%+.50		½%
AREA 8	16.15	.65	3%+1.00		½%
ELEVATOR CONSTRUCTORS:					
AREA 1:					
Elevator Constructors	15.42	1.345	.95	a&b	.035
Helpers	70%JR	1.345	.95	a&b	.035
Helpers (Prob.)	50%JR				

FOOTNOTES:
a. 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving; & Christmas Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years; 6% for employee who has worked in business less than 5 years

SEE PAGE 10 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
AREA 1	$13.49	.45	.50		.02
AREA 2	15.09				
AREA 3	13.085	.80	1.00	.25	.01
AREA 4	15.14	.60	.60		.01
AREA 5	13.68	1.34	2.10	13.2%	.05
IRONWORKERS:					
AREA 1	13.85	.80	1.05		.05
AREA 2	14.55	.75	1.25		.08
AREA 3	15.10	.55	1.05		.08
AREA 4	14.15	1.00	2.70		.10
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:					
AREA 1:					
Marble & Tile Setters	13.30	1.00	.65		
AREA 2:					
Terrazzo Workers	16.05				
AREA 3	15.95				
AREA 4	13.85	.95	1.15		.02
AREA 5	14.50		1.00		
AREA 6	14.71	.80	1.30		.01
AREA 7	15.20	.80	1.55		
AREA 8	14.90	.65	1.00		.005
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:					
AREA 1:					
Tile Setters' Finishers	11.70	.85	.755		
AREA 2:					
Marble Setters' Finishers & Tile Setters' Finishers	14.45				

SEE PAGE 11 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 3:					
Marble Setters' Finishers & Tile Setters' Finishers	$14.50				
Terrazzo Workers' Finishers & Terrazzo Floor Machine Operators	14.65				
Terrazzo Base Machine Operators	15.05				
AREA 4:					
Marble Setters' Finishers	13.65				
PAINTERS:					
AREA 1:					
Brush	12.59				
Sandblasting & Spray	14.55				
AREA 2	14.97	.55	.40		.04
AREA 3:					
Brush	13.65	.70	.70		25.00p/yr
Sandblasting	14.15	.70	.70		25.00p/yr
Spray	14.40	.70	.70		25.00p/yr
Rollers & Tapers	14.65	.70	.70		25.00p/yr
AREA 4:					
Brush up to 30 ft.	11.30	.55			
Drywall Preparing	11.45	.55			
Brush over 30 ft.	12.10	.55			
Rollers up to 30 ft.	12.15	.55			
Sandblasting & Spray up to 30 ft.	12.30	.55			
Wall Covering Hangers	12.60	.55			
Rollers over 30 ft.	12.95	.55			
Sandblasting & Spray over 30 ft.	13.10	.55			
AREA 5:					
Brush	10.25	1.00			
Roller & Taping	9.50	1.00			
AREA 6:					
Brush; Rollers; & Vinyl Paperhangers	13.75	.80	.60		
Spray	14.50	.80	.60		
AREA 7:					
Brush	13.64	.60	.35		
Spray & Blast	14.64	.60	.35		
AREA 8:					
Brush	14.63	.60			
Spray; Structural Steel; & Tapers	15.13	.60			

SEE PAGES 11 & 12 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 9:					
Brush	9.50				
Sandblasting & Spray	10.50				
AREA 10:					
Brush	8.50				
Drywall; Roller to 10"; & Steel	8.75				
Roller over 10" & Spray	9.25				
AREA 11:					
Brush & Roller	12.45	.70	1.50		
Spray	13.95	.70	1.50		
Sandblasting & Steamcleaning	14.45	.70	1.50		
AREA 12:					
Brush	11.70		.30		
Structural Steel	12.20		.30		
Sandblasting & Spray	12.70		.30		
AREA 13	10.00				
AREA 14:					
Brush & Roller	12.30	.70			
Power Tools & Sandblast	12.85	.70			
Drywall Finishers & Paperhangers	12.80	.70			
AREA 15	10.75				
AREA 16:					
Brush & Drywall Taping	15.00				
Sandblast & Spray	16.00				
AREA 17:					
Brush	11.55				
Sandblasting & Spray	12.65				
PIPEFITTERS; PLUMBERS; & STEAMFITTERS:					
AREA 1	18.00	1.40	.65		.08
AREA 2	16.20	.70	1.40		.12
AREA 3	17.72	.70	1.37		.15
AREA 4	16.13	.70	1.43		.07
AREA 5	16.80	.70	1.10		.10
AREA 6	18.25	1.20	1.40		.15
AREA 7	15.12	.70	1.50		.25
AREA 8	16.59	.60	1.10		.08
AREA 9	18.10	1.00	.85		.08
AREA 10	16.96	.60	1.10		.08

SEE PAGE 12 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
AREA 1	$8.85				
AREA 2	11.50	.95	.20		
AREA 3	15.71	1.00	.75		.05
AREA 4	14.78	.80	.75		.02
AREA 5	14.90	.85		2.25	
AREA 6	14.00	.90	.30		
AREA 7	11.90		.45		
AREA 8	11.30		.10		
SHEET METAL WORKERS:					
AREA 1	14.78	.80	1.00	6%	.06
AREA 2	15.40	.65+c	1.38		.20
AREA 3	15.84	.75+c	1.28		.04
AREA 4	14.48	.50+c	1.10		.09
AREA 5	16.43	1.32	1.30		.14
FOOTNOTE: c. 3% of gross earnings to SASMI					
SPRINKLER FITTERS	15.31	.95	1.40		.08
LABORERS:					
AREA 1	11.30	.60	.30		.035
AREA 2:					
Unskilled	13.45	.70	.60		.05
Semi-Skilled	13.65	.70	.60		.05
Skilled	13.80	.70	.60		.05
AREA 3:					
Unskilled	13.20	.65	.90		.05
Semi-Skilled	13.40	.65	.90		.05
Skilled	13.55	.65	.90		.05
AREA 4:					
Unskilled	13.20	.55	1.00		.05
Semi-Skilled	13.40	.55	1.00		.05
Skilled	13.55	.55	1.00		.05
AREA 5	11.20	.60	.30		.035
AREA 6:					
Unskilled	13.45	.80	.50		.05
Semi-Skilled	13.65	.80	.50		.05
Skilled	13.80	.80	.50		.05

SEE PAGES 12 & 13 FOR GEOGRAPHICAL JURISDICTIONS

DECISION NO. IL82-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 7:					
Unskilled	13.20	.65	.85		.05
Semi-Skilled	13.40	.65	.85		.05
Skilled	13.60	.65	.85		.05
AREA 8:					
Unskilled	13.10	.65	1.00		.05
Semi-Skilled	13.30	.65	1.00		.05
Skilled	13.45	.65	1.00		.05
AREA 9:					
Unskilled	12.55	.65	1.55		.05
Semi-Skilled	12.75	.65	1.55		.05
Skilled	12.90	.65	1.55		.05

CLASSIFICATIONS FOR AREAS 2, 3, 4, 6, 8, & 9

Unskilled Laborers: All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Hand & Shore Laborer; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod & Chainmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings, Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers: Asphalt Workers with Machine; Asphalt Raker & Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving, Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers: Air Tamping Hammerman; Caisson Workers, plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Gunnite Nozzle Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luteman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screedman on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

SEE PAGE 13 FOR GEOGRAPHICAL JURISDICTIONS

GEOGRAPHICAL JURISDICTIONS FOR CLASSIFICATIONS

ASBESTOS WORKERS:

AREA 1: Alexander, Christian, DeWitt, Fayette, Jackson, Jefferson, Marion, Moultrie, Perry, Piatt, Shelby, & Union Cos.
AREA 2: Champaign, Clark, Douglas, Edgar, & Vermilion Cos.
AREA 3: Clay, Coles, Crawford, Cumberland, Edwards, Effingham, Franklin, Gallatin, Hamilton, Hardin, Jasper, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne, White, & Williamson Cos.
AREA 4: Ford & Iroquois Cos.

BOILERMAKERS:

AREA 1: Champaign, DeWitt, Ford, Iroquois & Vermilion Cos.
AREA 2: Remaining Counties

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS:

AREA 1: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, & Williamson Cos.
AREA 2: Champaign, Coles, Douglas (N. of Arcola), Edgar, Ford (S. of Roberts), & Vermilion Cos.
AREA 3: Christian Co.
AREA 4: Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Jasper, Lawrence, Richland, Wabash, & Wayne Cos.
AREA 5: DeWitt Co.
AREA 6: Fayette Co.
AREA 7: Ford (Roberts & N. Thereof) & Iroquois Cos.
AREA 8: Marion Co.
AREA 9: Moultrie, Piatt & Shelby Cos.

CARPENTERS; LATHERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, & Williamson Cos.
AREA 2: Champaign, Douglas (N. part inclu. Tuscola & Newman) & Piatt (Monticello) Cos.
AREA 3: Christian (Millerville, Rosamond, Radford, Pana, & Vic.), Clark, Coles, Cumberland, Douglas (S. part exclu. Tuscola & Newman), Edgar, Effingham, Jasper (W ½), Moultrie (Exclu. Bethany, Okaw River, Lovington, Williamsbury, Lake City & all areas N.), & Shelby Cos.
AREA 4: Christian (Morrisonville) Co.
AREA 5: Clay & Marion Cos.
AREA 6: Crawford, Jasper (E ½), & Lawrence (E. of Sumner & Chancy Rd.) Cos.
AREA 7: DeWitt & Ford Cos.
AREA 8: Edwards (SE), Fayette, Richland & Wabash Cos.
AREA 9: Edwards (Exclu. SE), Hamilton, Jefferson, Wayne, & White Cos.
AREA 10: Iroquois & Vermilion (N. of Rossville Twp.) Cos.
AREA 11: Moultrie (Bethany, Okaw River, Lovington, Williamsbury, Lake City, & N. thereof), & Piatt (Cisco, Allerton Park, Bement & S. thereof) Cos.
AREA 12: Vermilion (Exclu. N. of Rossville) Co.

CEMENT MASONS; & PLASTERERS:

AREA 1: Alexander, Jackson, Perry, Pulaski & Union Cos.
AREA 2: Champaign, Douglas (N ½, inclu. Tuscola & Newman), Ford, & Piatt (N ½) Cos.
AREA 3: Christian (N. part), DeWitt (S ½, inclu. Clinton), Moultrie (NE), Piatt (S ½), & Shelby (Moweaqua & N. thereof) Cos.
AREA 4: Christian (S. part), & Fayette (Bingham, Ramsey, & St. Elmo) Cos.
AREA 5: Clark & Edgar Cos.
AREA 6: Clay, Edwards, Jasper, Richland & Wayne (Exclu. SW part) Cos.
AREA 7: Coles, Cumberland, Douglas (S ½, exclu. Tuscola & Newman), Effingham (N ½), Moultrie (Exclu. NE), & Shelby (S. of Moweaqua) Cos.
AREA 8: Crawford, Lawrence & Wabash Cos.
AREA 9: DeWitt(N ½) Co.
AREA 10: Effingham (S ½), Fayette (Exclu. Bingham, Ramsey, & St. Elmo), Jefferson (N. of Mt. Vernon), & Marion (N 2/3) Cos.
AREA 11: Franklin, Hamilton, Jefferson (Mt. Vernon & S. thereof), Wayne (SW part), & Williamson Cos.
AREA 12: Gallatin, Hardin, Johnson, Massac, Pope, Saline & White Cos.
AREA 13: Iroquois Co.
AREA 14: Vermilion Co.

ELECTRICIANS:

AREA 1: Alexander, Clay, Edwards, Effingham (Exclu. Banner, Bishop, Douglas, Liberty, Lucas, Moccasin, St. Francis, Summit, & Teulopolis Twps.), Fayette (Exclu. Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson, & Loudon Twps.), Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, Wayne, White, & Williamson Cos.
AREA 2: Champaign, DeWitt (Santa Anna Twp.), Douglas (N ½), Ford (S. of Benton Twp.), Iroquois (Artesia, Pigeon Grove & Loda Twps.) & Piatt (Blue Ridge, Sangamon & Monticello Twps.) Cos.
AREA 3: Christian, Coles, Cumberland, DeWitt (Exclu. Santa Anna Twp.), Douglas (S ½), Effingham (Banner, Bishop, Douglas, Liberty, Lucas, Moccasin, St. Francis, Summit & Teulopolis Twps.), Fayette (Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson, & Loudon Twps.), Moultrie, Piatt (Exclu. Blue Ridge, Sangamon & Monticello Twps.), & Shelby Cos.
AREA 4: Clark, Crawford, Edgar, Jasper, Lawrence & Richland Cos.
AREA 5: DeWitt (Waynesville, Wilson, & Rutledge) Co.
AREA 6: Ford (Benton Twp. & N.), & Iroquois (Exclu. Artesia, Pigeon Grove, Loda, Fountain Creek, Lovejoy, & Prairie Green Twps.) Cos.
AREA 7: Vermilion & Iroquois (Fountain Creek, Lovejoy, & Prairie Green Twps.) Cos.
AREA 8: Wabash Co.

ELEVATOR CONSTRUCTORS:

AREA 1:
Champaign, Fayette, & Vermilion Cos.

GLAZIERS:

AREA 1: Champaign, Christian, Clark (W. part), Coles, DeWitt, Douglas, Edgar (W. part), Effingham, Fayette, Jasper, Moultrie, Piatt, & Shelby Cos.
AREA 2: Clark (E. part) & Edgar (E. part) Cos.
AREA 3: Clay, Edwards, Gallatin, Hamilton, Lawrence, Marion, Massac, Pope, Saline, Wabash, Wayne, White, & Williamson Cos.
AREA 4: Ford Co.
AREA 5: Jackson, Jefferson, Perry & Union Cos.

IRONWORKERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson (Carbondale, Murphysboro & Grand Tower), Johnson, Massac, Pope, Pulaski, Saline (Exclu. Vic. of Eldorado & area N.E.), Union & Williamson Cos.
AREA 2: Champaign, Coles, Cumberland, DeWitt (E. part), Douglas, Edgar, Ford, Moultrie, Piatt, Shelby (E ½), & Vermilion Cos.
AREA 3: Christian, DeWitt (W. part), Effingham (Exclu. Dexter & E. thereof), Fayette (St. Elmo & all area N. thereof), & Shelby (W ½) Cos.
AREA 4: Clark, Clay (N. of Louisville), Crawford, Effingham (Dexter & E. thereof), Jasper, Lawrence (N. of Lawrenceville), & Richland (N. of Olney) Cos.

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:

AREA 1: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, & Williamson Cos.
AREA 2: Alexander, Fayette, Franklin, Hamilton, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pulaski, Saline, & Union Cos.
AREA 3: Champaign, Coles, Douglas (N. of Arcola), Ford (S. of Roberts) & Vermilion Cos.
AREA 4: Christian Co.
AREA 5: Clark, Clay, Crawford, Cumberland, Edwards, Effingham, Jasper, Lawrence, Richland, Wabash & Wayne Cos.
AREA 6: DeWitt Co.
AREA 7: Ford (Roberts & N. thereof) Co.
AREA 8: Moultrie, Piatt, & Shelby Cos.

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS:

AREA 1: Alexander, Franklin, Hamilton, Jackson, Jefferson, Johnson, Massac, Perry, Pulaski, Saline, Union, Wayne, & Williamson Cos.
AREA 2: Champaign, Ford, Piatt, & Vermilion Cos.
AREA 3: Christian, Clark, Clay, Coles, Crawford, Cumberland, DeWitt, Douglas, Effingham, Jasper, Moultrie, Richland, & Shelby Cos.
AREA 4: Edwards, Lawrence, & Wabash Cos.

PAINTERS:

AREA 1: Alexander, Johnson, & Pulaski Cos.
AREA 2: Champaign, Coles, Cumberland, & Douglas Cos.
AREA 3: Christian Co.
AREA 4: Clark, Crawford, Edgar, Effingham, Jasper, Lawrence, Richland, & Wabash Cos.
AREA 5: Clay, Edwards, Hamilton, Jefferson, Marion (Exclu. Salem City Limits) & Wayne Cos.
AREA 6: DeWitt, Moultrie, Piatt, & Shelby Cos.
AREA 7: Fayette Co.
AREA 8: Ford Co.
AREA 9: Franklin Co.
AREA 10: Gallatin, Hardin, Pope, & Saline Cos.
AREA 11: Iroquois Co.
AREA 12: Jackson & Perry Cos.
AREA 13: Marion (Salem) Co.
AREA 14: Massac Co.
AREA 15: Union Co.
AREA 16: Vermilion Co.
AREA 17: Williamson (Marion & Vic.) Co.

PLUMBERS; PIPEFITTERS; & STEAMFITTERS:

AREA 1: Alexander, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph (Exclu. Baldwin, Red Bud, Ruma, & Tilden Twps.) & Union Cos.
AREA 2: Champaign, Coles, Cumberland, Effingham, Ford, Jasper, & Piatt (E½) Cos.
AREA 3: Christian (Assumption, Pana, & Radford Twps.), DeWitt, Moultrie, Piatt (W½), & Shelby Cos.
AREA 4: Christian (Exclu. Assumption, Pana, & Radford Twps.) Co.
AREA 5: Clark, Crawford, Douglas, Edgar (S½), & Richland Cos.
AREA 6: Clay, Fayette, & Marion Cos.
AREA 7: Edgar (N½) & Vermilion Cos.
AREA 8: Edwards, Lawrence, Wabash & White Cos.
AREA 9: Franklin, Gallatin, Hamilton, Jefferson, Saline, Wayne, & Williamson Cos.
AREA 10: Iroquois Co.

ROOFERS:

AREA 1: Alexander (Cairo) Co.
AREA 2: Alexander (Exclu. Cairo), Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Perry, Pope, Pulaski, Saline, Union, Wabash, Wayne, White, & Williamson Cos.
AREA 3: Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Ford, Piatt (E. Section of Piatt, w. of & exclu. Cities of Monticello & Lodge) & Vermilion Cos.
AREA 4: Christian (Assumption, Pinkle, Dollville, Millersville, Mt. Auburn, Oshbernville, Owaneea, Pana, Radford, Rosamond, Stonington, Velma, Vanderville, & Willeys), Clay, DeWitt (S½), Effingham, Fayette, Jasper, Moultrie, Piatt (W½), Richland, & Shelby Cos.
AREA 5: Christian (Breckenridge, Edinburgh, Humphrey, Kincaid, Morrissonville, Palmer, & Taylorville) Co.
AREA 6: Crawford & Lawrence Cos.

ROOFERS (CONT'D):

AREA 7: DeWitt (N½) Co.
AREA 8: Massac Co.

SHEET METAL WORKERS:

AREA 1: Alexander, Clay, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Marion, Massac, Perry, Pope Pulaski, Richland, Saline, Union, Wabash, Wayne, White, & Williamson Cos.
AREA 2: Champaign, Coles, Cumberland, Douglas, Ford, Moultrie, Piatt, Shelby & Vermilion Cos.
AREA 3: Christian & DeWitt Cos.
AREA 4: Clark, Crawford, Edgar, & Lawrence Cos.
AREA 5: Iroquois Co.

LABORERS:

AREA 1: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, & Williamson Cos.
AREA 2: Champaign, DeWitt, Piatt (N. of a line drawn E. to W. thru N. City limits of Ivesdale) Cos.
AREA 3: Christian & Moultrie (W½) Cos.
AREA 4: Clark, Douglas, Edgar, Moultrie (E½), & Piatt (Rem. of Co.) Cos.
AREA 5: Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne, & White Cos.
AREA 6: Coles & Cumberland Cos.
AREA 7: Ford & Iroquois Cos.
AREA 8: Shelby Co.
AREA 9: Vermilion Co.

POWER EQUIPMENT OPERATORS:

Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White, & Williamson Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$13.30	.75	1.00		.035
CLASS 2	12.15	.75	1.00		.035
CLASS 3	11.85	.75	1.00		.035
CLASS 4	11.45	.75	1.00		.035
CLASS 5	10.60	.75	1.00		.035
CLASS 6	12.15	.75	1.00		.035
CLASS 7	11.85	.75	1.00		.035
CLASS 8	11.25	.75	1.00		.035
CLASS 9	11.20	.75	1.00		.035
CLASS 10	10.50	.75	1.00		.035
RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS					
CLASS 11	13.40	.75	1.00		.035
CLASS 12	11.15	.75	1.00		.035

Class 1: Apsco or Equal Spreading Machine; Backhoe, Backfiller; Boom or Winch Cat; Bituminous Mixplace Machine; Blacksmith; Bituminous Surfacing Machine; Bulldozer; Crane; Shovel; Dragline; Truck Crane; Piledriver; Concrete Finishing Machine or Spreader Machine; Concrete Breaker; Concrete or Pumpcrete Pumps; Dinky or Standard Locomotive; Drill Well; Elevating Grader; Forklifts; Rubber-Tired; Flex-Plane; Gradall; Hi-Lift, Handblade, Power; Hoists, Tugger Type; Hoists, (2 drums) or over one; Guy-Derrick; Hyster Mechanic; Motor Patrol; Mixer 21 cu. ft. or over; Push Cat; Pulls and Scrapers; Pumps; 2 Well Points; P&H Pulverizer or Pulverizer Equal to Pugmill; Rubber-Tired Farm type Tractor with Bulldozer or Hi-Lift (over ½ yd.), Rubber-Tired Tractor w/auger; Skimmer Scoops; Seaman Tiller; Spreader, Jersey; Tract-Air used w/drill or Hi-Lift; Trenching Machine, or Ditching Machine; Wood Chipper with Tractor; Self-Propelled Roller w/10 ft. Blade; Concrete Pumps; Equipment Greasor

Class 2: Roller, Self-Propelled, Power Subgrader; Elevator Operator

Class 3: Rubber-Tired Farm type Tractor w/bull dozer or Hi-Lift (½ yd. or less)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All Wheel type tractors; Oilers on 30 HP Ditches and over; Oiler, Hydra-Crane with 15 ton lifting capacity or more and Cranes similar to Hydra-Crane with 15 ton capacity and more

Class 6: Air Compressor with valve Driving Piling Air Compressors, two (220 cu. ft. capacity or over); Air Track Drills; Air Track Drill with compressor; Automatic Bins Scales with compressor or generators; Pipeline Boring Machine; Bulk Cement Plant with separate compressor; Bulk Float Power Operator; Concrete Saws, two; Hydra-lift (single motor); Straw Mulcher Blower with spout

Class 7: Backend Man on Bituminous Surfacing Machine; Boom or Winch Truck; Cat Wagon with or without Dump; Conveyors, two; Chip Spreader; Self-propelled Concrete Saw, one; Self-propelled Form Grader; Heaters, two (motor driven); Hoist, one drum; Truck Crane Oiler; Vibrator, self-propelled

Class 8: Air Track Drill (one); Belt Drag Machine; Power Boom, mechanical; Plasterer Applicator; Tract-air

Class 9: Air Compressor (220 cu. ft. capacity or over), one; Air Compressor under (220 cu. ft.), two; Automatic Bins; Bulk Cement Plant with built in compressor, running of same motor or electric motor; Form Tamper, Self-Propelled; Light propelled; Light Plants (two); Welding Machine (two); Pumps (two), or combination or two pumps; Light Plants; Welding Machines; Air Compressor (under 200 cu. ft.); Mud Jacks or Wood Chipper; Mixers, less than 21 cu. ft.; Motor Mixer with Skid or Pump; Pipeline Track Jack

Class 10: Air Compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor Operator on Self-propelled Chip Spreader; Heater (one), motor driven; Light Plant (one); Pump (one); Welding Machine (one); Ulmac or Equal Spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, Shovel, Dragline 4 yards or more; Scraper, 18 yards struck or over; Dredge, Derrick and Piledriver; Push Boat Operator; Mechanic on 4 yard machine or over; Engine Man on Dredge; Levee Man on Dredge

Class 12: Oiler on Crane, Dragline, Shovel, 4 yard Machine or over; Oiler on Dredge

POWER EQUIPMENT OPERATORS:

Champaign, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Ford, Iroquois, Jasper, Lawrence, Moultrie, Richland, Vermilion, Wabash Wabash, & Waynge Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$13.70	.75	.75		.08
CLASS II	13.60	.75	.75		.08
CLASS III	13.40	.75	.75		.08
CLASS IV	8.75	.75	.75		.08

CLASS I - Master Mechanic

CLASS II - Utility Operator

CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip, Tournamixers, Two Drum Machine, One Drum Hoists with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blader, Drilling Machines, incl. Well Testing, Caissons, Shaft or any similar type Drilling Machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Head Equipment Greaser, Barber-Greene Loaders, Formless Paver, Well Point System, Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe Attached), Lull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, Two to Four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 cu. ft. and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete and Blacktop Curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunite Machine, House Elevators when used for Hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-Propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

POWER EQUIPMENT OPERATORS:
Christian, DeWitt, Piatt, & Shelby Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$14.75	.85	.95		.05
CLASS II	13.10	.85	.95		.05
CLASS III	11.50	.85	.95		.05

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apsco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clam Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cats; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., cap. & under; Sheep Foot Roller (Self-propelled); Shovels; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Track Jacks & Tampers; Tractors; Sidboom; Trenching Machines; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournapull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flexplanes; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders, Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oiler on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Seaman Tiller; Straw Machine; Vibratory Compactor; Well Drill Machines; & Mud Jacks (Hvy & Hwy only)

CLASS III: Air Compressor*; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors*; Concrete Mixers (except plant, paver, tower); Firemen; Generators*; Greasers; Light Plants*; Mechanical Heaters*; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operation; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oiler & Driver 1 (man); Vibratory Hammer; Water Pumps*; Welding Machines (one 300 amp. or over*); Welding Machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

POWER EQUIPMENT OPERATORS:
Fayette, Jefferson, Marion, & Perry Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASTER MECHANICS	$15.42	.87	1.51		.10
GROUP I	14.92	.87	1.51		.10
GROUP II	12.39	.87	1.51		.10
GROUP III	11.74	.87	1.51		.10
GROUP IV	11.64	.87	1.51		.10
GROUP V	11.39	.87	1.51		.10
GROUP VI:					
a	17.07	.87	1.51		.10
b	17.37	.87	1.51		.10
c	13.49	.87	1.51		.10
d	13.99	.87	1.51		.10

GROUP I: Cranes; Draglines; Shovels; Skimmer Scoops; Clamshells or Derrick Boats; Piledrivers; Crane-type Backhoes; Asphalt Plant Operators; Plant Operators; Ditching Machines or Backfillers (requiring oilers); Dredges; Asphalt Spreading Machines; Heavy Duty Mechanic; Assistant Master Mechanic; Locomotives; Cableways or Tower Machines; Hoists 2 drum or more; Hydraulic Backhoes; Ditching Machines or Backfiller (not required oilers); Cherry Pickers; Overhead Cranes; Roller (Steam or Gas); Concrete Pavers, Breakers, & Pumps; Bulk Cement Plants; Cement Pumps; Derrick-type Drills; Mixers (over 3 bags) & Boat Operators (25' & over); Motor Graders or Pushcats; Scoops or Tournapulls; Bulldozers; Endloaders or Fork-Lifts; Power Blade or Elevating Graders; Winch Cats; Boom Tractors, & Pipewrapping or Painting Machines; Drills (other than derrick type); 1-Drum Hoists; Mud Jacks; Mixers (2 or 3 bags); Conveyors (2); Air Compressors (2); Water Pumps regardless of size (2); Welding Machines (2); Siphons or Jets (2); Winch Heads or Apparatus (2) & Light Plants (2); Tractors regardless of size (Straight Tractor only); Firemen on Stationary Boilers; Automatic Elevators; Form Grading Machines; Finishing Machines; Power-Sub-Grader or Ribbon Machine; Longitudinal Floats; Boat Operators (under 25'); Distribution Operators on Trucks; Winch Heads or Apparatuses (1); Excavators

GROUP II: Air Compressor (1); Water Pumps regardless of size (1); Welding Machines (1); Mixers (1 bag); Conveyor (1); Siphon or Jet (1); Light Plant (1); Heater (1) & Immobile Track Air (1)

GROUP III: Firemen on Whirlies and Asphalt Spreader Oilers

GROUP IV: Heavy Equipment Oilers (Truck Cranes, Dredges, Monigans, Large Cranes) over 65 Ton rated capacity

GROUP V: Oilers

GROUP VI:

a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers Operating under air pressure
d. Oilers Operating in air over 10 lbs. pressure

Hard Rock Mining - $.25 per hour premium pay above existing rate

DECISION NO. IL82-2001

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ford (N½ of Co.) County:					
2-3 Axles	$12.25	29.00a	33.00a		
4 Axles	12.40	29.00a	33.00a		
5 Axles	12.60	29.00a	33.00a		
6 Axles	12.80	29.00a	33.00a		
Iroquois (N & SW Parts of Co.) County:					
2-3 Axles	12.025	29.50a	31.00a		
4 Axles	12.225	29.50a	31.00a		
5 Axles	12.425	29.50a	31.00a		
6 Axles	12.575	29.50a	31.00a		
All Counties, except Ford (N ½ of Co.) & Iroquois (N & SW Parts of Co.):					
GROUP I	13.30	1.00	46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: KANSAS

COUNTIES: Douglas, Jefferson, Leavenworth, Miami, and Shawnee

DECISION NUMBER: KS82-4003

DATE: Date of Publication

Supersedes Decision No. KS81-4033 dated May 15, 1981, in 46 FR 27048

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:*					
Zone 1	$10.40	.70	.75		.05
Zone 2	14.05	.65	.75		.07
Zone 3	7.75	.70	.75		
CEMENT MASONS:*					
Zone 1	10.20	.40	.50	1.25	
Zone 2	10.75	.70	.35		
Zone 3	10.45	.70	.35		
ELECTRICIANS:*					
Zone 1	16.18	.69	3%+1.00	7%	.12
Zone 2	15.55	1.00	3%+.80		.13
IRONWORKERS	14.00	.80	1.50	1.00	.10
LINE CONSTRUCTION:*					
Zone 1:					
Lineman	17.33	.45	3%+.25		1/2%
Lineman Operator	16.13	.45	3%+.25		1/2%
Groundman Powderman	12.02	.45	3%+.25		1/2%
Groundman	11.42	.45	3%+.25		1/2%
Zone 2:					
Lineman	14.52	.45	3%		1/2%
Cable Splicers	15.26	.45	3%		1/2%
Groundman	9.03	.45	3%		1/2%
Powderman	12.03	.45	3%		1/2%
Line Truck and Equipment Operator	12.03	.45	3%		1/2%

*ZONE DESCRIPTIONS

CARPENTERS and PILEDRIVERMEN:
Zone 1: Douglas, Shawnee and Jefferson Counties
Zone 2: Leavenworth County
Zone 3: Miami County

CEMENT MASONS:
Zone 1: Leavenworth and Miami Counties
Zone 2: Douglas and Shawnee Counties
Zone 3: Jefferson County

ELECTRICIANS:
Zone 1: Leavenworth County (Delaware, High Prairie, Kickapoo and Leavenworth Townships)
Zone 2: Douglas, Jefferson, Miami, Shawnee and the remainder of Leavenworth County

LINE CONSTRUCTION:
Zone 1: Leavenworth County, north of Fairmont Strainger, and Tanganoxie Townships
Zone 2: Douglas, Jefferson, Miami, Shawnee Counties, and remainder of Leavenworth County

LABORERS:

ZONE 1: Jefferson County
ZONE 2: Douglas and Shawnee Counties
ZONE 3: Leavenworth County
ZONE 4: Miami County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4
1	$ 7.00	$ 7.80	$ 7.80	$ 7.00
2	7.15	7.95	7.95	7.15
3	7.25	8.05	8.05	7.25
4	7.40	8.20	8.20	7.40

FRINGE BENEFITS PAYMENTS: -ZONES 1, 2, and 4	
Health and Welfare	$ 0.70
Pensions	0.50
Vacation	0.50
Apprenticeship Training	0.05

FRINGE BENEFITS PAYMENTS: - ZONE 3:	
Health and Welfare	$ 0.60
Pensions	0.60
Vacation	0.50
Apprenticeship Training	0.05

Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy (manually operated); Mixerman-on skip lift; Salamander Tenders; Track Men; Tractor Swamper; Truck Dumper; Wire Mesh Setter; Water Pump, up to 4 inches and all other General Laborers

Group 2: Air Tool Operators; Cement Handlers (bulk); Chain Saw; Georgia Buggy (mechanically operated); Grademen; Hot Mastic Kettlemen; Crusher Feeder; Joint Man; Jute Man; Mason Tender; Material Batch Hopper and Scale Man; Mixer Man; Pier Hole Man working 10 feet deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal Man (Crane); Truck Dumper-Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator

Group 3: Asphalt Raker; Barco Tamper; Concrete Saw; Creosote Material, handling and applying; Nozzle Burner (cutting torch and burning bar)

Group 4: Conduit Pipe; Water and Gas Distribution Lines; Tile and Duct Line Setter; Form Setter and Liner on concrete paving; Powderman; Sandblasting and Gunite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors

POWER EQUIPMENT OPERATORS: Zone 1: Leavenworth County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.10	$1.00	$1.25	$1.05	.20
Group 2	12.85	1.00	1.25	1.05	.20
Group 3	12.15	1.00	1.25	1.05	.20
Group 4A	10.65	1.00	1.25	1.05	.20
Group 4B	9.03	1.00	1.25	1.05	.20
Group 4C	11.15	1.00	1.25	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Back Hoe; Blade Operator, all types; Boiler, 2; Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drillcat with compressor mounted on cat; Drilling or Boring Machine; Rotary, self-propelled; High Loader-Fork Lift; Locomotive Operator, standard guage; Mechanics and Welders; Maintenance Operator; Mucking Machine; Pile Driver Operator; Pitman Crane Operator; Pump, 2; Quad-trac; Scoop Operator, all types; Scoops in tandem; Self-propelled Rotary Drill (Leroy or equal-not Air Trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator, 2; Hoisting Engine, 2; Active Drums

Group 2: "A" Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, drum or boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Backfiller Operator; Chip Spreader; Concrete Batch Plant, dry-power operated; Concrete Mixer Operator; Skip Loader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, hoisting engine, 1 drum; Latourneau Rooter; Multiple Compactor; Pavement Breaker, self-propelled of the Hydra-hammer or similar type; Power Shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 5 H.P.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws;, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than Dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator, combination boiler and booster; Tractor, 50 H.P. or less without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1

Group 4A: Mechanic's Helper

Group 4B: Oiler

Group 4C: Oiler Driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twnety-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 2: Jefferson and Miami Counties:					
Group 1	$8.60	.50	$1.00	.75	.10
Group 2	8.35	.50	1.00	.75	.10
Group 3	8.10	.50	1.00	.75	.10
Group 4	7.85	.50	1.00	.75	.10
Group 5	7.50	.50	1.00	.75	.10
Group 6	7.60	.50	1.00	.75	.10

Group 1: Master Mechanic

Group 2: Asphalt Paver and Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any Machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loader, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operator, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 3: Asphalt Plant Operator; Elevating Grader Operator

Group 4: A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator, over 50 H.P.; Self-propelled Roller Operator, other than Asphalt Siphons and Jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 5: Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 6: Oiler; Motor Crane

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Douglas and Shawnee Counties:					
Group 1	$10.50	.85	$1.00	$1.05	.15
Group 2	10.25	.85	1.00	1.05	.15
Group 3	10.00	.85	1.00	1.05	.15
Group 4	9.65	.85	1.00	1.05	.15
Group 4A	9.75	.85	1.00	1.05	.15

Group 1: Asphalt Paver and Spreader; Backhoe; Boring Machine; Blades, all types; Clamshell; Concrete Mixer Paver Operator; Concrete Plant Operator (automatic); Crane; Truck Crane; Pitman Crane; Hydro Crane or any machine with power swing; Derrick or Derrick Trucks; Dragline Operator; Dredge Operator; Dozer; Ditching Machine; Euclid Loader; Hoist, 2 active drums; Loaders, all types; Mechanic or Welder; Mixermobile; Multi-unit Scraper; Piledriver Operator; Power Shovel Operator; Quad Track; Scoop Operators, all types; Sideboom Cat, Cherry Picker; Skimmer Scoop Operator; Pushcat Operators

Group 2: Asphalt Plant Operator; Elevating Grader Operator

Group 3: A-frame Truck; Asphalt Roller Operator; Asphalt Plant Boiler Fireman; Backfiller Operator; Barber Green Loader; Boiler, other than asphalt; Bull Float Operator; Churn Drill Operator; Compressor Operator (1); Concrete Central Plant Operator; Concrete Mixer Operator, skip; Concrete Pump Operator; Crusher Operator; Distributor Operator; Finish Machine Operator, concrete; Fireman, other than asphalt; Flex Plane Operator; Fork Lift; Form Grader Operator; Greaser; Hoist, 1 drum; Jeep Ditching Machine; Pavement Breaker, self-propelled (of the Hydra Hammer or similar type); Pump Operator, 4" or over, two; Pump Operator, other than Dredge Screening and Wash Plant Operator; Small Machine Operator; Spreader Box Operator, self-propelled; Tractor Operator over 50 H.P.; Self-propelled Roller Operator, other than asphalt siphons and jets; Subgrading Machine Operator; Tank Car Heater Operator; Combination Booster and Boilers; Towboat Operator; Vibrating Machine Operator, not hand

Group 4: Concrete Gang Saw, self-propelled (con-cut); Conveyor Operator; Harrow, Disc. Seeder; Oiler; Tractor Operator, 50 H.P. or less without attachments

Group 4A: Oiler; Motor Crane

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 1: Leavenworth County:					
Group 1	$8.89	.75	$1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	
Zone 2: Douglas and Shawnee Counties:					
Class A	8.65	.70	.50		
Class B	8.75	.70	.50		
Class C	8.90	.70	.50		
Zone 3: Miami County	8.35	.75	1.00	.75	

CLASSIFICATIONS - ZONE 1

Group 1: One Team; Station Wagons; Pickup Trucks; Material Trucks, single axle; Tank Wagon Drivers, single axle

Group 2: Material Trucks; Tandem; Two Teams; Semi-trailers; Winch Trucks-Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix Tank Wagon Drivers, single axle; Tank Wagon Drivers; Tandem or Semi-trailer; Insley Wagons; Dump Trucks; Excavator, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame; Lowboy; Boom Truck Drivers

Group 4: Mechanics and Welders

Group 5: Mechanics' Helpers; Oilers and Greasers

CLASSIFICATIONS - ZONE 2

Group 1: Pickups; Panel Trucks; Station Wagons; Flat Beds; Dump and Batch Trucks, single axle

Group 2: Tandem Trucks; Warehousemen or Partsmen; Mechanic Helpers and Servicemen

Group 3: Lowboys; Semi-trailers; all Transit Mixer Trucks (single or tandem axle); A-frame and Winch Trucks when used as such; Euclid, End and Bottom Dump; Tournarockers, Atheys, Dumpsters and similar off-road equipment and Mechanics on such equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

STATE: TEXAS COUNTY: Wichita
DECISION NUMBER: TX82-4002 DATE: Date of Publication
Supersedes Decision No. TX81-4037, dated June 5, 1981 in 46 FR 30284
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for Paving and utilities Incidental to Building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.71	.95	1.48		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS and STONEMASONS	13.30		.60		.10
CARPENTERS:					
Carpenters	12.90	.53	.90		.10
Millwrights	13.40	.53	.90		.10
CEMENT MASONS	10.94				
ELECTRICIANS:					
Electricians	13.10	.60	3%		1/10%
Cable splicers	13.35	.60	3%		1/10%
ELEVATORS CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	12.30	.55	1.70		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.425	.55	1.70		.10
LABORERS:					
Group 1: General Laborer	7.65	.30	.27		
Group 2: Pipelayer (concrete and clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	7.78	.30	.27		
Group 3: Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1½" thick; Nozzlemen & machine operator	7.90	.30	.27		
Group 4: Powderman, blaster	8.15	.30	.27		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman Operator	$13.10	.60	3%		½%
Cable splicers	13.35	.60	3%		½%
Groundman	70%JR	.60	3%		½%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	12.75				.01
PLUMBERS and PIPEFITTERS:					
Zone 1 - within 25 miles of Wichita Falls City limits	13.95	.60	1.00		.05
Zone 2 - over 25 miles of Wichita Falls City limits	14.45	.60	1.00		.05
SHEET METAL WORKERS	12.84				.09
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic houlry rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$10.025	.65	.625		.15
Group 2	10.925	.65	.625		.15
Group 3	11.325	.65	.625		.15

Group 1: Oiler - Fireman

Group 2: Air Compressors, Pumps, Welding Machine, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators, building; Form Graders; Hoist, single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plant; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford Tractor or like with any attachments (except blade and mower on rear)

Group 3: Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Trucks; Six wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-to; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor and Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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Reader Aids

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INFORMATION AND ASSISTANCE

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

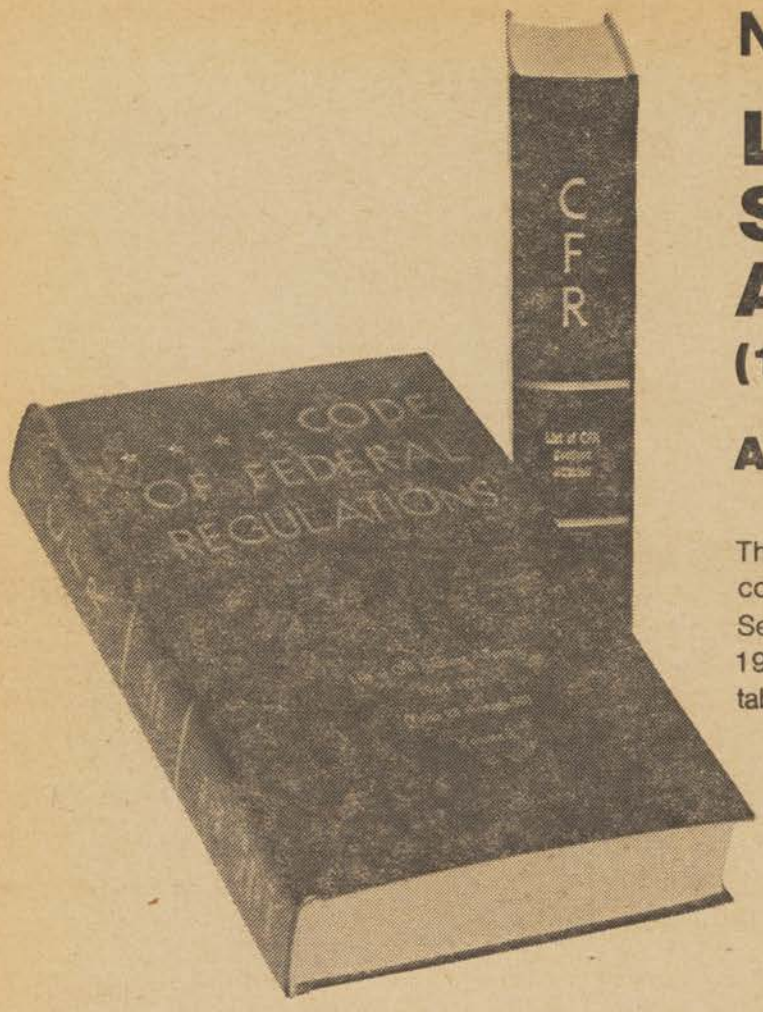
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982



New Publication

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