1-28-82
Vol. 47 No. 19
Pages 4039-4222

federal register

Thursday
January 28, 1982

Highlights

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

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Highlights

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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 538; Navel Orange Reg. 537, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 29–February 4, 1982, and increases the quantity of such oranges that may be so shipped during the period January 22–January 28, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATES: This regulation becomes effective January 29, 1982, and the amendment is effective for the period January 22–28, 1982.

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

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

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. The committee met again publicly on January 26, 1982 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

1. § 907.838 is added as follows:

§ 907.838 Navel Orange Regulation 538.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 29, 1982, through February 4, 1982, are established as follows:

(a) District 1: 1,232,000 cartons;
(b) District 2: 218,000 cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

2. § 907.837 Navel Orange Regulation 537 (47 FR 2980), is hereby amended to read:

§ 907.837 Navel Orange Regulation 537.

* * * * *

(a) District 1: 1,317,000 cartons;
(b) District 2: 233,000 cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

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

Dated: January 27, 1982.

Charles M. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-2429 Filed 1-27-82; 11:43 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1980

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the administration of the Business and Industrial (B&I) Loan Program. The changes involve (1) redefining loan purposes for refinancing debts; (2) revising equity requirements; and (3) revising personal and corporate guarantees. Those changes are related to factors FmHA considers to be appropriate in order to assure more viable projects and thereby reduce the government potential liability for losses in the event of default. These actions are being taken in response to agency recommendations to correct deficiencies in the regulations as suggested by the Department's Office of Inspector General. The intended effect of these actions is to clarify FmHA's loan requirements and strengthen the program.

EFFECTIVE DATE: Effective January 28, 1982; however, these amendments shall not apply to any loan(s) where a conditional commitment for guarantee was issued by FmHA and accepted by the lender before January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Darryl H. Evans, Deputy Director, Business and Industry Loan Processing Division, USDA, FmHA, Washington, DC 20250 Telephone: (202) 447–4150.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedure established in

Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined "nonmajor."

This decision is the result of a series of actions and prior published Regulations FmHA has taken in response to internal program reviews and subsequent recommendations by USDA's Office of Inspector General. The Amendment to this Regulation are to correct program weaknesses found in the reviews and confirmed by FmHA experience. This action will narrow the broad discretion now permitted by the regulations by clarifying the intent of the regulations. This action is needed to make fair and consistent loan-making decisions by FmHA, thereby protecting the public investment without destroying the element of flexibility required to administer such a program. The benefits of such action also apply equally to the applicants since FmHA's position is more clearly defined. In addition, no additional costs or burden will result from the changes. The impact of those changes is therefore considered nonmajor.

The FmHA programs and projects which are affected by this action are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H. CFDA Number 10.422, Business and Industrial Loans.

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

Sections 1980.411(a)(12), 1980.441 and 1980.443 of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations are amended. On June 20, 1980, FmHA published in the **Federal Register** (45 FR 41647) a notice of proposed rulemaking setting forth the proposed changes in the regulations. Interested parties were given the opportunity to submit, not later than August 19, 1980, any comments, views, or recommendations regarding the proposed changes.

Having considered those factors, the Administration believes it is in the best interest of the agency and the public to now proceed with the publication of this rule.

Discussion of Comments

A total of 13 interested parties responded to the proposed rule within the allowed comment period. Each FmHA issue was not necessarily addressed in each of the respondents' comments.

The first issue dealt with revising § 1980.411(a)(12) to clarify the conditions FmHA would follow in reviewing loan applications when debt refinancing is requested.

It was FmHA's position that many loan requests are denied or require restructuring because the applicant and lender did not substantiate or adequately document the proposal to conform to FmHA regulations. For example, in many cases the request for refinancing did not actually save existing jobs but merely was a vehicle used to reduce a lender's exposure on a loan already on its books with the applicant.

There are situations, however, where refinancing does actually save jobs or strengthen the proposal (e.g., to obtain lien position for collateral where appropriate, to improve net cash flow by restructuring short-term debts that should have been financed over longer periods of time and provide permanent financing following construction).

One respondent indicated that lenders may be apprehensive to discuss the need for refinancing when such information could be used by FmHA to the detriment of the borrower. It was also suggested that FmHA expand their regulation as to the guarantee percentage FmHA would offer versus the lender's exposure. FmHA's experience reflects that very few projects actually result in saved jobs. Therefore, the documentation of reasons for refinancing is essential for FmHA to make a valid decision on the application. Each loan proposal must be judged on its own merits, therefore, FmHA believes it is best not to try and cover all possible contingencies in the regulations as it may relate to the lender's exposure on the loan.

FmHA believes that the regulations should be expanded to include a third category for refinancing projects. This would include a situation where permanent financing (covered by the guarantee) follows a construction loan. In many cases a business starts construction with an interim loan. These loans are relatively short in duration and require upon maturity that a permanent loan (take-out) be placed at that time. In some cases the interim lender is not necessarily the permanent lender. This type of situation is not really a "bail-out" situation. FmHA has included in this final rule this provision.

FmHA considered these major alternatives in developing the revision:

(1) Maintain the Status quo of existing regulations which defines debt refinancing as an allowable loan purpose "... in connection with sound projects when it is determined by FmHA that it is necessary to help stabilize the economic base of the rural area and increase or maintain employment." To continue under the current regulation provision would not solve the major problems of interpretation FmHA as well as applicants were experiencing in situations to request for refinancing and assurance that the refinancing actually saved jobs—one of the major objectives of the B&I program.

(2) Specify separately for loans involving new businesses and those supporting existing businesses, appropriate proportions for debt refinancing activities. Distinctive financial situations and program job-producing strategies are likely to characterize these two broad categories of loan proposals. Maximum percentages allowable for debt refinancing in either situation would be specified.

This option would establish certain limits on Debt Refinancing which may not solve the business' needs and therefore would be too stringent of a requirement.

(3) Define both the programmatic and financial management purposes which could justify debt refinancing; require documentation to support debt refinancing requests; tailor the size of the guarantee to the debt refinancing request. This provision would define the job-producing requirement for debt refinancing to be considered allowable. It requires that the lender and FmHA determine that debt refinancing is necessary to save existing jobs.

In addition it would be necessary to define the financial situations in which debt refinancing could be considered to tie FmHA's decision on size of guarantee to the debt refinancing situation.

The final rule reflects this alternative as modified by public comment considerations. It is believed that the alternative is the most efficient and effective one.

The second issue dealt with revising § 1980.441 to clarify the equity requirements for B&I applications. FmHA has received many inquiries for interpretation of our present regulations on equity and has been asked for guidelines in the calculation of equity. FmHA proposed in the prior rule and still maintains that equity should consist of either cash or tangible earning assets at book value. FmHA experience has shown that applicants have, in many

cases, wanted to use all appraisal surplus as equity for the project. While this may be desirable in certain circumstances where assets appreciated substantially above current book value, FmHA does not believe this is a valid argument for meeting the equity contribution of a project.

One respondent indicated that FmHA establish a minimum 10 percent tangible balance sheet equity requirement that would remove all the administrative discretion currently in the regulation. It was suggested that an alternative solution would be to have the lender and borrower set forth their arguments in writing to justify a lower equity position. Another respondent recommended allowing, in addition to real estate, surplus appraisals of marketable machinery and equipment to satisfy the equity requirement and allowing subordinated debt to make up 100 percent of the equity requirement, instead of the originally proposed one-half equity contribution.

Recent FmHA analysis of its loan portfolio reflected many instances where the current regulation of requiring a minimum of 10 percent equity was not being followed. Loans were being closed without an actual 10 percent equity. This was due in part to the vagueness of the regulation terminology. FmHA therefore believes this regulation needs to be more specific and circumstances established for the equity contribution.

Concerning the issue of allowing appraisal surplus, FmHA has found through its servicing of loans that fixed asset appraisals were being submitted in substantial amounts over cost at time of loan closing and in FmHA liquidation situations never bring near the appraised value. For this reason FmHA chose not to include appraisal value as part of the equity contribution.

In several instances, FmHA has received requests to finance projects where the applicant is also a construction contractor. In these cases the profit the contractor would have earned is not charged which results in a total lower construction cost. This is generally known as sweat equity. FmHA believes this arrangement is not valid in equity calculations. FmHA also reviewed the subordinated debt contribution as part of the equity, but has decided that this provision would not be consistent with the Agency's policy of strengthening the credit factors, therefore it is not included in the equity calculation provision.

FmHA considered two alternatives:

(1) Maintain the Status Quo. This options is not feasible since the problems FmHA has experienced would continue and the confusion or interpretation would result in continued misunderstanding and confusion.

(2) The second alternative was to clarify the regulations to provide for an absolute 10 percent minimum and list the situations in which a 20–25 percent minimum will be required.

A minimum of 10 percent tangible balance sheet equity will be required at the time the Loan Note Guarantee is issued for guaranteed loans. For new business ventures, requests for energy-related projects, or when no or limited personal or corporate guarantees are offered, a minimum of 20–25 percent equity will be required. This alternative was selected. It provides ample flexibility and at the same time eliminates vagueness in the previous provisions of the regulation.

The third and final issue deals with revising § 1980.443 to clarify the personal and corporate guarantee requirements.

FmHA's proposed rule considers an exemption from the requirements for personal and corporate guarantees if the applicant had a favorable credit history, proven management, profitable operation or if the business ownership was considered widely held or if legally restricted, etc. The proposed rule involved more descriptive language and should eliminate confusion in this matter on the part of the lender, applicant and FmHA.

Comments received from the public on this issue were not significant, therefore, FmHA will adopt the proposed rule language without change. The changes will clarify the definite requirement and modify the discretionary requirements to specify instances in which waivers may be approved. The revised language requires guarantees from owners or major stockholders and all partners, except in specifically defined situations where a waiver may be sought. Guarantees of parent, subsidiary or affiliated companies remain discretionary.

No additional USDA or other federal costs will be incurred as a result of the proposed revisions. Current costs are limited to the personnel costs to support staff involved in the review and processing of loan applications. Clarifying and standardizing review procedures should help reduce the time it takes to make a decision about an application; having all necessary information provided assembled prior to final decisionmaking should also expedite that process. Borrowers and lenders who wish to participate in the program are not expected to incur any new costs.

PART 1980—GENERAL

Accordingly, Subpart E of Part 1980 is amended as follows:

1. Section 1980.411(a)(12) is revised to read as follows:

§ 1980.411 Loan purposes. * * *

(a) *Private entrepreneurs.* * * *

* * * * *

(12) Debt refinancing. Lenders and FmHA must provide as part of their loan analysis the reasons for refinancing and the file must be documented accordingly. Refinancing debts may be allowed in connection with viable projects when it is determined by the lender and FmHA that it is necessary to save existing jobs. FmHA will consider any lender's exposure as it relates to this item and may adjust the guarantee percentage accordingly. Refinancing in accordance with this paragraph may be insured or guaranteed only when:

(i) It is necessary to spread substantial debt payment over a longer period of time thereby improving the businesses' net cash flow and working capital position consistent with the useful life of the asset(s) being refinanced, or

(ii) For payment of short-term debt when required in situations customarily financed over long periods of time (e.g., financing the purchase of real estate, machinery, or equipment with short-term debt or cash expenditures, when lenders would not extend reasonable longer terms to the business), or

(iii) It is necessary to place a permanent loan subsequent to an interim loan for financing the construction of the project.

* * * * *

2. Section 1980.441 is amended by revising the present text up to "administrative" to read as follows:

§ 1980.441 Applicant equity requirements.

(a) A minimum of 10 percent tangible balance sheet equity will be required for insured loans at loan closing or at the time the Loan Note Guarantee is issued for guaranteed loans. However, balance sheet equity in the amount of at least 20–25 percent will be required under the following circumstances:

(1) For new businesses since they do not have a history of proven operations and such businesses generally experience unforeseen startup expenses which may deplete the available cash resources.

(2) For businesses where the applicant does not or cannot offer a limited or full personal or corporate guarantee as required in § 1980.443 and thereby

weakens the financial soundness of the loan.

(3) For energy related businesses since these types of projects may be technically feasible, but in many instances are more susceptible to higher risk and a higher equity position will assure management's commitment to the project.

FmHA may also require more than a ten percent equity investment in projects other than those in paragraphs (a)(1), (2) and (3) of this section if the reviewing official makes a written determination that special circumstances necessitate this course of action. Special circumstances are limited to credit factors which negatively affect the financial soundness of the loan, the chances of the project's success, or the repayment ability of the borrower. Such determination will be in writing by the reviewing official and explained fully what the special circumstances are and how FmHA decided upon the percentage of equity investment to be required in the individual case.

(b) FmHA will require the applicant to contribute all of the equity requirement in the form of either cash or tangible earning assets injected into the business and reflected on the balance sheet. Appraisal surplus and/or subordinated debt can not be used in the calculation of the equity requirements.

Administrative

* * * * *

3. Section 1980.443(b) is revised, and a new administrative paragraph is added after paragraph (c)(4) to read as follows:

§ 1980.443 Collateral, personal, and corporate guarantees, and other requirements.

* * * * *

(b) *Personal and corporate guarantees.* (1) Unconditional personal guarantees (i.e., absolute guarantees of full and punctual payment and performance by the borrower) from owners or major stockholders as determined by FmHA and all partners of partnerships unless restricted by law *will* be required unless exempted as provided for in paragraph (b)(2) of this section. Guarantees of parent, subsidiaries, or affiliated companies and/or secured guarantees may also be required.

(2) An exception to the requirement for personal or corporate guarantees may be made by FmHA when requested by the lender and if:

(i) The applicant has a satisfactory and current (not over 90 days old) credit report, proven management, evidence of the market necessary to support projections, profitable historical performance of no less than 3 years, abundant collateral to protect the lender and FmHA, sufficient cash flow to service its debts, and meets key industry standards such as those of Robert Morris Associates, Dun and Bradstreet, or the like; or

(ii) The applicant's stock is widely enough held so that no one individual can exercise control. Examples of control would include but are not limited to: holding sufficient proxies and maintaining sufficient family or special interest voting blocks; or

(iii) An applicant which has a parent, subsidiary, or affiliate which is legally restricted from guaranteeing, or if the guarantee would conflict with existing contractual obligations. Examples of existing contractual obligations include but are not limited to restrictions in loan agreements or in credit lines which may preclude guaranteeing.

(3) Unsecured personal guarantees, while collateral, will not be considered for purposes of adequacy of security. Personal guarantees will be secured by collateral when business collateral offered is determined by FmHA to be insufficient or when the applicant's credit does not meet the program's normal requirements.

(4) Guarantors of applicants will:

(i) In the case of personal guarantees, provide current financial statements (not over 60 days old at time of filing), signed by the guarantors, which make a clear disclosure of community or homestead property.

(ii) In the case of corporate guarantees, provide current financial statements (not over 90 days old at time of filing), certified by an officer of the corporation.

(iii) When applicable, provide written evidence to FmHA of their inability to provide a guarantee because of existing contractual arrangements or legal restrictions.

(c) * * *

(4) * * *

Administrative

Within their loan approval authority, State Directors will examine the personal and corporate guarantee requirements as set forth in paragraph (b) of this Section and will make a decision as to what type and size of guarantee is warranted by FmHA in a given case. The loan file will be fully documented as to the facts and reasons for the decisions reached.

(7 U.S.C. 1989; 42 U.S.C. 1980; 5 U.S.C. 301, Sec. 10 of Pub. L. 93-357; 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70)

Note.—The reporting and/or recordkeeping requirements contained herein have been approved through January 31, 1984, under Number 0575-0029 by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: January 7, 1982.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 82-2242 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 82-007]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of El Paso County in Colorado from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: January 21, 1982.

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

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this final rule

warrants publication without opportunity for public comment. This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantine imposed due to exotic Newcastle disease concerning only one premises, and that premises is not owned by a small entity.

This amendment releases a portion of El Paso County in Colorado from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released area.

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

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 82.3 [Amended]

1. In § 82.3(c)(1), relating to the State of Colorado, the following premises is removed:

* * * * *

(c) * * *

(i) Ms. Megan Christiansen and Ms. Rebecca Taggart, 416 San Rafael, Colorado Springs, El Paso County.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 21st day of January 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-2057 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-34-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket 80-043]

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations for the importation of horses in the following respects:

1. To permit the entry of Standardbred horses into the United States from Australia and Thoroughbred horses from West Germany, which are countries affected with contagious equine metritis (CEM), when certain specific conditions are met. This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that the countries of Australia and the Federal Republic of Germany have met specific conditions required by the Department to safely allow the importation of certain horses from Australia and the Federal Republic of Germany without risk of introducing CEM into the United States. The effect of this action would be to provide for the importation of Standardbred horses from Australia and Thoroughbred horses from West Germany, CEM-affected countries.

2. To clarify the information required on the daily activity records on horses to be imported from certain countries affected with CEM. This action is being taken because it has been found that the present language in 9 CFR 92.2(i)(2)(iii) is confusing to importers and the clarification is necessary to assure that sufficient and reliable information concerning the health status of horses intended for importation from certain countries affected with CEM is made available to the Department by the importer. The effect of this action would be to identify those records of daily activities of certain horses in the United Kingdom, Ireland, France, Australia, and the Federal Republic of Germany intended for importation that provide reliable certification of health history for such horses.

DATES: Effective date: January 28, 1982. Comments must be received on or before March 29, 1982.

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

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 821, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule." This regulation should not result in a significant annual effect on the economy; should result in little or no increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investments, productivity or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The emergency nature of this interim action makes it impracticable to follow the procedures of Executive Order 12291 with respect to this interim rule.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This is because this interim rule, with regard to records from countries affected with CEM, would only clarify certain procedures already required by the regulations but which are confusing to the public. Regarding importation of Standardbred horses from Australia, this action should not have a significant economic impact on a substantial number of small entities because it is estimated that this will mean an increase of approximately 20–50 Standardbred horses the first year and 20 Standardbred horses every year thereafter which would be imported from Australia. Presently, there are approximately 212 horses imported annually from Australia and there are several thousand horses imported annually into the United States from around the world. Further, such Standardbred horses are usually imported only for racing and are returned to the country of import after the race. Regarding Thoroughbred horses to be imported from the Federal Republic of Germany,

this action would not have a significant economic impact on a substantial number of small entities because the effect of this regulation change would increase the number of horses imported from the Federal Republic of Germany by approximately 15–30 Thoroughbred horses the first year and approximately 10 horses each year thereafter. There are approximately 100 horses imported annually from the Federal Republic of Germany and several thousand Thoroughbred horses imported annually from around the world.

Dr. John K. Atwell, Deputy Administrator, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim rule. First, this amendment relieves the present restrictions imposed on the importation of Standardbred horses from Australia and Thoroughbred horses from West Germany. It should be made effective immediately in order to allow importers to bring these horses into the United States in time to compete with major international horse races beginning in March 1982. It has come to the attention of the Department that there are importers who wish to bring into the United States a number of Standardbred horses from Australia and Thoroughbred horses from West Germany in order to compete in major international horse races which begin in March. Importers need, at a minimum, six weeks advance notice to prepare horses for such races and to make the necessary transportation arrangements. Substantial sums of non-refundable money are required for this type of transportation. Therefore, it is necessary to make this amendment effective immediately so that these arrangements can be made.

Second, this amendment clarifies what information is required on health certificates accompanying horses imported from certain CEM countries. Presently, there is some confusion among importers as to the type of information required and there is a need to make clear that the Department will refuse to allow horses to enter the United States from such countries unless all the required information has been obtained and verified as true, factual, and correct by approved recordkeeping systems in the country of export. This information is necessary to assure that such horses have not been in contact with breeding horses or breeding premises in CEM affected countries at any time since the horse has reached 731 days of age. This is essential to assure the Department that the risk of introducing CEM into the United States through these horses is reduced to an acceptable level. This amendment must be made effective immediately to avoid further confusion to importers who wish to move such horses into the United States.

The following alternatives were considered in connection with this interim rule:

1. Prohibit importation of all horses from countries affected with CEM.

2. Require all horses from countries affected with CEM to remain in a country considered free of CEM for a period of 1 year before entering the United States.

3. Clarify the present regulations regarding the recordkeeping requirements and revise the list of CEM countries which have an adequate and reliable recordkeeping system to allow the continued importation of horses from these countries.

4. Make no change in import permit requirements.

Alternative No. 1 was rejected because the Department has found that under certain circumstances it is safe to allow the importation of certain horses from certain countries affected with CEM without posing a significant threat that such disease will be introduced into this country by such horses. Therefore, to prohibit the importation of all horses from all CEM countries would be unnecessary and, thereby, would impose greater restrictions on the general public than is required to adequately protect the horse industry in the United States.

Alternative No. 2 was rejected as a mandatory requirement because it is also more restrictive on importers than the present amendment. As a mandatory requirement it would prove more costly to the importer than the present amendment because the importer would have to pay for transportation and handling costs in another counry. In this connection, we note that other CEM-free countries might not allow the entry of such horses for the requisite year's time, thereby preventing *de facto* any importation of horses into this country originating in a CEM country. Further, alternative No. 2 was rejected because it is unrealistic to believe that racing horses in competition status can compete only in CEM free countries. Most of the world's best racing stock come from countries now affected with CEM. Therefore, alternative No. 2 was also rejected.

Alternative No. 4 was rejected because the Department has determined that, in addition to the United Kingdom, Ireland, and France, there are breed associations in the countries of Australia and the Federal Republic of Germany which appear to have adequate and reliable recordkeeping systems on the health history of certain horses. Also, the Department has found that the present regulations are written in such a manner as to cause confusion to (1) importers wishing to import horses from the United Kingdom, Ireland, and France, pursuant to § 92.2(iii) of the regulations, regarding the extent and kind of health history information the Department requires on certain horses coming from those countries before they are allowed entry into this country. Therefore, in order to allow the importation of horses whenever possible while still carrying out the Department's responsibilities regarding the importation of horses under the Animal Quarantine Laws, and in order to provide clear and understandable notice to the public of the requirements for importing horses, some change in the regulations appears to be necessary. In this regard, it is noted that the Department has been urged by persons in the horse industry to allow the entry of horses from Australia and the Federal Republic of Germany.

Alternative No. 3 appears to be the most advantageous to importers and to the Service because it would allow horses from CEM affected countries to enter the United States when a recordkeeping system in that country is approved by the Department as adequate to meet its requirements for certification.

The amendment to clarify existing regulations will impose no new costs on the public. The amendment which allows certain horses to be imported from Australia and the Federal Republic of West Germany would impose some costs on importers, but the Department feels these costs are acceptable and are offset by the benefit of allowing these horses to come into the United States when presently they are not allowed entry.

Daily Activity Records for Horses from CEM Countries

On Friday, February 17, 1978, there was published in the **Federal Register** (43 FR 6957–6958) a proposed amendment to permit the entry of certain horses into the United States from the United Kingdom, Ireland, and France, which are countries affected with contagious equine metritis (CEM), when specific conditions are met.

The proposal stated that on-site inspections had been made of facilities and records of individual animal histories of certain horses in the United Kingdom, Ireland, and France, and it

appeared that sufficient specific information was available on certain horses in those countries to enable reliable certifications to be made that would establish the fact that since reaching two years of age they had not been on any premises where breeding is carried out; and that this certification, together with a series of three negative cultures for CEM at least 7 days apart, and an import permit should provide satisfactory assurances that such horses imported from those countries were not likely to introduce CEM into the United States.

Among other considerations, the final rule published Tuesday, June 13, 1978 (43 FR 25418–25419), determined that additional protection against the introduction of CEM into the United States be provided by requiring that the National Veterinary Service of countries affected by CEM certify for export only those horses that have individual health history records which show that, since reaching 2 years of age, such horses have not been on any premises where breeding was carried out (9 CFR 92.2(i)(2)(iii)), thereby substantially reducing the danger of their exposure to the disease.

The present wording of the existing regulations for this certification found in § 92.2(i)(2)(iii) has been confusing to importers. It was the intent of the Department to require horses imported for permanent entry from the United Kingdom, Ireland, and France, to be accompanied by a certificate issued by a licensed veterinarian who has inspected the daily records on file with an approved association and endorsed by an official of the National Veterinary Service of such country. It was also the intent of the Department that the certificate certify that the daily records were found to be true and factual and show that, since reaching 2 years of age, such horses have not been on premises where breeding was carried out. The Department intended to accept certification for a horse only if the information certified is based on records kept as part of a record keeping system which officials of the Department had reviewed and determined to be adequate and reliable to provide the necessary health history certification.

The Department has received numerous requests, both from horse importers in the United States and exporters from CEM infected countries, to approve daily records that have not been reviewed or verified as factual, true and correct by Department approved record-keeping systems maintained by an approved breed association in the exporting country.

The on-site inspection conducted by the Department representatives identified Weatherby's Ltd. in the United Kingdom and Ireland, Haras du Pain in France, and, as discussed later in this proposal, the Direktorium Fur Vollblutzucht und Rennen e.v. in the Federal Republic of Germany, and the Australian Trotting Council and the affiliated State Trotting Control Boards in Australia as having sufficient specific information and a reliable record-keeping system in order to verify the individual daily records on certain horses. These firms maintain records to enable reliable certification to be made to establish the fact that, since reaching two years of age, a horse has not been on any premises where breeding is carried out. The animal health authorities for the governments of Australia, Federal Republic of West Germany, Great Britain, Ireland, and France did not recommend nor advise the Department's representatives of any other firm or record keeping agency that could provide such verification. Direktorium Fur Vollblutzucht und Rennen e.v., Weatherby's and Haras du Pain maintain such records on Thoroughbred race horses only.

The Department is clarifying what information will be required to qualify a horse for importation from Great Britian, Ireland, France, Australia or the Federal Republic of Germany into the United States under § 92.2(i)(2)(iii) of the regulations. The Department believes that in determining the disease status of a horse with regard to CEM, the horse must be accompanied by a certificate which is issued by a veterinarian who is qualified to issue such certificates by the foreign country from which the horse is exported, stating that the veterinarian has examined the records of daily activities of the horse, maintained by the trainer and certified as factual, current and true by the veterinarian in charge of the training or racing stable, and has compared information found on these daily records with the information found on records of the horse's activity maintained by the approved record-keeping association in the country of export. Further, the veterinarian will be required to certify that he/she has found the information in the two sets of records to be consistent and current. The information that will be required to be maintained in both sets of records would include the name, sex, age, breed, and all identifying marks of the horse; all premises where the horse has been since reaching 731 days of age and the dates the horse was at these premises; and a statement that none of the premises were breeding premises. In addition, this certificate will be required to be endorsed by an official of the national veterinary services of the country of export who would certify that the veterinarian issuing the certificate was qualified to do so.

The records maintained by the trainer and the record-keeping breed association must reflect a daily, unbroken record of the horse's activities since reaching 2 years of age. Therefore, if the horse leaves the home country for racing or other purposes and the daily activities of the horse cannot be maintained by both the record-keeping breed association and the trainer, the horse would be ineligible for permanent entry into the United States.

These precautions are believed necessary to help in insuring that no horse infected with or exposed to CEM is imported into the United States. It is a standard practice for trainers of certain breeds to keep daily records of the horse's activities, and the verified records should provide the Department with an accurate history of where the horse has been since reaching two years of age. Relying on the certification as to the truthfulness of the records would be in lieu of having the records, which may be voluminous or difficult to transport, accompany the horse being imported. The comparison of the two sets of records and certificates should provide sufficient assurance that the records are current, true and correct.

Horses From Australia and Federal Republic of Germany

The regulations are also being revised to authorize the above-mentioned certification procedure for Standardbred horses imported from Australia and Thoroughbred horses imported from the Federal Republic of Germany. This is because the Trotting Control Council and the affiliated State Trotting Control Boards in Australia maintain a reliable record keeping system for Standardbred horses and the Direktorium Fur Vollblutzucht und Rennen e.v. for the Federal Republic of Germany maintains a reliable record keeping system for Thoroughbred horses. Consequently, based upon this Department's review of both record systems, certification by the Trotting Control Council, or an affiliated State Trotting Control Board in Australia, and the Direktorium Fur Vollblutzucht und Rennen e.v. should help insure that the horse from those countries being certified are not infected with or exposed to CEM.

When the Department is notified and confirms that there are other organizations which maintain similar accurate records containing the

specified information with respect to horses, additional appropriate changes to the regulations will be considered.

The Paperwork Reduction Act does not apply to records maintained by foreign countries. Therefore, OMB clearance of these record-keeping provisions is not required.

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

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

In § 92.2 subparagraph (i)(2)(iii) introductory text and (i)(2)(iii)(A) revised to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) * * *

(ii) * * *

(iii) Thoroughbred horses imported for permanent entry from the Federal Republic of Germany, the United Kingdom, Ireland, France, and Standardbred horses from Australia, if such horses are accompanied at the time of importation by import permits in accordance with § 92.4 of the regulations and are accompanied by a certificate issued and signed by a veterinarian who is qualified to issue such certificate by the foreign country from which the horses are exported. This certificate shall be endorsed by an official of the National Veterinary Service of the country of export who certifies that the veterinarian signing and issuing the certificate is qualified to do so. The veterinarian signing and issuing the certificate shall certify that:

(A) He/she has examined the daily records of the horse's activities maintained by the trainer and certified to be current, true and factual by the veterinarian in charge of the training or racing stable, and examined the records of the horse's activities maintained by a record-keeping association which has been specifically approved by Veterinary Services,[*] and certified by such association to be current and true and factual, for the following information: identification of the horse by name, sex, age, breed, and all identifying marks, identify all premises where the horse has been since reaching 731 days of age and the dates that the horse was at such premises, and that none of the premises are breeding premises. Further, that he/she has compared the records maintained by the approved recordkeeping association with the records kept by the trainer and has found the information described above on these two sets of records to be consistent and current.

* * * * *

(Sec. 2, 32 Stat. 792, as amended, sec. 4 and 11, 76 Stat. 130 and 132 (21 U.S.C. 111, 134c and 134f); 37FR 28464, 28477, 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 21st day of January, 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-2058 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-34-M

[*] The following breed associations and their record systems have been approved by the Department: Weatherby's Ltd. for the United Kingdom and Ireland; Haras du Pain for France; Direktorium Fur Vollblutzucht und Rennen e.v. for the Federal Republic of Germany; and the Australian Trotting Council and the affiliated State Trotting Control Boards for Australia.

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 81-036F]

Rate Increase For Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The rates charged by USDA to provide overtime inspection, identification, certification, or laboratory service to meat and poultry establishments are increased to reflect the increased costs of providing these services.

EFFECTIVE DATE: March 1, 1982.

FOR FURTHER INFORMATION CONTACT: June P. Blair, Director, Finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-0072.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since costs incurred by the Government for certain inspection services, other than ordinary costs, are recoverable by the Government, no alternative actions were considered.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub.L. 96-354 (5 U.S.C. 601) because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Background

On September 17, 1981, the Food Safety and Inspection Service (FSIS) published a final interim rule in the **Federal Register** (46 FR 46111) to increase the rates charged by USDA to provide overtime inspection, identification, certification, or laboratory service to meat and poultry establishments for Fiscal Year 1982. The amendments were implemented on an interim baisis because of the Agency's need to increase these rates to cover increases in costs of the services commencing with the beginning of the fiscal year. The Agency also provided until December 1, 1981, for public comment.

Comments

One comment was received in response to the interim rule from Mr. W. F. Krueger, Professor, Texas A&M University, College of Agriculture. Mr. Krueger stated that the increased costs associated with overtime inspection, identification, certification, or laboratory services would be passed on to the consumer, and that there will be an effect on costs in export trade.

In Fiscal Year 1981, FSIS provided inspection services to industry at a cost in excess of $310 million. Of this total, approximately $277 million was for mandatory inspection, provided without charge to industry, funded through the FSIS annual appropriation. The remaining amount, approximately 10.6

percent of the total, relates to inspection services beyond those required for mandatory inspection. The FSIS appropriation does not provide funds for these services and we must recover them in full through user fees charged to the establishments which request the additional services.

Through annual analyses, the Agency assures that fees charged neither exceed nor fall short of full reimbursement for cost of the service. These anaylses also help assure that our costs are kept to a minimum. Since the Fiscal Year 1982 increases represent a small increase over the Fiscal Year 1981 fees which apply to a small percentage of total inspection costs, we believe they will not have a major economic impact.

In consideration of the foregoing, the Federal meat and poultry products inspection regulations (9 CFR Parts 307, 350, 351, 354, 355, 362, and 381) are amended as set forth below.

PART 307—FACILITIES FOR INSPECTION

1. The authority citation for § 307.5 is revised to read as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.17(g), 2.55.

2. Section 307.5(a) is revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $18.12 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

3. The authority citation for § 350.7 is revised to read as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.17(g), 2.55.

4. Section 350.7(c) is revised to read as follows:

§ 350.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at a rate of $14.64 per hour for base time, $18.12 per hour for overtime including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

5. The authority citation for §§ 351.8, 351.9, 354.101, 355.12, and 362.5 is revised to read as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.17(g), 2.55.

6. Section 351.8 is revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of $14.64 per hour for base time, $18.12 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

7. Section 351.9 is revised to read as follows:

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be $14.64 per hour for base time and $18.12 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and $27.28 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

* * * * *

PART 354—VOLUNTARY INSPECTION OF RABBITS AND EDIBLE PRODUCTS THEREOF

8. Section 354.101 (b) and (c) are revised to read as follows:

§ 354.101 On a fee basis.

* * * * *

(b) The charges for inspection service will be based on the time required to perform such service. The hourly rate shall be $14.64 for base time and $18.12 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this Part related to the inspection service shall be $27.28 per hour.

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

9. Section 355.12 is revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $14.64 per hour for base time, $18.12 per hour for overtime, including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory services to reimburse the Service for the cost of the inspection service furnished.

PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS

10. Section 362.5(c) is revised to read as follows:

§ 362.5 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $14.64 per hour for base time, $18.12 per hour for overtime including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

11. The authority citation for section 381.38 is revised to read as follows:

Authority: 71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.17(g), 2.55.

12. Section 381.38 is revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $18.12 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

Done at Washington, DC, on January 12, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-2241 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 544, 563 and 577

[No. 82-35-A]

Amendments Relating to Issuance of Mutual Capital Certificates

January 15, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments permit Federal mutual savings and loan associations and Federal mutual savings banks to amend their charters to authorize the issuance of mutual capital certificates by adoption of a pre-approved charter amendment without a special proxy solicitation. State-chartered institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") may adopt charter amendments authorizing the issuance of mutual capital certificates pursuant to applicable state law. These amendments are intended to streamline procedures for issuance of mutual capital certificates and thereby assist associations in raising new capital.

EFFECTIVE DATE: January 15, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Soukenik (202-377-6427), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 81-652, dated October 29, 1981, proposed to amend its regulations governing the issuance of mutual capital certificates. Under the proposed regulations, a Board pre-approved charter amendment authorizing the issuance of mutual capital certificates could be adopted at any legal meeting of the membership of a Federal mutual savings and loan association or a Federal mutual savings bank without a special proxy solicitation. In addition, the proposed amendments would streamline the procedures for adoption of the mutual capital certificate charter amendments by deleting the requirements of §§ 544.2-1 and 577.1-1 (12 CFR 544.2-1 and 577.1-1) that Federal mutual savings and loan associations and Federal mutual savings banks secure final Board approval of the charter amendments. Under the proposed amendments, state-chartered savings and loan institutions the accounts of which are insured by the FSLIC could apply to the Board for approval to issue mutual capital certificates provided they had adopted appropriate charter, constitution or bylaw provisions in accordance with applicable law.

The public comment period ended on December 4, 1981, with receipt of 27 comment letters from Federal and state-chartered savings and loan institutions, trade groups and Federal Home Loan Banks. The proposed amendments received the support of all of the commenters, although eight recommended further modifications. These additional suggested changes generally concerned tax and redemption issues not within the area covered by the proposed amendments set forth for public comment. Having reviewed the comments and other pertinent information, the Board has determined to adopt the proposed amendments without modification.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 544, 563, and 577, of Subchapters C, D and E, respectively, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BYLAWS

1. Revise paragraph (a) introductory text of § 544.1 to read as follows:

§ 544.1 Issuance of charter.

(a) *Charter N.* Except as provided in paragraph (b) of this section, when the Board approves a petition for a charter for a Federal association under Section 5(a) or Section 5(i) of the Act, it shall issue a charter in the following form known as Charter N.

* * * * *

2. Amend § 544.2 by adding new paragraph (h) to read as follows:

§ 544.2 Amendment of charter.

* * * * *

(h) *Mutual capital certificates.* Delete Section 11 and add new Sections 11 and 12, to read as follows:

11. *Mutual capital certificates.* The association may issue mutual capital certificates pursuant to the rules and regulations of the Board. Subject to such rules and regulations, the board of directors of the association is authorized without the prior approval of the members of the association and by resolution or resolutions from time to time adopted by the board of directors and approved by the Board, to provide in supplementary sections hereto for the issuance of mutual capital certificates and to fix and state the voting powers, designations, preferences and relative, participating, optional or other special rights of the certificates and the qualifications, limitations and restrictions thereon.

Members of the association shall not be entitled to preemptive rights with respect to the issuance of mutual capital certificates, nor shall holders of such certificates be entitled to preemptive rights with respect to any additional issues of mutual capital certificates.

12. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made, except as may be otherwise authorized by the Board, unless such proposal is made by the board of directors of the association, submitted to and approved by the Board, and thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Board, as of the date of the final approval of, or as fixed by, the members, or the board of directors in the case of supplementary sections to Section 11 of this charter, provided, however, that holders of mutual capital certificates may be granted in supplementary sections to Section 11 of this charter the right to vote on amendments, additions, alterations, changes, or repeals of this charter in any of the instances set forth in § 563.7-4(1)(2)(vii) (*b*) through (*f*).

3. Remove § 544.2-1

§ 544.2-1 Amendment of charter. [Removed effective January 15, 1982].

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

4. Revise paragraph (d) of § 563.7-4 to read as follows:

§ 563.7-4 Mutual capital certificates.

* * * * *

(d) *Charter amendment.* No application for approval of the issuance of mutual capital certificates pursuant to this section may be filed unless the

amendment to the mutual institution's charter, constitution or bylaws or other actions conferring such authority shall have been approved pursuant to the procedures and requirements set forth in the mutual institution's charter, constitution or bylaws, or as may otherwise be required by applicable law.

* * * * *

SUBCHAPTER E—RULES AND REGULATIONS FOR FEDERAL MUTUAL SAVINGS BANKS

PART 577—CHARTER AND BYLAWS

5. Revise the introductory text of § 577.1 to read as follows:

§ 577.1 Prescribed form.

Unless otherwise authorized by the Board, and until amended pursuant to the procedures set forth in the charter, a Federal mutual savings bank shall operate under a charter of the following form.

* * * * *

6. Revise paragraph (a) of § 577.1–1 to read as follows:

§ 577.1–1 Mutual capital certificate amendment.

(a) *Approval of mutual capital certificate charter amendment.* This section constitutes approval by the Board of the amendments to the charter of a Federal mutual savings bank set forth in paragraph (b) of this section.

7. Remove paragraphs (c) and (d) of § 577.1–1.

(Sec. 5, 48 Stat. 134, as amended; 12 U.S.C. 1464. Secs. 402, 403, 406, 48n Stat. 1256, 1257, 1259, as amended; 12 U.S.C. 1725, 1726, 1729. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943—48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82–2192 Filed 1–27–82; 8:45 am]

BILLING CODE 6720–01–M

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12 CFR Parts 544, 545, 561, 563, and 571

[No. 82–20]

Amendments Concerning Borrowing

Dated: January 14, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulations governing borrowing by institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"). Major changes from existing regulations include: (1) Permitting borrowing without limitation on (a) the aggregate amount of borrowing, (b) the aggregate book value of all collateral securing outside borrowing, or (c) the distribution of maturities of all types of liabilities; (2) permitting borrowing with a maturity in excess of one year without reference to FSLIC net-worth requirements; (3) permitting the sale of loans with recourse; and (4) expanding alternative loan documentation for participation interests in loan pools to any type of loan in which an institution may invest. The amendments also require that recourse liabilities resulting from the sale of loans be included in calculating net-worth requirements. This action provides institutions with greater flexibility to manage liabilities and to arrange for sales of loans in the secondary market.

EFFECTIVE DATE: February 14, 1982.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (202–377–6445), Associate General Counsel, Office of General Counsel, or Jerry Hartzog (202–377–6782), Senior Economist, Office of Policy and Economic Research, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On October 20, 1981, the Federal Home Loan Bank Board proposed amendments to certain regulations governing borrowing by institutions whose accounts are insured by the FSLIC. Resolution No. 81–640 (October 20, 1981); 46 FR 53673 (October 30, 1981). The proposal was made in response to changes that have occurred in the operations of insured institutions in the last two years including expanded investment authority for Federal associations, increased competition with other financial service providers, and trends of high and volatile interest rates. The proposed amendments were intended to provide institutions with greater flexibility to manage liabilities and to arrange for sales of loans in the secondary market.

The Board received a total of 37 comment letters in response to the proposal from insured institutions, Federal Home Loan Banks, investment banking companies, accountants, attorneys and other persons. The comments uniformly favored liberalization of regulatory restrictions on borrowing activities of insured institutions, and several comments suggested additional changes or objected to particular aspects of the proposal. Suggestions for amendment of provisions not subject to the proposal will be considered separately by the board and are not included in the action taken here. Comments regarding the FSLIC right to purchase collateral securing outside borrowings upon default and applying net worth requirements to recourse liabilities resulting from the sale of loans are treated in the discussions of those provisions below.

Limitations on the Aggregate Amount of Borrowing

Section 563.8(b)(1) of the Insurance Regulations (12 CFR 563.8(b)(1)) limits the aggregate amount of borrowing by an insured institution to 50 percent of its assets. Historically, regulatory limitations on borrowing were intended to limit volatility of institutions' cost of funds and earnings. However, as noted in the proposal, the steady decrease in the portion of savings deposits subject to fixed rate ceilings has eliminated substantially the difference between the effects of savings deposits and borrowings on the volatility of earnings. Consequently, there is no longer any reason to restrict institutions' access to non-deposit sources of funds.

The Board proposed to remove the limitation on the aggregate borrowing of insured institutions and to give full discretion to institutions to manage all liabilities according to their particular needs. Commenters uniformly shared the view that sound financial management and the requirements of creditors will discipline borrowing by institutions. The Board believes that a regulatory limit unnecessarily restricts management discretion and adopts the amendment as proposed.

Limitation on Collateral Used to Secure Outside Borrowings

Section 563.8(c)(iii) of the Insurance Regulations (12 CFR 563.8(c)(iii)) also limits the aggregate book value of all collateral securing outside borrowings to 25 percent of an institution's assets. "Outside" borrowing is borrowing other than from a district Federal Home Loan Bank or state-chartered central reserve institution. The purpose of this limitation was to restrict secured borrowing, to encourage unsecured borrowing, and to limit the risk exposure of the FSLIC in the event of liquidation.

Because it has created an impediment to the ability of insured institutions to engage in long-term outside borrowing, the Board proposed to eliminate the limitation on collateralizing outside borrowings. To avoid excessive risk exposure, the Board also proposed to apply the FSLIC's right of purchase to any secured outside borrowing regardless of the term or the type of collateral pledged. The FSLIC would have seven days to exercise its right of

purchase for any collateral consisting of liquid assets pursuant to 12 CFR 523.10, GNMA guaranteed single-family mortgage-backed securities, or U.S. Department of the Treasury securities. The right of purchase for all other collateral would remain at thirty days.

The Board specifically solicited comment on the time periods for the FSLIC to exercise its right of purchase and alternatives to those proposed, and several investment banking firms responded by objecting to extension of the FSLIC right of purchase. These commenters stated two reasons for their objections: first, that the proposal would increase the risk to investors lending to insured institutions through reverse repurchase transactions; and secondly, that the interest of the FSLIC in ensuring that collateral is not sold substantially below its full market value exists only where the collateral is illiquid.

In general, the Board believes that these objections to the FSLIC right of purchase are overstated. First, the right of purchase does not apply to transactions structured as a sale and subsequent repurchase of assets. Secondly, creditors may protect themselves against the risk of fluctuations in the value of collateral by periodic marking-to-market or by requiring a sufficient margin in the value of the collateral. However, the Board recognizes that the FSLIC right of purchase may expose creditors to additional risk from fluctuations in the value of the collateral and may hinder disposition in the event of default. The Board also recognizes that if the collateral consists of securities sold in active markets, a commercially reasonable price can be established readily and there exists little risk of sale below market value. Accordingly, the final amendments exempt from the right of purchase any collateral consisting of liquid assets as defined in § 523.10 of the Federal Home Loan Bank System Regulations (12 CFR 523.10 (1981)) and any collateral that would qualify as liquid assets but for its remaining term to maturity. Otherwise, the Board is adopting the amendments as proposed.

The Board views the FSLIC right of purchase as a measure of last resort to protect against commercially unreasonable disposition of collateral in the event of default by an insured institution. Extension of the right of purchase is required by elimination of limitations on the aggregate amount of borrowing and the extent to which an institution's assets may be used to collateralize outside borrowings. The Board does not intend extension of the right of purchase to interfere in normal commercial practices of insured institutions and their creditors.

The Board also desires to clarify the effect of the action taken today on the collateral replacement limits for mortgage-backed securities that were issued prior to May 30, 1980. In eliminating § 563.8–2 of the Insurance Regulations (*See* Board Resolution No. 80–328 (May 22, 1980); 45 FR 36361 (May 30, 1980)), the Board provided that offerings of mortgage-backed securities substantially completed by May 30, 1980, would continue to be subject to the collateral replacement limits of § 563.8–2 rather than the overall 25 percent-of-assets limit for collateral used to secure all outside borrowing. This "grandfathering" of the requirements of § 563.8–2 was intended as a liberalization for institutions that already had issued mortgage-backed securities with collateral replacement requirements in excess of 25 percent of assets, and the action taken today eliminating the 25 percent-of-assets restriction also eliminates the limitation on collateral replacement for offerings of mortgage-backed securities substantially completed prior to May 30, 1980.

Secured Outside Borrowing Eligibility Requirement

Section 563.8(c) of the Insurance Regulations (12 CFR 563.8(c)) provides that an institution must meet the net-worth requirements of § 563.13 after giving effect to the issuance of the debt, in order to be eligible to issue debt with an original maturity in excess of one year. Because the regulation has the effect of prohibiting institutions experiencing net-worth difficulties from strengthening their financial condition by reducing maturity imbalance through long-term borrowing, the Board proposed to eliminate the eligibility requirement. This amendment is being adopted as proposed.

Limitations on the Distribution of Maturities of Liabilities

Section 563.8–3 of the Insurance Regulations (12 CFR 563.8–3) limits the distribution of maturities of all types of liabilities and requires that an institution notify the Board's Principal Supervisory Agent (i.e., the President of the Federal Home Loan Bank of which the institution is a member) prior to undertaking any obligation that would cause the aggregate amount of an institution's liabilities maturing in any three-month period, less the amount of the institution's liquid assets, to exceed 30 percent of the institution's assets at the time that the additional liability is incurred. In addition, the regulation requires prior FSLIC approval of any obligation that would cause the aggregate amount of an institution's liabilities maturing in any three-month period, less the amount of its liquid assets, to exceed 40 percent of the institution's total assets. The Board believes that these requirements place unnecessary restrictions on the ability of institutions to manage their liabilities effectively and do not take into account the particular circumstances of each institution's cash-flow planning. The Board proposed to eliminate the requirements and leave overall liability management to each institution, and these amendments are adopted as proposed.

Prohibition Against the Sale of Loans with Recourse

Section 563.23 of the Insurance Regulations requires that all loans and participation interests in loans sold by an insured institution must be sold without recourse. Section 561.8 defines "without recourse" in connection with the sale of any loan to mean without any agreement or arrangement under which the purchaser is to be entitled: (1) To receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved, or any part thereof, or (2) to withhold or to have withheld from the seller any sum of money or any thing of value by way of security against such default. Amendments to the prohibition against sales with recourse provide an exception for loans sold subject to a subordinated interest or guarantee not exceeding ten percent if certain specified reserves are maintained.

In monitoring developments in private and governmentally sponsored secondary markets for mortgage, home improvement, consumer and educational loans, the Board has determined that the limited exceptions to the prohibition against sales with recourse are not flexible enough to accommodate all of the innovative arrangements for secondary market sales where the seller is required to retain some recourse liability on the loans sold. In order to give institutions full flexibility in arranging sales on the secondary market, the Board proposed to permit the sale of loans with recourse. To assure safe and sound operations by institutions selling loans with recouse, the Board also proposed to require that recourse liabilities resulting from the sale of loans be added to liabilities in calculating net-worth requirements and that institutions report recourse

liabilities as a memorandum line item in their semi-annual reports. In defining recourse liabilities for purpose of the net-worth requirement, the Board proposed to follow the definition of "loss contingency" found in Financial Accounting Standards Board ("FASB") Statement No. 5, as amended.

The final amendments permit insured institutions to sell loans with recourse without limit and require the maintenance of net worth against recourse liabilities. Some commenters suggested that the Board permit a charge against current earnings as losses accrue rather than require the maintenance of reserves. However, the Board believes that the maintenance of reserves against the possibility that an institution will incur a loss subsequent to the sale of loans with recourse is appropriate to assure safe and sound operations and to avoid increased risk to the FSLIC. Because an institution may engage in unlimited sales with recourse, charging losses against current earnings would not be sufficient to assure that institutions recognize the potential liability resulting from sales with recourse or establish reserves against potential losses.

The proposed amendments effectively would have imposed the same net-worth requirement for liabilities resulting from sales of loans with recourse as for other liabilities, and some commenters suggested that this requirement was excessive and not in proportion to losses actually experienced in loan sales. The Board believes that the maintenance of additional net worth against recourse liabilities is appropriate. Inclusion of recourse liabilities in the calculation of net-worth requirements avoids the maintenance of multiple, specified reserves and should be simpler for institutions to administer. In addition, the requirement applies evenly to all types of loan sales and avoids the need for either the Board or an institution to assess the risk of loss resulting from a particular sale. However, the Board has considered the amount of additional net worth to be maintained against recourse liabilities and has determined that an amount equal to two percent of recourse liabilities would be appropriate in light of the historic loss experience on sales of loans in the secondary markets.

In defining recourse liabilities resulting from the sale of loans, the Board proposed to follow the definition of "loss contingencies" in FASB Statement No. 5, as amended. Several commenters, however, expressed confusion as to whether the standards of FASB Statement No. 5 for accrual and disclosure of losses were to be incorporated as well. To avoid this potential confusion, the final amendments delete reference to the term "loss contingency" and refer instead to any recourse liability resulting from the sale of loans. The definition of "with recourse" has been amended to provide that the recourse liability resulting from the sale of loans includes the book value of any loans sold with recourse less: (1) The amount of any insurance or guarantee of a third party against default, (2) the amount of any loss to be borne by the purchaser in the event of default, and (3) the amount of any loss resulting from a recourse liability entered on the books and records of the institution.

For example, the recourse liability resulting from the sale of loans subject to mortgage insurance or guarantee would be the book value of the portion of the loan not subject to insurance or guarantee. Similarly, the recourse liability resulting from a sale in which the purchaser shares in losses in the event of default would be the book value of the loans sold less the amount of any losses to be borne by the purchaser. Thus, in cases in which the prohibition against sales with recourse already has been waived on an experimental basis (*see* Board Resolution Nos. 78–319, 80–196, 81–327–507), there would be no recourse liability because of the existence of mortgage insurance provided by, and loss sharing by, governmental entities. Lastly, the amount of the recourse liability would decrease as an institution records actual losses on its books or the principal balance of the loans declines.

Some commenters suggested that no recourse liability be recognized where low loan-to-value ratios or private mortgage insurance substantially reduces the potential risk resulting from the sale of loans with recourse. While the Board appreciates the intent of these comments, it also recognizes that sale with recourse generally is an alternative to other forms of security and is not required in "riskless" transactions. The existence of recourse by definition involves some degree of risk retention by the selling institution.

The Board believes that the final amendments will permit institutions to engage in innovative secondary loan market programs without imposing unnecessary risk on the FSLIC. For instance, the Federal National Mortgage Association ("FNMA") recently announced its Conventional Mortgage-Backed Securities Program (the "CMBS Program"). Institutions selling mortgages to FNMA under the CMBS Program will have the option of selling without recourse or to repurchase delinquent loans. The amount of the servicing fee received by the seller/servicer will depend on which option is chosen. The Board's final amendments grant insured institutions the discretion to choose between options such as these in engaging in secondary market activities.

Participation Interests in Loan Pools

The Board policy statement currently found at 12 CFR 571.13 (1981) authorizes documentation procedures in connection with an insured institution's purchase of a participation interest in a large pool of mortgage loans. These requirements are an alternative to those currently found at 12 CFR 563.9 and 563.17–1. The policy statement was adopted in order to provide greater secondary market flexibility for sellers and purchasers of participation interests in loans.

The Board proposed to amend § 571.13 to conform the policy statement to the current operating needs of the savings and loan industry by eliminating: (1) The restrictions on eligible originator/servicers of loans, (2) the requirement that the loans be secured by first liens on real estate, and (3) the periodic report to participants regarding the principal balance of the loans in the pool. In addition, the Board proposed to amend the policy statement to reflect regulatory changes that have taken place since it was adopted. These amendments have been adopted as proposed. In addition, the final amendments permit the originator/servicer to charge reasonable fees to institutions requesting access to loan documentation and eliminate required disclosure of the location of the collateral securing the loans.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives and legal bases underlying the rules.* These elements have been incorporated elsewhere in the supplementary information regarding the amendments.

2. *Small entities to which the rules will apply.* The amendments will apply only to institutions the accounts of which are insured by the FSLIC.

3. *Impact of the rules on small institutions.* The amendments will remove restrictions on borrowing regardless of an institution's size. To the extent that small institutions engage in borrowing, the amendments will benefit their operations. These benefits have been discussed elsewhere in the

supplementary information regarding the amendments. There is no disproportionate effect on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the amendments.

5. *Alternatives to the rules.* The amendment will eliminate several existing regulatory restrictions governing borrowing. Any alternative to elimination of these requirements would lessen flexibility afforded institutions and would increase the cost of compliance.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 544 and 545 of Subchapter C and Parts 561, 563 and 571 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BYLAWS

1. Revise paragraph (d) of § 544.2 to read as follows:

§ 544.2 Amendment of charter.

* * * * *

(d) *Borrowing powers.* Revise section 9 to read as follows:

9. *Power to borrow.* The association may borrow money without limitation and may pledge and otherwise encumber any of its assets to secure its debts.

* * * * *

PART 545—OPERATIONS

2. Revise § 545.8–10 to read as follows:

§ 545.8–10 Mortgage transactions with the Federal Home Loan Mortgage Corporation.

Without regard to any other provisions of this Part, a Federal association may enter into and perform any mortgage transaction with the Federal Home Loan Mortgage Corporation specified in section 305 (a) of the Federal Home Loan Mortgage Corporation Act. For purposes of this section the term "mortgage" shall have the meaning prescribed in section 302(d) of such Act.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

3. Revise § 561.8 to read as follows:

§ 561.8 With recourse.

The term "with recourse" means, in connection with the sale of a loan or a participation interest in a loan, an agreement or arrangement under which the purchaser is to be entitled to receive from the seller a sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan involved or any part thereof or to withhold or to have withheld from the seller a sum of money or anything of value by way of security against default. The recourse liability resulting from a sale with recourse shall be the total book value of any loan sold with recourse less: (a) the amount of any insurance or guarantee against loss in the event of default provided by a third party, (b) the amount of any loss to be borne by the purchaser in the event of default, and (c) the amount of any loss resulting from a recourse obligation entered on the books and records of the institution.

PART 563—OPERATIONS

4. Amend § 563.8 by removing paragraphs (j) and (k) and revising paragraphs (a), (b) and (c) thereof, to read as follows:

§ 563.8 Borrowing limitations.

(a) *General.* Except as the Corporation otherwise may permit by advice in writing, an insured institution may borrow only in accordance with the provisions of this section.

(b) *Amount of borrowing.* An insured institution may borrow up to the amount authorized by the laws under which the insured institution operates.

(c) *Corporation's right of purchase.* (1) *General rule.* For any secured borrowing other than from a Federal Home Loan Bank or state-chartered central reserve institution, the terms of such borrowing shall provide that the Corporation receive prompt written notification of any default on the obligation and, before a sale or other disposition of any portion of the collateral, that the Corporation shall have thirty (30) days after written receipt of notice of the proposed sale or other disposition to exercise a right to repurchase the collateral at the price to be paid at the sale or to acquire the collateral at the value to be assigned to it in any other disposition.

(2) *Exception.* The notice and right of purchase required by subparagraph (c)(1) of this section shall not apply to collateral consisting of liquid assets as defined in § 523.10 of this Chapter or collateral that would qualify as liquid assets but for its remaining term to maturity.

* * * * *

5. Remove § 563.8–3, as follows:

§ 563.8–3 Distribution of maturities of liabilities. [Removed effective February 14, 1982.]

6. Revise § 563.9–4 to read as follows:

§563.9–4 Mortgage transactions with the Federal Home Loan Mortgage Corporation.

To the extent that it has legal power to do so, an insured institution may enter into, perform and carry out any mortgage transaction with the Federal Home Loan Mortgage Association specified in section 305 of the Federal Home Loan Mortgage Corporation Act, notwithstanding any provision of this Part except the net worth requirements of § 563.13 for recourse liabilities.

7. Revise the first sentence of subparagraph (b)(2) of § 563.13 to read as follows:

§ 563.13 Reserve accounts.

* * * * *

(b) *Net-worth requirement.*

* * * * *

(2) *Minimum required amount.* On the annual closing date of the twentieth anniversary of insurance of accounts and on each annual closing date thereafter, an insured institution shall have net worth at least equal to the sum of: (i) Three percent of the amount on the date specified in subparagraph (b)(1) of this section or of the average amount on such date and on the corresponding date(s) of one or more of the four immediately preceding fiscal years (provided all such dates are consecutive) of all liabilities (i.e., total assets minus net worth of the institution), (ii) two percent of recourse liabilities (as defined in § 561.8 of this Part) resulting from the sale of any loan, and (iii) an amount equal to 20 percent of the institution's scheduled items.

* * * * *

8. Remove § 563.23, to read as follows:

§ 563.23 Prohibition of sale with recourse. [Removed effective February 14, 1982.]

PART 571—STATEMENTS OF POLICY

8. Revise § 571.13 to read as follows:

§ 571.13 Participation interests in pools of loans.

(a) Where an insured institution purchases a participation interest in a pool of loans, compliance with the documentation requirements of §§ 563.9 and 563.17–1 of this Subchapter may be impracticable. Where this is the case, the documentation requirements of those provisions will be deemed satisfied if:

(1) Access to all loan documentation is provided by the originator/servicer upon request and without charge to any trustee of the pool, the Board, the Corporation, or their examiners or Supervisory Agents, and upon request and subject only to reasonable charges

incurred in providing such access to any insured institution investing in the pool;

(2) The originator/servicer warrants as to each loan in the pool to or for the benefit of each insured institution investing in the pool that as of the date participation interests in the pool were first issued:

(i) No loan was 30 or more days delinquent;

(ii) Each loan met the requirements for investment by the insured institution;

(iii) There were no delinquent tax or assessment liens or mechanics' liens on any collateral for the loans and the collateral was free of substantial damage and in good repair; and

(iv) Each loan complied with all applicable state and Federal laws; and

(3) The originator/servicer has agreed to provide each insured institution investing in the pool a monthly report of loan delinquencies separately indicating the number and aggregate principal amount of loans delinquent one month and two or more months, the book value of any collateral acquired by the pool through foreclosure, deed in lieu of foreclosure or other exercise of its security interest in the collateral, and the aggregate dollar amount or loans made by the pool, if any, on the security of the collateral if such loans are as described in § 561.15(d) of this Subchapter.

(b) Although this Statement of Policy is addressed principally to compliance with regulatory requirements for purchase by insured institutions of participation interests in pools of loans, it also applies to sales of participation interests in such pools by insured institutions having legal authority to sell participation interests in mortgages.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82–2083 Filed 1–27–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22566; Amdt. 39–4307]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends telegraphic AD T80EU16, as amended by telegraphic AD T80EU16A, which were previously made effective as to all known U.S. owners and operators of certain Airbus Industrie Model A300 [1] series airplanes by individual telegrams. The AD requires daily visual inspection of the main landing gear hinge arms for cracks until replacement or modification is accomplished. The AD is necessary to prevent possible failure of the main landing gear hinge arms, which could result in collapse of the landing gear.

EFFECTIVE DATE: February 15, 1982. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, B.P. 33, 31700 Blagnac, France. A copy of each service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS–110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426–8374.

SUPPLEMENTARY INFORMATION: On March 27, 1980, telegraphic AD T80EU16 was issued to require visual inspections and replacement, as necessary, of the main landing gear hinge arm on Airbus Industrie Model A300 series airplanes up to and including Serial Number 56, except Serial Number 53. The AD was issued following detection of a crack which initiated inside the outboard attachment lug of the main landing gear actuator. After issuance of the telegraphic AD, it was determined, by laboratory examination, that the cracking was due to stress corrosion which could result in rapid crack propagation. Accordingly, the AD was amended by telegraphic AD T80EU16A, issued April 11, 1980, to require daily visual inspection of the hinge arms until replacement or modification is accomplished. AD action was necessary to prevent possible failure of the main landing gear hinge arms, which could result in collapse of the landing gear.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the ADs effective as to all known U.S. owners and operators of certain serial-numbered Airbus Industrie Model A300 series airplanes by telegraphic means.

Subsequent to issuance of the telegraphic ADs, the FAA determined that the continued daily visual inspections, which are performed externally, should be replaced by a thorough internal inspection and a modification performed on the affected main landing gear hinge arms. The manufacturer has provided instructions for such work by issuance of Airbus Industrie Service Bulletin No. A300–32–287. Therefore, telegraphic AD T80EU16, as amended by telegraphic AD T80EU16A, is being amended to require new inspection and modification of the hinge arms. In addition, the applicability statement has been expanded to include all Airbus Industrie Model A300 series airplanes, in order to make the AD applicable to any future aircraft entering the U.S. aircraft registry.

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

Adoption of the Amendment

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

Airbus Industrie: Applies to Model A300 series airplanes, certificated in all categories, with main landing gear hinge arms, P/N C65–381–2, which have accumulated more than 2,500 takeoff/landing cycles and which have not been modified in accordance with Airbus Industrie Service Bulletin No. A300–32–118, dated August 21, 1979.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main landing gear hinge arms, accomplish the following:

(a) Within the next 8 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 12 hours time in service from the last inspection, but at least once each operating day, visually inspect the main landing gear hinge arms, P/N C65–381–2, for cracks in accordance with Airbus Industrie All Operators Telex AOT 32/80/105/SC1/0644/EM/AK/ME, dated March 21, 1980, and AOT 32/80/107/SC1/0795/EM/AK/ME, dated April 8, 1980, or FAA approved equivalents. Report defects found to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of

[1] The Service Bulletin was filed as a part of the original document only and does not appear in the Federal Register.

Management and Budget under OMB No. 04-R0174).

Notes.—1. Compliance times specified in Airbus Industrie All Operators Telex AOT 32/80/105/SC1/0644/EM/AK/ME, dated March 21, 1980 and AOT 32/80/107/SC1/0795/EM/AK/ME, dated April 8, 1980, are not applicable to this AD.

2. Pay particular attention to—

(a) the inner edge of the hinge arm fork and the inner upper and lower edge between the LH and RH attachment lugs.

(b) the hinge arm between the fork webs and cylindrical lugs or MLG actuator attachments.

(c) the surrounding area of the cylindrical attachment lugs.

(b) If the inspection required by paragraph (a) of this AD reveals cracks in a hinge arm, prior to further flight, replace the affected hinge arm with a serviceable hinge arm, P/N C65-381-2 or P/N C65-381-4, in accordance with Airbus Industrie Service Bulletin No. A300-32-118. Repetitive inspections may be discontinued upon installation of P/N C65-381-4 hinge arms.

(c) Prior to February 15, 1982, unless already accomplished, perform the visual and ultrasonic inspections, rework, and modification specified in Airbus Industrie Service Bulletin No. A300-32-287, dated May 19, 1980, or an FAA-approved equivalent. Repetitive inspections are required as follows:

(1) If the depth of the corrosion pitting on the hinge arm does not exceed 0.008 inches, within sixty (60) days from accomplishment of the inspection required by Airbus Industrie Service Bulletin No. A300-32-287, dated May 19, 1980, or an FAA-approved equivalent, and thereafter at internals not to exceed 120 days, ultrasonically inspect the hinge arm in accordance with Airbus Industrie Service Bulletin No. A300-32-288, dated May 19, 1980, or an FAA-approved equivalent.

(2) If the depth of the corrosion pitting on the hinge arm exceeds 0.008 inches, within thrity (30) days from accomplishment of the inspection required by Airbus Industrie Service Bulletin No. A300-32-287, dated May 19, 1980, or an FAA-approved equivalent, and thereafter at intervals not to exceed thirty (30) days, ultrasonically inspect the hinge arms in accordance with Airbus Industrie Service Bulletin No. A300-32-288, dated May 19, 1980, or an FAA-approved equivalent.

(d) Cracked hinge arms must be replaced prior to further flight.

(e) Accomplishment of paragraph (c) of this AD terminates the visual inspection requirements of paragraph (a).

(f) Airplanes may be ferried in accordance with FAR §§ 21.197 and 21.199 to a place where the inspections and or repairs can be made in order to comply with this AD.

(g) Upon request of an operator and submission of substantiating data, the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, may upon recommendation of the cognizant FAA aviation safety inspector, adjust the inspection intervals.

(h) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approned by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

All persons affected by this directive who have not already received the referenced documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, B.P. 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment amends telegraphic AD T80EU16, as amended by telegraphic AD T80EU16A.

This amendment becomes effective February 15, 1982.

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

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

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on January 21, 1982.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-2193 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-03-AD; Amdt. 39-4306]

Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes

Note.—This document originally appeared in the **Federal Register** for January 26, 1982. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) that would require modification of the wing leading edge slat control system on McDonnell Douglas Model DC-10 series airplanes. The modification would consist of the installation of two balance spring assemblies on the slat control mechanism for the left and right outboard slat control valves as well as installation of balanced pressure relief valves in hydraulic systems No. 1 and No. 3 slat extend lines of the left and right outboard slat control systems. This AD will improve the capability of these airplanes to continue safe flight and landing by assuring that uncommanded outboard slat retraction does not occur as a result of a failure event during critical flight phases.

DATE: Effective date February 25, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

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

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2833.

SUPPLEMENTARY INFORMATION: On September 22, 1981, a DC-10-30F airplane experienced a failure of the No. 3 engine during takeoff resulting in subsequent rejection of the takeoff with no injuries to passengers or crew. During the investigation of this incident by the FAA, it was learned that uncontained failure of the No. 3 engine first stage low pressure turbine disk resulted in uncommanded retraction of the right wing outboard slats due to failure of the associated outboard slat follow-up cable. It was further learned during this investigation that a similar No. 3 engine failure in 1977 on a foreign-operated DC-10-30 may have also resulted in uncommanded retraction of

the right hand outboard slats. In the latter case, the engine failure occurred at approximately 400–600 feet altitude with subsequent execution of a safe landing. These events prompted a re-evaluation by the FAA of the ability of the DC–10 airplane to be capable of continued safe flight and landing after the occurrence of a critical engine failure combined with outboard slat retraction, considering such occurrence as a single event. This re-evaluation centered around an analysis of the probability of occurrence of such an event during critical phases of flight in conjunction with a controllability analysis of the airplane under these conditions.

The results of analytical determination of the probability of occurrence of a critical engine failure combined with slat retraction during critical phases of flight (including takeoff and landing) show that the occurrence of such an event is considered extremely improbable (a likelihood of occurrence of less than one in a billion). Though such analysis may be used as evidence to indicate that a specific failure event is extremely improbable and, therefore, not warranting further consideration, it is the FAA's position that probability analyses alone do not determine acceptability of a given design. As with most probability analyses, certain assumptions must be made, based upon historical data were possible, which structure the bounds within which the results remain meaningful. In determining the probability of the event noted, sufficient room for judgment exists in establishing the bounds for some of the assumptions therein postulated to preclude acceptability of the design based on probability analyses alone.

Having considered the DC–10 service experience to date, the existing data concerning turbine engine failures, and the results of the above noted probability analysis, it is FAA's determination that sufficient area exists for judgment in the interpretation of this data to warrant a determination that design changes should be incorporated to improve safety.

Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued which requires modifications to the DC–10 slat control systems which would assure that the wing slats remain extended even if the systems that actuate them sustain severe damage. This action is in full accord with FAA policy to utilize AD procedures to make changes to the approved type design when appropriate in the interest of aviation safety.

It is expected that kit parts for the above modifications will be obtainable beginning April 1982 with worldwide DC–10 fleet parts availability completed by October 1982.

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

Adoption of the Amendment

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10, –10F, –15, –30, –30F, and –40 series airplanes certificated in all categories.

To assure that the DC–10 wing slats remain extended even if the slat control system sustains severe damage, accomplish the following:

Unless already accomplished compliance is required with paragraphs A and B on or before January 31, 1983, or in accordance with a schedule of accomplishment approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

A. Modify the leading edge slat servo system and replace the outboard slat system follow-up cables as outlined in the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 27–187, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. Install balanced pressure relief valves in hydraulic systems No. 1 and No. 3 slat extend lines, left and right wing, as outlined in the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 27–189, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. Within the next 2000 flight hours after accomplishment of the modifications noted in paragraph A above, and at intervals not to exceed 4000 flight hours thereafter, visually inspect the balance spring assemblies and outboard slat follow-up cables, left and right wing, for integrity of installation.

D. Within the next 4,000 flight hours after accomplishment of the modifications noted in paragraph B above, and at intervals not to exceed 4,000 flight hours thereafter, functionally check for proper operation of the outboard slat relief valves as outlined in the Accomplishment Instructions, paragraph (E) of McDonnell Douglas DC–10 Service Bulletin 27–189, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

E. Upon the request of an operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region, may adjust the repetitive intervals specified in paragraphs C and D of this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

F. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective February 25, 1982.

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

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

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

Issued in Seattle, Wash., on January 21, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-1999 Filed 1-25-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 22083; Amdt. 39-4308]

Airworthiness Directives; Short Brothers Limited Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive that requires a repetitive inspection, and modifications as necessary, for cracks in the bolt holes of the stub wing spars, and replacement of the laminated aluminum shims at the spar bolted joints, on certain Short Brothers Limited Model SD3-30 series airplanes. The AD is necessary to prevent cracks in the stub wing spars, and to require replacement of failed shims which, if undetected and uncorrected, could result in loss of the airplane.

DATE: Effective March 1, 1982.

Compliance Schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road, Belfast, BT 9DZ, Northern Ireland, Attention: Product Support Manager.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require a repetitive inspection, and modifications as necessary, for cracks in the bolt holes of the stub wing spars, and replacement of the laminated aluminum shims at the spar bolted joints on certain Short Brothers Limited Model SD3-30 series airplanes was published in the **Federal Register** at 46 FR 41524.

The proposal was prompted by an FAA determination that loss of torque on the bolted structural joints, delamination of the laminated aluminum shims, and cracks can occur in the bolt holes at the stub wing spar bolted joints, which could result in structural failures on certain Short Brothers Limited Model SD3-30 series airplanes, and possible loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the AD requires an initial inspection of the stub wing spar bolted joints, replacement of the laminated aluminum shims, repetitive inspections of these joints until modified in accordance with an approved modification, and replacement of the laminated shims in the stub wing structural bolted joints with a single thickness shim on certain Short Brothers Limited Model SD3-30 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received. Accordingly, the proposal is adopted without change, except that paragraph (d) has been revised to clarify the need for obtaining approval for repair of the stub wing spar bolt holes prior to returning the aircraft to service, and paragraph (h) has been clarified regarding approvals for adjustments to inspection intervals.

Adoption of the Amendment

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

Short Brothers Limited. Applies to Model SD3-30 series airplanes, serial numbers SH3001 through SH3024 inclusive, certificated in all categories.

Compliance required prior to the accumulation of 12,000 landings, or 300 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings.

To prevent fatigue failures of the stub wing spar and stub wing bolted joints, accomplish the following:

(a) Inspect the bolt holes in the stub wing spars for cracks using the eddy current method described in Short Brothers "Non-destructive Test Specification," NDTI RD 1, dated October 1979, and in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraph 2, of Short Brothers Limited Service Bulletin SD3-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent, and for airplane serial numbers SH3008 through SH3013 inclusive, replace the laminated aluminum shims in the stub wing bolted joints with single thickness shims in accordance with Short Brothers Limited Service Bulletin SD3-53-21, Revision 1, dated September 5, 1979, or an FAA-approved equivalent.

(b) If as a result of the inspection in paragraph (a) of this AD, no cracks are found, reassemble the stub wing in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 2A.15 and 2A.11(b) for the front spar frame, and paragraphs 2A.15 and 2A.12(b) for the rear spar frame, of Short Brothers Limited Service Bulletin SD3-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent.

(c) If as a result of the inspection required in paragraph (a) of this AD, cracks are found—

(1) Before further flight, except as provided in paragraph (f) of this AD, install Short Brothers Limited SD3-30 Modifications 5514, 5600 and 5790, in accordance with Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, or an FAA-approved equivalent; and

(2) Repair any bolt holes in which cracks are found and fit oversize bolts in accordance with paragraph 2A.11 for the front spar frame, and paragraph 2A.12 for the rear spar frame, of Short Brothers Limited Service Bulletin SD3-53-34, Revision 2, dated December 12, 1979, or an FAA-approved equivalent; and

(3) Reassemble the stub wing in accordance with "ACCOMPLISHMENT INSTRUCTIONS," paragraphs 2A, and 29 through 47, of Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, or an FAA-approved equivalent.

(d) If cracks in the stub wing spar bolt holes cannot be removed by the procedure specified in paragraph (c)(2) of this AD, report those findings to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, AEU-100, FAA, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174). Additional repair procedures must be approved by that office prior to returning aircraft to service.

(e) Upon incorporation of Short Brothers Limited Service Bulletin SD3-53-39, Revision 1, dated January 14, 1980, the repetitive inspection required by this AD may be discontinued.

(f) In accordance with FAR §§ 21.197 and 21.199, the airplane may be flown to a base where the inspections, modifications, and repairs required by this AD may be accomplished.

(g) If an equivalent means of compliance is used in complying with any paragraph of this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(h) Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, Brussels, Belgium, may adjust the inspection intervals.

(i) For the purpose of this AD, when conclusive records are not available to show the total number of landings accumulated by a particular part (or assembly), the number of landings may be computed by dividing the

airplane time-in-service since the part (or assembly) was installed in the airplane by the operator's fleet average time per flight for his Model SD3-30 series airplanes.

All persons affected by this directive who have not already received the referenced documents from the manufacturer may obtain copies upon request to Short Brothers Limited, P.O. Box 241, Airport Road, Belfast, BT 9DZ, Northern Ireland, Attention: Product Support Manager. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective March 1, 1982.

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

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on January 21, 1982.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-2084 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANM-1]

Revised Control Zone, Portland, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document amends the Portland, Oregon Control Zone by deleting reference to the Portland-Troutdale Control Zone and amending the geographical coordinates for the Laker (Lake) Locator/Outer Marker (LOM).

The recent loss of Automated Meteorological Observation Service equipment at Troutdale Airport, which was available during hours when the Troutdale Control Tower was closed, necessitates a revision to the Portland Control Zone description. During hours the Troutdale Control Tower is not in operation no weather reporting is available for the Control Zone. In addition, the Lake LOM has been renamed Laker and relocated slightly from its original site.

EFFECTIVE DATE: March 18, 1982. Comments must be received on or before March 1, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The Official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANM-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington, 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION: The recent loss of Automated Meteorological Observation Service equipment at Troutdale Airport, which was available during hours when the Troutdale Control Tower was closed, necessitates a revision to the Portland Control Zone description. During hours the Troutdale Control Tower is not in operation no weather reporting is available for the Control Zone. In addition, the Lake LOM has been renamed Laker and relocated slightly from its original site.

Since this revised description reduces the burden on the public, it is relieving in nature and notice and public procedure therein are unnecessary.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455, January 2, 1981) is amended, effective 0901 GMT, March 18, 1982, as follows:

Portland, Oregon

(1) Beginning on line one (1) delete:

* * *; "within a 5-mile radius of the Portland-Troutdale Airport (latitude 45°33'00" N., longitude 122°23'49" W.);"

(2) on line six (6) delete:

* * * "Lake LOM (latitude 45°32'38" N., longitude 122°27'49" W.)," * * *

(3) and substitute:

* * * "Laker LOM (latitude 45°32'29" N., longitude 122°27'40" N.)" * * *

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Seattle, Washington, January 18, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-2244 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AWE-18]

Designation of New VOR Federal Airway; California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates new VOR Federal Airway V–386 from Palmdale, CA, to Palm Springs via a north dogleg. The airway permits a lower minimum en route altitude (MEA) in an area of radar service. This action increases aviation safety by providing an airway in an area where aircraft are normally vectored.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate new VOR Federal Airway V–386 between Palmdale, CA, and Thermal, CA, (46 FR 12984). This airway would circumvent mountainous terrain and permit aircraft to remain in radio and radar control. However, that airway alignment was not satisfactory because the MEA was too high and a new alignment utilizing Palm Springs, CA, has flight checked satisfactorily. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The only objection received was from the Air Force. The Air Force was of the opinion that new airway V–386 would interfere with published, local instrument flight rules or visual flight rules (IFR/VFR) departure and recovery procedures for aircraft utilizing George Air Force Base, CA. In addition, they believed V–386 traffic would be increasingly incompatible with an increased volume of general aviation aircraft using the airway.

After several meetings with FAA officials, the Air Force representatives agreed to a compromise that restricts IFR traffic, in the vicinity of George Air Force Base, to an altitude of 10,000 feet MSL or above while in that area and under the control of Edwards Air Force Base, CA, approach control facility. This amendment is the same as that proposed in the notice except V–386 is realigned between Palmdale and Palm Springs in order to lower the MEA. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates V–386 from Palmdale, CA, to Palm Springs, CA, via a north dogleg. This action provides controlled airspace in an area where aircraft are normally vectored, thereby increasing safety and aiding flight planning.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, March 18, 1982, by adding the following:

V–386 [New]

V–386 From Palmdale, CA, via INT Palmdale 096° and Palm Springs, CA, 342° radials; Palm Springs.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, DC, on January 21, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82–1998 Filed 1–27–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AGL–38]

Cancellation of Control Zone; Mattoon, Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to revoke the Mattoon, Illinois, Control Zone as a result of the discontinuance of required weather observation reporting. The intended effect of this action is to return designated airspace to a non-controlled status and to cancel the control zone.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The Mattoon, Illinois, Control Zone currently described in Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) no longer has weather observation reporting service. The airline that previously provided the service has totally discontinued its operations at Coles County Airport. The airport manager advised that he was unable to provide a practical or reliable means of performing hourly weather observations. Therefore, inasmuch as weather observations are a requirement for maintenance of the control zone and since those observations cannot be provided, this action is necessary to revoke the controlled airspace associated with the control zone and to cancel the control zone itself.

Discussion of Comments

On page 57324 of the **Federal Register** dated November 23, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to cancel the control zone near Mattoon, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 18, 1982, as follows:

In § 71.171 (46 FR 455), the following control zone is cancelled:

Mattoon, Illinois

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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

not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on January 11, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-1800 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-34]

Alteration of Transition Area; Rice Lake, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to redefine the Rice Lake, Wisconsin, transition area as required by the relocation of the Rice Lake non-directional radio beacon (NDB) and the resulting realignment of the final approach course.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The Rice Lake NDB is to be located from the west side of the runway to the east side of the runway at approximately the same distance from runway centerline at Rice Lake Municipal Airport (formerly Arrowhead Airport). That relocation necessitates a realignment of the Runway 36 final approach course and, in turn requires the arrival extension for the transition area to be realigned from a 178° true bearing to a 198° true bearing for the Rice Lake NDB. The extension will be altered from 7 miles wide and 3 miles long to 6 miles wide and 3½ miles long.

The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 57323 of the **Federal Register** dated November 23, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area airspace near Rice Lake, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 18, 1982, as follows:

In § 71.181 (46 FR 540) the following transition area is amended to read:

Rice Lake, Wisconsin

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the Rice Lake Municipal Airport (latitude 45°28'45" N, longitude 91°43'20" W) at Rice Lake, Wisconsin; and 3 miles either side of the 198° (true) bearing from the Rice Lake NDB from the 5 mile radius to 8.5 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

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

Issued in Des Plaines, Illinois on January 11, 1982.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 82-1801 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner Federal Housing Administration

24 CFR Parts 203, 213, and 234

[Docket No. R-82-966]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home loan programs. This action by HUD is designed to bring the maximum financing charges on home loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: January 25, 1982.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 15.50 percent to 16.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and for graduated payment home loan programs (GPM).

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular

business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The Mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

2. Section 203.45 paragraph (b) is revised to read as follow:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

4. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

5. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

6. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

7. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.50 percent per annum with respect to mortgages insured on or after January 25, 1982.

* * * * *

(Section 3(a), 82 Stat. 113; 12 U.S.C. 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., January 22, 1982.

R. Carter Sanders, Jr.,

Associate General Deputy Assistant Secretary for Field Operations.

[FR Doc. 82-2237 Filed 1-27-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 5a

[T.D. 7806]

Intangible Drilling and Development Costs in the Case of Geothermal Deposits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit. The regulations are prescribed under a change to the applicable tax law made by the Energy Tax Act of 1978. The regulations provide the public with the guidance needed to comply with the applicable part of this Act.

EFFECTIVE DATE: The regulations are effective for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

On January 30, 1980, the Federal Register published Temporary Income Tax Regulations under the Energy Tax Act of 1978 (26 CFR Part 5a) and proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 612 of the Internal Revenue Code of 1954 to implement section 402 (a) and (e) of the Energy Tax Act of 1978 (92 Stat. 3174). No public hearing was requested or held. This Treasury decision adopts the amendments as proposed and deletes the temporary regulations.

These regulations grant the option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit to the same extent and in the same manner as such expenses are deductible in the case of oil and gas wells.

The only comment received requested that the term "geothermal deposit" be defined to include ground water aquifers. The regulations do not contain a definition of geothermal deposit, because the definition of that term is the subject of a separate regulation project.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from offices within the Treasury Department and Internal Revenue Service, other governmental agencies, and the public. Under the regulations, no additional reporting or filing requirements have been imposed on taxpayers.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR Part 1, as set forth in the notice of proposed rulemaking published in the **Federal Register** on January 30, 1980 (45 FR 6778), are hereby adopted without change and 26 CFR Part 5a is hereby removed.

This Treasury decision is issued under the authority contained in sections 263 and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3201, 26 U.S.C. 362; 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 13, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

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

Paragraph 1. Following § 1.612–4, a new § 1.612–5 is added to read as follows:

§ 1.612–5 Charges to capital and to expense in case of geothermal wells.

(a) *Option with respect to intangible drilling and development costs.* In accordance with the provisions of section 263(c), intangible drilling and development costs incurred by an operator (one who holds a working or operating interest in any tract or parcel of land either as a fee owner or under a lease or any other form of contract granting working or operating rights) in the development of a geothermal deposit (as defined in section 613(e)(3) and the regulations thereunder) may at the operator's option be chargeable to capital or to expense. This option applies to all expenditures made by an operator for wages, fuel, repairs, hauling, supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of geothermal steam or hot water. Such expenditures have for convenience been termed intangible drilling and development costs. They include the cost to operators of any drilling or development work (excluding amounts payable only out of production or gross or net proceeds from production, if such amounts are depletable income to the recipient, and amounts properly allocable to cost of depreciable property) done for them by contractors under any form of contract, including turnkey contracts. Examples of items to which this option applies are all amounts paid for labor, fuel, repairs, hauling, and supplies, or any of them, which are used—

(1) In the drilling, shooting, and cleaning of wells,

(2) In such clearing of ground, draining, road making, surveying, and geological work as are necessary in preparation for the drilling of wells, and

(3) In the construction of such derricks, tanks, pipelines, and other physical structures as are necessary for the drilling of wells and the preparation of wells for the production of geothermal steam or hot water.

In general, this option applies only to expenditures for those drilling and developing items which in themselves do *not* have a salvage value. For the purpose of *this* option, labor, fuel, repairs, hauling, supplies, etc. are not considered as having a salvage value, even though used in connection with the installation of physical property which has a salvage value. Included in this option are all costs of drilling and development undertaken (directly or through a contract) by an operator of a geothermal property whether incurred by the operator prior or subsequent to the formal grant or assignment of operating rights (a leasehold interest, or other form of operating rights, or working interest); except that in any case where any drilling or development project is undertaken for the grant or assignment of a fraction of the operating rights, only that part of the costs thereof which is attributable to such fractional interest is within this option. In the excepted cases, costs of the project undertaken, including depreciable equipment furnished, to the extent allocable to fractions of the operating rights held by others, must be capitalized as the depletable capital cost of the fractional interest thus acquired.

(b) *Recovery of optional items, if capitalized.* (1) Items recoverable through depletion: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are recoverable through depletion insofar as they are not represented by physical property. For the purposes of this section the expenditures for clearing ground, draining, road making, surveying, geological work, excavation, grading, and the drilling, shooting, and cleaning of wells, are considered not to be represented by physical property, and when charged to capital account are recoverable through depletion.

(2) Items recoverable through depreciation: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are recoverable through depreciation insofar as they are represented by physical property. Such expenditures are amounts paid for wages, fuel, repairs, hauling, supplies, etc. used in the installation of casing and equipment and in the construction on the property of derricks and other physical structures.

(3) In the case of capitalized intangible drilling and development costs incurred under a contract, such costs shall be allocated between the foregoing classes of items specified in paragraphs (b)(1) and (2) of this section for the purpose of determining the depletion and depreciation allowances.

(4) Option with respect to cost of nonproductive wells: If the operator has elected to capitalize intangible drilling and development costs; then an additional option is accorded with respect to intangible drilling and development costs incurred in drilling a nonproductive well. Such costs incurred in drilling a nonproductive well may be deducted by the taxpayer as an ordinary loss provided a proper election is made in the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which such a nonproductive well is completed. The taxpayer must make a clear statement of election under this option in the return or amended return. The election may be revoked by the filing of an amended return that does not contain such a statement. The absence of a clear indication in such return of an election to deduct as ordinary losses intangible drilling and development costs of nonproductive wells shall be deemed to be an election to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the exent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978 in which a nonproductive well is completed, the taxpayer is bound for all subsequent years by his exercise of the option to deduct intangible drilling and development costs of nonproductive wells as an ordinary loss or his deemed election to recover such costs through depletion or depreciation.

(c) *Nonoptional items distinguished. (1) Capital Items:* The option with respect to intangible drilling and development costs does not apply to expenditures by which the taxpayer acquires tangible property ordinarily

considered as having a salvage value. Examples of such items are the costs of the actual materials in those structures which are constructed in the wells and on the property, and the cost of drilling tools, pipe, casing, tubing, tanks, engines, boilers, machines, etc. The option does not apply to any expenditure for wages, fuel, repairs, hauling, supplies, etc., in connection with equipment, facilities, or structures, not incident to or necessary for the drilling of wells, such as structures for treating geothermal steam or hot water. These are capital items and are recoverable through depreciation.

(2) *Expense items:* Expenditures which must be charged off as expense, regardless of the option provided by this section, are those for labor, fuel, repairs, hauling, supplies, etc., in connection with the operation of the wells and of other facilities on the property for the production of geothermal steam or hot water.

(d) *Manner of making election.* The option granted in paragraph (a) of this section to charge intangible drilling and development costs to expense may be exercised by claiming intangible drilling and development costs as a deduction on the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs such costs with respect to a geothermal well commenced on or after that date. No formal statement is necessary. The exercise of the option may be revoked by the filing of an amended return that does not claim such a deduction. If the taxpayer fails to deduct such costs as expenses in any such return, he shall be deemed to have elected to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs intangible drilling and development costs with respect to a goethermal well commenced on or after that date, the taxpayer is bound by his exercise of the option to charge such costs to expense or his deemed election to recover such costs through depletion or depreciation for that year and for all subsequent years.

(e) *Effective date.* The option granted by paragraph (a) of this section is available only for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date.

PART 5a—TEMPORARY INCOME TAX REGULATIONS UNDER THE ENERGY TAX ACT OF 1978 [REMOVED]

Par. 2. Part 5a is hereby removed.

[FR Doc. 82-2246 Filed 1-27-82; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

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

Correction

In FR Doc. 82-1106 appearing at page 2313 in the issue of Friday, January 15, 1982, make the following correction:

On page 2314, in the table for Appendix B, in the entry for Rate Set 31, the date "Feb. 2, 1982" should have read "Feb. 1, 1982."

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 109 and 110

[CGD3-81-1A]

Anchorage Grounds; Port of New York and Vicinity

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is enlarging Anchorage No. 21 (Bay Ridge Anchorage) and reducing Anchorage No. 20 in the Upper Bay, New York Harbor, New York. This amendment is being made in order to increase safety by allowing extra room in Anchorage No. 21 for vessels at anchor to swing without encroaching into the main shipping channel. The boundaries of Anchorage Nos. 20, 21, 23, 24, and 25 are redescribed by geographic coordinates in place of the old descriptions in which awkward and outdated terminology was used. In addition, this amendment incorporates changes to the Ports and Waterways Safety Act of 1972, under which the anchorage regulations for the Port of New York were promulgated, made by the Port and Tanker Safety Act of 1978.

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

FOR FURTHER INFORMATION CONTACT: Commander Peter T. Muth, Chief, Port Safety Branch, Third Coast Guard District (mps), Building 108, Room 106, Governors Island, New York 10004, (Tel: 212-668-7179).

SUPPLEMENTARY INFORMATION: On September 8, 1981, the Coast Guard published a notice of proposed rulemaking, Docket CGD3-81-1A (46 FR 44779-44782). Interested persons were requested to submit comments and one comment was received by the Coast Guard prior to the expiration of the comment period.

Drafting Information

The principal persons involved in drafting this amendment are: Lieutenant Ernest J. Fink, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald L. Nelson, Project Attorney, Legal Division, Third Coast Guard District.

Discussion of Comments

The only comment received concludes that this rulemaking would be a step toward reducing the problem of congested anchorages in New York Harbor, and supports the amendment as written in the interest of vessel safety within the Port of New York.

Summary of Final Evaluation

An environmental review of this proposal was performed by the Third Coast Guard District. Preparation of an environmental assessment was not required since the proposal is categorically excluded in accordance with 2.B.3.g of COMMANDANT INSTRUCTION M16475.1A.

This amendment is considered to be non-significant in accordance with guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). An economic evaluation of the proposal was not conducted since its impact was expected to be minimal. In accordance with 33 CFR 109.05(b), the Commander, Third Coast Guard District has consulted with and received no objections from the U.S. Army Corps of Engineers, the Commandant of the Third Naval District, and the Officer in Charge, Quarantine Station, U.S. Public Health Service. Also of note, the U.S. Fish and Wildlife Service, EPA, and the U.S. Army Corps of Engineers endorse the anchorage changes. The expansion of Anchorage No. 21 and reduction of Anchorage No. 20 are not matters on which there is substantial public controversy, nor involve impacts on competition, businesses, State or local governments, or the regulations of other

programs and agencies. It should be noted that the area into which the channel will be relocated has remained naturally deep for many years and possibly may never have to be maintained. However, in the event that a future change in harbor hydraulic patterns occurs due to some other actions not associated with the proposed anchorage changes, and shoaling does occur causing an increase in the amount of dredged material to be maintained, it is expected to be a small amount with minimal impact.

Moreover, this amendment is not a major rule as defined by Executive Order 12291 of February 17, 1981. This amendment, will not affect the economy to any measurable degree, result in any increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Final Regulations

In consideration of the foregoing, Parts 109 and 110 of Title 33, Code of Federal Regulations, are amended as set forth below:

PART 109—GENERAL

1. By revising 33 CFR 109.07 to read as follows:

§ 109.07 Anchorages under Ports and Waterways Safety Act.

The provisions of section 4 (a) and (b) of the Ports and Waterways Safety Act as delegated to the Commandant of the U.S. Coast Guard in 49 CFR 1.46(n)(4) authorize the Commandant to specify times of movement within ports and harbors, restrict vessel operations in hazardous areas and under hazardous conditions, and direct the anchoring of vessels. The sections listed in § 110.1a of this subchapter are regulated under the Ports and Waterways Safety Act.

PART 110—ANCHORAGE REGULATIONS

2. By revising 33 CFR 110.1a to read as follows:

§ 110.1a Anchorages under Ports and Waterways Safety Act.

(a) The anchorages listed in this section are regulated under the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.):

(1) Section 110.155 *Port of New York.*

(b) Any person who violates any regulation issued under the Ports and Waterways Safety Act—

(1) Is liable to a civil penalty, not to exceed $25,000 for each violation;

(2) If the violation is willful, is fined not more than $50,000 for each violation or imprisoned for not more than five years, or both.

3. By revising 33 CFR 110.155(d) to read as follows:

§ 110.155 Port of New York.

* * * * *

(d) *Upper Bay*—(1) *Anchorage No. 20–A.* That area enclosed by coordinates starting at 40°42′02.5″ N., 74°02′25.5″ W.; to 40°42′06.5″ N., 74°02′19.5″ W.; to 40°42′05.0″ N., 74°01′58.4″ W.; to 40°41′54.5″ N., 74°01′59.2″ W.; thence to 40°41′53.0″ N., 74°02′23.0″ W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (l).

(2) *Anchorage No. 20–B.* That area enclosed by coordinates starting at 40°41′47.0″ N., 74°02′31.5″ W.; to 40°41′42.0″ N., 74°01′02.0″ W.; to 40°41′35.3″ N., 74°02′04.2″ W., to 40°41′29.9″ N., 74°02′07.8″ W.; to 40°41′42.6″ N., 74°02′32.7″ W.; thence back to 40°41′47.0″ N., 74°02′31.5″ W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (l).

(3) *Anchorage No. 20–C.* That area enclosed by coordinates starting at 40°41′42.0″ N., 74°02′43.0″ W.; to 40°41′25.4″ N., 74°02′10.7″ W.; to 40°41′01.7″ N., 74°02′26.2″ W.; to 40°41′09.0″ N., 74°02′41.5″ W.; to 40°41′20.0″ N., 74°02′59.2″ W.; thence back to 40°41′42.0″ N., 74°02′43.0″ W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (l).

(4) *Anchorage No. 20–D.* That area enclosed by coordinates starting at 40°41′09.5″ N., 74°02′49.5″ W.; to 40°40′59.2″ N., 74°02′27.9″ W.; to 40°40′44.5″ N., 74°02′37.5″ W.; to 40°40′42.7″ N., 74°03′07.6″ W.; thence back to 40°41′09.5″ N., 74°02′49.5″ W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (l).

(5) *Anchorage No. 20–E.* That area enclosed by coordinates starting at 40°40′38.2″ N., 74°02′59.6″ W.; to 40°40′39.4″ N., 74°02′40.9″ W.; to 40°40′09.2″ N., 74°03′00.7″ W.; to 40°40′24.4″ N., 74°03′24.6″ W.; thence back to 40°40′38.2″ N., 74°02′59.6″ W.

(i) See 33 CFR 110.155 (d)(6), (d)(16), and (l).

(6) No vessel may occupy this anchorage for a period of time in excess of 72 hours without the prior approval of the Captain of the Port.

(7) *Anchorage No. 20–F.* That area enclosed by coordinates starting at 40°40′12.1″ N., 74°03′41.6″ W.; to 40°39′53.7″ N., 74°03′10.8″ W.; to 40°39′34.7″ N., 74°03′23.3″ W.; to 40°39′49.9″ N., 74°03′57.8″ W.; thence back to 40°40′12.1″ N., 74°03′41.6″ W.

(i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).

(8) *Anchorage No. 20–G.* That area enclosed by coordinates starting at 40°39′30.1″ N., 74°04′08.0″ W.; to 40°39′32.0″ N., 74°03′53.5″ W.; to 40°39′27.5″ N., 74°03′42.5″ W.; to 40°39′13.0″ N., 74°03′51.0″ W.; to 40°39′09.5″ N., 74°04′23.1″ W.; thence back to 40°39′30.1″ N., 74°04′08.0″ W.

(i) See 33 CFR 110.155 (d)(9), (d)(16), and (l).

(9) This anchorage is designated a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this anchorage, ordinarily not more than 24 hours, when the anchorage will not be needed for naval vessels. Upon notification of an anticipated naval arrival, any commercial vessel so anchored must relocate at its own expense.

(10) *Anchorage No. 21–A.* That area enclosed by coordinates starting at 40°40′22.5″ N., 74°01′35.2″ W.; to 40°40′20.5″ N., 74°01′27.7″ W.; to 40°39′48.9″ N., 74°01′22.4″ W.; to 40°38′54.7″ N., 74°02′18.9″ W.; to 40°39′03.0″ N., 74°02′26.3″ W.; thence back to 40°40′22.5″ N., 74°01′35.2″ W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(11) *Anchorage No. 21–B.* That area enclosed by coordinates starting at 40°40′23.8″ N., 74°02′10.9″ W.; to 40°40′26.2″ N., 74°01′49.5″ W.; to 40°40′22.5″ N., 74°01′35.2″ W.; to 40°39′03.0″ N., 74°02′26.3″ W.; to 40°38′54.7″ N., 74°02′18.9″ W.; to 40°38′43.7″ N., 74°02′30.3″ W.; to 40°39′19.3″ N., 74°03′03.3″ W.; to 40°39′22.3″ N., 74°03′02.4″ W.; to 40°40′18.6″ N., 74°02′25.5″ W.; thence back to 40°40′23.8″ N., 74°02′10.9″ W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel with a draft of 10 feet (3.048 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(12) *Anchorage No. 21–C.* That area enclosed by coordinates starting at 40°39′19.3″ N., 74°03′03.3″ W.; to 40°38′43.7″ N., 74°02′30.3″ W.; to 40°38′41.6″ N., 74°02′32.5″ W.; to 40°38′03.0″ N., 74°02′48.7″ W.; to 40°38′03.0″ N., 74°03′03.5″ W.; to 40°38′38.4″ N., 74°03′15.5″ W.; thence back to 40°39′19.3″ N., 74°03′03.3″ W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel with a draft of 33 feet (10.0584 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(13) *Anchorage No. 23–A.* That area enclosed by coordinates starting at 40°38'36.5" N., 74°04'13.5" W.; to 40°38'37.0" N., 74°03'49.0" W.; to 40°38'23.4" N., 74°03'37.2" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'49.5" N., 74°04'07.0" W.; thence back to 40°38'36.5" N., 74°04'13.5" W.

(i) See 33 CFR 110.155 (d)(16) and (l).

(ii) No vessel may occupy this anchorage for a period of time in excess of 48 hours without the prior approval of the Captain of the Port.

(iii) No vessel with a length overall in excess of 670 feet (204.216 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(iv) No vessel with a draft of 40 feet (12.192 meters) or more may occupy this anchorage without the prior approval of the Captain of the Port unless it anchors within 5 hours after ebb current begins at the Narrows.

(14) *Anchorage No. 23–B.* That area enclosed by coordinates starting at 40°37'49.5" N., 74°04' 07.0" W.; to 40°37'49.5" N., 74°03'25.7" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°37'23.0" N., 74°03'59.0" W.; to 40°37'30.5" N., 74°04'04.4" W.; thence back to 40°37'49.5" N., 74°04'07.0" W.

(i) See 33 CFR 110.155(d)(13) (ii) and (iv), (d)(16), and (l).

(ii) No vessel with a length overall of 670 feet (204.216 meters) or less may occupy this anchorage without the prior approval of the Captain of the Port.

(15) *Anchorage No. 24.* That area enclosed by coordinates starting at 40°37'23.0" N., 74°03'59.0" W.; to 40°37'27.0" N., 74°03'18.1" W.; to 40°36'40.1" N., 74°03'02.2" W.; to 40°36'25.5" N., 74°02'56.4" W.; to 40°36'21.0" N., 74°03'11.0" W.; to 40°36'25.0" N., 74°03'17.5" W.; thence back to 40°37'23.0" N., 74°03'59.0" W.

(i) See 33 CFR 110.155(d)(13) (ii) and (iv), (d)(16), and (l).

(ii) No vessel with a length overall of less than 800 feet (243.84 meters), or with a draft of less than 40 feet (12.192 meters) may occupy this anchorage without the prior approval of the Captain of the Port.

(16) Any vessel anchored in or intending to anchor in Federal Anchorage 20–A through 20–G, 21–A through 21–C, 23–A and 23–B, 24 or 25 must comply with the following requirements:

(i) No vessel may anchor unless it notifies the Captain of the Port when it anchors, of the vessel's name, length, draft, and its position in the anchorage.

(ii) Each vessel anchored must notify the Captain of the Port when it weighs anchor.

(iii) No vessel may conduct lightering operations unless it notifies the Captain of the Port before it begins lightering operations.

(iv) Each vessel lightering must notify the Captain of the Port at the termination of lightering.

(v) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(vi) If any vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(vii) No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with prior approval of the Captain of the Port.

(viii) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(ix) Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies the Captain of the Port.

(x) No vessel may lighter in a "dead ship" status without prior approval from the Captain of the Port.

* * * * *

4. By revising 33 CFR 110.155(e) to read as follows:

* * * * *

(e) *Lower Bay*—(1) *Anchorage No. 25.* That area enclosed by coordinates starting at 40°35'58.2" N., 74°02'18.4" W.; to 40°36'12.0" N., 74°01'29.0" W.; to 40°36'03.0" N., 74°00'52.5" W., to 40°34'57.5" N., 74°00'25.0" W.; to 40°34'40.0" N., 74°01'03.0" W.; to 40°34'53.0" N., 74°01'56.1" W.; to 40°35'23.9" N., 74°02'04.8" W.; thence back to 40°35'58.2" N., 74°02'18.4" W.

(i) See 33 CFR 110.155(d)(16) and (l).

(ii) When the use of this anchorage is required by naval vessels, any commercial vessels anchored therein must move when directed by the Captain of the Port.

* * * * *

5. By amending 33 CFR 110.155(l) by renumbering subparagraphs (l) (1) through (13) as (2) through (14) and adding a new subparagraph (1) as follows:

* * * * *

(l)(1) No vessel in excess of 800 feet (243.84 meters) in length overall or 40 feet (12.192 meters) in draft may anchor unless it notifies the Captain of the Port at least 48 hours prior to entering Ambrose Channel.

* * * * *

(33 U.S.C. 1221 et seq.; 33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(n); 49 CFR 1.46(c)(1))

Dated: January 4, 1982.

J. S. Gracey,

Commander, 3rd Coast Guard District.

[FR Doc. 82–1872 Filed 1–27–82; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD 82–003]

Drawbridge Operation Regulations; Missouri River, Sioux City, Iowa

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment removes the regulations for the bridge across the Missouri River, mile 732.4, at Sioux City, Iowa, because this highway railroad bridge no longer exists.

EFFECTIVE DATE: This amendment is effective on January 25, 1982.

FOR FURTHER INFORMATION CONTACT: S. W. Thoroughman, Chief, Bridge Branch, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103 (314–425–4607).

SUPPLEMENTARY INFORMATION: The railroad highway bridge spanning the Missouri River, mile 732.4, near Sioux City, Iowa, was removed on June 9, 1981. This action merely removes regulations that are now meaningless because they pertain to a nonexistent bridge. It is issued without publication of a Notice of Proposed Rulemaking and is effective in less than 30 days from the date of publication because procedures on this amendment are impractical and unnecessary since the bridge no longer exists. This action has no economic consequences. It has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the policies and procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reason stated above, its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

DRAFTING INFORMATION: The principal persons involved in drafting this removal of regulations are: S. W. Thoroughman, Project Manager, and Lieutenant Commander Richard A. Knee, Project Attorney, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri.

Final Regulation

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.560 [Amended]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.560(g)(8).

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: December 22, 1981.

T. H. Rutledge,

Acting Commander, 2nd Coast Guard District.

[FR Doc. 82–1867 Filed 1–27–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD12 81–100]

Drawbridge Operation Regulations; Dutchman Slough and Sacramento River, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the James Irvine Bridge across Dutchman Slough near Vallejo, CA, and the Southern Pacific Railroad Bridge across the Sacramento River near Knights Landing, CA, because the drawbridges have been removed. Notice and public procedures have been omitted from this action due to the removal of the bridges concerned.

EFFECTIVE DATE: This amendment becomes effective on February 28, 1982.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Bridge Administrator, (415) 556–8668.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Rose E. Guerra, Bridge Administrator, and Lieutenant Commander W. A. Cassels, Project Attorney, District Legal Office, Twelfth Coast Guard District.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to drawbridges that no longer exist. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§§ 117.712 and 117.716 [Amended]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.712(i)(4), and by removing and reserving § 117.716(a)(2)(i).

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89–670, 80 Stat. 931, at 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: December 22, 1981.

J. P. Stewart,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 82–2231 Filed 1–27–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 81–054]

Drawbridge Operation Regulations; Saginaw River, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Grand Trunk Western Railroad Company, the Coast Guard is revising the regulations governing the operation of the Grand Trunk Western railroad bridge, mile 19.15, across the Saginaw River, Michigan, to allow the draw to be closed to the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action. This change is being made because there has been only one opening in the past 10 years and that was for a Bicentennial exhibition mounted on a small oil drum barge in 1976.

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

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522–3993.

SUPPLEMENTARY INFORMATION: On November 16, 1981, the Coast Guard published a Proposed Rule (46 FR 56208) concerning this amendment. The Commander, Ninth Coast Guard District also published this proposal as a Public Notice dated December 11, 1981. Interested parties were given until December 16, 1981, and January 9, 1982, respectively to submit comments.

Drafting Information

The principal persons involved in drafting this Final Rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and LCDR Michael D. Gentile, Project Attorney, Ninth Coast Guard District, Legal Office.

Discussion of Comments

No comments were received from the **Federal Register** or Ninth Coast Guard District Public Notice.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. Since there is no commercial vessel traffic using this portion of the Saginaw River to transport commercial goods, small entities in the area should not be economically impacted.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.700(j)(2) to read as follows:

§ 117.700 Saginaw River, Mich., bridges.

* * * * *

(j) * * *

(2) The draws of all bridges between the Sixth Avenue bridge and Grand Trunk Western Railroad bridge shall open on signal if at least 3 hours advance notice is given.

* * * * *

2. Adding a new § 117.700(j)(4) immediately after § 117.700(j)(3) to read as follows:

§ 117.700 Saginaw River, Mich., bridges

* * * * *

(j) * * *

(4) The Grand Trunk Western Railroad bridge, mile 19.15, need not open for the passage of vessels. However, the draw shall be returned to an operable condition within six months after notification from the Commandant, U.S. Coast Guard, to take such action.

(33 U.S.C. 499, U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3).

Henry H. Bell,

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

[FR Doc. 82–2234 Filed 1–27–82; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH–FRL–2033–1]

Grants for Construction of Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from several provisions of EPA's construction grant regulations. On December 29, 1981, President Reagan signed the Municipal Wastewater Treatment Construction Grant Amendments of 1981. Most of the 1981 amendments will require detailed analysis before we can fully implement them. However, five of the amendments are effective immediately and require changes in the construction grant regulations now. Those five amendments—

- Prohibit award of Step 1 and Step 2 grants;
- Reinstate the Innovative and Alternative program and reserve;
- Increase the cost limit for Step 2+3 grants;
- Permit grantees' specifications to cite only one brand name followed by "or equal" instead of two; and
- Increase the amount a State may reserve for State Management Assistance Grants.

The class deviation implements the 1981 amendments, which supercede portions of the regulations. The deviation is published with this document.

DATE: The class deviation became effective on the date it was signed.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division (PM–216), 401 M Street SW., Washington, D.C. 20460, (202) 755–0850.

SUPPLEMENTARY INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will not result in an annual effect on the economy of $100 million or more; increase costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. There are no information collection requirements in this deviation. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: January 12, 1982.

Samuel A. Schulhof,

Acting Assistant Administrator for Administration (PM–208).

Dated: January 12, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water (WH–556).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Date: January 13, 1982.

Subject: Class Deviation from 40 CFR 35.909(b), 35.915–1 (a) and (b), 35.930 (a)(1) and (a)(2), 35.930–5(b), and 35.936–13(a)

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM–216)

To: Regional Administrators

On December 29, 1981, President Reagan signed the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (P.L. 97–117). These amendments revised several construction grant provisions of the Clean Water Act. It is necessary to implement some of these provisions immediately. To accomplish this we are issuing this class deviation. The provisions of the 1981 amendments covered by this deviation are—

- That part of Section 3 which prohibits award of Step 1 and Step 2 grants;
- Section 8 which reinstates the Innovative/Alternative (I/A) program and establishes a mandatory I/A reserve for fiscal year 1982 through 1984 of 4 percent but permits the Governor of a State to reserve up to 7½ percent;
- Section 9 which increases the cost limit on award of Step 2+3 grants from $4 million to $8 million;
- Section 11 which permits grantee's plans and specifications to cite only one brand name followed by "or equal" instead of two; and
- Section 14 which permits States to increase their State Management Assistance Grant reserve from 2 percent of the authorization to 4 percent.

The other sections of the 1981 amendments, including the cost allowability provisions of Section 3, will require more detailed analysis before we can fully implement them. EPA published a proposed revision of the construction grant regulations on November 6, 1981 (46 FR 55220). We will revise that proposal based on comments received and on the 1981 amendments. We expect to publish an interim final regulation in April 1982.

At this time I am approving the following class deviation.

1. Grants for Step 1 and Step 2. 40 CFR 35.930–1 (a)(1) and (a)(2) Types of projects.

The Municipal Wastewater Treatment Construction Grant Amendments of 1981 supersede § 35.930–1 (a)(1) and (a)(2). Effective December 30, 1981, EPA could no longer award Step 1 or Step 2 grants. We will instead make allowance in Step 3 grants for funds expended during the facility planning and advanced engineering and design phase at the prevailing Federal share and based on a percentage of total project cost. We will determine the percentages based on our general experience with prior projects and issue necessary data by April 1982.

2. Innovative and Alternative Processes. 40 CFR 35.915–1(b) Reserves related to the project priority list.

This deviation extends the I/A program to fiscal years 1982 through 1984 and revises the amount States must set aside for I/A increases. Each State must set aside at least four percent of its 1982 through 1984 allotments to use for I/A grant increases, and the State may increase the set-aside up to seven-and-one-half percent. Any project which the Regional Administrator determines used I/A technologies or processes and which received grant awards after September 30, 1981, shall receive increased grant assistance as provided under § 35.930–5(b) if funds are available under the I/A reserve.

In a September 8, 1981, opinion the Office of General Counsel concluded that States could release unobligated fiscal year 1981 I/A reserves for other projects, since the I/A provisions of the Clean Water Act had expired. However they also determined that, if Congress reauthorized the I/A program, States would be required to reestablish the fiscal year 1981 reserves. Consequently, States which reduced the fiscal year 1981 reserve must now reinstate it based on their FY 1981 allotment after the rescission, considering any I/A obligations from the fiscal year 1981 reserve before September 30, 1981. If the fiscal year 1981 reserve is not obligated for increases on I/A projects by September 30, 1982, it will be subject to reallotment.

3. Combined Step 2 and 3 grants. 40 CFR 35.909(b) Step 2+3 grants.

I am approving a deviation to § 35.909(b)(2) to raise the total step 3 construction cost limit for step 2+3 assistance from $4 million to $8

million in all States. This deviation permits small grantees with projects having a total Step 3 construction cost of $8 million or less to apply for Step 2+3 grants.

Under Section 3 of the 1981 amendments EPA no longer awards Step 2 grants. Instead we will pay an allowance in Step 3 based on a percentage of total project cost (see change 1). At this time, for Step 2+3 grants awarded after December 29, 1981, EPA will continue to reimburse Step 2 costs as it has in the past. However, in developing regulations to implement the 1981 amendments, this policy will be reevaluated to take account of the new allowance authority for Step 1 and 2 work and the States' new authority to advance funds to small communities for step 1 and 2 work.

4. Brand Names. 40 CFR 35.936–13(a) Specifications.

I am approving a deviation from § 35.936–13(a) to change the requirement to name at least two brand names followed by the words "or equal" when brand names are used in specifications. In the future, grantees are not required to name two brands. Grantees choosing to specify by brand name may use one (or more) brand names followed by "or equal".

5. State Management Assistance Grants. 40 CFR 35.915–1(a) Reserve related to the priority list.

I am approving a deviation to § 35.915–1(a) to increase the amount a State may reserve for State Management Assistance Grants under Subpart F of this part. From funds allotted after September 30, 1981, a State may reserve up to 4 percent of its allotment based on the amount authorized.

Dated: January 12, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

Dated: January 12, 1982.

Samuel A. Schulhof,

Acting Assistant Administrator for Administration.

[FR Doc. 82-2266 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-29-M

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40 CFR Part 81

[A-6-FRL-2017-5]

State of Texas: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the Texas request to change the existing designation of nonattainment for particulate matter for the El Paso 5 area to attainment. EPA has previously published a proposal to approve this request (46 FR 42878, August 25, 1981) and solicited public comments. No comments were received. This action is taken based upon the State's request to revise its original designation of the El Paso 5 area. Approval of this redesignation will relieve the State of the requirement to prepare and submit a State Implementation Plan to demonstrate attainment of the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS) for the El Paso 5 area.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214) 767–1518.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9037) EPA designated the El Paso 5 area as nonattainment for particulate matter. On November 26, 1979, the Texas Air Control Board (TACB) submitted to EPA its request in Resolution R79–5 to redesignate this area to attainment for particulate matter. EPA reviewed the request and on August 25, 1981 (46 FR 42878) published a notice of proposed approval. That proposal discusses more fully the underlying rationale for today's action. Public comments were solicited but none were received. Therefore, EPA is today granting final approval to Texas' request to redesignate the El Paso 5 area to attainment for particulate matter.

Under Section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before March 29, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes an attainment status redesignation under Section 107(d) of the Clean Air Act. This action imposes no regulatory requirements but only changes an air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State's redesignation request. It will impose no new regulatory action.

This notice of rulemaking is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

Dated: January 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.344—Texas, the attainment status designation table for total suspended particulate (TSP) is amended by revising the designation for one limited area in El Paso County from "does not meet secondary standards" to "better than national standards." The amended portion of the Texas—TSP for § 81.344 reads as set forth below.

§ 81.344 Texas.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Texas—TSP				
* * * * * * *				
AQCR 153:				
3 limited areas in El Paso County	X			
1 limited area in El Paso County (El Paso 3)			X	
1 limited area in El Paso County (El Paso 5)				X.
Remainder of AQCR				X.
* * * * * * *				

[FR Doc. 82-2253 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-3 and 1-7

[FPR Amendment 221]

Revisions to Cost Accounting Standards Policies and Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment makes changes to the policies and procedures for applying the regulations and standards of the Cost Accounting Standards Board (CASB). It is based on revisions to CASB rules and regulations (primarily those published in 45 FR 62009, Sept. 18, 1980), changes being made in the Defense Acquisition Regulation, and material previously published in Temporary Regulation 44, dated March 29, 1978, and its supplements. The intended effect is to provide uniform guidance for applying cost accounting standards that is consistent with the rules and regulations published by the CASB.

EFFECTIVE DATE: March 15, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: The cost accounting standards and CASB definitions, which are republished in Subpart 1-3.12 for the convenience of procurement personnel, are being revised and updated in a separate amendment.

PART 1-3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 1-3 is amended to add five entries and revise eight entries for Subpart 1-3.12 to read as follows:

Subpart 1-3.12 Cost Accounting Standards

Subpart 1-3.12—Cost Accounting Standards

2. Section 1-3.1200 is revised to read as follows:

§ 1-3.1200 Scope of subpart.

This subpart prescribes policies and procedures for applying the Cost Accounting Standards Board (CASB) standards and regulations (4 CFR 331 et seq.) to negotiated national defense and negotiated nondefense contracts and subcontracts.

3. Section 1-3.1201 is revised to read as follows:

§ 1-3.1201 Applicability.

(a) Public Law 91-379 (50 U.S.C. App. 2168) as implemented by the regulations of the Cost Accounting Standards Board (see 4 CFR 331 et seq.) requires certain national defense contractors and subcontractors to comply with cost accounting standards published by the CASB and to disclose in writing and consistently follow their cost accounting practices.

(b) The obligation to comply with the cost accounting standards is extended to certain nondefense contractors and subcontractors as a matter of policy. Submission or revision of a Disclosure Statement is not required for any nondefense contract. However, disclosure of cost accounting practices made in connection with defense contracts shall also be used in connection with negotiated nondefense contracts. Further differences in application between national defense and nondefense contracts are explained in appropriate sections throughout this subpart.

(c) Where applicable, cost accounting standards shall be used in negotiated nondefense contracts as the standards become effective and to the same extent that such standards are applicable to defense contracts. However, if deemed appropriate, the application of a particular standard to negotiated nondefense contracts may be limited by a modification or withdrawal of applicability. Waivers of cost accounting standards, rules, and regulations are treated in § 1-3.1211.

4. Section 1-3.1202 is revised to read as follows:

§ 1-3.1202 Definitions.

When used in this subpart, the words and terms defined in 4 CFR Part 331 et seq. shall have the meanings set forth therein (see also § 1-3.1220(b)). In addition, the words and terms defined in this paragraph shall have the meanings set forth below:

(a) "Net awards" means the obligated value of negotiated national defense prime contracts and subcontracts awarded in the reporting period, minus cancellations, terminations, and other credit transactions relating thereto.

(b) "Contractor" and "subcontractor," as the words pertain to contract applicability requirements of cost accounting standards under the clauses set forth in § 1-3.1204, apply to business units, such as profit centers, divisions, subsidiaries, or similar units of an organization which perform the contract (including each corporate or group office whose costs are allocated to one or more corporate segments performing under a contract with a CAS clause), even in those cases where the contract was entered into on behalf of the overall organization rather than the business unit.

(c) For the purpose of determining whether a contract is a national defense or a nondefense contract, the following CASB definitions appearing in 4 CFR 331.20 are set forth below.

(1) A "relevant Federal agency" is any Federal agency making a national defense procurement and any agency whose responsibilities include review,

approval, or other action affecting such a procurement.

(2) A "defense contractor" is any person who enters into a contract with the United States for the production of material or the performance of services for the national defense.

(3) A "defense subcontractor" is any person other than the United States who contracts, at any tier, to perform any part of a defense contractor's contract.

(4) "National defense" is any program for military and atomic energy production or construction, military assistance to any foreign nations, stockpiling, space, and directly related activity.

(d) A "small business concern" is any concern, firm, person, corporation, partnership, cooperative, or other business enterprise which pursuant to 15 U.S.C. 637(b)(6) and the rules and regulations of the Small Business Administration set forth in 13 CFR Part 121 is determined to be a small business concern for the purpose of Government procurement (see 4 CFR 331.20(n) and 1–1.701).

(e) A "CAS covered contract" is any negotiated contract or subcontract which pursuant to the requirements of the Cost Accounting Standards Board or agency regulations includes a cost accounting standards clause (see §§ 1–3.1204–1 and 1–3.1204–2).

(f) A "negotiated subcontract" is any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two persons not associated with each other or such contractor or subcontractor, providing (1) the solicitation to all competitors is identical, (2) price is the only consideration in selecting the subcontractor from among the competitors solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted (see 4 CFR 331.20(f)).

5. Section 1–3.1202–1 is revised to read as follows:

§ 1–3.1202–1 Materiality.

Materiality shall be considered in the application of regulations and standards of the CASB to both national defense and nondefense contracts. The provisions of the CASB appearing in 4 CFR 331.71 apply and are set forth below.

(a) In determining whether amounts of cost are material or immaterial, the following criteria shall be considered where appropriate (No one criterion is necessarily determinative):

(1) *The absolute dollar amount involved.* The larger the dollar amount, the more likely that it will be material.

(2) *The amount of contract cost compared with the amount under consideration.* The larger the proportion of the amount under consideration to contract cost, the more likely it is to be material.

(3) *The relationship between a cost item and a cost objective.* Direct cost items, especially if the amounts are themselves part of a base for allocation of indirect cost, will normally have more impact than the same amount of indirect costs.

(4) *The impact on Government funding.* Changes in accounting treatment will have more impact if they influence the distribution of costs between Government and non-Government cost objectives than if all cost objectives have Government financial support.

(5) *The cumulative impact of individually immaterial items.* It is appropriate to consider whether such impacts (i) tend to offset one another, or (ii) tend to be in the same direction and hence to accumulate into a material amount.

(6) *The cost of administrative processing of the price adjustment modification shall be considered.* If the cost to process exceeds the amount to be recovered, it is less likely the amount will be material.

(b)(1) A contract modification for price adjustment or cost allowance under the Cost Accounting Standards clause is required only if the cost impact is material.

(2) Where a contractor is in noncompliance and does not change a cost accounting practice because the cost impact is immaterial, the contracting agency is not relieved of its responsibilities to ensure that an appropriate price adjustment is obtained if the cost impact of the noncompliance subsequently becomes material. The contractor shall be notified that the Government's decision to forbear action for noncompliance is solely because the cost impact at the time of the notice is immaterial. If at any time thereafter, the Government determines that the cost impact of noncompliance with respect to the practice in question is material, the Government then must require action under paragraph (a)(5) of the contract clause for any cost accounting period in which the cost impact is material. The fact that the Government does not pursue a price adjustment does not excuse the contractor from his obligation to comply with the Standard involved.

(3) Whether cost impact is recognized by modifying a single contract, several but not all contracts, or all contracts, or any other suitable technique, is a contract administration matter. The Standards, rules, and regulations of the Board do not in any way restrict the capacity of the parties to select the method by which the cost impact attributable to a change in cost accounting practice is recognized.

6. Section 1–3.1202–2 is added, as follows:

§ 1–3.1202–2 Cost accounting practice.

The definitions of "cost accounting practice" and "change to either a disclosed cost accounting practice or an established cost accounting practice" appearing in 4 CFR 331.20 apply to both national defense and nondefense CAS covered contracts and are set forth below:

(a) A "cost accounting practice" is any disclosed or established accounting method or technique which is used for measurement of cost, assignment of cost to cost accounting periods, or allocation of cost to cost objectives.

(1) Measurement of cost encompasses accounting methods and techniques used in defining the components of cost, determining the basis for cost measurement, and establishing criteria for use of alternative cost measurement techniques. The determination of the amount paid or a change in the amount paid for a unit of goods and services is not a cost accounting practice. Examples of cost accounting practices which involve measurement of costs are:

(i) The use of either historical cost, market value, or present value;

(ii) The use of standard cost or actual cost; or

(iii) The designation of those items of cost which must be included or excluded from tangible capital assets or pension cost.

(2) Assignment of cost to cost accounting periods refers to a method or technique used in determining the amount of cost to be assigned to individual cost accounting periods. Examples of cost accounting practices which involve the assignment of cost to cost accounting periods are requirements for the use of specified accrual basis accounting or cash basis accounting for a cost element.

(3) Allocation of cost to cost objectives includes both direct and indirect allocation of cost. Examples of cost accounting practices involving allocation of cost to cost objectives are the accounting methods or techniques used to accumulate cost, to determine whether a cost is to be directly or indirectly allocated, to determine the composition of cost pools, and to determine the selection and composition of the appropriate allocation base.

(b) A "change to a cost accounting practice" is any alteration in a cost accounting practice, as defined in paragraph (a) of this section, whether or not such practices are covered by a Disclosure Statement, except that:

(1) The initial adoption of a cost accounting practice for the first time a cost is incurred or a function is created is not a change in cost accounting practice. The partial or total elimination of a cost or the cost of a function is not a change in cost accounting practice. As used here, function is an activity or group of activities that is identifiable in scope and has a purpose or end to be accomplished.

(2) The revision of a cost accounting practice for a cost which previously had been immaterial is not a change in cost accounting practice.

7. Section 1–3.1203 is revised and recaptioned and §§ 1–3.1203–1, 1–3.1203–2 and 1–3.1203–3 are added to read as follows:

§ 1–3.1203 Requirements.

§ 1–3.1203–1 Prime contractor Disclosure Statements.

A Disclosure Statement is a written description of a contractor's cost accounting practices in a format prescribed by the Cost Accounting Standards Board. Applicable requirements are as follows:

(a) *Nondefense awards.* Nondefense contracts, irrespective of whether they are subject to cost accounting standards and contain appropriate clauses, will not be counted in connection with Disclosure Statement dollar threshold submission requirements under 4 CFR Part 351.

(b) *National defense awards.* The filing of Disclosure Statements by certain large business concerns is required in connection with the award of certain negotiated national defense contracts and subcontracts in accordance with CASB rules (see 4 CFR Part 351 et seq.). A summary of those rules follow:

(1) A Disclosure Statement, when required to be submitted, covers the practices of a defense contractor's profit centers, divisions, or similar organizational units whose costs are included in the total price of a negotiated national defense "covered" contract. The requirement extends to each corporate or group office whose costs are allocated to such performing units of the contractor.

(2) Any defense contractor which, together with its segments, received net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than $10 million in its most recent cost accounting period, must submit a completed Disclosure Statement prior to award of the first covered defense contract received by the contractor or by a segment of such contractor in the cost accounting period immediately following the period in which covered defense awards totaling more than $10 million were received. If the first covered defense contract is received within 90 days of the start of the cost accounting period, the contractor is not requried to file until the end of 90 days.

(3) Any business unit that receives a negotiated national defense contract or subcontract which is subject to cost accounting standards and is for $10 million or more must submit a completed Disclosure Statement as part of its proposal for such contract unless the business unit has already submitted a Disclosure Statement.

(c) *Pre-award submission of Disclosure Statement(s).* Each offeror submitting an offer which could result in a national defense CAS covered contract shall furnish copies of its Disclosure Statement(s) to the offices listed in paragraph (d) of this section concurrently with the submission of its proposal to the contracting officer except when the offeror has executed the Certificate of Monetary Exemption, the Certificate of Interim Exemption, or the Certificate of Previously Submitted Disclosure Statement (see § 1–3.1203–3(a)(1)). More than one Disclosure Statement may be required in connection with the award of a contract (see 4 CFR 351.40(a)(3) and (4)). Award of a contract shall not be made until a determination has been made by the cognizant contracting officer (ACO) that a Disclosure Statement is adequate (see § 1–3.1205(b)).

(d) *Distribution of Disclosure Statement(s).* The offeror shall distribute the Disclosure Statement(s) as follows:

(1) Original and one copy to the cognizant contracting officer (Contract Administration Office (ATTN: ACO), see DOD Directory of Contract Administration Components DOD 4105.59H) unless otherwise specified in accordance with § 1–3.1208(c);

(2) One copy to the cognizant contract auditor.

(e) *Determination by agency head that it is impractical to secure Disclosure Statement(s).* If the head of the agency (see § 1–1.204) or his designee; the cognizant Assistant Secretary for a Military Department; or the Director of the Defense Logistics Agency, the Defense Communications Agency, the Defense Nuclear Agency, or the Defense Mapping Agency determines that it is impractical to secure the Disclosure Statement(s) in accordance with the clause(s) in § 1–3.1204–1 and this Subpart 1–3.12 or DAR 7–104.83(a) and DAR Part 12 of Section III, he may authorize award of such contract without obtaining such Statement(s). This authority shall not be delegated.

(f) *Privileged and confidential information in Disclosure Statement(s).* If the offeror or contractor notifies the contracting officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside the Government (see paragraph (a)(1) of the Cost Accounting Standards clause or paragraph (a)(2) of the Disclosure and Consistency of Cost Accounting Practices clause).

(g) *Amendment of Disclosure Statements.* Amendments of a Disclosure Statement after contract award shall be processed in accordance with 4 CFR 351.120 and 41 CFR 1–3.1205(d) and 1–3.1207. Normally the cognizant contracting officer should require resubmission of a complete, updated Disclosure Statement pursuant to 4 CFR 351.120 only when the number of amended pages or the nature of the amendments are so extensive that the review process would be substantially expedited as a result of the resubmission.

(h) *Responsibility to maintain accuracy of Disclosure Statement(s).* The contractor or subcontractor who has contracts containing either the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause has a responsibility to maintain an accurate Disclosure Statement(s) and comply with those disclosed practices if: (1) It was awarded a negotiated national defense contract in its current cost accounting period of $10 million or more, or (2) it is, a defense contractor which, together with its segments, received net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than $10 million in its most recent cost accounting period. Should its obligation to maintain the Disclosure Statement cease because it no longer meets or exceeds the financial thresholds, it will be required to follow consistently the disclosed practices for those contracts awarded during a period in which it was obligated to submit a Disclosure Statement(s). A change to such practices may be proposed by either the contractor or the Government

and negotiated by the contractor and its CAS cognizant contracting officer.

§ 1-3.1203-2 Applicability of cost accounting standards.

(a) *Small business concerns.* All contracts and subcontracts with small business concerns are wholly exempt from cost accounting standards.

(b) *National defense contracts with other than small business concerns.*

(1) The applicability of cost accounting standards to a negotiated national defense contract is implemented by incorporation of a clause in the contract as required by CASB rules (4 CFR Parts 331 or 332). These national defense CAS awards consist of the first negotiated national defense contract or subcontract of more than $500,000 received by a contractor business unit and subsequent negotiated national defense prime contracts and subcontracts of more than $100,000 received by that business unit. Whenever a business unit completes all contracts subject to a CAS clause required by CASB regulations, its obligation to follow CAS requirements ends and is not reinstated until it again receives an award in excess of $500,000. Award and sales data of the preceding cost accounting period are used to determine type of contract coverage for the current period. There are two types of CAS coverage: Full coverage under 4 CFR Part 331 and modified coverage under 4 CFR Part 332.

(2) Full coverage applies to contractor business units which (i) receive a national defense CAS award of $10 million or more, (ii) received national defense CAS awards during the preceding cost accounting period of $10 million or more, or (iii) received national defense CAS awards during the preceding cost accounting period of less than $10 million, but such CAS awards accounted for 10 percent or more of the business unit's total sales for the preceding period. These dollar thresholds apply to contractor business units, irrespective of company-wide award dollar totals.

(3) Modified coverage applies to contractor business units which received national defense CAS awards during the preceding period of less than $10 million and such CAS awards accounted for less than 10 percent of the business unit's total sales of the preceding period. Modified coverage requires the contractor to comply only with requirements of standard 401, Consistency in Estimating, Accumulating, and Reporting Costs (4 CFR Part 401) and standard 402, Consistency in Allocating Costs Incurred for the Same Purpose (4 CFR Part 402).

(4) CAS coverage is extended to national defense subcontract awards under CAS covered contracts under the same provisions; thus a subcontractor could be required to comply with full coverage even though the prime contractor is required to comply only with modified coverage.

(5) Certain exemptions and waivers to applicability of CAS standards, rules, and regulations apply to national defense contracts and subcontracts. Cost accounting standards are applicable to negotiated national defense contracts and subcontracts exceeding $100,000 except when:

(i) The price is (A) based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) set by law or regulation;

(ii) A contract or subcontract is awarded to a small business concern;

(iii) The contract is to be executed and performed in its entirety outside the United States, its territories and possessions; or

(iv) A contract or subcontract is awarded to an educational institution subject to cost principles in 41 CFR Subpart 1-15.3. (Contracts awarded to federally funded research and development centers (FFRDC's) operated by such an institution are not exempt. See 4 CFR 331.30(b)(3) for further details);

(v) A contract is awarded to a labor surplus area concern pursuant to procedures providing for a partial set-aside for such concern as set out in DAR 1-804;

(vi) A contract or subcontract is awarded to a foreign government or an agency or instrumentality of such government, or insofar as the requirements of Cost Accounting Standards 403 (4 CFR Part 403) or any subsequent standards are concerned, the contract or subcontract is awarded to a foreign concern.

Note.—This exemption does not relieve foreign concerns of any obligation to comply with the Cost Accounting Standards set forth in 4 CFR Parts 401 and 402 and to submit a Disclosure Statement.

(vii) A subcontract is to be performed outside the United States either by an agency of a foreign government or by a foreign concern in connection with the class of hydrofoil guided missile ship known as the "NATO PHM Ship";

(viii) A contract or subcontract is awarded to a United Kingdom contractor for performance substantially in the United Kingdom provided the contractor meets certain conditions set forth in 4 CFR 331.30(b)(8);

(ix) A firm fixed-price contract or subcontract is awarded without submission of any cost data: *Provided,* that the failure to submit such data is not attributable to a waiver of the requirement for certified cost or pricing data;

(x) A contract or subcontract of $500,000 or less is awarded, unless the business unit to whom it is awarded (A) is performing one or more covered contracts and (B) has not received notification of final acceptance of all items of work to be delivered under all such contracts. (For purposes of this exemption, an order issued by one segment to another segment shall be treated as a subcontract. Also see paragraph (b)(1) of this section.); or

(xi) The CASB has otherwise approved a waiver or exemption (see 4 CFR 331.30(c)).

(c) *Nondefense contracts with other than small business concerns.* (1) The applicability of cost accounting standards to a negotiated nondefense contract is implemented by a clause in the contract (substantially similar to the CASB clauses) as required by this Subpart 1-3.12. These nondefense CAS awards consist of the first negotiated nondefense contract or subcontract over $500,000 received by a contractor business unit in the event the business unit is not performing a CAS covered contract or subcontract. Otherwise, cost accounting standards are applicable to negotiated nondefense contracts and subcontracts over $100,000 received by that business unit. Whenever a contractor business unit completes the performance of all CAS covered contracts, the obligation to follow cost accounting standards ends and is not reinstated until it again receives an award in excess of $500,000. National defense CAS covered award and sales data of the preceding cost accounting period (normally, the contractor's fiscal year) for the business unit receiving the award are used to determine the type of contract coverage for the current period. Nondefense CAS covered award data is not used. There are two types of nondefense CAS coverage; namely full coverage and modified coverage.

(2) Full coverage applies to negotiated nondefense contracts and subcontracts awarded to contractor business units which (i) are performing a national defense CAS covered contract of $10 million or more awarded during the contractor's current cost accounting period, (ii) received national defense CAS covered awards during the preceding cost accounting period of $10

million or more, *or* (iii) received national defense CAS covered awards during the preceding cost accounting period of under $10 million, but such CAS awards accounted for 10 percent or more of the business unit's total sales for the preceding period.

These national defense dollar thresholds apply to contractor business units, irrespective of company-wide national defense award dollar totals (see § 1–3.1203–2(c)(4) for exemptions).

(3) Modified coverage applies to the first negotiated nondefense contract or subcontract over $500,000 received by a contractor business unit in the event the business unit is not performing a CAS covered contract or subcontract. Otherwise, modified coverage is applicable to negotiated nondefense contracts and subcontracts over $100,000 received by that business unit, unless full coverage in accordance with paragraph (c)(2) of this § 1–3.1203–2 applies (see § 1–3.1203–2(c)(4) for exemptions). Modified coverage requires the contractor to comply only with the requirements of Standard 401, Consistency in Estimating, Accumulating and Reporting Costs (4 CFR Part 401) and Standard 402, Consistency in Allocating Costs Incurred for the Same Purpose (4 CFR Part 402).

(4) The exemptions and waivers which apply to national defense contracts and subcontracts also apply to nondefense contracts and subcontracts. These provisions are contained in paragraph (b)(5) of this § 1–3.1203–2. In addition to the exemptions and waivers in paragraphs (a) and (b)(5) of this § 1–3.1203–2, the following nondefense procurements are exempt:

(i) Contracts with State, local, and federally-recognized Indian tribal governments subject to Subpart 1–15.7;

(ii) Contracts with hospitals; and

(iii) Contracts where a waiver under § 1–3.1211 has been approved or a modification or withdrawal of a standard by the FPR is applicable.

§ 1–3.1203–3 Solicitation notices.

(a) *National defense contracts.* (1) The notice entitled, Disclosure Statement—Cost Accounting Practices and Certification, in this § 1–3.1203–3(a)(1) shall be inserted in all national defense solicitations which are likely to result in the award of a negotiated contract exceeding $100,000 except when the price is (i) based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or (ii) set by law or regulation. The notice shall not be inserted in: solicitations limited to small business concerns; solicitations limited to educational institutions subject to the cost principles in Subpart 1–15.3, except that the notice shall be inserted in solicitations sent to federally funded research and development centers operated by educational institutions; and solicitations limited to a foreign government or an agency or instrumentality of such government; solicitations which will result in contracts executed and performed in their entirety outside the United States, its territories, and possessions; or solicitations which will result in firm fixed-price contracts awarded without the submission of any contractor cost data.

Disclosure Statement—Cost Accounting Practices and Certification

Any contract in excess of $100,000 resulting from this solicitation except (i) when the price negotiated is based on: (A) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) prices set by law or regulation; (ii) contracts awarded to small business concerns (as defined in 1–701.1 of the Defense Acquisition Regulation or FPR § 1–1.701–1); or (iii) contracts which are otherwise exempt (see 4 CFR 331.30(b)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I), below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II), below); (ii) the offeror exceeded the monetary exemption in the cost accounting period immediately preceding the cost accounting period in which this proposal was submitted but, in accordance with the regulations of the Cost Accounting Standards Board, is not yet required to submit a Disclosure Statement (see (III), below); or (iii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (IV), below).

Caution: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below.

☐ I. Certificate of concurrent submission of disclosure statement(s).

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant contracting officer (Administrative Contracting Officer (ACO), see DOD Directory of Contract Administration Components (DOD 4105.59H)); and (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s): _____.

Name(s) and Address(es) of Cognizant ACO(s) where filed: _____.

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ II. Certificate of monetary exemption.

The offeror hereby certifies that he, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in his cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if his status changes prior to an award resulting from this proposal he will advise the contracting officer immediately.

Caution: Offerors who submitted a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board may claim this exemption only if the dollar volume of CAS covered national defense prime contract and subcontract awards in their preceding cost accounting period did not exceed the $10 million threshold and the amount of this award will be less than $10 million. Such offerors will continue to be responsible for maintaining the Disclosure Statement and following the disclosed practices on CAS covered prime contracts and subcontracts awarded during the period in which a Disclosure Statement was required.

☐ III. Certificate of interim exemption.

The offeror hereby certifies that (i) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in his cost accounting period immediately preceding the cost accounting period in which this proposal was submitted, and (ii) in accordance with the regulations of the Cost Accounting Standards Board (4 CFR 351.40(b)), he is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I), above or (IV), below, as appropriate, to verify his submission of a completed Disclosure Statement.

Caution: Offerors may not claim this exemption if they are currently required to disclose because they were awarded a CAS covered national defense prime contract or subcontract of $10 million or more in the current cost accounting period. Further, the exemption applies only in connection with proposals submitted prior to expiration of the 90 day period following the cost accounting period in which the monetary exemption was exceeded.

☐ IV. Certificate of previously submitted disclosure statement(s).

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s):————.

Name(s) and Address(es) of Cognizant Contracting Officer(s) (ACO(s)) where filed:————.

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

(End of Notice)

(2) The Cost Accounting Standards Board has provided for the exemption of national defense contracts of $500,000 or less under certain circumstances. 4 CFR 331.30(b)(7) prescribes the circumstances under which such an exemption is applicable. In order to effectively administer the requirements of that paragraph, the soliciation notice in this § 1–3.1203–3(a)(2) shall be inserted in all solicitations requiring the inclusion of the solicitation notice in § 1–3.1203–3(a)(1).

Cost Accounting Standards—Exemption for Contracts of $500,000 or Less

If this proposal is expected to result in the award of a contract of $500,000 or less, the offeror shall indicate whether the exemption to a Cost Accounting Standards clause under the provisions of 4 CFR 331.30(b)(7) is claimed. Failure to check the box below shall mean that the resultant contract is subject to a Cost Accounting Standards clause or that the offeror elects to comply with the applicable clause.

☐ The offeror hereby claims an exemption from Cost Accounting Standards clauses under the provisions of 4 CFR 331.30(b)(7) and certifies that he has received notification of final acceptance of all work to be delivered under all CAS covered prime or subcontracts. The offeror further certifies he will immediately notify the Contracting Officer in writing in the event he is awarded any other contract or subcontract containing a Cost Accounting Standards clause subsequent to the date of this certficate but prior to the date of any award resulting from this proposal.

(End of Notice)

(3) The Cost Accounting Standards Board has provided for the use of modified contract coverage under provisions of 4 CFR 332 when the offeror is eligible and so elects. In order to effectively administer those provisions, the solicitation notice in this § 1–3.1203–3(a)(3) shall be inserted in all solicitations requiring the inclusion of the solicitation notice in § 1–3.1203–3(a)(1).

Cost Accounting Standards Eligibility for Modified Contracts Coverage

If the offeror is eligible to use the modified provisions of 4 CFR 332, and elects to do so, he shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

☐ The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 4 CFR 331.30(b)(2), and certifies that he is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because (i) during his cost accounting period immediately preceding the period in which this proposal was submitted, he received less than $10 million in awards of CAS covered national defense prime contracts and subcontracts, and (ii) the sum of such awards equaled less than 10 percent of his total sales during that cost accounting period. The offeror further certifies that if his status changes prior to an award resulting from this proposal, he will advise the contracting officer immediately.

Caution: Offerors may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a contract of $10 million or more or if, during their current cost accounting period, they have been awarded a single CAS-covered national defense prime contract or subcontract of $10 million or more.

(End of Notice)

(4) In order to effectively administer equitable adjustments for new standards, the solicitation notice in this § 1–3.1203–3(a)(4) shall be inserted in all solicitations requiring the inclusion of the solicitation notice in § 1–3.1203–3(a)(1)).

Additional Cost Accounting Standards Applicable to Existing Contracts

The offeror shall indicate below whether award of the contemplated contract would, in accordance with paragraph (a)(3) of the Cost Accounting Standards clause, require a change in his established cost accounting practices affecting existing contracts and subcontracts.

☐ Yes ☐ No

Note.—If the offeror has checked "yes" above, and is awarded the contemplated contract, he will be required to comply with the Administration of Cost Accounting Standards clause.

(End of Notice)

(5) Insert the contract clauses set forth in § 1–3.1204–1 in all national defense solicitations which are likely to result in a negotiated contract exceeding $100,000.

(b) *Nondefense contracts.* Insert the clauses set forth in § 3.1204–2 and the following notice in all solicitations which are likely to result in a negotiated nondefense contract exceeding $100,000 except when:

(1) The price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public;

(2) The price is set by law or regulation;

(3) The solicitation is limited to small business concerns;

(4) The solicitation is limited to educational institutions subject to the cost principles in Subpart 1–15.3, except that the notice shall be inserted in solicitations sent to federally funded research and development centers operated by an educational institution;

(5) The contracts will be executed and performed in their entirety outside the United States, its territories and possessions; or

(6) The solicitation is sent exclusively to (i) foreign governments or instrumentalities of such governments, (ii) State, local, or federally-recognized Indian tribal governments, and (iii) hospitals, when all potential offerors are exempt pursuant to § 1–3.1203–2(c)(4).

Cost Accounting Standards Certification—Nondefense Applicability

Any negotiated contract in excess of $100,000 resulting from this solicitation shall be subject to the requirements of the clauses entitled Cost Accounting Standards—Nondefense Contract (FPR § 1–3.1204–2(a)) and Administration of Cost Accounting Standards (FPR § 1–3.1204–1(b)) if it is awarded to a contractor's business unit which (i) at the time of award is performing a national defense contract or subcontract of $10 million or more subject to full (4 CFR 331) CAS coverage that was awarded during the contractor's current cost accounting period, (ii) received national defense CAS covered awards during the preceding cost accounting period of $10 million or more, or (iii) received national defense CAS covered awards during the preceding cost accounting period of under $10 million, but such awards accounted for 10 percent or more of the business unit's sales for the preceding period, except contracts which are otherwise exempt (see FPR § 1–3.1203–2(a) and (c)(4)). Otherwise, an award resulting from this solicitation shall be subject to the requirements of the clauses entitled Consistency of Cost Accounting Practices—Nondefense Contract (FPR § 1–3.1204–2(b)) and Administration of Cost Accounting Standards (FPR § 1–3.1204–1(b)) if the award is (i) the first negotiated contract over $500,000 in the event the award is to a contractor's business unit that is not performing under any CAS covered national defense or nondefense contract or subcontract, or (ii) a negotiated contract over $100,000 in the event the award is to a contractor's business unit that is performing under any CAS covered national defense or nondefense contract or subcontract, except contracts which are otherwise exempt (see FPR § 1–3.1203–2(a) and (c)(4)). This solicitation notice is not applicable to small business concerns.

Certificate of CAS Applicability

The offeror hereby certifies that:

A ☐ It is currently performing a negotiated national defense contract or subcontract that

contains a Cost Accounting Standards clause (4 CFR 331), and it is currently required to accept that clause in any new negotiated national defense contracts it receives that are subject to cost accounting standards.

B ☐ It is currently performing a negotiated national defense or nondefense contract or subcontract that contains a cost accounting standards clause required by 4 CFR Parts 331 or 332 or by FPR Subpart 1–3.12, but it is not required to accept the 4 CFR Part 331 clause in new negotiated national defense contracts or subcontracts which it receives that are subject to cost accounting standards.

C ☐ It is not performing any CAS covered national defense or nondefense contract or subcontract. The offeror further certifies that it will immediately notify the contracting officer in writing in the event that it is awarded any negotiated national defense or nondefense contract or subcontract containing any cost accounting standards clause subsequent to the date of this certificate but prior to the date of the award of a contract resulting from this solicitation.

D ☐ It is an educational institution receiving contract awards subject to FPR Subpart 1–15.3 (OMB Circular A–21).

E ☐ It is a State, local, or federally-recognized Indian tribal government receiving contract awards subject to FPR Subpart 1–15.7 (OMB Circular A–87).

F ☐ It is a hospital.

Additional Certification—CAS Applicable Offerors

G ☐ The offeror, subject to cost accounting standards but not certifying under D, E, or F above, further certifies that practices used in estimating costs in pricing this proposal are consistent with the practices disclosed in the Disclosure Statement(s) where they have been submitted pursuant to CASB regulations (4 CFR Part 351).

Data Required—CAS Covered Offerors

The Offeror certifying under A or B above but not under D, E, or F above, is required to furnish the name, address (including agency or department component), and telephone number of the cognizant contracting officer administering the offeror's CAS covered contracts. If A above is checked, the offeror will also identify those currently effective cost accounting standards, if any, which upon award of the next negotiated national defense contract or subcontract will become effective upon the offeror.

Name of CO:_____
Address:_____
_____
Telephone Number:_____
Standards not yet applicable:_____

(End of Notice)

8. Section 1–3.1204 is revised to read as follows:

§ 1–3.1204 Contract clauses.

(a) *National defense contracts.* (1) The clauses set forth in paragraphs (a) (1) and (b) of § 1–3.1204–1 shall be inserted in all negotiated national defense contracts exceeding $100,000, except the following:

(i) When the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or is set by law or regulation. The catalog or market price exemption is determined to exist even though the award is made on the basis of adequate competition. It is the offeror's responsibility to request and to provide justification for a catalog or market price exemption. In providing such justification, the offeror shall (A) indicate in his proposal, and in any changes in his offered price, that the proposed price is based on an established catalog or market price of a commercial item sold in substantial quantities to the general public, rather than derived from the stimulus of competition which may be present in the particular procurement; and (B) furnish information necessary to substantiate the catalog or market price exemption (see DAR 3–807.7(b)). However the procuring activity must determine in each case whether or not the exemption applies;

(ii) Contracts awarded to an offeror who is a small business concern (see DAR 1–702(d) and § § 1–1.701 and 1–1.703);

(iii) Contracts for which the Cost Accounting Standards Board has approved other waivers or exemptions pursuant to 4 CFR 331.30 (see § 1–3.1203–2(b)(5));

(iv) Contracts with contractors who are eligible for and have elected to use modified contract coverage under 4 CFR Part 332;

(v) Contracts which are executed and performed in their entirety outside the United States, its territories and possessions; or

(vi) Consistent with paragraph (a)(1)(iii), above, contracts of $500,000 or less under the circumstances prescribed in 4 CFR 331.30(b)(7).

(2) The clauses set forth in paragraphs (a)(2) and (b) of § 1–3.1204–1 shall be inserted in all negotiated national defense contracts exceeding $100,000 but less than $10 million when the offeror certifies he is eligible for and elects to use modified contract coverage under provisions of 4 CFR Part 332 (see § 1–3.1204(a)(1)(iv)).

(b) *Nondefense contracts.* Either the clause set forth in paragraph (a) or (b) of § 1–3.1204–2 as appropriate in accordance with § 1–3.1203–2(c) together with the clause set forth in paragraph (b) of § 1–3.1204–1 shall be inserted in negotiated nondefense contracts.

9. Section 1–3.1204–1 is revised to read as follows:

§ 1–3.1204–1 National defense contract clauses.

(a)(1) *Full contract coverage clause.*

Cost Accounting Standards

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Pub. L. 91–379, August 15, 1970), the Contractor, in connection with this contract, shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the contractor and which contain a Cost Accounting Standards clause. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(2) Follow consistently his cost accounting practices in accumulating and reporting contract performance cost data concerning this contract. If any change in cost accounting practices is made for purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5) below, as appropriate.

(3) Comply with all Cost Accounting Standards in effect on the date of award of this contract or if the contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data. The contractor shall also comply with any Cost Accounting Standard which hereafter becomes applicable to a contract or subcontract of the contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4)(A) Agree to an equitable adjustment as provided in the changes clause of this contract if the contract cost is affected by a change which, pursuant to (3) above, the contractor is required to make to his cost accounting practices.

(4)(B) Negotiate with the contracting officer to determine the terms and conditions under which a change may be made to a cost accounting practice, other than a change made under other provisions of this subparagraph (4): *Provided,* That no agreement may be made under this provision that will increase costs paid by the United States.

(4)(C) When the parties agree to a change to a cost accounting practice, other than a change under (4)(A) above, negotiate an

equitable adjustment as provided in the changes clause of this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any cost accounting practice consistently and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the contractor or a subcontractor has complied with an applicable Cost Accounting Standard, rule, or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b), and shall require such inclusion in all other subcontracts of any tier, including the obligation to comply with all Cost Accounting Standards in effect on the date of award of the subcontract or if the subcontractor has submitted cost or pricing data, on the date of final agreement on price as shown on the subcontractor's signed certificate of current cost or pricing data. This requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(1) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(2) Prices set by law or regulation, and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a Cost Accounting Standards clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b)).

(End of Clause)

(2) *Modified contract coverage clause.*

Disclosure and Consistency of Cost Accounting Practices

(a) The Contractor, in connection with this contract, shall:

(1) Comply with the requirements of 4 CFR Parts 401, Consistency in Estimating, Accumulating and Reporting Costs, and 402, Consistency in Allocating Costs Incurred for the Same Purpose, in effect on the date of award of this contract.

(2) If it is a business unit of a company required to submit a Disclosure Statement, disclose in writing its cost accounting practices as required by regulations of the Cost Accounting Standards Board. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(3) Follow consistently, his cost accounting practices. A change to such practices may be proposed, however, by either the Government or the contractor, and the contractor agrees to negotiate with the Contracting Officer the terms and conditions under which a change may be made. After the terms and conditions under which the change is to be made have been agreed to, the change must be applied prospectively to this contract, and the Disclosure Statement if affected must be amended accordingly.

The contractor shall, when the parties agree to a change to a cost accounting practice and the contracting officer has made the finding required in § 332.51 of the Cost Accounting Standards Board's regulations, negotiate an equitable adjustment as provided in the changes clause of this contract. In the absence of the required finding no agreement may be made under this contract clause that will increase costs paid by the United States.

(4) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with the applicable Cost Accounting Standards or to follow any cost accounting practice and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the contractor has complied with an applicable Cost Accounting Standard, rule or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) and shall require such inclusion in all other subcontracts of any tier, except that:

(1) If the subcontract is awarded to a business unit which pursuant to Part 331 is required to follow all Cost Accounting Standards, the clause entitled "Cost Accounting Standards" set forth in § 331.50 of the Board's regulations (see FPR § 1–3.1204–1(a)(1)) shall be inserted in lieu of this clause, or

(2) This requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public or

(ii) Price set by law or regulation, or

(3) The requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a Cost Accounting Standards clause by reason of § 331.30(b) of the Board's regulation.

(End of Clause)

(b) *Administration clause.*

Administration of Cost Accounting Standards

For the purpose of administrating Cost Accounting Standards requirements under this contract, the Contractor shall:

(a) Submit to the cognizant Contracting Officer a description of the accounting change and the general dollar magnitude of the change to reflect the sum of all increases and the sum of all decreases for all contracts containing the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause:

(1) For any change in cost accounting practices required to comply with a new cost accounting standard in accordance with paragraph (a)(3) and (a)(4)(A) of the Cost Accounting Standards clause within 60 days (or such other date as may be mutually agreed to) after award of a contract requiring such change;

For any change to cost accounting practices proposed in accordance with paragraph (a)(4)(B) or (a)(4)(C) of the Cost Accounting Standards clause or with paragraph (a)(3) of the Disclosure and Consistency of Cost Accounting Practices clause not less than 60 days (or such other date as may be mutually agreed to) prior to the effective date of the proposed change; or

(3) For any failure to comply with an applicable Cost Accounting Standard or to follow a disclosed practice as contemplated by paragraph (a)(5) of the Cost Accounting Standards Clause of this contract or with paragraph (a)(4) of the Disclosure and Consistency of Cost Accounting Practices clause within 60 days (or such other date as may be mutually agreed to) after the date of agreement of such noncompliance by the Contractor.

(b) Submit a cost impact proposal in the form and manner specified by the cognizant Contracting Officer within sixty (60) days (or such other date as may be mutually agreed to) after the date of determination of the adequacy and compliance of a change submitted pursuant to (a)(1), (2), or (3), above.

(c) Agree to appropriate contract and subcontract amendments to reflect adjustments established in accordance with paragraphs (a)(4) and (a)(5) of the Cost Accounting Standards clause or with paragraphs (a)(3) and (a)(4) of the Diclosure and Consistency of Cost Accounting Practices clause.

(d) When the subcontract is subject to either the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause so state in the body of the subcontract and/or in the letter of award. Self-deleting clauses shall not be used.

(e) Include the substance of this clause in all negotiated subcontracts containing either the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause. In addition, within 30 days after award of such subcontract, submit the following information to the Contract Administration Office cognizant of the contractor's facility for transmittal to the Contract Administration Office cognizant of the subcontractor's facility:

(1) Subcontractor's name and subcontract number.

(2) Dollar amount and date of award.

(3) Name of Contractor making the award.

(4) A statement as to whether the subcontractor has made or proposes to make any changes to accounting practices that affect prime contracts or subcontracts containing the Cost Accounting Standards clause or Disclosure and Consistency of Cost Accounting Practices clause because of the award of this subcontract unless such changes have already been reported. If award of the subcontract results in making a cost accounting standard(s) effective for the first time, this shall also be reported.

(f) For negotiated subcontracts containing the Cost Accounting Standards clause, require the subcontractor to comply with all Standards in effect on the date of final agreement on price as shown on the subcontractor's signed certificate of Current Cost or Pricing Data or date of award, whichever is earlier.

(g) In the event an adjustment is required to be made to any subcontract hereunder, notify the Contracting Officer in writing of such adjustment and agree to an adjustment in the price or estimated cost and fee of this contract, as appropriate, based upon the adjustment established under the subcontract. Such notice shall be given within 30 days after receipt of the proposed subcontract adjustment, or such other date as may be mutually agreed to, and shall include a proposal for adjustment to such higher tier subcontract or prime contract as appropriate.

(h) When either the Cost Accounting Standards clause or the Disclosure and Consistency of Cost Accounting Practices clause and this clause are included in subcontracts, the term "Contracting Officer" shall be suitably altered to identify the purchaser.

(End of Clause)

10. Section 1–3.1204–2 is revised to read as follows:

§ 1–3.1204–2 Nondefense contract clauses.

(a) *Full contract coverage clause.*

Cost Accounting Standards—Nondefense Contract

(a) Unless the Administrator of General Services has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated by the Cost Accounting Standards Board, the Contractor, in connection with this contract, shall:

(1) Follow consistently its cost accounting practices as required by regulations of the Cost Accounting Standards Board and administered under the Administration of Cost Accounting Standards clause. If any change in cost accounting practices is made for purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied in a consistent manner to this contract.

(2) Comply with all cost accounting standards which the Contractor is required to comply with by reason of concurrent performance of any contract or subcontract subject to the Cost Accounting Standards clause (4 CFR Part 331) and administered under the Administration of Cost Accounting Standards clause. The Contractor also shall comply with any cost accounting standard which hereafter becomes applicable to such a contract or subcontract. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract. Compliance shall continue until the Contractor completes performance of work under this contract.

(3)(A) Agree to any equitable adjustment (as provided in the Changes clause of this contract, if any) if the contract cost is affected by a change which, pursuant to (2) above, the Contractor is required to make to his cost accounting practices.

(B) Negotiate with the Contracting Officer to determine the terms and conditions under which a change may be made to a cost accounting practice, other than a change made under other provisions of this subparagraph (3): *Provided,* That no agreement may be made under this provision that will increase costs paid by the United States.

(C) When the parties agree to a change to a cost accounting practice, other than a change under subparagraph (3)(A) above, negotiate an equitable adjustment as provided in the changes clause of this contract (if any).

(4) Agree to an adjustment of the contract price or cost allowance, as appropriate, if it or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any cost accounting practice consistently and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, (50 U.S.C. App. 1215(b)(2)), or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) The Contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations (FPR) Part 1–20.

(c) Unless a subcontract or Subcontractor is exempt under rules or regulations prescribed by the Administrator of General Services, the Contractor (1) shall include the substance of this clause including this paragraph (c) in all negotiated subcontracts under this contract with subcontractors that are currently performing a national defense contract or subcontract that contains the clause entitled Cost Accounting Standards and that are currently required to accept the clause in applicable national defense awards and (2) shall include the substance of the Consistency of Cost Accounting Practices—Nondefense Contract clauses set forth in § 1–3.1204–2(b) of the FPR in negotiated subcontracts under this contract with all other subcontractors. The Contractor may elect to use the substance of the solicitation notice set forth in § 1–3.1203–3(b) of the FPR in his determination of applicability of cost accounting standards to subcontracts.

(d) The administration of this clause by the Government shall be accomplished in conjunction with the administration of the Contractor's national defense contracts and subcontracts subject to rules and regulations of the Cost Accounting Standards Board, pursuant to the Administration of Cost Accounting Standards clause. For the purpose of the Administration of Cost Accounting Standards clause contained in this contract, references to the Cost Accounting Standards clause shall be deemed to include this Cost Accounting Standards—Nondefense Contract Clause and reference to the Disclosure and Consistency of Cost Accounting Practices clause shall be deemed to include the Consistency of Cost Accounting Practices—Nondefense Contract clause.

(End of Clause)

(b) *Modified contract coverage clause.*

Consistency of Cost Accounting Practices—Nondefense Contracts

(a) Unless the Administrator of General Services has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated by the Cost Accounting Standards Board, the Contractor, in connection with this contract, shall:

(1) Comply with the requirements of 4 CFR Parts 401, Consistency in Estimating, Accumulating and Reporting Costs, and 402, Consistency in Allocating Costs Incurred for the Same Purpose, in effect on the date of award of this contract and administered under the Administration of Cost Accounting Standards clause. Compliance shall continue until the Contractor completes performance of work under this contract.

Follow consistently its cost accounting practices as required by regulations of the Cost Accounting Standards Board and administered under the Administration of Cost Accounting Standards clause. If any change is made in established practices or in disclosed practices for purposes of any contract or subcontract subject to those disclosure requirements, the change must be

applied in a consistent manner to this contract. A change to these practices may be proposed, however, by either the Government or the Contractor, and the Contractor agrees to negotiate with the Contracting Officer the terms and conditions under which a change may be made. After the terms and conditions under which the change is to be made have been agreed to, the change must be applied prospectively to this contract.

The contractor shall, when the parties agree to a change to a cost accounting practice and the contracting officer has made the finding required in § 332.51 of the Cost Accounting Standards Board's regulations, negotiate an equitable adjustment as provided in the changes clause of this contract. In the absence of the required finding, no agreement may be made under this contract clause that will increase costs paid by the United States.

(3) Agree to an adjustment of the contract price or cost allowance, as appropriate, if it or a subcontractor fails to comply with the applicable Cost Accounting Standards or to follow any cost accounting practice and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, (50 U.S.C. App. 1215(b)(2)), or 7 percent per annum, whichever is less from the time the payment by the United States was made to the time the adjustment is effected.

(b) The Contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause until the expiration of 3 years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations (FPR) Part 1–20.

(c) Unless a subcontract or Subcontractor is exempt under rules or regulations prescribed by the Administrator of General Services, the Contractor shall include the substance of this clause including this paragraph (c) in all negotiated subcontracts under this contract except that it shall include the substance of the Cost Accounting Standards—Nondefense Contract clause set forth in § 1–3.1204–2(a) of the FPR in negotiated subcontracts under this contract with subcontractors that are currently performing a national defense contract or subcontract that contains the clause entitled Cost Accounting Standards and that are currently required to accept that clause in applicable negotiated national defense contracts. The Contractor may elect to use the substance of the solicitation notice set forth in § 1–3.1203–3(b) of the FPR in his determination of applicability of cost accounting standards to subcontracts.

(d) The administration of this clause by the Government shall be accomplished in conjunction with the administration of the Contractor's national defense contracts and subcontracts, if any, subject to rules and regulations of the Cost Accounting Standards Board, pursuant to the Administration of Cost Accounting Standards clause. For the purposes of the Administration of Cost Accounting Standards clause contained in this contract, references to the Disclosure and Consistency of Cost Accounting Practices clause shall be deemed to include this Consistency of Cost Accounting Practices—Nondefense Contract clause and references to the cost Accounting Standards clauses shall be deemed to include the Cost Accounting Standards—Nondefense Contract clause.

(End of Clause)

(c) *Administration of cost accounting standards clause.* The clause set forth in § 1–3.1204–1(b) shall be used in nondefense contracts and subcontracts as well as in negotiated national defense contracts and subcontracts.

11. Section 1–3.1204–3 is added to read as follows:

§ 1–3.1204–3 National defense subcontracts.

(a) The Cost Accounting Standards clause in § 1–3.1204–1(a)(1) and the Administration of Cost Accounting Standards clause in § 1–3.1204–1(b) require contractors and subcontractors to flow-down the requirement to comply with cost accounting standards in effect on the date of final agreement on price, as shown on the subcontractor's signed Certificate of Current Cost or Pricing Data, or date of award, whichever is earlier, unless the subcontractor is exempt from CAS requirements or the subcontractor qualifies for and elects to comply with the modified contract coverage clause.

(b) When a subcontractor accepts a CAS-covered subcontract he is responsible for providing to the higher tier contractor the information specified in § 1–3.1204–1(b), clause paragraph (e). The higher tier contractor will follow the procedure set forth in DAR 3–1204.1(c) in transmitting the information through Government channels to the ACO cognizant of the subcontractor facility.

12. Section 1–3.1205 is revised to read as follows:

§ 1–3.1205 Review of prime contractor Disclosure Statements and changed practices.

(a) *Contracting officer and auditor support responsibility.* When the Department of Defense (DOD) has contract administration cognizance of a contractor for CASB matters, required Disclosure Statements shall be reviewed by the cognizant administrative contracting officer and contract auditor for all Government agencies including, but not limited to, DOD, NASA, DOE, and GSA (see § 1–3.1208 with respect to contract administration by other Government agencies). Disclosure Statement submissions are not required in connection with the award of nondefense contracts.

(b) *Determination of adequacy.* The cognizant contract auditor shall perform an initial review of a Disclosure Statement to ascertain whether it adequately describes the offeror's cost accounting practices. In order to be deemed adequate, the Disclosure Statement must be current, accurate, and complete. Upon completion of this initial review, the results shall be reported to the cognizant contracting officer. When the cognizant contracting officer determines that adequate disclosure has not been made, he shall identify the areas of inadequacy and request a revised Disclosure Statement from the offeror and so advise the auditor and the procurement contracting officer. When the cognizant contracting officer determines that the Disclosure Statement is adequate, he shall notify the offeror in writing and send a copy to the auditor and the procurement contracting officer. Notification of adequacy or inadequacy shall normally be made within 30 days after receipt of a Disclosure Statement by the cognizant contracting officer. In addition, the notice shall state that a disclosed practice shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data. The contract may be awarded when it is determined that an adequate disclosure has been made (see § 1–3.1203–1(b).

(c) *Determination of compliance.* Subsequent to the issuance of the above notification, a more detailed review of the Disclosure Statement shall be made by the auditor to ascertain whether the disclosed practices are in compliance with 41 CFR Part 1–15 or DAR Section XV, as applicable, and the Cost Accounting Standards. The auditor shall advise the cognizant contracting officer of his findings. The cognizant contracting officer shall take action regarding noncompliance with Cost Accounting Standards in accordance with § 1–3.1212. A revised Disclosure Statement may be required. In addition, adjustment of the prime contract price or cost allowance in accordance with § 1–3.1207(b) may be required. Noncompliance with 41 CFR Part 1–15 or DAR Section XV shall be processed separately in accordance with normal administrative practices.

(d) *Review of changed practices.* (1) When a change to disclosed practices is proposed or required, a description of the changed practices shall be

distributed in accordance with § 1–1203–1(d). The cognizant contract auditor shall review the changed practices for adequacy and compliance (as defined in paragraphs (b) and (c) of this section) concurrently. Upon completion of the review, the results shall be reported to the cognizant contracting officer. When the cognizant contracting officer determines that the changed practices are adequate and in compliance, he shall so notify the contractor and send a copy of the notification to the auditor.

(2) When the cognizant contracting officer determines that the description of the changed practices is not adequate, or the changed practices are not in compliance, he shall identify the deficiencies and so notify the contractor and send a copy of the notification to the auditor. This notice shall require the contractor to advise the cognizant contracting officer and the auditor of the corrective action taken or to be taken. Resubmission of the changed practices will be required. If the contractor has submitted an adequate description of the changed practices but these practices are determined to be in noncompliance and the contractor does not agree, the cognizant contracting officer shall issue an adequacy determination with the stipulation that if those changed practices are implemented for the purpose of pricing or costing Government contracts, the contractor shall be considered in noncompliance and the cognizant contracting officer shall take action in accordance with § 1–3.1212.

(3) When a change to established, but not disclosed, practices is proposed or required, it shall be processed in accordance with paragraph (d)(1) and (2) of this section.

13. Section 1–3.1206 is revised to read as follows:

§ 1–3.1206 Administration of CAS requirements on subcontracts.

(a) The prime contractor or higher tier subcontractor is responsible for administering the CAS requirements contained in the subcontracts awarded. However, in recognition of the protections provided to subcontractors by the CAS clauses, subcontractor CAS reviews will often be performed by the Government.

(1) If the subcontractor has previously furnished a Disclosure Statement to a cognizant contracting officer (Government ACO), the subcontractor may satisfy the requirement for submission by identifying to the prime contractor or higher tier subcontractor the cognizant contracting officer (ACO) to whom it was submitted. Disclosure Statement submissions are not required in connection with the award of nondefense subcontracts.

(2) If the subcontractor considers his Disclosure Statement to contain privileged or confidential information, he may submit the statement directly to his cognizant contracting officer (ACO) and auditor and notify the prime contractor or higher tier subcontractor as provided in paragraph (a)(1), above. In such cases a preaward determination of adequacy is not required. Instead, the contracting officer (ACO) cognizant of the subcontractor shall notify the contract auditor that the review for adequacy as well as compliance will be performed during the postaward review conducted to ensure that the subcontractor has complied with his disclosed practices, CAS, and the cost principles, as applicable in Section XV of the DAR or 41 CFR Part 1–15 of the FPR. After adequacy review, the contracting officer (ACO) cognizant of the subcontractor shall notify the following of the findings: the subcontractor; the prime or higher tier subcontractor; and the contracting officer (ACO) cognizant of the prime or higher tier subcontractor.

(3) In many cases a subcontractor will not be subject to the Disclosure Statement requirement. Yet the same protections against revealing confidential or proprietary data accrue to these subcontractors. Such subcontractors may claim in writing to their prime contractors or higher tier subcontractors, that such reviews by prime contractors or higher tier subcontractors would jeopardize their competitive position or that proprietary data are involved. In these cases, the contracting officer (ACO) cognizant of the prime contract will make a determination that it is impractical for the prime or higher tier subcontractor to perform the reviews. The necessary documentation shall be forwarded to the contracting officer (ACO) cognizant of the subcontractor for accomplishment of the reviews. In the event the prime contractor does accomplish the reviews envisioned by the CAS clause, he is responsible for the thoroughness of the reviews and must satisfy the contracting officer (ACO) cognizant of the prime contract.

(b) When price adjustments or determinations of adequacy, inadequacy, or noncompliance are required by the Government, the contracting officer (ACO) cognizant of the subcontractor shall make his recommendations to the contracting officer (ACO) cognizant of the prime contractor or next higher tier subcontractor. In the case of price adjustments, the procedures described in § 1–3.1207(c)(3) shall be followed. The contracting officer (ACO) cognizant of the prime contractor or next higher tier subcontractor shall not reverse the determinations of the contracting officer (ACO) cognizant of the subcontractor. Such determinations shall be used as the basis for actions with respect to the prime contract.

(c) A determination that it is impractical to secure a subcontractor's Disclosure Statement must be made in accordance with § 1–3.1203–1(e).

14. Section 1–3.1207 is revised to read as follows:

§ 1–3.1207 Contract price adjustments.

(a) *Changes to cost accounting practices.* Paragraphs (a)(4) of the Cost Accounting Standards clause and (a)(3) of the Disclosure and Consistency of Cost Accounting Practices clause provide for adjustment of contract price under certain circumstances. Paragraphs (a)(3) of the Cost Accounting Standards—Nondefense Contract clause and (a)(2) of the Consistency of Cost Accounting Practices—Nondefense Contract clause similarly provide for adjustments. The cognizant contracting officer (ACO) is responsible for obtaining the contractor's cost impact proposal and for the conduct of all negotiations of such adjustments to all Government prime contracts. Prior to the use of the equitable adjustment provisions of (a)(4)(C) of the Cost Accounting Standards clause, (a)(3) of the Disclosure and Consistency of Cost Accounting Practices clause, (a)(3)(C) of the Cost Accounting Standards—Nondefense Contract clause, or (a)(2) of the Consistency of Cost Accounting Practices—Nondefense Contract clause, the cognizant contracting officer (ACO) shall make a finding that the change is desirable and is not detrimental to the interests of the Government.

(b) *Failure to comply with cost accounting standards requirements.* Paragraph (a)(5) of the Cost Accounting Standards clause and paragraph (a)(4) of the Disclosure and Consistency of Cost Accounting Practices clause provide for an adjustment of the prime contract price or cost allowance, as appropriate, if the contractor or a subcontractor fails to comply with an applicable cost accounting standard or fails to follow any cost accounting practice consistently and such failure results in any increased cost paid by the Government. Similar provisions are included in paragraphs (a)(4) and (a)(3) of the respective nondefense clauses. The cognizant contract auditor shall be responsible for the conduct of audits as necessary to disclose such failures. The

cognizant contracting officer (ACO) shall negotiate all resultant prime contract adjustments, including applicable interest.

(c) *Conduct of negotiations of defense and nondefense contracts and execution of supplemental agreements.* The cognizant contracting officer shall require the contractor to include in the cost impact proposal, sufficient information to assess the impact on each CAS covered subcontract. Negotiations pursuant to paragraphs (a) and (b) of this section shall be on behalf of all Government agencies including, but not limited to, DOD, NASA, DOE, and GSA. As part of these negotiations the cognizant contracting officer shall also determine the effect of the change in accounting practices on each CAS covered subcontract that is being performed by the contractor. The cognizant contracting officer shall invite purchasing offices to participate in negotiations of adjustments when the price of any of their contracts will be increased or decreased by $10,000 or more. At the conclusion of negotiations the following actions shall be taken by the cognizant contracting officer:

(1) Execute supplemental agreements to contracts of his own agency. If additional funds are required, request them from the appropriate procurement contracting officer.

(2) Prepare a negotiation memorandum in accordance with § 1–3.811. This negotiation memorandum is of particular importance because it will be used in reviewing the effectiveness of cost accounting standards, rules, and regulations. Copies of the memorandum shall be furnished to cognizant auditors and contracting officers of other agencies which have contracts affected by the negotiation. Those agencies shall execute supplemental agreements in the amounts negotiated.

(3) When a subcontract is to be adjusted, copies of the memorandum indicating the effect on costs shall be furnished the cognizant contracting officer of the next higher tier subcontractor or prime contractor, as appropriate. This memorandum shall be the basis for negotiation between the subcontractor and the next higher tier subcontractor or prime contractor and execution of a supplemental agreement to the subcontract. The cognizant contracting officer of the next higher tier subcontractor shall furnish in turn a memorandum of these negotiations to the cognizant contracting officer of the next higher tier subcontractor or prime contractor until the adjustment is reflected in the prime contract.

15. Section 1–3.1208 is revised to read as follows:

§ 1–3.1208 Contract administration for CASB matters by agencies other than DOD.

(a) A list of agency contact points for the identification of cognizant contracting officers will be published from time to time in FPR Bulletins. The various components of the Department of Defense have assigned a CASB cognizant contracting officer for the majority of contractors/subcontractors subject to CASB rules and regulations. This contracting officer is also the cognizant Government contracting officer for nondefense contracts with such contractors/subcontractors awarded by the various civilian agencies. For other contractors/subcontractors, a civilian agency may have assigned a CASB cognizant contracting officer. In the event no cognizant contracting officer has been assigned to a particular contractor/subcontractor, an assignment shall be made in accordance with paragraph (b) of this § 1–3.1208. CASB cognizant contracting officers assigned by a civilian agency shall perform for DOD and other civilian agencies all functions set out in §§ 1–3.1205, 1–3.1206, and 1–3.1207 which DOD contracting officers perform for other Government agencies when DOD assigns the cognizant contracting officer.

(b) The cognizant contracting officer for a given contractor shall be a contracting officer so designated by the predominant interest agency. In the event a DOD cognizant contracting officer assignment has not been made, the predominant interest agency shall be the agency making the largest dollar volume of CAS covered national defense and nondefense prime contract and subcontract awards to the contractor during his cost accounting period prior to award of the contract. During negotiations of new Government prime contracts or subcontracts, any firm subject to CASB regulations shall be required to inform the awarding agency (in the case of a prime contract) or the higher-tier contractor (in the case of subcontracts) of the identity of his predominant interest agency and whether a cognizant contracting officer assignment exists.

(c) Within 30 days of the execution of any new prime contract or subcontract subject to CAS, whether national defense or nondefense, the agency making the award of the prime contract or the contractor awarding the subcontract shall furnish written notification thereof (requesting contract administration for CASB matters) to the cognizant contracting officer of the predominant interest agency for the prime contractor or subcontractor. Such notification shall contain at least the following:

(1) A copy of the contract or subcontract. The following notation shall be inserted in bold print on the face of the document:

"FOR COST ACCOUNTING STANDARDS ADMINISTRATION ONLY"

(2) The names and addresses of proposed subcontractors or lower tier subcontractors involving procurements estimated to be subject to cost accounting standards requirements.

(3) A request that, if appropriate, notification of the awards be provided to the (i) cognizant contracting officer of any such subcontractor and (ii) cognizant contract auditor for the prime contractor and any such subcontractor(s).

§ 1–3.1210 [Reserved]

16. Section 1–3.1210 is removed and designated as reserved.

17. Section 1–3.1211 is revised to read as follows:

§ 1–3.1211 Waiver of cost accounting standards, rules, and regulations.

In some instances contractors or subcontractors may refuse to accept all or part of the provisions of the cost accounting standards clauses (§§ 1–3.1204–1 and 1–3.1204–2). If the procurement contracting officer determines that it is impractical to obtain the materials, supplies, or services from any other source, he shall prepare the documentation required by § 331.30(c) of the Cost Accounting Standards Board regulations (4 CFR 331.30(c)). Such information shall be forwarded through channels to the head of the agency (see § 1–1.204) or his designee for approval of the proposed waiver with respect to nondefense contracts, to ensure that the contemplated contract otherwise contains provisions adequately protecting the Government's interests, and to provide for consistent treatment of such waivers within the agency and as between nondefense and national defense contracts. On national defense contracts, the head of the agency or his designee (if he supports the proposed waiver) must request such a waiver from the Cost Accounting Standards Board pursuant to 4 CFR 331.30(c) or a successor agency.

18. Section 1–3.1212 is revised to read as follows:

§ 1–3.1212 Administration of noncompliance issues.

(a) *Initial finding of compliance or noncompliance.* The cognizant

contracting officer shall promptly, upon receipt of a noncompliance report from the auditor, make an initial finding of compliance or noncompliance and advise the auditor.

(b) *Notification to contractor.* If an initial finding of noncompliance is made, the cognizant contracting officer shall immediately notify the contractor in writing of the exact nature of the noncompliance and request the contractor, within 30 days to agree thereto or to submit reasons why the contractor considers its existing practices to be in compliance.

(c) *Agreement of contractor.* If the contractor agrees, it shall:

(1) Correct the noncompliance, and

(2) Submit the information required by paragraph (a) of the Administration of Cost Accounting Standards clause (see § 1–3.1204–1(b)).

(d) *Review of contractor change.* Upon receipt of the information required in paragraph (c) of this section indicating agreement with the noncompliance, the cognizant contracting officer shall review the accounting change for adequacy and compliance concurrently in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to submit the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause. The proposal shall be in sufficient detail to permit evaluation, determination, and negotiation of the cost impact upon each CAS covered contract and subcontract. It shall contain as a minimum the following information:

(1) Identification of all contracts and subcontracts containing the Cost Accounting Standards clause or the Cost Accounting Standards—Nondefense Contract clause;

(2) If the noncompliance involves Standards 401 or 402, or a failure to follow a cost accounting practice consistently, identification of all contracts and subcontracts containing the Disclosure and Consistency of Cost Accounting Practices clause or the Consistency of Cost Accounting Practices—Nondefense Contract clause; and

(3) The cost impact on each such contract and subcontract from the date of failure to comply until the noncompliance is corrected.

(e) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor, determine the impact, and negotiate the contract price adjustments pursuant to § 1–3.1207.

(f) *Failure to submit cost impact proposal.* If the contractor fails to furnish the cost impact proposal in the form and time specified, the cognizant contracting officer shall take action in accordance with paragraph (h) of this section.

(g) *Disagreement of contractor.* The cognizant contracting officer shall review the contractor's submission in paragraph (b) of this section and make a determination of compliance or noncompliance.

(h) *Decision of cognizant contracting officer.* (1) If the cognizant contracting officer makes a determination of compliance, he shall so notify the contractor and send a copy to the auditor.

(2) If the cognizant contracting officer makes a determination of noncompliance or if the contractor fails to furnish the cost impact proposal, the cognizant contracting officer with the assistance of the auditor shall determine the cost impact of the noncompliance on contracts and subcontracts containing cost accounting clauses;

(3) If the cognizant contracting officer determines that the noncompliance results in increased costs to the Government, he shall notify the contractor and request agreement as to the cost or price adjustment, together with any applicable interest. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall also consider appropriate action to protect the interests of the Government, pursuant to DAR Appendix E, Part 6 (32 CFR Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts;

(4) If the cognizant contracting officer determines that there are no increased costs as a result of the noncompliance, and the contractor refuses to take corrective action, the cognizant contracting officer shall notify the contractor in writing that he is in noncompliance, that corrective action should be taken, and that if such non-compliance subsequently results in increased costs to the Government, the provisions of the Cost Accounting Standards clause shall be enforced.

19. Section 1–3.1213 is revised to read as follows:

§ 1–3.1213 Administration of equitable adjustments for new cost accounting standards.

(a) *Solicitation notice.* The procurement contracting officer shall ensure that the contractor's response to the notice entitled "Additional Cost Accounting Standards Applicable to Existing Contracts Certification" is made known to the cognizant contracting officer (see § 1–3.1208(a)). This may be accomplished by attaching a copy of the response to the copy of the contract provided to the cognizant contracting officer.

(b) *Requirement for equitable adjustment.* Contracts and subcontracts containing full coverage cost accounting standards clauses (see § 1–3.1204–1(a)(1) or § 1–3.1204–2(a)) may require equitable adjustments to comply with new cost accounting standards (see paragraph (a)(4)(A) of the defense contract Cost Accounting Standards clause and paragraph (a)(3)(A) of the nondefense Cost Accounting Standards clause). Such adjustments are limited to contracts and subcontracts awarded prior to the effective date of each new standard. A new standard becomes applicable prospectively to these contracts and subcontracts when a new national defense contract or subcontract containing the Cost Accounting Standards clause is awarded on or after the effective date of such new standard. Contractors are encouraged to submit to the cognizant contracting officer any change in accounting practice in anticipation of complying with a new standard as soon as practicable after the new standard has been finally promulgated by the Cost Accounting Standard Board.

(c) *Review of contractor change.* Upon receipt of information required pursuant to paragraph (a) of the Administration of Cost Accounting Standards clause (see § 1–3.1204–1(b)) from the contractor indicating an accounting change is required to comply with a new standard, the cognizant contracting officer shall review the proposed change concurrently for adequacy and compliance in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to submit the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause. The proposal shall be in sufficient detail to permit evaluation, determination, and

negotiation of the cost impact upon each contract and subcontract containing full coverage cost accounting standards clauses. It shall contain as a minimum the following information:

(1) Identification of each additional standard, together with those contracts and subcontracts containing the Cost Accounting Standards clause having an award date prior to the effective date of such standard, and

(2) The effect on each contract and subcontract from the date the contractor is required to follow the standard until completion of the contract or subcontract.

(d) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor, determine the impact, and negotiate the contract price adjustments pursuant to § 1–3.1207.

(e) *Failure to submit cost impact proposal or reach agreement concerning cost impact.* (1) If the contractor does not submit a proposal in the form and time specified or if the parties fail to agree concerning the cost impact, the cognizant contracting officer, with the assistance of the auditor, shall estimate the cost impact on contracts and subcontracts containing full coverage cost accounting standards clauses;

(2) Upon completion of the estimate indicating the effect on contract costs, the cognizant contracting officer shall request agreement from the contractor as to the cost or price adjustment. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall also consider appropriate action to protect the interests of the Government pursuant to DAR Appendix E, Part 6 (32 CFR Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts.

20. Section 1–3.1214 is revised to read as follows:

§ 1–3.1214 Administration of voluntary changes.

(a) *Notification of proposed change.* When a contractor, who has contracts or subcontracts containing a cost accounting standards clause, plans to make a voluntary change to an accounting practice, he must submit the information required by paragraph (a) of the Administration of Cost Accounting Standards clause (see § 1–3.1204–1(b)).

(b) *Review of contractor change.* Upon receipt of the information required in paragraph (a) of this section, the cognizant contracting officer shall review the accounting change concurrently for adequacy and compliance in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to furnish the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause. It shall be in sufficient detail to permit evaluation, determination and negotiation of the cost impact upon each contract and subcontract containing a cost accounting standards clause. It shall contain as a minimum the following information:

(1) Identification of all contracts and subcontracts containing a cost accounting standards clause, and

(2) The effect on each contract and subcontract from the effective date of the proposed change until completion of the contract or subcontract.

(c) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor to determine whether or not the proposed change will result in increased costs being paid by the United States. In considering the proposed adjustments to subcontracts containing a cost accounting standards clause to determine whether increased cost to the United States will result from the change, the cognizant contracting officer shall not consider the effect of the proposed adjustments upon the prime contracts and subcontracts under which the subcontracts were entered into. If the cognizant contracting officer determines that the proposed adjustments will not result in an increase in the aggregate cost to be paid under the contracts and subcontracts containing a cost accounting standards clause, he shall promptly negotiate the contract price adjustments pursuant to § 1–3.1207. If the cognizant contracting officer determines that the proposed adjustments will result in an increase in the aggregate cost to be paid under the contracts and subcontracts containing a cost accounting standards clause, he shall so notify the contractor and advise him that the proposed change will not be recognized unless an agreement can be reached which will prevent an increase in the aggregate cost to be paid under such contracts and subcontracts. Contracts and subcontracts containing the equitable adjustment provisions of paragraph (a)(4)(C) of the Cost Accounting Standards clause, (a)(3) of the Disclosure and Consistency of Cost Accounting Practices clause, (a)(3)(C) of the Cost Accounting Standards—Nondefense Contract clause, or (a)(2) of the Consistency of Cost Accounting Practices—Nondefense Contract clause may be equitably adjusted for changes if the contracting officer determines that the change is desirable and not detrimental to the interests of the Government (see § 1–3.1207(a)). When the cognizant contracting officer (ACO) makes such a determination, he shall notify the contractor and the parties will negotiate an equitable adjustment.

(d) *Failure to submit cost impact proposal or reach agreement concerning cost impact.* (1) If the contractor does not submit a proposal in the form and time specified or if the parties fail to agree concerning the cost impact, the cognizant contracting officer, with the assistance of the auditor, shall estimate the cost impact on contracts and subcontracts containing a cost accounting standards clause, and

(2) Upon completion of the estimate indicating the effect on contract costs, the cognizant contracting officer shall request agreement from the contractor as to the cost or price adjustment. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall consider appropriate action to protect the interests of the Government, pursuant to DAR Appendix E, Part 6, (32 CFR Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts.

§ 1–3.1218 [Reserved]

21. Section 1–3.1218 is removed and designated as reserved.

22. Section 1–3.1219 is revised to read as follows:

§ 1–3.1219 Guidance for implementation.

This § 1–3.1219 will address specific topics where it has been determined that the contracting community might benefit from such treatment. In addition,

the Cost Accounting Standards Board often included preambles in the **Federal Register** issue that promulgated rules, regulations, and standards in order to provide readers with historical information and pertinent commentary. These preambles are also included in Title 4 of the Code of Federal Regulations, which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Temporary requirements or informational guidance may also be published from time to time in the Notices section of the **Federal Register** as FPR Temporary Regulations or FPR Bulletins. These temporary regulations and bulletins are subsequently distributed to subscribers of the looseleaf edition of the FPR.

PART 1-7—CONTRACT CLAUSES

Subpart 1-7.1—Fixed-Price Supply Contracts

23. Section 1-7.103-27 is revised to read as follows:

§ 1-7.103-27 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts

24. Section 1-7.203-23 is revised to read as follows:

§ 1-7.203-23 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

Subpart 1-7.3—Fixed-Price Research and Development Contracts

25. Section 1-7.303-55 is revised to read as follows:

§ 1-7.303-55 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

Subpart 1-7.4—Cost-Reimbursement Type Research and Development Contracts

26. Section 1-7.403-50 is revised to read as follows:

§ 1-7.403-50 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

Subpart 1-7.6—Fixed-Price Construction Contracts

27. Section 1-7.603-27 is revised to read as follows:

§ 1-7.603-27 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

Subpart 1-7.7—Transportation Contracts

28. Section 1-7.703-22 is revised to read as follows:

§ 1-7.703-22 Cost accounting standards.

(a) *National defense procurements.* Insert the notices set forth in § 1-3.1203-3(a) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-1 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(b) *Nondefense procurements.* Insert the notice set forth in § 1-3.1203-3(b) in solicitations of proposals and the appropriate contract clauses set forth in § 1-3.1204-2 in negotiated contracts in accordance with the provisions of Subpart 1-3.12.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c))

Dated: January 20, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-2238 Filed 1-27-82; 8:45 am]

BILLING CODE 6820-61-M

VETERANS ADMINISTRATION

41 CFR Part 8-3

Circumstances Permitting Negotiation

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This revision amends the Veterans Administration Procurement Regulations to allow for the designation of additional contracting officers to negotiate contracts in excess of $10,000 for the Veterans Administration Marketing Center Division for Drugs and Chemicals and for Subsistence.

EFFECTIVE DATE: This rule is effective January 21, 1982.

FOR FURTHER INFORMATION CONTACT: David S. Derr, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue NW., Washington, DC 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: The maximum number of contracting officers who may be delegated the authority to negotiate contracts in excess of $10,000 is increased to four for the Veterans Administration Marketing Center Division for Drugs and Chemicals, and to three for the Veterans Administration Marketing Center Division for Subsistence. Previously, subordinate contracting officers participated in the negotiation process but did not have authority to make award. Authorizing additional contracting officers to

negotiate such contracts will strengthen the negotiation process by providing continuity through the contract award and contract administration phases.

The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of Section 603 and Section 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the rulemaking process is considered unnecessary in this instance.

Approved: January 21, 1982.

Robert P. Nimmo,

Administrator.

PART 8–3—PROCUREMENT BY NEGOTIATION

41 CFR, Chapter 8, Subpart 8–3.2 has been amended as follows:

1. In § 8–3.207, paragraphs (a)(1), (b)(1) and (b)(5) are revised to read as follows:

§ 8–3.207 Medicines or medical supplies.

(a)(1) Except as provided in this § 8–3.207 or when specific prior approval has been granted by the Assistant Deputy Administrator for Procurement and Supply to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of $10,000 for a single transaction.

* * * * *

(b) The following contracting officers are authorized to award negotiated contracts in excess of $10,000 for medicines or medical items:

(1) Assistant Deputy Administrator for Procurement and Supply.

* * * * *

(5) Four contracting officers for each Marketing Division when so designated by the Marketing Division Chief.

2. In § 8–3.209, paragraphs (a)(1), (b)(1) and (b)(5) are revised to read as follows:

§ 8–3.209 Subsistence supplies.

(a)(1) Except as provided in this § 8–3.209 or when specific prior approval has been granted by the Assistant Deputy Administrator for Procurement and Supply to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under authority of FPR 1–3.209 when the estimated cost of the item(s) required, singly or collectively, is in excess of $10,000 for a single transaction.

* * * * *

(b) The following contracting officers are authorized to negotiate contracts in excess of $10,000 for the purchase of subsistence supplies:

(1) Assistant Deputy Administrator for Procurement and Supply.

* * * * *

(5) Three senior contracting officers, Marketing Division for Subsistence when so designated by the Marketing Division Chief.

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 82–2239 Filed 1–27–82; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6244]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, correction.

SUMMARY: Appearing in the Federal Register, Vol. 46 No. 188, Docket No. FEMA 6140, at page 47229 in the issue of Friday, September 25, 1981, the City of Richmond, Fort Bend County, Texas shows an emergency entry date of September 21, 1981 in error. The entry date should be corrected to the following: *March 31, 1975.* This community withdrew from the National Flood Insurance Program September 11, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 20, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–2251 Filed 1–27–82; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects a regulation closing an area about the western Aleutian Islands archipelago to foreign trawling between January 1 and April 30. The closure was stipulated in the final rules implementing the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (46 FR 63295, December 31, 1981), and should have prohibited trawling during these dates only between 3 and 12 miles. In addition, the description of the Petrel Bank closure is clarifed, and a typographical error in a footnote is corrected.

EFFECTIVE DATE: January 25, 1982.

ADDRESS: Copies of the corrected rule are available from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT:

Robert W. McVey, 907–586–7221.

Dated: January 22, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

1. NOAA makes the following corrections in FR Doc. 81–34890 appearing on 63295 in the issue of December 31, 1981:

§ 611.9 [Corrected]

(a) In § 611.9, Appendix II, on page 63303, the words "Fishing Area III" in the footnote is corrected to read "Fishing Area II."

§ 611.93 [Corrected]

(b) In § 611.93, on page 63306, columns 1 and 2, paragraph (c) is corrected by removing paragraph (c)(2)(ii)(D) and (E), and by revising paragraphs (c)(2)(i), (c)(2)(i)(A) and (B) as follows:

(c) * * *

(2) *Trawling.* (i) Trawling by foreign vessels between 3 and 12 nautical miles from the baseline used to measure the

territorial sea is allowed (A) on Petrel Bank from July 1 through December 31, and (B) in other areas west of 178°30′ W. longitude from May 1 through December 31. Petrel Bank is bordered by straight lines connecting the following coordinates in the order listed:

Latitude	*Longitude*
52°51′ N.	178°30′ W.
52°51′ N.	179°00′ E.
51°15′ N.	179°00′ E.
51°15′ N.	178°30′ W.
52°51′ N.	178°30′ W.

* * * * *

§ 611.93 [Corrected]

2. NOAA makes the following redesignation in FR Doc. 82–784 appearing on page 1295 in the issue of January 12, 1982. In § 611.93, on page 1297, second column, paragraph (c)(2)(ii)(F) is redesignated as paragraph (c)(2)(ii)(D).

[FR Doc. 82–2095 Filed 1–25–82; 10:47 am]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 47, No. 19
Thursday, January 28, 1982

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 318 and 319

[Docket No. 77-759P]

Margarine or Oleomargarine; Standards Revision

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would revise the present standard for margarine or oleomargarine as contained in the Federal meat inspection regulations. The proposed revision is needed to avoid unnecessary inconsistencies between the U.S. Department of Agriculture and the Food and Drug Administration standards; and to establish a standard similar to the international standard of the Codex Alimentarius Commission.

DATE: All comments must be received on or before March 29, 1982.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined, in accordance with Executive Order 12291, that this proposed rule is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The sole group impacted by this proposal is the margarine industry which would only be affected to the extent that existing industry-wide practices would be incorporated into the regulations. The alternative to the proposal would be continuation of the present system. Margarine manufacturers currently prepare and label their product in accordance with the Food and Drug Administration's (FDA) regulations. By failing to implement the proposal, FSIS is fostering unnecessary ambiguity and inconsistency between the policies of this Agency and those of FDA. FSIS would not be responding to requests from industry that standards and labeling of margarine and oleomargarine be formalized.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because the proposal only formalizes existing industry-wide practices.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Regulations Office. Comments should reference the docket number which appears in the heading of this document. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

On June 25, 1976, the Food Safety and Inspection Service (FSIS), formerly the Food Safety and Quality Service, published in the **Federal Register** (41 FR 26227-26228) a proposed notice to revise the existing standard for margarine and oleomargarine. It was pointed out at that time that a revision was necessary in order to promote compositional and labeling consistency for products distributed in both domestic and international markets. FSIS is also interested in achieving consistency of regulation with FDA in this area. In view of the fact that there have been some substantive changes made to the original proposed regulation and also because of the time that has elapsed since the original proposal was published, FSIS has decided to repropose the regulation and request additional comments for 60 days.

Discussion of the Comments Received on the Original Proposal

Only eight comments were received on the original proposal, but they presented several issues. Revisions have been made to the original proposal to reflect the Administrator's concurrence with some of the comments.

1. *BHA and BHT.* Two of the commenters suggested that since FDA has accepted BHA and BHT as the common or usual names for butylated hydroxyanisole and butylated hydroxytoluene, the abbreviations should be used. This new proposed standard would incorporate this change by using the abbreviations, for the sake of clarity, followed by the chemical names in parenthesis.

2. *Keep Refrigerated Statement.* One commenter recommended that the required "Keep Refrigerated" statement on the label be at least as large as any other lettering on the principal display panel. The Administrator does not agree. Such restrictions are not required on similar products falling under either FDA's jurisdiction, or on other products prepared under the Federal meat and poultry inspection regulations even when these products may be equally or more prone to spoilage than margarine. Furthermore, these products are generally recognized by the consumer as requiring refrigeration.

3. *Vitamin A Requirement.* One commenter recommended that the Vitamin A requirement be raised from 15,000 International Units (IU) to 16,000 IU per pound. Another commenter recommended dropping the Vitamin A requirement entirely because FSIS has no nutritional labeling requirements. The Administrator believes that it would be unfair to consumers if products prepared under these regulations contained less Vitamin A than those prepared under other jurisdictions while

being labeled essentially the same. Therefore, to maintain consistency with FDA and the Codex standard, it is proposed that the 15,000 IU requirement be retained. However, in view of the metrification movement, this requirement is also being expressed as 33,000 IU per kilogram. Similarly, the optional Vitamin D level is being expressed as 1,500 IU per pound and 3,300 IU per kilogram.

4. *Vitamin E.* Optional fortification of margarine or oleomargarine with Vitamin E at the level of 60 IU per pound was recommended in one comment. Limited data were examined which indicated that animal fats, and therefore margarines made from them, contain little Vitamin E. Whereas, vegetable oil-based margarines, while variable in content, are rich dietary sources of Vitamin E.

However, no evidence was found to indicate that Vitamin E is inadequate in the diets of any segment of the U.S. population. Therefore, the Administrator believes that there is not sufficient reason to allow the optional fortification of margarine or oleomargarine with Vitamin E at this time.

5. *Prior Label Approval.* An industry association recommended that the Agency cease requiring approval of labeling material before use. Prior approval of labels for all meat food products coming within the jurisdiction of the Federal Meat Inspection Act (FMIA), including many varieties of margarine and oleomargarine, is required by the FMIA and the regulations issued thereunder. Thus, the Agency is required by law to continue performing this basic function. However, FSIS is currently considering a variety of measures to streamline the prior label approval system. This may become the subject of additional rulemaking at a future date.

6. *TBHQ.* One commenter recommended the inclusion of the food additive TBHQ (tertiary butyl hydroquinone) as a permitted antioxidant. FSIS has approved the use of TBHQ in a number of products, including fats and oils, under the conditions of use specified by FDA in 21 CFR 172.185. Therefore, the proposal includes TBHQ as an optional antioxidant in margarine on this same basis.

7. *Future FDA modification.* A number of comments indicated a need for uniformity between any margarine standard approved by USDA and any such standard approved by FDA. The establishment of consistency in such standards is one of the primary purposes of this proposal. Should FDA revise its standard in the future, USDA will carefully study such changes and propose such modifications as are deemed appropriate.

In addition to the revisions made in response to comments on the previous proposal, the following changes have also been made in the new proposal to improve and clarify the terminology:

1. The reference to the use of only "safe and suitable" ingredients appears to be unnecessary and has been deleted. The standard details with specificity the ingredients which may be used. Unsafe ingredients obviously cannot be used in any meat product.

2. The nutritive carbohydrate sweeteners, emulsifiers, preservatives, antioxidants, color additives, acidulants, and alkalizers that may be used in margarine have been specifically identified. Certain additives, previously listed among the preservatives, have more correctly been identified as antioxidants. The chart of permitted substances in § 318.7(c)(4) (9 CFR 318.7(c)(4)) has been modified to include these additives, their intended purpose, and permitted amounts. Cross referencing between the chart and the standard has been provided.

3. The terminology referring to the physio-chemical modification of rendered vegetable and animal fats has been deleted since these processes are normal to the preparation of oils and fats and there is no need to include a reference that they are permitted.

4. The portion dealing with phosphatides, unsaponifiable constituents, free fatty acids and other lipids in margarine and oleomargarine has been deleted since these materials are naturally present in the fats and oils used to produce margarine and oleomargarine and there is no need to include a reference that they are permitted.

5. The provision that would have required the special labeling of any flavor which did not simulate butter has been deleted. The Agency believes margarine and oleomargarine should be treated like all other meat food products with regard to flavor labeling.

Accordingly, Parts 317, 318 and 319 of the Federal meat inspection regulations would be amended to read as follows:

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

1. The authority citation for § 317.8 is as follows:

Authority: Sec. 7(c), 34 Stat. 1262, as amended, 21 U.S.C. 607; sec. 8, 71 Stat. 444, as amended, 21 U.S.C. 457; 42 FR 35625, 35626, 35631.

2. Section 317.8(b)(24) (9 CFR 317.8(b)(24)) would be revised to read as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(24) Section 407 of the Federal Food, Drug, and Cosmetic Act contains provisions with respect to colored margarine or colored oleomargarine (21 U.S.C. 347) which are set forth herein as footnote 1.

[1] "Sec. 407(a) Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this Act as if it had been introduced in interstate commerce.

(b) No person shall sell, or offer for sale, colored oleomargarine or colored margarine unless—

(1) Such oleomargarine or margarine is packaged,

(2) The net weight of the contents of any package sold in a retail establishment is one pound or less,

(3) There appears on the label of the package (A) The word 'oleomargarine' or 'margarine' in type of lettering at least as large as any other type of lettering on such label, and (B) A full and accurate statement of all the ingredients contained in such oleomargarine, or margarine, and

(4) Each part of the contents of the package is contained in a wrapper which bears the word 'oleomargarine' or 'margarine' in type or lettering not smaller than 20-point type.

The requirements of this subsection shall be in addition to and not in lieu of any of the other requirements of this Act.

(c) No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

(d) Colored oleomargarine or colored margarine when served with meals at a public eating place shall at the time of such service be exempt from the labeling requirements of section 343 of this Act (except subsection (a) and (f) of section 343 of this title) if it complies with the requirements of subsection (b) of this section.

(e) For the purpose of this section colored oleomargarine or colored margarine is

oleomargarine or margarine having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of Lovibond tintometer scale or its equivalent" (21 U.S.C. 347).

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

3. The authority citation for section 318.7 is as follows:

Authority: Sec. 21, 34 Stat. 1264, 21 U.S.C. 621; sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 42 FR 35625, 35626, 35631; sec. 7, 21, 34 Stat. 1262, as amended (21 U.S.C. 457, 607, 621; sec. 8, 71 Stat. 444).

4. Under the "Class of substance" identified as "Antioxidants and oxygen interceptors" in the chart in § 318.7(c)(4), the following would be added at the end thereof to read as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *
(4) * * *

Class of substance	Substance	Purpose	Products	Amount
	* * *	* *	* *	
	BHA (butylated hydroxanisole)	do	Margarine or oleomargarine	0.2 percent (by wt. of the finished product) individually or in combination with other antioxidants approved for use in margarine.
	BHT (butylated hydroxytoluene)	do	do	Do.
	Acetyl gallate	do	do	Do.
	Propyl gallate	do	do	Do.
	Dodecyl gallate	do	do	Do.
	Ascorbyl palmitate	do	do	Do.
	Ascorbyl stearate	do	do	Do.
	TBHQ (tertiary butyl hydroquinone)	do	do	0.02 percent, alone or in combination only with BHA and/or BHT based on fat or oil content.
	* * *	* *	* *	

5. The "Class of substance" identified as "Emulsifying agents" in the chart in § 318.7(c)(4) would be amended to read as follows:

Class of substance	Substance	Purpose	Products	Amount
	* * *	* *	* *	
Emulsifying agents	Acetylated monoglycerides	To emulsify product	Shortening	Do.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.
	Glycerol-lacto stearate, oleate, or palmitate.	do	do	Do.
	Lecithin	do	Oleomargaine, shortening	Sufficient for purpose in shortening. 0.5 percent in oleomargarine.
	Mono and diglycerides (glycerol palmitate, etc.).	do	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening.
	Mono and diglycerides of fatty acids esterified with any of the following acids: acetic, acetyl-tartaric, citric, lactic, tartaric, and their sodium and calcium salts; the sodium sulfo-acetate derivatives of these mono and diglycerides.	do	Margarine or oleomargarine	0.5 percent.
	Polyglycerol esters of fatty acids (polyglycerol esters of fatty acids are restricted to those up to and including the decaglycerol esters and otherwise meeting the requirements of § 121.1120(a) of the Food Additive Regulations).	do	Rendered animal fat or a combination of such fat with vegetable fat when use is not precluded by standards of identity or composition; oleomargarine.	Sufficient for purpose for rendered animal fat or combination with vegetable fat 0.5 percent for oleomargarine.
	1, 2-propylene glycol esters of fatty acids.	do	Margarine or oleomargarine	2.0 percent.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in frying of the foods.	1 percent when used alone. If used with polysorbate 60 the combined total shall not exceed 1 percent.
	Propylene glycol mono and diesters of fats and fatty acids.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	do	Shortening for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polysorbate 80, the combined total shall not exceed 1 percent.
	Stearyl-2-lactylic acid	do	Shortening to be used for cake, icings and fillings.	3.0 percent.
	Stearyl monoglyceridyl citrate	do	Shortening	Sufficient for purpose.
	* * *	* *	* *	

6. Under the "Class of substance" identified as "Flavoring agents; protectors and developers" in the chart in § 318.7(c)(4), the reference to the use of the "Substance" identified as "Benzoic acid, sodium benzoate" would be amended to include the calcium and potassium salts of benzoic acid, the "Products" column identified as "Oleomargarine" would be amended to include margarine, and the reference to the use of citric acid to protect flavor in margarine would be deleted, with these changes to read as follows:

Class of substance	Substance	Purpose	Products	Amount
	* * * * *			
	Benzoic acid (sodium, potassium and calcium salts).	To retard flavor reversion	Margarine or oleomargarine	0.1 percent individually, or is used in combination or with sorbic acid and its salts, 0.2 percent (expressed as the acids in the wt. of the finished foods).
	Citric acid	Flavoring	Chili con carne	Sufficient for purpose.
	* * * * *			

7. Under the "Class of substance" identified as "Miscellaneous" in the chart in § 318.7(c)(4), the reference to the use of the "Substance" "Potassium sorbate" in oleomargarine or margarine would be deleted and a new "Substance" listing for sorbic acid and its sodium, potassium and calcium salts would be added to read as follows:

Class of substance	Substance	Purpose	Products	Amount
	* * * * *			
	Potassium sorbate	To retard mold growth	Dry sausage	2.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing.
	Sorbic acid (sodium, potassium, and calcium salts).	To preserve product and to retard mold growth.	Margarine or olemargarine	0.1 percent individually, or if used in combination or with benzoic acid or its salts, 0.2 percent (expressed as the acids in the wt. of the finished foods).

Class of substance	Substance	Purpose	Products	Amount
	* * * * *			

8. Under the "Class of substance" identified as "Miscellaneous" in the chart in § 318.7(c)(4), the following would be added at the end thereof to read as follows:

Class of substance	Substance	Purpose	Products	Amount
	* * * * *			
	Citric acid (sodium and potassium salts).	To acidify	Margarine or oleomargarine	Sufficient for purpose.
	Lactic acid (sodium and potassium salts).	do	do	Do.
	L-Tartaric acid (sodium and sodium potassium salts.	do	do	Do.
	Sodium bicarbonate	To alkalify	do	Do.
	Sodium carbonate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	* * * * *			

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

9. The authority citation for § 319.700 is as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 et. seq., 601 et. seq., 33 U.S.C 466–466k.

10. Section 319.700 would be revised to read as follows:

§ 319.700 Margarine or oleomargarine.[2]

(a) Margarine or oleomargarine is the food in plastic form or liquid emulsion, containing not less than 80 percent fat determined by the method prescribed under § 16.188 of the "Indirect Methods," in "Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC)," 12th edition 1975.[3] It is produced from one or more of the ingredients designated in subparagraph (1) of this paragraph, and one or more of the ingredients designated in subparagraph (2) of this paragraph, to which may be added one or more of the optional ingredients designated in paragraph (b) of this section. Margarine or oleomargarine contains Vitamin A as provided for in subparagraph (3) of this paragraph.

(1) Edible fats or oils or mixtures of these, whose origin is vegetable or rendered animal fats from cattle, sheep, swine or goats.

(2)(i) Water; milk; milk products including, but not limited to, the liquid, condensed, or dry form of whey, when modified by the reduction of lactose or minerals or both, non-lactose-containing whey components, casein, or caseinate; or other suitable edible protein, including albumin, vegetable proteins, or soy protein isolate; or any mixture of two or more of the articles designated in this subparagraph, in amounts not greater than reasonably required to accomplish the desired effect.

(ii) The articles designated in this subparagraph shall be pasteurized and then may be subjected to the action of harmless bacterial starters. One or more of the articles designated in this subparagraph is intimately mixed with the edible fat or oil ingredients, or both, to form a solidified or liquid emulsion.

(3) Vitamin A in such quantity that the finished margarine or oleomargarine contains not less than 15,000 International Units (IU) of Vitamin A per pound or 33,000 IU per kilogram.

(b)(1) Vitamin D in such quantity that the finished margarine or oleomargarine contains not less than 1,500 IU of Vitamin D per pound or 3,300 IU per kilogram.

(2) Salt (sodium chloride); or potassium chloride for dietary margarine or oleomargarine.

(3) Nutritive carbohydrate sweeteners listed in § 318.7(c)(1) in amounts sufficient for purpose, namely, sugar, dextrose, invert sugar, honey, corn syrup

[2] Insofar as the standard contains provisions relating to margarine or oleomargarine which does not contain any meat food products, such provisions merely reflect the applicable standard under the Federal Food, Drug, and Cosmetic Act.

[3] Copies may be obtained from the Association of Official Analytical Chemists, P.O. Box 540,

[2] Insofar as the standard contains provisions relating to margarine or oleomargarine which does not contain any meat food products, such provisions merely reflect the applicable standard under the Federal Food, Drug, and Cosmetic Act.

solids, corn syrup, glucose, sucrose, and maple sugar.

(4) Emulsifiers identified in § 318.7(c)(4) within these maximum amounts in percent by weight of the finished food: Mono-and diglycerides of fatty acids esterified with any or all of the following acids: acetic, acetyltartaric, citric, lactic, tartaric, and their sodium and calcium salts, 0.5 percent; such mono- and diglycerides in combination with the sodium sulfoacetate derivatives thereof, 0.5 percent; polyglycerol esters of fatty acid, 0.5 percent; 1, 2-propylene glycol esters of fatty acids, 2 percent; lecithin, 0.5 percent.

(5) Preservatives identified in § 318.7(c)(4) within these maximum amounts in percent by weight of the finished food: Sorbic acid, benzoic acid and their sodium, potassium, and calcium salts, individually, 0.1 percent, or in combination, 0.2 percent, expressed as the acids; calcium disodium EDTA, 0.0075 percent; stearyl citrate, 0.15 percent; isopropyl citrate mixture, 0.02 percent.

(6) Antioxidants identified in § 318.7(c)(4) within these maximum amounts in percent by weight of the finished food: propyl, acetyl, and dodecyl gallates, BHT (butylated hydroxytoluene), BHA (butylated hydroxyanisole), ascorbyl palmitate, ascorbyl stearate, all individually or in combination, 0.02 percent. Instead of these antioxidants, TBHQ (tertiary butyl hydroquinone), alone or in combination only with BHT and/or BHA, with a maximum 0.02 percent by weight of the fat and oil content.

(7) Color additives identified in § 318.7(c)(4) in amounts sufficient for purpose:[4] Alkanet, annatto, cochineal, green chlorophyl, saffron, turmeric, and coal tar dyes. For the purpose of this subparagraph, provitamin A (beta-carotene) shall also be demed to be a color additive.

(8) Flavoring substances in amounts sufficient for purpose.

(9) Acidulants identified in § 318.7(c)(4) in amounts sufficient for purpose: citric and lactic acids and their potassium and sodium salts; L-tartaric acid and its sodium and sodium-potassium salts.

(10) Alkalizers identified in § 318.7(c)(4) in amounts sufficient for purpose: sodium bicarbonate, sodium carbonate, and sodium hydroxide.

(c) For the purposes of this section, the term "milk" unqualified means milk from cows. If any milk other than cow's milk is used in whole or in part, the animal source shall be identified in conjunction with the word "milk" in the ingredient statement.

Done at Washington, D.C., on January 12, 1982.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 82-2240 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-DM-M

[4] Colored margarine or oleomargarine is also subject to the provisions of section 407 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347) as reflected in § 317.8(b)(24) of this subchapter.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-82-2]

Petitions for Rulemaking; Summary of Petitions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period and correction of previously published petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before the dates shown in the summaries.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on January 20, 1982.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
22095	Air Line Pilots Association	Description of Petition: To amend 14 CFR 121.307(e) to include operational accuracy requirements for fuel indication systems. Petitioner proposes revising the section to read: "A fuel quantity indicator system for each fuel tank to be used and for a total fuel quantity indicator system that is accurate, within +3 percent of the amount indicated, ±.5 percent of full fuel throughout the full range (zero to full fuel). Regulations Affected: 14 CFR 121.307(e) Petitioner's Reasons for Rule: Petitioner contends there are no operational accuracy requirements in the current regulations; there are no accuracy requirements for full and partial fuel indication, only that each fuel indicator must be calibrated to read "zero" during level flight when the remaining fuel is unusable; and there are no standards concerning fuel indicator systems in turbine or jet engine aircraft.

NOTE.—This Petition Was Previously Published. (46 FR 54957; Nov. 5, 1981). The Aerospace Industries Association (AIA), in a letter dated 12/17/81, indicated that the ALPA petition is of concern to the AIA member companies and that it plans to provide industry comments. However, because of the holidays, AIA would not have sufficient time to prepare its response. The FAA has determined that the AIA comments would be extremely valuable in making its decision on the merits of the proposal and for that reason agrees that the extension of the comment period would be in the public interest. Therefore, the comment period is reopened until March 5, 1982.

Correction of Summaries of Petitions Previously Published

Docket No.	Petitioner	Description of the rule requested
22269	Flight Engineers International Assoc. (FEIA).	Description of Petition: To amend appropriate FAR Parts to the extent necessary in order to regulate the certification of transport category airplane cockpits and their use in air transportation in the United States. These amendments would include the establishment of an integrated and coordinated set of regulatory standards, documentation requirements and evaluation criteria for the certification, configuration control, and modification of flight cockpits used on transport category airplanes. Additionally, the amendments would provide for the certification of appropriate flight operational procedures and training specifications consistent with: criteria used in the aircraft/cockpit system, and procedures dictated by flight operational activity, i.e., low visibility approach and landing operations currently permitted by the Category II and Category III advisory circular criteria, etc. They would also cover the certification of cockpit instrumentation, equipment and software configurations, minimum flight crew, master minimum equipment list—for a particular aircraft type, minimum equipment list—for the particular air carrier, cockpit/crew operational procedures, and crew function training. Regulations Affected: 14 CFR Parts 21, 25, and 121. Petitioner's Reasons for Rule: The petitioner has referred to the transcripts of public hearings associated with the President's Task Force on Aircraft Crew Complement (Task Force) and the public discussions in the six recently-conducted FAA Aviation Human Factors Workshops. Based on its analysis of these public hearings/discussions and the five recommendations relating to crew complement certification identified by the Task Force, the petitioner believes that justification exists for a regulatory requirement to certify Part 25 airplane cockpits for use in air transportation.
22267	Beech Aircraft Corp	Description of Petition: To require landing distances for aircraft certificated under SFAR 41 to be the same as for aircraft certificated under § 23.75. Regulations Affected: SFAR 41.5(c)(a). Petitioner's Reasons for Rule: Petitioner states "SFAR 41, through reference to a non-current version of FAR 23, invokes an overly conservative and outmoded technique for the determination of landing distance. Operations of aircraft so certificated, as commercial carriers under FAR 135, is further penalized by provisions of FAR 135.399(b), which requires landing distances be factored by 1.67 for destination fields and 1.43 for alternate fields. The combination of outmoded techniques for landing determination coupled with the additional safety factors of FAR 135.399(b) results in unreasonably long, overly conservative runway lengths for SFAR 41 aircraft. This effectively precludes SFAR 41 aircraft service to many small-city airports and neutralizes the intent of SFAR 41."

NOTE.—Flight Engineers International Association (FEIA) and Beech Aircraft Corp. petitions were previously published under a partially incorrect heading. (47 FR 817; Jan. 7, 1982) They are being republished to ensure that the petitions are properly understood. The comment period on these petitions closes March 8, 1982.

[FR Doc. 82-1799 Filed 1-27-82; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ACE-22]

Control Zone and Transition Area, Hastings, Nebraska; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the control zone and the 700-foot transition area at Hastings, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure proposed for the Hastings Municipal Airport, Hastings, Nebraska, utilizing the Hastings VOR as a navigational aid.

DATE: Comments must be received on or before March 1, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before March 1, 1982 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) and Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the control zone and 700-foot transition area at Hastings, Nebraska. To enhance airport usage, an instrument approach procedure is being proposed for the Municipal Airport, Hastings, Nebraska, utilizing the Hastings VOR as a navigational aid. The establishment of this instrument approach procedure entails alteration of the control zone and transition area at Hastings, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided additional air traffic control service. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAPs. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using this

approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposed to amend Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455), by altering the following control zone:

Hastings, Nebraska

Within a 5-mile radius of Hastings, Nebraska, Municipal Airport (Latitude 40°36'20" N, Longitude 98°25'30" W), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles north of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles southeast of the airport, and 3 miles either side of the 219° bearing from Hastings Municipal airport extending from the 5-mile radius to 8.5 miles southwest of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airport/Facility Directory.

Additionally, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following new transition area:

Hastings, Nebraska

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

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on January 13, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-1795 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-21]

Transition Area, Neodesha, Kansas; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Neodesha, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Neodesha, Kansas, Municipal Airport utilizing the Chanute VOR as a navigational aid.

DATE: Comments must be received on or before March 1, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before March 1, 1982 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Neodesha, Kansas. To enhance airport usage, an additional instrument approach procedure to the Neodesha Municipal Airport is being established utilizing the Chanute VOR as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Neodesha, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following transition area:

Neodesha, Kansas

That airspace extending upwards from 700 feet above the surface within 5 miles of the Neodesha Municipal Airport (latitude 37°26'05" North, longitude 95°38'49" West) and within 2.5 miles each side of the Chanute VOR 185° radial, extending from the 5-mile radius to 6 miles southwest of the airport, excluding that portion which overlies the parsons, Kansas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on January 13, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-1797 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-23]

Transition Area, Seward, Nebraska; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Seward, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Seward, Nebraska, Municipal Airport, utilizing the Seward NDB as a navigational aid.

DATE: Comments must be received on or before March 1, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before March 1, 1982 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Seward, Nebraska. To enhance airport usage, an additional instrument approach procedure to the Seward Municipal Airport is being established, utilizing the Seward NDB as a navigational aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Seward, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following transition area:

Seward, Nebraska

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Seward Municipal Airport, Seward, Nebraska (Latitude 40°51'46"N, Longitude 97°06'32"W), and 5 miles either side of the 344° bearing of the Seward NDB (Latitude 40°51'36"N, Longitude 97°06'18"W) extending from the 5-mile radius to 11.5 miles NW of the NDB excluding that airspace overlying the Lincoln, Nebraska transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on January 13, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-1798 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 21727; Notice No. 82-2]

Flightcrew Requirements for Aircraft Certificated Under SFAR 41

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend Part 91 of the Federal Aviation

Regulations relating to general operation and flight to allow certain operations of large airplanes certificated under SFAR 41 with one pilot instead of two if the airplane is found safe for operation with one pilot. The amendment would relieve operators of an economic burden which does not have a commensurate safety benefit. This notice responds to a petition for rulemaking submitted by the General Aviation Manufacturers Association (GAMA).

DATE: Comment must be received on or before March 29, 1982.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 21727, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sirkis, Regulatory Projects Branch (AVS–24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 755–8716

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 21727." The postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Current airworthiness standards exist for two basic designations of airplanes: Part 23 for small (12,500 pounds or less) airplanes having nine or less passenger seats and Part 25 for transport category airplanes. Commuter airlines and air taxi operations in the United States, which have grown substantially in recent years, have demonstrated a need for airplanes which are not fully in the transport category but exceed the size limitations of Part 23. Certain small multiengine airplanes weighing under 12,500 pounds maximum takeoff weight are so designed that they can be readily increased in size and maximum takeoff weight. Thus, they can fill the void between Part 23 and Part 25 airplanes.

Special Federal Aviation Regulation No. 41 (SFAR 41) was adopted on September 7, 1979, to allow certain Part 23 airplanes to be adapted to fill the void without requiring them to meet the standards of transport category airplanes. SFAR 41 allows the certification and operation, with appropriate restrictions and limitations, of small, propeller-driven multiengine airplanes at maximum takeoff weights exceeding 12,500 pounds. The airplanes may also be configured with more than 10 passenger seats. It requires that the basic make and model of each airplane must have been originally type certificated in accordance with part 23 prior to October 17, 1979.

The rules applicable to air taxi and commercial operators (Part 135), which include commuter airlines, were amended to allow the operation of airplanes certificated under SFAR 41. In addition to operations conducted under Part 135, experience since the adoption of SFAR 41 has indicated that operations of these airplanes are routinely conducted under Part 91.

SFAR 41, Section 1(c), requires, in pertinent part, that an airplane certificated under paragraph (b) of Section 1 is considered to be a small airplane for the purpose of Parts 21, 23, 36, 121, 135, and 139 and a large airplane for the purpose of Parts 61 and 91. Section 91.213(a)(1) provides that no person may operate a large airplane without a pilot who is designated as second in command of that airplane. The combined effect of these regulations prohibits the operation under Part 91 of SFAR 41 airplanes with only one pilot when airplanes of the same basic design and configuration which have been certificated under Part 23 can be operated with one pilot. This has caused an apparent financial burden on Part 91 operators of airplanes certificated under SFAR 41.

GMA has petitioned the FAA to amend the Federal Aviation Regulations to allow operation of certain airplanes certificated under SFAR 41 with one pilot. It states that this will reduce the burden on the public by allowing airplanes to operate with one pilot during certain flights if those airplanes have been found safe for operations with a reduced crew. This would include operations such as maintenance flight testing, relocation of airplanes, executive use, and demonstration flights, all of which may be conducted under Part 91. Two pilots would continue to be required for air taxi operations conducted under Part 135 when airplanes with 10 or more passenger seats are used. The petitioner points out that the requirement for two pilots to be used for all operations imposes an economic burden without a commensurate safety benefit.

Discussion of the Proposed Rule

The FAA believes that the petitioner's proposal has merit. The proposed amendment allowing one-pilot crews on airplanes that can be operated safety with one pilot would serve to reduce an apparent financial burden for Part 91 operators of airplanes certificated under SFAR 41 without compromising safety.

The FAA proposed to amend Part 91 to allow certain SFAR 41 airplanes to be operated under Part 91 with one pilot. This would be accomplished by amending § 91.213(a)(1) to exclude SFAR 41 airplanes from the requirement that all large airplanes must operate with a second in command. That section currently requries two pilots for all large airplanes; that is, those airplanes weighing over 12,500 pounds maximum

certificated takeoff weight. Maintenance and pilot certification for Part 91 operations would remain unchanged.

Under the proposal, the determination that single-pilot operation can be safety permitted would have to be made a part of the certification basis for the airplane if not already established. The approval, if granted, would appear in the type certificate data for the appropriate make and model airplane. However, the operating rules in effect for a particular flight would still dictate the minimum required crew complement for that flight.

This proposal provides an acceptable level of safety for affected operations while imposing the least amount of regulatory control consistent with maintaining flight safety. The amendment, if adopted, would reduce a burden on aircraft operators by eliminating the cost of a second pilot without compromising safety. Since the costs outweigh the benefits, this proposal is consistent with Executive Order 12291, signed by the President on February 17, 1981. As a result, the FAA proposes to amend § 91.213(a)(1) to allow SFAR 41 airplanes to be operated without a pilot who is designated as second in command.

This proposal responds to an industry petition for relief from current regulation. No formal benefit-cost analysis was completed with respect to the proposal. A regulatory evaluation was conducted for this action to preliminarily assess the cost and economic impact. The FAA has determined that there are no apparent direct or indirect (non-industry) costs associated with granting the petition. The FAA agrees with the GAMA statements as to benefit. Therefore, it is apparent that benefits outweigh any costs associated with changing the present regulation. The FAA invites comment on this matter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By revising paragraph (a)(1) of § 91.213 to read as follows:

§ 91.213 Second in command requirements.

(a) * * *

(1) A large airplane, except that a person may operate an airplane certificated under SFAR 41 without a pilot who is designated as second in command if that airplane is certificated for operation with one pilot.

* * * * *

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1424), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this proposal, if adopted, would relax requirements and allow more flexibility to affected operators since it would permit operation of certain SFAR 41 aircraft with one pilot instead of two if the airplane is found safe for operation with one pilot. For these operations, operators would have a cost saving and no increased economic burden. There are no apparent direct or indirect (nonindustry) costs associated with the proposal. Therefore, it has been determined that this is not a major regulation under Executive Order 12291. I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposal would allow operators of SFAR 41 aircraft, some of whom are small entities, to reduce costs by operating aircraft under certain conditions with one pilot instead of two. In addition, the FAA has determined that this proposed amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, D.C., on January 6, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 82-2245 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 117

[CGD7-82-01]

Drawbridge Operation Regulations, Garrison Channel, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Mr. Edward J. Kohrs on behalf of American Centennial Insurance Company, the Coast Guard is considering special drawbridge regulations governing the operation of the Seddon Island Bridge across Garrrison Channel, mile 0.2, Tampa, Florida to require the draw to open on signal if at least 48 hours advance notice is given to the local representative. This proposal is being made because no requests have been made to open the draw since 1979.

The proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, the impact is expected to be minimal. In accordance with section 605(b) of The Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, (if promulgated), will not have a significant economic impact on a substantial number of small entities.

DATE: Comments must be received on or before March 1, 1982.

ADDRESS: Comments should be submitted and are available for examination and copying from 7:30 a.m. to 4 p.m., Monday through Friday at the office of the Commander (oan), Seventh Coast Guard District, 51 S. W. 1st Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (oan), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone (305) 350 4108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed envelope or post card.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on the proposal. The proposed regulations may be changed in the light of comments received.

Drafting Information

The principal persons in drafting this porposal are: James Davis, Bridge Administration Specialist, Office of Aids to Navigation, Bridge Section and Lieutenant William J. Petersen, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of the Proposed Regulations

The proposed regulation is being considered due to the decline in

waterborne activities upon the waterway. The bridge was authorized for construction as a railroad structure on October 26, 1906 and approval was granted in March 1944 to provide for both railway and vehicular traffic. Use of the bridge for railway service was discontinued in late 1970. The bridge has had no drawbridge openings since February 1979. The bridge provides for vehicular access to Seddon Island. This action may relieve the bridge owner of the burden of having a person constantly available to open the draw and may still provide for the reasonable need of navigation.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.245(i)(4-a) immediately after § 117.245(i)(4) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) Waterways discharging into Gulf of Mexico east of Mississippi River. * * *

(4-a) Garrison Channel, Tampa, Florida. The draw shall open on signal if at least 48 hours advance notice is given.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3).

Dated: January 11, 1982.

B. L. Stabile,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 82-2232 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD-81-107]

Drawbridge Operation Regulations; Snohomish River, Steamboat Slough, and Ebey Slough

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Washington State Department of Transportation, the Coast Guard will consider changing the regulations governing the state highway drawbridges across the Snohomish River, Steamboat Slough, and Ebey Slough between Everett and Marysville, Washington. The proposed change would require that requests for bridge openings be made in advance for the Ebey Slough bridge and the existing advance notice for the Snohomish River and Steamboat Slough bridges be reduced. This proposal is being made because of a change in the pattern of navigational usage of the waterways. This action may relieve the bridge owner of the burden of having a person in constant attendance at the Ebey Slough bridge and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before February 28, 1982.

ADDRESS: Comments should be submitted to, and are available for examination from 8:00 A.M. to 4:30 P.M., Monday through Friday, at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, District Bridge Administrator, Aids to Navigation Branch, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174, telephone (206) 442–5864.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridges, and give reasons for concurrences with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope. The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information: The principal persons involved in drafting this proposal are: John E. Mikesell, District Bridge Administrator and Lt. James R. Woeppel of the District Legal Officer's staff.

Discussions of the Proposed Regulations

This regulation change is being considered in an effort to allow the bridge owner to operate the bridges in a more efficient manner while providing overall improved service to navigation.

A new marina on the Snohomish River upstream of the State highway drawbridges north of Everett can accommodate over 1,000 boats and is utilized primarily by recreational craft with some commercial fishing vessels also using the facility. Several boat repair and marine service facilities also exist upstream of the bridge. The major traffic on the Snohomish River consists of recreational and fishing vessels. Both Ebey Slough and Steamboat Slough are used extensively for log storage. Most of the traffic on these waterways consists of tugs with log tows.

Under present operating regulations, the Snohomish River bridges require at least two hours advance notice for opening, the Steamboat Slough bridges require four hours advance notice, and the Ebey Slough bridge has a drawtender in constant attendance and will open on call. The proposed change would require that one hours advance notice be given for the opening of any of these bridges. The openings would be accomplished by a roving drawtender who would be stationed at the Snohomish River bridges on weekends, where recreational boating traffic is heaviest, and at the Ebey Slough bridge on weekdays, where commercial navigation is heaviest. Requests for openings would be made by marine radio, telephone or other means to the drawtender at the manned bridge. A review of bridge openings for the past year indicates that the bridges average less than one opening per day each. However, because of the new marina on the Snohomish River, requests for openings of the State highway bridges downstream of the marina are expected to increase significantly, particularly on weekends. The marina operator has reported a loss of existing and potential customers due to the delays and the general inconvenience of the advance notice now required for the State highway bridges. Preliminary contact with waterway users indicates that the proposed change would have no adverse effect on navigation.

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not be be a major rule. In addition, these proposed regulations are considered to be non-significant in accordance with the guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons

discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility, Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.805(e)(5) to read as follows:

§ 117.805 Snohomish River, Steamboat Slough, and Ebey Slough, Washington; bridges.

* * * * *

(e) * * *

(5) The bridges to which this paragraph applies, and the special regulations applicable in each case, are as follows:

(i) The State of Washington, Department of Transportation, bridges across the Snohomish River north of Everett; Steamboat Slough bridges north of Everett; and the Ebey Slough bridge at Marysville, shall open on signal if at least one hours advance is given: *Provided,* That during freshets a drawtender shall be kept in constant attendance at the Snohomish River bridges upon order of the District Commander. Notice shall be given by marine radio, telephone, or other means, on weekends, to the drawtender at the Snohomish River bridges, and on weekdays, to the drawtender at the Ebey Slough bridge.

(ii) The State of Washington, Department of Transportation, bridge across the Snohomish River at the foot of Hewitt Avenue, Everett, shall open on signal if at least four hours advance notice is given: *Provided,* That during freshets a drawtender shall be kept in constant attendance upon order of the District Commander.

(iii) The Burlington Northern Corporation bridge across Steamboat Slough north of Everett shall open on signal if at least four hours advance notice is given.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: December 23, 1981.

C. F. DeWolf,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District

[FR Doc. 82-2201 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD-FRL-2037-7]

Requirements for Preparation Adoption and Submittal of Implementation Plans; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period; solicitation of requests for public hearing.

SUMMARY: EPA is extending to February 2, 1982, the period for public comment on the rulemaking proposals at 46 FR 61613 (December 17, 1981) relating to the construction of new stationary sources of air pollution and modifications to existing sources under the Clean Air Act. EPA is also asking that anyone who wishes to present comments orally make a request on or before February 2, 1982, for a public hearing.

DATE: The deadline for submitting comments, or requests for a public hearing, is February 2, 1982.

ADDRESS: Any comments or requests for a public hearing should be submitted (in triplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, Attention: Docket No. A-81-39.

FOR FURTHER INFORMATION CONTACT: Michael Trutna, New Source Review Section, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711; 919-541-5591; FTS-629-5591.

SUPPLEMENTARY INFORMATION: In December 1981, EPA proposed to amend its regulations relating to the construction of new stationary sources of air pollution and modifications to existing sources under the Clean Air Act. See 46 FR 61613. Specifically, EPA proposed to repeal the requirement that certain emissions from marine vessels are to be included in determinations of whether a proposed source or modification would emit a pollutant in "major" or "significant" amounts. EPA also proposed to bar itself from (1) including vessel emissions and certain emissions from other mobile sources in any preconstruction assessment of the air quality impact of a proposed source or modification and (2) requiring a state to include those emissions in any such assessment.

EPA originally set a 30-day period for public comment, which ended on January 18, 1982. The State of California has asked EPA to extend the comment period preferably for thirty days, but at least for ten days, to allow it to complete its analysis of the legal interpretation which underlies EPA's proposals. EPA hereby extends the period for fifteen days; comments may be submitted, therefore, on or before, February 2, 1982. An extension of fifteen days will give California the time it says it needs to complete its legal analysis. At the same time, it will minimize delay in the completion of the rulemaking. EPA has a strong interest in completing the rulemaking expedient. The provisions which EPA has proposed to amend are currently under challenge in court, and EPA's active reconsideration of them has already consumed many months. *See* 46 FR 36695 (July 15, 1981).

Section 307(d) of the Clean Air Act, 42 U.S.C. 7607(d), under which EPA is conducting this rulemaking, requires EPA to give anyone who wishes to present comments orally an opportunity to do so. EPA, therefore, asks that anyone wishing to give an oral presentation submit a request for a public hearing in writing, with a brief description of the presentation, and on or before February 2, 1982. If EPA receives a request for a public hearing, one will be conducted.

(Sec. 101(b), 110, 160-69, 171-78 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(b)(1), 7410, 7470-79, 7501-08 and 7601(a))

January 22, 1982.

Kathleen M. Bennett,

Assistant Administrator for Air Noise and Radiation.

[FR Doc. 82-2371 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A-8-FRL-2016-7]

Approval and Promulgation of State Implementation Plans; Utah Nonattainment SIP

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to propose to approve revisions to the Utah State Implementation Plan (SIP) which were submitted by the State on April 8, 1981. The revisions proposed for approval here include emission limits for Group II sources of volatile organic compounds, new limits on fugitive emissions of particulates, new or revised emission limits for several stationary sources, and a clarification to the compliance testing requirements.

DATE: Comments due March 1, 1982.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the revision and EPA's evaluation report are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: David S. Kircher, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3711.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Governor of Utah submitted to EPA a revision to the State Implementation Plan (SIP). This revision was divided into three parts for review and approval. First, emission limits in Utah Regulation 3.2.1 were revised for a number of stationary sources of particulates. The revisions for all but three of those sources were given expedited review and were proposed for approval on May 18, 1981 (46 FR 27129). Second, the revision included an amended Inspection/Maintenance work schedule for Salt Lake County. This portion was proposed for approval on May 5, 1981 (46 FR 25110).

Finally, the remainder of the SIP revision has been reviewed for consistency with Clean Air Act requirements and EPA criteria for approval of SIP Revisions. *See* 44 FR 20372 (1979), 44 FR 38583 (1979), 44 FR 53761 (1979), and 44 FR 50371 (1979). These remaining portions of the SIP Revision are proposed for approval in today's **Federal Register.** The issues included in that revision are discussed below:

Stationary Source Limits

Minor changes were made to the emission limitations applicable to Pacific States Cast Iron and Pipe Company, Gibbons and Reed Asphalt Plant, and Interpace Corporation. The changes are minor and will result in improvements in air quality.

Fugitive Emission Limits

Section 4.5 of the Utah Regulations was revised to control sources of fugitive dust and fugitive emissions including: mining operations, construction, roadways, and tailings. This regulation will result in reduced emissions of particulates in both attainment areas and nonattainment areas.

Volatile Organic Compounds

Section 4.9 of the Regulations was amended to provide new limits on volatile organic compounds including the new Group II requirements. Specifically, the following provisions were added or revised:

Regulations	Source category
4.9.1c	Petroleum Liquid Storage.
4.9.2	Petroleum Liquid Transfer.
4.9.3.f	Refinery Equipment Leaks.
4.9.6	Operations for paper coating, fabric coating, metal furniture coating, large appliance surface coating, magnet wire coating, flatwood coating, miscellaneous metal parts coating, and graphic arts.
4.9.7	Synthesized pharmacutical manufacturing.
4.9.8	Perchloroethylene dry cleaning plants.

While the regulations are generally acceptable, regulations 4.9.1.c., 4.9.3.f., and 4.9.6.f (graphic arts) contain minor inconsistencies with EPA's control technique documents which the State has agreed to clarify during the public comment period. Details concerning these minor inconsistencies are included in EPA's evaluation report.

Compliance Testing

Section 3.2.3 was revised to clarify the use of the method 5 sampling train.

Proposed Action

EPA's review of the April 8, 1981, submittal indicates that it meets all requirements of Section 110 and Part D of the Clean Air Act. Therefore, EPA proposes to approve all aspects of that submittal. Any comments received prior to the close of the public comment period will be considered by EPA in issuing a final rule.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. Section 605(b)), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not, if promulgated, have a significant economic impact on a substantial number of small entities. (46 FR 8709; January 27, 1981). This action constitutes a SIP approval within the meaning of this certification. It only approves state actions. It imposes no new requirements.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: December 11, 1981.

Steven J. Durham,

Regional Administrator.

[FR Doc. 82-2254 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 256

[SW-1-FRL-2037-2]

New Hampshire Application for Approval of Solid Waste Management Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of state plan for public comment.

SUMMARY: EPA is today announcing the availability of, and soliciting public comment on whether the State of New Hamsphire's solid waste management plan meets EPA's guidelines for the approval of state solid waste management plans under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended.

DATE: Comments on New Hampshire's solid waste management plan must be received by February 26, 1982.

ADDRESS: Copies of New Hampshire's solid waste management plan are available at the following addresses for inspection and copying by the public:

New Hampshire Bureau of Solid Waste Management, Health and Welfare Building, Hazen Drive, Concord, N.H. 03301, (603) 271–4609

U.S. Environmental Protection Agency, Region I, Waste Management Branch, John F. Kennedy Federal Building, Boston, Mass. 02203, (617) 223–5775

EPA Headquarters Library, Room 2404, 401 M Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Paul H. Bedrosian, Solid Waste Section, Waste Management Branch, U.S. EPA, Regiona I, John F. Kennedy Federal Building, Boston, MA 02203 (617) 223–5775.

SUPPLEMENTARY INFORMATION: Under Subtitle D of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), EPA is authorized to approve state solid waste management plans. The criteria for approving those plans are set forth in EPA's Guidelines for Development and Implementation of State Solid waste Management Plans ("Guidelines"), codified at 40 CFR Part 256. Among other things, the Guidelines require that plans identify a general strategy for achieving the following objectives:.

- Protecting human health and the environment from adverse effects associated with solid waste disposal;
- Prohibiting the establishment of new open dumps;
- Upgrading or closing existing open dumps;
- Encouraging resource recovery and resource conservation;
- Providing adequate disposal capacity in the state;
- Establishing priorities for state solid waste activities; and
- Dealing with other issues relevant to solid waste management.

The state plan must also set forth the institutional arrangments that the state will use to implement this strategy.

Under RCRA and the Guidelines, EPA's approval of a state plan has two major implications. First, it permits the state to issue compliance schedules which can shield entities from citizen suits seeking to enforce the Federal prohibition on open dumping in Section 4005(a) of RCRA. Second, it may affect the state's eligibility for Federal funding under Section 4007 and 4008 of RCRA. Once a plan has been approved, EPA must withhold Subtitle D technical and financial assistance to the state if the Administrator at any time determines that the plan is no longer in compliance with the Guidelines and withdraws approval. *See* Section 4007(b)(3).

On September 23, 1981 (46 FR 47048) EPA amended the Guidelines to authorize partial approval of State plans. These amendments authorize EPA to approve that portion of the State plan under which entities may, pursuant to 40 CFR 256.26, receive compliance schedules from the State leading to compliance with the open dumping prohibition of section 4005. In such a partial plan approval the Administrator must determine that:

(1) The portion submitted satisfies § 256.26;

(2) The State has authority to issue and enforce compliance schedules; and

(3) The State will complete the remainder of the plan within a reasonable period of time.

On November 16, 1981, the State of New Hampshire submitted its solid waste management plan to EPA for approval. EPA is soliciting public comment on whether this plan meets the requirements set forth in the Guidelines. In particular, EPA is seeking comment on the following issues:

- Does the plan effectively prohibit the establishment of new open dumps?
- Does the plan provide authority to upgrade or close existing open dumps?
- If the plan does not meet the Guidelines in its entirety, can it be approved in part? *See* 40 CFR 256.04, as amended by 46 FR 4708 (September 23, 1981).

(Sec. 4007(a), Pub. L. 94–580, 90 Stat. 2817, (42 U.S.C. 6947); sec. 3, Pub. L. 96–354, 94 Stat. 1168, (5 U.S.C. 605))

Dated: January 13, 1982.

Lester A. Sutton,

Regional Administrator.

[FR Doc. 82-2233 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 536

[General Order 13, Amdt. No. 10; Docket No. 80–56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

AGENCY: Federal Maritime Commission.

ACTION: Previously published proposed rule; certification of no significant impact under the Regulatory Flexibility Act (5 U.S.C. 605(b)).

SUMMARY: On December 18, 1981 the Commission granted requests for reconsideration of a proposed rule for purposes of receiving further comments from interested parties (46 FR 62669). This proposed rule would, if promulgated, prohibit the filing of temporary amendments to tariffs of common carriers by water in the foreign commerce of the United States.

Because the original notice of proposed rulemaking was published before the effective date of the Regulatory Flexibility Act, the Commission was of the opinion that this rulemaking proceeding was exempt from the requirements of that Act. However, upon advice of the Office of the Chief Counsel for Advocacy of the Small Business Administration the Commission has determined to apply the requirements of that Act to this reopened proceeding.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The primary economic impact of this rule would be on common carriers by water in the foreign commerce which are not generally considered to be small entities within the meaning of 5 U.S.C. 601. While there may be a secondary economic impact upon shippers and freight forwarders, some of which may be small entities, this impact is not considered to be significant within the meaning of the Regulatory Flexibility Act. Accordingly, the Commission certifies pursuant to 5 U.S.C. 605(b) that this rule, will not, if promulgated, have a significant economic impact on a substantial number of small entities.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2196 Filed 1-27-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 27]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to propose an amendment to the fuel loading test conditions of Safety Standard No. 208, *Occupant Crash Protection*. The notice responds to a petition for rulemaking submitted by Mercedes-Benz of North America. Safety Standard No. 208 currently specifies that vehicles are to be crash tested with their maximum capacity of fuel. Mercedes requested that the fuel loading conditions of the standard be amended to be consistent with Safety Standard No. 301, *Fuel System Integrity*, which only requires the fuel tank to be filled to any level between 90 and 95 percent of capacity. The agency has tentatively determined that filling the fuel tank from 90 to 95 percent of capacity is a more realistic test condition than is currently specified in Standard No. 208. Further, specifying in Safety Standard No. 208 the same level of capacity used in other safety standards will enable manufacturers to conduct tests that simultaneously determine compliance with that and other safety standards and thereby reduce compliance test costs.

Therefore, this notice proposes to make the requested change. Although not requested by the petition, this notice also discusses the term "capacity" in relation to fuel tanks, since the agency has received several questions concerning the term in the past.

DATE: Comments should be submitted no later than March 15, 1982.

ADDRESS: Comments should refer to the docket number and notice number of

this notice and be submitted to: NHTSA Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are between 8 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: The fuel tank loading specification in Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), differs from that used in other Safety Standards. Paragraph S8.1.1(a) of that standard currently specifies that a passenger car is to be loaded "to its unloaded vehicle weight plus its rated cargo and luggage capacity weight" prior to conducting a barrier crash test. The term "unloaded vehicle weight" is defined in 49 CFR 571.3 as "the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle. . . ." Thus, under the current test conditions of the standard, fuel tanks are to be filled to 100 percent of capacity.

The test conditions of Safety Standards Nos. 301, *Fuel System Integrity*, 212, *Windshield Mounting*, and 219, *Windshield Zone Intrusion*, also specify loading of the vehicle fuel tank prior to barrier crash testing. However, these standards provide that the fuel tank is to be filled to any level from 90 to 95 percent of capacity, rather than to "maximum capacity" as specified in Safety Standard No. 208.

On March 9, 1981, Mercedes-Benz of North America petitioned the agency to amend Standard No. 208 so that the fuel tank loading specification would be consistent with Safety Standard No. 301. Mercedes stated that such an amendment would serve to harmonize the two standards and would eliminate the current need for running separate barrier crash tests for the two standards. The company stated that tests being conducted to evaluate occupant crash protection systems yield data which cannot be used to evaluate the integrity of fuel systems because of the variation in fuel tank loading conditions.

The agency has tentatively determined that Mercedes' requested amendment has merit. Safety Standard No. 301 was amended in 1974 to specify that fuel tanks are only required to be filled between 90 and 95 percent of capacity (39 FR 10586). The preamble to that amendment stated: "The NHTSA is aware of the problem of thermal expansion and its ability to cause artificial failures during testing for compliance with Standard No. 301. If the fuel system is filled to 100 percent capacity before the test and then is subjected to thermal expansion, there could be leakage in the fuel system unrelated to its crashworthiness, indistinguishable from fuel leakage caused by the various specified crash tests."

Although fuel leakage is not a problem or even a test element of the frontal crash test specified in Safety Standard No. 208, the agency believes that the fuel tank loading specification of 90 to 95 percent of capacity is a more appropriate and realistic test condition for that standard. Vehicles are seldomly driven with their fuel tanks filled to 100 percent capacity. First, it is difficult to fill a fuel tank to 100 percent capacity because of air pockets which become trapped in the tank. Second, a car does not have to be driven far to reduce the amount of fuel in its tank by several percentage points. Therefore, the agency believes that filling fuel tanks to 90 to 95 percent of capacity would be sufficiently representative of the maximum fuel loading that will occur on the highway. Moreover, the difference in overall vehicle weight because of the 5 to 10 percent less fuel under the proposed amendment should have no significant effect on the test results of Safety Standard No. 208. The proposed change does not significantly reduce the stringency of the standard and realistically maintains the intended purpose of the loading conditions, i.e., that a vehicle's test weight is representative of vehicle weights on the highway.

The agency also believes that the proposal should facilitate testing to simultaneously determine compliance with various safety standards. As noted above, Safety Standards Nos. 301, 212, and 219 all specify that fuel tanks are only to be filled to between 90 and 95 percent of capacity. Only Safety Standard No. 208 currently specifies "maximum capacity". Since all of these standards involve expensive barrier crash tests, the agency believes the fuel loading conditions should be identical so that the number of tests which must be run can be minimized. Therefore, this notice proposes to amend the fuel loading condition of Safety Standard No. 208 so that it is consistent with those in these other standards.

The agency has received some questions in the past concerning what constitutes the "capacity" of a fuel tank. Specifically, there have been questions whether the vapor volume of the tank is included in determining capacity. In answer to those questions the agency notes that "capacity", as used in regard to fuel tanks, inlcudes the tank's "usable capacity", as that term is used in the vehicle manufacturer's Part I submission to the Environmental Protection Agency, plus its "unusable capacity" (i.e., the volume of fuel left in the bottom of the tank when the engine fuel pump no longer can draw fuel from the tank). The term "capacity" does not include the vapor volume of the tank, i.e., the space above the fuel tank filler neck.

The proposed change would not qualify as a major regulation under Executive Order 12221 or as a significant regulation under the Department's guidelines for issuing regulations. The proposed test condition would benefit those manufacturers who choose to conduct simultaneous crash tests for several safety standards, by reducing costs. The agency has also considered this proposal under the National Environmental Policy Act and determined that the proposal should have no significant effect on the human environment.

Finally, the agency has considered this proposal under the Regulatory Flexibility Act. Only vehicle manufacturers would be affected by the proposed amendment. Since the proposed amendment would only reduce costs slightly in relation to overall manufacturer costs, the proposed amendment would not significantly affect any vehicle manufacturer that would qualify as a small business under the Act. The proposed amendment would have no significant effect on small governmental units. Although these units are fleet purchasers of vehicles, the proposed amendment should not affect the retail price of vehicles. Also, the proposed amendment should have no effect on small organizations for the same reason.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating

that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid the damage; and showing tha earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), be amended as set forth below.

§ 571.208 [Amended]

1. The first sentence of S8.1.1 would be amended to read:

"Except as provided in paragraph (c) of this section, the vehicle, including test devices and instrumentation, is loaded as follows:"

2. A new paragraph S8.1.1(c) would be added to read as follows:

"(c) The fuel tank is filled to any level from 90 to 95 percent of capacity."

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 22, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-2257 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 73-34; Notice 6]

Motor Vehicle Safety Standards; School Bus Body Joint Strength

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

ACTION: Extension of comment period.

SUMMARY: On November 27, 1981, the agency published a notice proposing an amendment to Standard No. 221, *School Bus Body Joint Strength*, that would have required maintenance access panels in school buses to comply with the requirements of the standard (46 FR 57939). The comment period for that notice will expire on January 26, 1982. The Truck Body and Equipment Association and several manufacturers have asked the NHTSA to extend the comment period for 60 days. They request this extension since much of the school bus industry has been closed over the holiday period, and accordingly, has not been able to prepare full comments to the notice. The agency understands that the holiday period may have caused manufacturers some problems in focusing attention on this notice, and accordingly, finds good cause to extend the comment period for an additional 60 days. The agency further concludes that this extension is in the public interest, since it will permit a fuller and better reasoned discussion of the proposal.

COMMENT DATE: The new comment closing date for Notice 5 is March 29, 1982.

ADDRESS: Comments on Notice 5 should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

(Docket hours: 8:00 a.m. to 4:00 p.m., Monday through Friday)

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

(Secs. 103 and 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392 and 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on January 21, 1982.

Carl Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 82-2033 Filed 1-25-82; 12:30 pm]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 346 (Sub-No. 8)]

Exemption From Regulation—Boxcar Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The Consolidated Rail Corporation has petitioned the Commission to exempt from regulation all movements in boxcars having AAR equipment type designation A, B, R, or S when the movements are to, from, or via Conrail. Conrail contends that this traffic meets the criteria for exemption found in 49 U.S.C. 10505, and argues further that the exemption should be granted immediately without the institution of a rulemaking proceeding. The Commission has denied the request for immediate exemption and is seeking comment on the merits of exempting Conrail's or all boxcar movements by all railroads from some or all of our regulation.

DATES: Statements of intent to participate are due February 8, 1982. Comments are due March 1, 1982, and replies are due March 31, 1982. A service list will be served before the comment due date on all parties who file an intention to participate.

ADDRESS: The original and one copy of statements of intent to participate, comments, and replies should be sent to: Interstate Commerce Commission, Office of the Secretary, Commission Service Section, Room 2203, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Consolidated Rail Corporation (Conrail) has petitioned the Commission to exempt from regulation all movements in boxcars having AAR equipment type designation A, B, R, or S when the movements are to, from, or via Conrail. The exemption requested would apply to (1) all movements, loaded or empty, involving Conrail; (2) the complete movement over all railroads involved; (3) all regulated aspects, including rates,

divisions, car hire, car service, and common carrier duties; (4) movements in both railroad and private cars; and (5) both interstate and intrastate movements. Conrail further requests that the exemption be immediate and without the institution of a rulemaking proceeding.

The Commission's exemption authority for rail services is found in 49 U.S.C. 10505. Section 10505, as amended by the Staggers Rail Act, states that the Commission shall exempt a person, transaction or service from regulation if: (1) Regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction or service is of limited scope, or regulation is not needed to protect shippers from the abuse of market power.

Requesting that the exemption be granted immediately, Conrail argues that a formal proceeding is not necessary because its petition provides sufficient facts upon which to make a decision. Conrail also points out that the legislative history of section 10505 encourages the Commission to pursue actively exemptions and to adopt a policy of reviewing carrier actions after the fact to correct abuses of market power.

Conrail's petition, particularly the request for immediate exemption, is opposed by a number of parties. Some parties assert that Conrail's proposal has the potential for significant impact, and that the impact is not readily ascertainable from the petition.[1] They emphasize particularly that the exemption may not be in accord with the rail transportation policy.

We are aware both of the financial problems of Conrail and of the congressional interest in the removal of unnecessary regulation. However, the current record does not provide sufficient basis for granting the exemption. We are therefore serving this notice to obtain further comment.

We intend to issue a final decision as expeditiously as possible. Extensions of the comment period will not be granted. Furthermore, although we have requested comments on both a Conrail-only exemption and a general boxcar exemption, should circumstances warrant, we may issue a decision on the Conrail exemption before decision on the question of a general exemption.

[1] The Commission's car service rules were rescinded except for Rule 15 in Ex Parte No. 241 (Sub-No. 1), *Investigation of Adequacy of Freight Car Ownership*, 362 I.C.C. 844 (1980).

Competive Criteria

Conrail states that the proposed exemption meets the statutory criteria that regulation is not needed to protect shippers from the abuse of market power. In support of this position, Conrail cites competition from motor carriers, other rail carriers, and TOFC/COFC service, and argues further that these sources of competiton can be expected to persist or intensify. With regard to motor carrier, Conrail also asserts that certain factors make its markets for boxcar traffic particularly competitive. Finally, Conrail cites revenue-to-variable cost data and other statistics to show the effectiveness of this competition.

Motor carriers are alleged to be the most important source of competition for Conrail's boxcar service. Conrail states that van type truck trailers, the most boxcar competitive type, constituted over 64 percent of U.S. trailer production between 1971 and 1981, and that the motor carrier industry now has four times as many vans as the rail industry has boxcars. Conrail states further that this equipment advantage is reflected in an increasing motor carrier share of total intercity ton-miles and revenues.

Conrail also focuses on certain market characteristics which, it claims, give a substantial advantage to motor carriers. First, motor carriers provide faster service and better equipment utilization which allow the shippers to keep inventory costs, warehouse size, and distribution costs at acceptable levels. Also, railroads serve only a relatively small portion of the communities accessible to trucks. In Conrail's service area, for example, only 26 percent of the communities are served by rail, and even fewer by Conrail.

With regard to market characteristics, Conrail particularly emphasizes the prevalence in the Northeast of short distance and low volume hauls, which tend to favor motor carrier transportation. Conrail argues that such hauls are becoming even more common because of the growth of urban belts and a trend towards smaller firms requiring smaller volume shipments. Thus, argues Conrail, motor carrier pressure on boxcar service will increase in the future.

Additional future motor carrier competitive pressure will occur, asserts Conrail, because of the Motor Carrier Act of 1980. The Act, states Conrail, resulted in an increased number of trucks, lower motor carrier rates, and better service. In addition, the Act liberalized intercorporate hauling provisions, making it less costly for private carriers to haul goods that might otherwise have gone via boxcar.

To demonstrate intramodal competition, Conrail cites as an example movements involving automotive plants. These movements constitute the second largest volume contributor in the boxcar group. Conrail states that almost 82 percent of the automotive industry facilities in its service area have either competitive rail service available or are not served by Conrail. More generally, Conrail argues that the provisions of the Staggers Rail Act will increase intramodal competition and further, that the decreasing role of rate bureaus will increase competition among rail carriers.

Conrail cites TOFC/COFC service as a third source of competition for boxcar service. Conrail states that intermodal service by rail and motor carriers has traditionally competed with boxcar service, and will become even more competitive if the exemption is expanded as is proposed under Ex Parte No. 230 (Sub-No. 6), *Improvement of TOFC/COFC Regulation (Railroad Affiliated Motor Carriers and Other Motor Carriers* (not printed), notice decided February 19, 1981. As examples of intermodal competition, Conrail cites the Chessie System's reduced TOFC/COFC rates between Philadelphia/Baltimore and Chicago, its plans for new Philadelphia-Jacksonville intermodal service, and its proposal to construct a new ramp facility at Philadelphia.

To illustrate the effect of this competition upon its boxcar service, Conrail cites a number of statistics. For example, Conrail's aggregate earnings are below variable cost for this traffic, resulting in a $4.5 million deficit for the 12 months ending September 30, 1980. Conrail states that this deficit results from interline boxcar traffic, with that traffic showing a loss of $28 million compared to a $23.9 million positive contribution from boxcar traffic. Conrail states further that this interline boxcar deficit accounted for more than 20 percent of Conrail's total annual loss.

In terms of revenue-to-variable cost ratios, Conrail states that only 15 of 36 commodity groups moving in boxcars had ratios greater than 100, and that these represented about 33.9 percent of the carloads handled. Three commodities—food, pulp/paper, and transportation equipment—accounted for 64 percent of total carloads, yet two of them (food, pulp/paper) had ratios less than 100. Furthermore, states Conrail, the highest revenue-to-variable cost ratio for any commodity having more than 300 carloads was 133 for primary metals, a ratio substantially

below the Commission's 165 percent jurisdictional threshold.

Conrail cites other statistics to show that there has been a decline in the total boxcar fleet of 21 percent between 1967 and 1979, with a 40.5 percent decline for Conrail alone. In terms of market share, Conrail states that of the 13 major manufacturing commodity groups handled by Conrail, 11 have shown a net decline in eastern district rail tonnage compared to output. Conrail states further that, even for intercity movements from manufacturing plants, where railroads might be thought to have an advantage, railroads have experienced a declining market share. Overall, Conrail states that for most commodities, its market share is less than 20 percent.

Most of the parties who have replied have not directly addressed the issue of whether regulation is needed to protect shippers from the abuse of market power. The Freight Users Association of Long Island, Inc. does argue that if Conrail acts as it did after the TOFC/COFC exemption, shippers' rights will be substantially eroded. Others suggest that the effect on shippers, as well as on competitors, employees, and the environment, is difficult to ascertain because Conrail has not spelled out what it intends to do upon deregulation.

Some parties also suggest that Conrail's proposal is illusory because a boxcar exemption could not be confined to Conrail. They point out that were such an exemption granted, the result would be trains that consist of both regulated and unregulated boxcars. The National Grain and Feed Association suggests that the exemption would spread even further since some commodities, such as grain, move in both boxcars and covered hoppers. Grain, states the Association, is almost entirely captive to the railroads.

The question of whether the exemption can be confined to Conrail is a serious one. We request comments on whether an exemption should be granted for all boxcar movements, and the effect that such an exemption would have on shippers and others. The parties should also comment on whether some form of partial deregulation, either of Conrail's boxcar service or all boxcar service, should be granted.

The evidence submitted with these comments should be as detailed as possible. Aside from the question of the inclusion of all boxcars in the exemption, the main deficiency we find in Conrail's presentation is the failure to address what portions of Conrail's boxcar services face intense competition. The aggregate statistics and qualitative evidence presented, while generally indicating significant competition, may not apply to major segments of this traffic. For example, in comparing the market shares of motor carriers and rail carriers, disaggregating tonnage figures by distance, commodity, and shipment size would be helpful in analyzing whether motor carriage is competitive even for the larger volume and longer distance movements. Likewise, the revenue-to-variable cost ratios should be disaggregated by length of haul and shipment size.

There are similar problems with Conrail's trend statistics relating to the stock of boxcar equipment and the eastern railroads' market share of commodities transported by boxcar. Even aside from their admitted lack of precision, the trend statistics do not adequately address the pervasiveness of competition to Conrail's boxcar services. The declining market share of boxcar service may simply indicate that services facing the most intense competitive pressures have been more or less voluntarily relinquished by the railroads to other modes. For example, the eastern railroads upon which Conrail bases its statistics may be concentrating on longer distance and larger volume movements where they perceive themselves to have a considerable cost advantage over motor carriage. Trend statistics should be disaggregated by these aspects of service as well as by commodity group to provide a clear picture of the competitive pressures facing Conrail's boxcar traffic, and boxcar traffic generally.

In the areas of intramodal and TOFC/COFC competition also, parties supporting an exemption should provide more evidence regarding competitive pressure. With regard to intramodal competition, evidence regarding the geographic extent of the competition would be useful. For TOFC/COFC service, parties should particularly address in more detail the question of the relationship between TOFC/COFC and boxcar service. To the extent that commodities can move on the same carrier via either TOFC/COFC or boxcar, it may be that these services are more appropriately viewed as substitutes from the perspective of the supplying rail carrier rather than as competitive alternatives from the perspective of the shipper.

The Rail Transportation Policy

Section 10505 requires prior to the granting of an exemption the finding that regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a. Conrail asserts that exemption of boxcar service is in accord with this policy because the exemption would allow rate flexibility and innovative pricing and marketing of boxcar service, a solution to the division problem that is causing much of Conrail's deficit on boxcar traffic, and alleviation of Conrail's chronic per diem and car hire problems.

With regard to innovative pricing, Conrail states that the regulatory lag inherent in present boxcar regulation tends to discourage development of new pricing techniques such as backhaul rates and econorates. In comparison, Conrail states that in the first year following the exemption of fresh fruits and vegetables, innovative pricing allowed it to increase its carload volume of this traffic by 23 percent. Conrail also argues that the exemption would enable it to computerize its price structure, eliminate tariff publications, and allow it to "auction" excess capacity for return movements. All of these innovations, argues Conrail, would provide the shipper with more options and would allow Conrail to earn adequate revenues in accordance with the rail transportation policy.

Resolution of the divisions problem also would allow the earning of adeauate revenues, argues Conrail. As discussed above, Conrail contends that although its local boxcar traffic was profitable in 1980, interline boxcar traffic incurred a deficit of $28 million. To resolve the problem of inadequate revenues from joint rates, the Staggers Rail Act shortened the time period for Commission action on division cases and set forth conditions under which a carrier can apply a surcharge to an existing rate or cancel a joint rate without the concurrence of interlining carriers. Conrail argues, however, that these provisions are cumbersome, time-consuming, marginally effective expensive to implement, and result in extensive Commission and court litigation. Under deregulation, Conrail states, it would simply establish where necessary proportional rates that would at least cover Conrail's costs for the movements.

With regard to the car hire problem, Conrail points out that it normally receives twice as many boxcars from connecting carriers as it delivers to those carriers. Under current regulations, a carrier may not refuse to accept foreign boxcars, and must pay charges for any foreign boxcar on its line on a per diem basis. These charges must be paid throughout the time the foreign cars remain on the line, whether they are carrying traffic to destination, being unloaded, or being returned. Conrail argues that a consequence of

these rules is that carriers may have incentives to charge high per diem rates and to keep their own boxcars on foreign lines as much as possible. The result, states Conrail, for the system as a whole is inefficient freight car utilization, and for carriers such as Conrail which receive more loads than they originate, costs for delivering the load and returning the car which sometimes exceed the revenue received.

Conrail argues that exemption would resolve these problems by allowing market forces to determine the level of per diem and car hire charges and to improve the utilization of boxcars. If a carrier could refuse noncompensatory traffic, incentives to charge excessive per diem and to keep boxcars on foreign lines would be removed. Where demand warrants service, carriers would have incentives either to negotiate fair rates and divisions that fully compensate carriers for all cost including backhauling costs, or to set proportional rates that accomplish the same thing.

We have received few comments on Conrail's pricing suggestions, particularly the proposed use of proportional rates. We request the public to comment on the possible results of these changes.

With regard to deregulation of car hire and per diem, we have received a number of comments suggesting that such a change would be sweeping in scope. The Detroit, Toledo & Ironton Railroad states that Conrail originates and terminates more boxcars per year than any other railroad, and would have car control on one of every six American boxcar shipments. The Itel Corporation, Railroad Division, a company which finances and leases freight cars to railroads, states that Conrail would be able to exercise virtually complete economic control over boxcars which Itel leases to shortline railroads. In agreement is the National Railway Utilization Corporation which suggests that further evidence is necessary on the extent to which Conrail can dominate the marketing of boxcars.

Replicants also argue that deregulation could result in the unloading and reloading of freight at interchange and complete disruption of boxcar traffic that would not be in accord with the national transportation policy. As we pointed out in Ex Parte No. 334 (Sub-No. 5) *Zone of Reasonableness for Car Hire Charges*, 364 I.C.C. 299 (1980), (45 FR 73524, November 5, 1980), part of the purpose of the original Interstate Commerce Act was to promote the development of an integrated national rail system. To accomplish this, the Act requires the compulsory interchange of cars. We are concerned that deregulation could be very disruptive to this interchange. Furthermore, while it might be possible to keep the compulsory interchange requirement while removing the per diem rules, this might allow some carriers to set car hire charges at rates that are consistently too high. We request comments on these issues as well as on the suggestion made by some that greater flexibility in car hire charges should await our decision in Ex Parte No. 334 (Sub-No. 5), *supra*.

Finally, the National Railway Utilization Corporation states that Conrail is one of the principal owners of Railbox, which was granted an antitrist exemption in *American Railbox Co.—Pooling*, 347 I.C.C. 862 (1974). Replicant suggests that since the railroads own Railbox, it would have an unfair advantage over other suppliers of boxcars should deregulation occur. If boxcar exemption is granted, argues the Corporation, then the antitrust exemption for Railbox should be reexamined.

We request the public to comment on these and any other issues relating to Conrail's petition. In particular, we are interested in considering any problems that might be anticipated as a result of a full exemption for boxcar traffic. Are there problems that such an exemption might impose on the transportation system as a whole? Would these disadvantages outweigh any advantages? Which of the two policies, exemption or continued regulation, is more consistent with the rail transportation policy? If these differences are minor, is the statutory mandate in section 10505 so clear as to tip the balance in favor of exemption? We are also interested in receiving comments on whether there is any reason why the exemption should be more selectively applied. Conrail asked that the exemption be granted in the broadest possible way. Are there reasons why some particular application of this exemption should be denied? Also, are there reasons why the exemption should not apply to all boxcar traffic, but be limited, such as to certain commodities? With regard to car service, should boxcars be exempt from the one remaining Commission regulation regarding emergencies?[2] remove all but one aspect of our regulation—namely, maximum rate regulation? Would this adequately protect the public interest? Are there other defined aspects of regulation that could be made exempt and effectively respond to certain to Conrail's concerns? What would be the effect if an exemption were authorized of the concommitant necessary removal of antitrust immunity? If only Conrail were exempt, how would or could the removal of immunity be similarly limited?

Regulatory Flexibility

Under the Regulatory Flexibility Act of 1980, we must consider whether this proceeding will have a significant economic impact on a substantial number of small entities. Our initial analysis indicates that some small entities. Our initial analysis indicates that some small entities may benefit, and some may be adversely affected should some form of boxcar exemption be granted. It is unclear, however, whether the impact would be significant for a substantial number of entities.

Small entities will benefit to the extent that boxcar deregulation results in a stronger Conrail system. Benefits may also result from low backhaul rates, econorates, and other forms of innovative pricing by Conrail or other carriers. Adverse effects, however, may result from entities for which proportional rates would be high enough to effectively close routes. Negotiated car hire and per diem, while possibly resulting in a strengthened Conrail, could also adversely affect routes and rates for both large and small entitles.

The significance of the impact depends to some extent on the accuracy of Conrail's comments regarding its lack of market power over shippers. As described above, Conrail has emphasized the pervasiveness of motor carrier competition due to the increased numbers of carriers, the flexibility and speed of service, and the demographic characteristics of the Northeast. If Conrail or other rail carriers lack market power over a substantial number of shippers, deregulation of boxcars may not have a significant economic impact in terms of the Regulatory Flexibility Act. We request the public to comment on the effect on small entities of both a Conrail boxcar exemption and a total boxcar exemption. A copy of this notice will be forwarded to the Chief Counsel for Advocacy, SBA.

It is unlikely that this proceeding will affect significantly either the quality of the human environment or the conservation of energy resources.

[2] Several parties cite Ex Parte No. 400, *Modification of Procedure for Handling Exemptions Filed Under 49 U.S.C. 10505* (not printed), decisions served December 29, 1980 and January 21, 1981, as setting forth standards to be used in determining when an exemption may be granted without a hearing. Ex Parte No. 400 does not, by its own language, apply to the type of exemption requested here. See the decision served January 21, 1981.

However, the public is invited to comment on these issues also.

(49 U.S.C. 10505 and 5 U.S.C. 553)

Decided: January 22, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2261 Filed 1-27-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Availability of plan amendment.

SUMMARY: The Assistant Administrator for Fisheries has approved an amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, announces its availability, and requests comments on the amendment. This amendment provides procedures for modifying the area closure implemented under the plan; however, the amendment will not be implemented at this time.

DATE: Written comments on the plan amendment must be received on or before March 15, 1982.

ADDRESS: Comments should be sent to: Mr. Harold B. Allen, Acting Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Copies of the fishery management plan amendment are available upon request from Mr. Allen.

FOR FURTHER INFORMATION CONTACT: Mr. Harold B. Allen, 813-893-3141.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was approved May 29, 1980, under authority of the Magnuson Fishery Conservation and Management Act. Final regulations implementing the FMP were published in the **Federal Register** on May 20, 1981, at 46 FR 27489. The Gulf of Mexico Fishery Management Council (Council) prepared and submitted for approval an FMP amendment. This amendment was approved on December 1, 1981. Regulations will not be proposed at this time; instead, whenever a closure modification is considered, it will be implemented by regulatory amendment published in the **Federal Register.**

The FMP amendment provides a mechanism for future geographic modification of the closed areas identified as the Tortuges Shrimp Sanctuary and the Texas Closure in 50 CFR 658.22 and 658.24. The amendment requires that an annual analysis of the effect of the closure be prepared by the National Marine Fisheries Service (NMFS) and submitted to the Council for evaluation. The Secretary of Commerce will review the findings and, after consultation with the Council, may modify the geographic scope of the closures through an amendment to the regulations implementing the FMP.

The effects of the 1981 closure of the fishery conservation zone off the State of Texas have been monitored by the NMFS. The Secretary has reviewed the analysis of these effects, submitted the analysis to the Council, and determined that no adjustment to the geographic scope of the closure for the 1982 season is necessary or appropriate.

Dated: January 22, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-2159 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 19
Thursday, January 28, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Medicine Bow National Forest Grazing Advisory Board; Meeting

The annual meeting of the Medicine Bow National Forest Grazing Advisory Board will be February 23, 1982 at 10 a.m. in the Medicine Bow National Forest Supervisor's Office, 605 Skyline Drive, Laramie, Wyoming.

The agenda for the meeting will include: (1) Accepting new board members; (2) acquaint new members with the function of the Board; (3) recommendations concerning the development of allotment management plans and the utilization of range betterment funds and (4) location and agenda for the summer tour.

The meeting will be open to the public. Persons who wish to attend and participate should notify Don Schmidtlein (307–745–8971) in Laramie, Wyoming, prior to the meeting. Public members may participate in discussions at any time during the meeting, or may file a written statement following the meeting.

Dated: January 18, 1982.

Donald L. Rollens,

Forest Supervisor.

[FR Doc. 82-2105 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-11-M

Nezperce National Forest Grazing Advisory Board; Meeting

The Nezperce National Forest Grazing Advisory Board will meet at 10:00 a.m.., February 16, 1982, at the Forest Service Smoke Jumper Base, Grangeville, Idaho. The purpose of this meeting is to review allotment management plans and range betterment funds.

The meeting is open to the public; however, public comments and discussion is limited to after the agenda items are covered. Persons who wish to attend should notify Thomas L. Griffith, 208–983–1950, Extension 24. Written statements may be filed with the Board before or after the meeting.

Dated: January 19, 1982.

Don Biddison,

Forest Supervisor.

[FR Doc. 82-2106 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-11-M

Ochoco National Forest Grazing Advisory Board; Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., April 16, 1982, in the Forest Supervisor's Office, Federal Building Prineville, Oregon.

The purpose of this meeting is to discuss subjects concerning the development of allotment management plans and utilization of range betterment funds as presented by board members, permittees, and the general public.

The meeting will be open to the public. Person who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone (503) 447–6247. Written statements may be filed with the committee before or after the meeting.

William R. Olson,

Acting Forest Supervisor.

January 19, 1982.

[FR Doc. 82-2107 Filed 1-27-82; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Calcium Pantothenate 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 calcium pantothenate from Japan. This review covers two new third-country shippers of Japanese calcium pantothenate to the United States for the periods January 1, 1981 through June 30, 1981. We found no dumping margins on shipments from either shipper. A subsequent notice will cover all remaining known exporters or third-country shippers.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 28, 1982.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2209/5389).

SUPPLEMENTARY INFORMATION:

Background

On January 17, 1974, an antidumping finding with respect to calcium pantothenate from Japan was published in the **Federal Register** as Treasury Decision 74–34 (39 FR 2088). On February 3, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the final results of its initial administrative review of the finding (46 FR 10518–10519). In that notice the Department stated its intent to conduct the next administrative review by the end of January 1982. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted an administrative review for two new third-country shippers. The Department will publish its review of all other exporters or third-country shippers by the end of January 1982.

Scope of the Review

Imports covered by this review are calcium pantothenate, a member of the B-complex vitamin family which is produced in two grades: D-Cal Pan (USP grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL Cal Pan (feed grade, which is used as a food supplement for swine and poultry). Both grades of calcium pantothenate are currently classable under item 437.8225 of the Tariff Schedules of the United States Annotated (TSUSA). The review covers two new third-country shippers of Japanese calcium pantothenate to the United States and the period January 1, 1981 through June 30, 1981.

The merchandise from the two third-country shippers covered by this review entered into the commerce of the intermediate country. Thus, it was not merely transshipped. However, since the merchandise was not substantially

transformed in the intermediate country, it remains within the scope of the finding as calcium pantothenate from Japan.

United States Price

In calculating United States price the Department used purchase price as defined in section 772(b) of the Tariff Act. Purchase price was based on a packed price to an unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, foreign inland freight, and insurance. An addition was made, where applicable, for European Economic Communities' duties not collected on sales to the U.S. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value, since there is no evidence that the Japanese manufacturers intended to export these shipments to the U.S., the Department used the third-country shipper's home market price for Japanese calcium pantothenate, or the price to purchasers in another country (Canada) when sufficient sales did not exist in the home market, as defined in section 773 of the Tariff Act. The foreign market value was adjusted, where applicable, for ocean freight, insurance, foreign inland freight, and for packing cost differences. No other adjustments were made or claimed.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that for the following companies no dumping margin exists for the period January 1, 1981 through June 30, 1981. The Department will separately issue appraisement instructions on each exporter directly to the Customs Service.

Third-country shipper (country)	Margin
Peak International Products b.v. (Netherlands)	0
Kompanie Ultramar Sievers & Co. (W. Germany)	0

Interested parties may submit written comments on these preliminary results on or before March 1, 1982 and may request disclosure and/or a hearing on or before February 12, 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 the final results of the administrative review including the results of its analysis of any such comments or hearing.

Since there is no margin for either firm, the Department shall not require a cash deposit, as provided for in § 353.48(b) of the Commerce regulations, on any shipments of Japanese calcium pantothenate exported by Peak International or Kompanie Ultramar Sievers & Co. and entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the review. This zero deposit rate shall remain in effect until publication of the final results of the administrative review for sales made during the year 1981. For any shipment from a new exporter not covered in this administrative review or in the final results of February 3, 1981, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period covered by either 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 25, 1982.

[FR Doc. 82-2204 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-25-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was established on October 5, 1981, pursuant to the charter of the Committee.

The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: February 23, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

Dated: January 22, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-2205 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Business Development Center Program; Solicitation of Applications for Cooperative Agreements, Dallas Texas

January 21, 1982.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for cooperative agreements under its Business Development Center (BDC) program to operate pilot projects for a twelve (12) month period.

Applicants will be required to contribute at least 10% to the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fees for services or in-kind contributions.

The estimated cost of each project including the maximum federal participation and the minimum amount

required for non-federal participation is included in the following description of each project.

CLOSING DATE: February 25, 1982.
ADDRESS: Dallas Regional Office, Minority Business Development Agency, 1100 Commerce Street, Room 7B19, Dallas, Texas 75242.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Bowman, Minority Business Program Technician, at (214) 767–8001.

(1) A cooperative agreement for BDC services to operate in Beaumont/Port Arthur/Orange, Texas (SMSA) counties of Hardin, Jefferson and Orange. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is August 1, 1982 and the Project I.D. Number is 06–10–82015–01.

(2) A cooperative agreement for BDC services to operate in Tulsa, Oklahoma (SMSA) counties of Creek, Mayes, Osage, Rogers, Tulsa and Wagoner. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is August 1, 1982 and the Project I.D. Number is 06–10–82016–01.

(3) A cooperative agreement for BDC services to operate in Salt Lake City, Utah (SMSA) county of Davis, Salt Lake, Tooele and Weber. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is August 1, 1982 and the Project I.D. Number is 08–10–82017–01.

(4) A cooperative agreement for BDC services to operate in Laredo, Texas (SMSA) counties of Webb. The total cost will not exceed $170,000 including a maximum of $153,000 in federal funds and a minimum of non-federal participation of $17,000. The anticipated start date for the project is August 1, 1982 and the Project I.D. Number is 06–10–82018–01.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled. Legal services are excluded.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff

Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (references from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment 0 of OMB Circulars A–110 or A–102.

II. Techniques and Methodology

Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources

Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space, and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of

$500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section.

The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contributions.* Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fees for services.* Are charges to the client for assistance provided by BDC.

C. *In-Kind contributions.* Represents the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and person property donated by other public agencies, institutions and private organizations. Property purchased with federal funds will not be considered as the recipient's in-kind contributions.

IV. Costs

Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. Pre-Application Conference

Pre-Application conferences to assist all interested applicants will be held at 1100 Commerce Street, Room 7A23, Dallas, Texas on February 8, 1982, at 1:00 p.m. and at 1961 Stout Street, Room 239, Denver, Colorado on February 10, 1982, at 1:00 p.m.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 21, 1982.

Richard H. Sewing,

Regional Director.

[FR Doc. 82-2200 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcements; New York Region

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for six New York Region projects as follows:

1. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the counties of Kings and Richmond in New York State. The cost of the project is estimated to be $358,400. The maximum federal participation amount is $322,560. The minimum amount required for non-federal participation is $35,840. The project number is 02-10-82000-01.

2. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning April 1, 1982 in the counties of Niagara and Erie in New York State (Buffalo SMSA). The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 02-10-82009-01.

3. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning June 1, 1982 in the Newark-Paterson-Jersey City, New Jersey SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 02-10-82005-01.

4. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the San Juan-Caguas, Puerto Rico SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 02-10-82004-01.

5. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Ponce, Puerto Rico SMSA. The cost of the project is estimated to be $250,000. The maximum federal participation amount is $225,000. The minimum amount required for non-federal participation is $25,000. The project number is 02-10-82008-01.

6. One cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Mayaguez, Puerto Rico SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 02-10-82010-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 19, 1982.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT:
R. Allen Walls, Chief, Enterprise Development, telephone (212) 264–4742.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and State governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

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—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, idenfify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

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Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

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B. *Fee for services*—Are charges to the client for assistance provided by BDC.

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Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

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—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

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E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. Pre-Application Conference

A Pre-Application conference to assist all interested applicants who will be held at the above address on February 3, 1982 at 2:00 PM in Room 305B.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 18, 1982.

Ralph J. Perez,

Regional Director.

[FR Doc. 82-2104 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-21-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Flood Control Project, Matheny, W.Va.; Intent To Prepare an Environmental Impact Statement

To Prepare a Draft Environmental Impact Statement (DEIS) for a proposed Section 205 Small Flood Control Authority Project along Laurel Fork at Matheny, West Virginia.

Agency: U.S. Army Corps of Engineers, DOD, Ohio River Division, Huntington District, Huntington, West Virginia

Action: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)

1. The Huntington District, Ohio River Division, U.S. Army Corps of Engineers is preparing a Draft Environmental Impact Statement on a small flood control project at Matheny, West Virginia. The proposed project consists of widening the channel to 50 feet in width and placing stone bank protection on disturbed banks. The project will begin 1,740 feet downstream from the WV Delta Route 82 bridge and extend upstream along Laurel Fork 1,850 feet above the confluence with Coon Branch—a total distance of 1.08 miles.

2. Alternatives considered include no action, the construction of levees and floodwalls around the community, three channel modification alternatives, and flood proofing of structures. These alternatives were evaluated to arrive at the selected plan which could reduce flood damages and reduce impacts on human resources.

3a. Public activities will deal with the overal flood damage reduction plan for Matheny. The plan components will be presented to the elected officials of Wyoming County as well as the citizens and business population.

A formal meeting will be scheduled to provide for discussion and input to final plan components.

3b. Significant issues to be analyzed in depth in the DEIS will be the impact of floods on the existing environment and the selected plan features. The selected plan includes channel widening and stone slope protection of unstable areas.

3c. Consultation shall be conducted with the U.S. Fish and Wildlife Service during the final planning process pursuant to the requirements of the Fish and Wildlife Coordination Act 16 U.S.C. 661 et seq. (Pub. L. 85-624) and the Endangered Species Act 16 U.S.C. 1531 et seq. (Pub. L. 93-205) and the National Park Service and State Historic Preservation Office(s) pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655) the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291), and EO 11593.

4. A public meeting will be held in the community of Matheny in the near future to present the selected plan and hold discussions with the local officials and any other interested parties.

5. It is anticipated that the DEIS will be available for public review by April 1, 1981.

6. Questions concerning the proposed action and DEIS can be answered by: Mr. Jeffry B. Davis (Civil Engineer-Study Manager), or Mr. John Wright (Environmentalist), Huntington District, Corps of Engineers, P.O. Box 2127, Huntington, WV 25721.

James H. Higman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-2103 Filed 1-27-82; 8:45 am]

BILLING CODE 3710-GM-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB)

Dates of meeting: 17 February 1982, 18 February 1982

Times: 1300-1800 hours, 17 February 1982 (Closed), 0800-1700 hours, 18 February 1982 (Closed)

PLACE: Institute for Defense Analyses, Alexandria, Virginia-17 February 1982 PM U.S. ROLAND, Redstone Arsenal, Alabama-18 February 1982

Proposed agenda: The Army Science Board Ad Hoc Subgroup on Air Defense will meet to present and receive briefings and hold discussions. On 17 February the group will receive classified briefings regarding studies in progress from the Institute for Defense Analyses and from Concept Analysis Agency. On 18 February the group is meeting to obtain technical data for air defense weapons systems which is of a classified nature. This meeting will be closed to the public in accordance with Section 552b(c) of Title, 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Maria P. Galvan,

Acting Administrative Officer.

[FR Doc. 82-2206 Filed 1-27-82; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Floodplain Involvement Notification for Proposed Loan Guarantee to U.S. Ethanol Corp., East Baton Rouge Parish, Louisiana

AGENCY: Department of Energy.

ACTION: Notice of floodplain involvement and opportunity for comment.

SUMMARY: The Department of Energy (DOE) is negotiating the issuance of a loan guarantee to the U.S. Ethanol Corporation for construction of a 120 million gallon per year fuel alcohol plant to be built in East Baton Rouge Parish, Louisiana. Under the authority of Pub. L. 96-294, the DOE Office of Alcohol Fuels issued a Solicitation Announcement for loan guarantees to which 57 applicants responded. Eleven applicants were awarded conditional commitments following competitive evaluations by

DOE. U.S. Ethanol Corporation proposes to construct its plant on a parcel of land north of the city of Baton Rouge, and west of Route 61, off Brooklawn Drive. Construction of the plant would also involve construction of a wastewater pipeline, and likely construction of a product pipeline, from the plant to the site of an existing barge terminal on the Profit Island Chute of the Mississippi River. These pipelines, about two miles long, would be located within an existing road right-of-way.

Construction of these pipelines would involve actions in a floodplain area. As required by DOE regulations (10 CFR Part 1022), DOE will prepare a floodplain assessment, to be incorporated in the environmental assessment of this proposed action. A statement of findings, concerning both availability of practicable alternatives to locating in the floodplain and incorporation of mitigation measures into the proposed action, will be prepared and published in the Federal Register before issuance of a loan guarantee. Maps and further information are available from DOE at the address shown below. Public comments or suggestions regarding the proposed activities in this floodplain area are invited.

DATE: Any comments are due on or before March 1, 1982.

ADDRESS: Send comments or suggestions to: Robert J. Stern, Director, Environmental Compliance Division, EP–33, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, Room 4G–064 Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585.

Issued at Washington, D.C., January 22, 1982.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82-2214 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80–435–003]

Alaskan Northwest Natural Gas Transportation Co.; Amendment to Application

January 26, 1982.

Take notice that on December 31, 1981, Alaskan Northwest Natural Gas Transportation Company (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP80–435–003, pursuant to Section 7(c) of the Natural Gas Act and Section 9 of the Alaska Natural Gas Transportation Act, an amendment to its application in the instant docket so as to request authorization to construct and operate the Alaska Natural Gas Transportation System (ANGTS) Alaska Gas Conditioning Facility (AGCF) as well as the Alaska pipeline segment, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

Applicant makes the following representations in its amendments:

The AGCF will be located in the Prudhoe Bay Unit adjacent to the Central Compressor Plant and will prepare the gas received from the Prudhoe Bay field for transportation through the ANGTS. The Alaska pipeline segment of the ANGTS will be a buried, chilled gas, high pressure pipeline. The gas must be chilled to at least 30° F in order to prevent damage to the permafrost through which the pipeline runs. A high operating pressure permits the transport of the maximum volumes of gas in an economic manner. In addition, heavier hydrocarbons and carbon dioxide (CO_2) must be removed from the gas in order for the pipeline to operate safely and efficiently.

The Prudhoe Bay gas contains 12.6 percent CO_2. Carbondioxide does not have any heating value, would take up capacity in the pipeline, and could present corrosion problems in the presence of small quantities of water that could occur under certain upset conditions. The gas characteristics upon which the pipeline design is based require all but two percent of the CO_2 to be removed in order to maximize the amount of natural gas that can be transported. Some liquefiable hydrocarbons must be removed from the gas because, under the operating pressure and temperature conditions of the Alaska pipeline, these hydrocarbons would become liquids in the pipeline resulting in inefficient and dangerous pipeline operation and potentially damaging downstream compressor and measurement facilities. The gas received from the Prudhoe Bay field cannot be transported through the Alaska pipeline until it has been conditioned to satisfy these operating characteristics of the Alaska pipeline.

The AGCF makes the gas capable of transportation by removing most of the CO_2, removing some liquifiable hydrocarbons, compressing the gas to the 1,260 psig maximum operating pressure of the pipeline, and refrigerating the gas to 30° F. The AGCF will condition approximately 2.7 Bcf per day of gas and produce a nominal 2.0 Bcf per day of pipeline quality gas.

The AGCF is designed to receive a nominal 2.7 Bcf per day of gas from the Prudhoe Bay Unit. The gas from the Prudhoe Bay Unit, which is referred to as "feed gas," is received at the AGCF in two pipelines, one each from the east and west of the Prudhoe Bay Unit. The feed gas passes through two inlet separators, which catch any liquids that may have accumulated in the feed gas. Normally, no liquids will accumulate at this point; the inlet separators will protect the AGCF against upset conditions. The feed gas is then chilled to remove the natural gas liquids (NGL's). The NGL's are piped to a fractionator, which separates the liquids into propane, butanes, and penetanes.

All but approximately two percent of the carbon dioxide is then removed from the gas by the Selecxol process of the Allied Corporation. After this CO_2 has been removed, the AGCF, which is the first compressor station on the ANGTS, compresses the gas to 1,260 psig. Then, liquids capable of being tran sported through the ANGTS are reinjected back into the "product" gas stream. After reinjection of liquids, the product gas is refrigerated to 30° F, measured, and delivered into the gas pipeline.

The CO_2 removed by the Selexol process still contains some hydrocarbons. To conserve these hydrocarbons, this CO_2 flash gas is compressed and enriched with the addition of propane to a heating value suitable for fuel. The enriched CO_2 streams then may be utilized as fuel in the AGCF or the Prudhoe Bay Unit.

Liquids not reinjected into the "product" gas stream or blended with the CO_2 flash gas are available for blending with crude oil for transportation through the TransAlaskan Pipeline System (TAPS).

In summary, the AGCF will condition about 2.7 Bcf per day of feed gas and deliver approximately 2.0 Bcf per day of product gas for transportation through the Alaska gas pipeline, 280 MMcf per day of fuel gas for use in the AGCF, 261 MMcf per day of fuel gas returned to the field for use as fuel or for disposal and up to 32,000 barrels per day of liquids delivered for transportation through TAPS.

The Operations Center is located 2,000 feet from the AGCF and will house administrative offices, a communications center, recreation facilities, first aid and medical facilities, fire protection equipment, and living quarters for the operating personnel of the AGCF. Maximum bed capacity is 288.

The AGCF is designed to be totally self-sufficient with all necessary support facilities, including a 100 megawatt generating plant, complete maintenance facilities, and sewage and fresh water treatment plants.

Much of the AGCF facilities will be prefabricated as modules at two fabrication sites on the West Coast. The sites will be leased for the duration of the modular construction. The sites will be graded and the necessary utilities and support facilities will be installed. At the end of the fabrication effort, the sites will be restored to their original configuration in accordance with the terms of the leases.

A temporary construction camp and related support facilities will be constructed at Prudhoe Bay to house a North Slope AGCF work force of approximately 1,200. These facilities will include dormitory, kitchen, recreation, storage, office, and garage buildings and connecting corridors. In addition, there will be a heavy equipment maintenance building, and equipment garage, fabrication shop, and storage buildings.

The construction camp and operations center will be located 2,000 feet from the AGCF and will cover approximately 33 acres. The camp and related facilities, including utilities, emergency power generation, communications, and fire protection, will be essentially self-sufficient.

The AGCF will be constructed within an area already designated as a petroleum service and production area and will utilize existing rights-of-way or adjacent areas as much as practicable. The Final Environmental Impact Statement (FEIS) prepared by the FERC Office of Pipeline and Producer Regulation found Prudhoe Bay to be an environmentally suitable location for the AGCF. The AGCF design refinements occurring since the preparation of the FEIS are consistent with the FEIS and have the net effect of generally decreasing environmental impact.

The modular construction techniques will further minimize the environmental impact of construction activities at Prudhoe Bay. The AGCF will not have any adverse impacts on national or state historical, scenic, recreational, or wildlife areas.

Most of the mechanical facilities will be prefabricated in approximately 220 modular units at two fabrication sites on the West Coast. The modules will be transported to Prudhoe Bay on ocean-going barges and installed on steel piles. The fabrication sites will be approximately 60 to 95 acres in size and will require the installation of utilities, a barge slip, support facilities and grading.

In order to meet a November 1, 1986, in-service date for the AGCF, module fabrication is scheduled to commence at the sites by November 1, 1982.

Sealifts will be conducted for three successive summers, 1983 to 1985, with an expected departure from the West Coast sites by July 1 and an approximate arrival date of July 15 following the ice breakup in Prudhoe Bay. The modules will be unloaded from the barges at Prudhoe Bay and transported to their installation site by crawlers operating over a gravel pad.

Site preparation at Prudhoe Bay is scheduled to begin in the second quarter of 1982, in order to meet a November 1, 1986, in-service date, and includes expanding existing barge unloading facilities, laying gravel workpads, erecting a temporary construction camp, and installing the steel piles that will serve as the foundation for the modules and the construction camp. Approximately 8,500 piles will be required.

The sealifts and building erection at Prudhoe Bay will be coordinated for scheduled mechanical completion of the AGCF by September 1986 in order to meet the scheduled November 1, 1986, in-service date for the AGCF.

The use of gravel pads, steel pipe piles, and modules has been an accepted construction technique at Prudhoe Bay since the first buildings were erected at that site in the late 1960s. Numerous buildings have been constructed by the Prudhoe Bay Unit Operators since that time using the module construction technique. The principal advantages of the module construction technique are as follows: (1) Modular construction has proven to be more economical than conventional construction methods at Prudhoe Bay; (2) functional testing can be performed in the lower 48, thereby minimizing more expensive North Slope testing; (3) disturbance of the tundra and permafrost is minimized; and, (4) an experienced supervision and craft labor work force is available at the fabrication sites and will be able to work in better working conditions.

The total estimated cost for the AGCF, including contingency, is $4.0 billion in June 1981 dollars ($3.6 billion in January 1980 dollars). The total estimated cost is comprised of a base engineering estimate of $3.3 billion and a contingency of $667 million or 20 percent of the base estimate. The cost estimate was developed in a manner similar to that utilized to develop the Certification Cost Estimate for the Alaska pipeline segment.

The base estimate excludes any contingency and is predicated on the normal conditions expected during construction. Additionally, the estimate is based on a design that was "frozen" as of June 30, 1981 for cost estimation purposes and that was 5 to 10 percent complete at that time.

A work breakdown structure (WBS) format similar to that developed for the Alaska pipeline CCE was utilized to account for project costs. WBS Level 1 is the entire AGCF project. WBS Level 2 is according to the location of the work: Home Office, Fabrication Site One, Fabrication Site Two, or North Slope. WBS Level 3 is according to each major job unit. The WBS Level 3 estimated costs are as follows:

WBS level 3 element	Capital cost estimate (thousands of dollars)
NGL Extraction/CO_2 Removal and Fractionation	$476,897
Inlet Separation/Sales Gas Compression, Refrigeration, Fuels Compression, and Crude Cooling	455,425
Power Generation, Utilities, Site Preparation/Offsites, and Utilidors and Flare System	372,984
Operations Center, Construction Camp and Temporary Construction Facilities	130,276
Spare Parts, Operating Chemicals/Materials, Operations Manuals and Maintenance Program, and Startup and Commissioning	208,533
Fabrication, Logistics, and Erection—Indirect	952,546
Taxes and Insurance	262,916
Royalties	2,152
Project Directorate	474,175
Total	3,335,904

A 20 percent contingency was applied to the base estimate, resulting in a contingency amount of $667 million. The 20 percent contingency covers both normal estimating uncertainty and cost impacts from abnormal events.

A risk analysis was performed in the development of the contingency. The risk analysis considered the two major sources of risk: normal in-scope estimating uncertainty associated with a base engineering estimate based on a preliminary design and abnormal events. The factors included in the analysis of in-scope estimating uncertainty were similar to those utilized to develop the normal contingency for the pipeline: Accuracy of material quantities, accuracy of material prices, human productivity assumptions, equipment reliability assumptions, engineering/design development, normal schedule variances, and accuracy of bid specifications based on current project definition.

To develop the potential cost impacts from abnormal events, 26 possible abnormal events were identified. An analysis of the probabilities of occurence and cost impacts for each of the 26 events was performed. The

analysis of risks from in-scope estimating uncertainties and abnormal events included a series of Monte Carlo simulations.

This risk analysis indicated a contingency of 12.2 percent of the base estimate, or $409.0 million, for normal in-scope estimating uncertainty and an expected of $254.8 million for abnormal events, or 7.6 percent of the base estimate, for a total contigency amount of 19.8 percent which was rounded to 20 percent, resulting in a $667 million contingency on the base estimate.

Applicant submitted, as a part of its July 1, 1980 request for a final certificate of public convenience and necessity to construct and operate the Alaska pipeline segment of the ANGTS, Exhibit M, which contains the Construction, Operation, and Management Plan for the Alaska pipeline segment of the ANGTS. Exhibit M of the instant filing contains a Management Plan for the AGCF, which supplements the Management Plan for the Alaska gas pipeline segment. For this purpose, Applicant has assumed that final ownership and day-to-day management of the AGCF will be consistent with the management organization proposed herein. To the extent adjustments may be required, they will be submitted at the time of submission of the final ownership documentation. The Exhibit M supplement also contains the Project Management Contractor (PMC) Organization.

The overall management framework and principles for the AGCF are expected to be essentially the same as those previously described in Exhibit M of the July 1, 1980 filing for the Alaska gas pipeline segment. The Senior Management Organization Structure of Northwest Alaskan is contained in Volume 1, Exhibit M of the AGCF filing. Figure M–1 of this supplemental Exhibit M is the same organization as shown in Volume 1, Exhibit M, Figure M–4 of the July 1, 1980 pipeline CCE filing. This organization's functional responsibilities will encompass both the AGCF and Alaska gas pipeline segments.

The primary difference in Applicant's organization as operator for both the AGCF and the Alaska gas pipeline segments is at the Engineering and Construction organizational level. Because of the different design and construction requirements of the AGCF, a separate AGCF Project Team has been established to provide the additional specialized expertise required. The AGCF Project Team, which is discussed in greater detail in the Exhibit M supplement in the instant filing, has a direct reporting responsibility to the Senior Vice President for Engineering and Construction. This Senior Vice President is also the direct line corporate officer responsible for the Project Operations function of the Alaska gas pipeline.

In addition to a separate Project Team for design, engineering and construction, the AGCF will have a PMC responsible for design and construction which is separate and distinct from the Alaska gas pipeline segment. The PMC organization for designing and engineering the AGCF is the Ralph M. Parsons Company, located in Pasadena, California, which is also the location of the AGCF Project Team. The PMC for construction has not been selected at this time. The Exhibit M supplement included with the application describes in more detail the PMC organization and its interface with Applicant. The necessary detail information for obtaining approval of the overall management plan for both the Alaska gas pipeline segment and the AGCF will be submitted to OFI in a timely manner in connection with issuance of a final certificate for the Alaska segments of the ANGTS.

Applicant proposes a rate of return on equity for the AGCF of 16 percent, which rate, according to Applicant, equals the corresponding rate that can be earned for the Alaska pipeline segment of the ANGTS, excluding that component of such rate which compensates investors for use of an Incentive Rate of Return (IROR) mechanism. Applicant alleges that this 16 percent rate is a conservative rate and is substantially below that rate which would result if the Commission was to apply updated information to the methodologies used in Orders 31 and 31–B to establish the Operation Phase Rate and the Project Risk Premium components of the IROR mechanism.

Applicant states that in Orders 31 and 31–B the Commission provided that Applicant would have the opportunity to earn a 17.5 percent equity rate of return for the ANGTS Alaska pipeline segment. Under the IROR mechanism established in those orders, this return was composed of the following three elements:

Elements	Rates
Operation Phase Rate (percent)	14.00
Project Risk Premium	2.00
IROR Risk Premium	1.50
Total allowed equity return (percent)	17.50

Applicant states that the 14 percent Operation Phase Rate compensates equity investors for the risks incurred during the actual operation of the pipeline. This rate will be used to calculate transportation charges calculate transportation charges pursuant to the tariff approved by the Commission after the one-time adjustment to the rate base. The 2 percent project Risk Premium compensates investors for their risk exposure during the construction of the pipeline. The 1.5 percent IROR Risk Premium compensates investors for the risks introduced by the variability in the allowed rate of return created by the IROR mechanism.

Applicant states that it has used the following three methodologies relied upon by the Commission in establishing the Operation Phase Rate for the Alaska gas pipeline segment of the ANGTS, as the first of a two-step process, to develop an equity rate of return for the AGCF: (1) Comparable Earnings (CE); (2) Discounted Cash Flow (DCF); and, (3) the Equity Risk Premium (ERP). Using the same data for the period 1975–1980 (Exhibit P–1) which the Commission used in establishing the Operation Phase Rate for the Alaska gas pipeline segment yields the following return ranges for the ANGTS AGCF Operation Phase Rate as compared with the range determined by the Commission in Order No. 31 for the Alaska gas pipeline.

Method	Operation phase rate for Alaska gas pipeline order No. 31 range	Operation phase rate for AGCF	
		Range	Mid-point
Comparable Earnings:			
All Industries (percent)	11.7 to 15.	11.7 to 16.7.	14.2
Natural Gas Utilities	11.9 to 16.2.	13.5 to 18.2.	15.9
Discounted Cash Flow	14.2 to 16.3.	12.8 to 15.5.	14.2
Equity Risk Premium	13.9 to 14.9.	19.0 to 21.0.	20.0

Applicant alleges that the above range of returns represents the expected returns by investors on equity capital invested in ongoing, well-established concerns, but does not take into account the risks unique to the AGCF. The AGCF will be the single largest privately financed gas conditioning facility ever constructed and will be connected to the largest natural gas pipeline in the world. Both the AGCF and the Alaska gas pipeline must be completed in order for the system to go into operation, at which time the equity investor will begin to earn a return on investment. Both will be financed on a 75/25 debt/equity ratio. Since both the pipeline and the conditioning facility are completely integrated, the risks which the Commission found in Orders 31 and 31–B relative to the Alaska gas pipeline are equally applicable to the AGCF.

Accordingly, Applicant contends that in setting the overall AGCF rate of return on equity the Commission must provide equity investors with a Risk Premium if sufficient capital is to be attracted to the project. The potential equity investors in applicant will have assessed the risks in construction of the AGCF as equal to or greater than the Alaskan pipeline segment, and, therefore, require a Project Risk Premium, similar to that approved for the Alaskan pipeline segment. For illustrative purposes, Applicant employed the approach which the Commission used in setting the Project Risk Premium for the Alaska gas pipeline to arrive at a Project Risk Premium for the AGCF, resulting in an amount of 2 percent (Exhibit P-1, Sch. X1) which is the same as that determined for the pipeline.

Applicant alleges that these ranges plus the Project Risk Premiums, demonstrate that the 16 percent rate of return on equity for the AGCF requested at this time is the minimum necessary to attract equity investment in the AGCF.

Any person desiring to be heard or to make any protest with reference to the above described amendment to the application of Alaskan Northwest Natural Gas Transportation Company filed on December 31, 1981 in Docket No. CP80-435-003, should, on or before March 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. (However, persons who are already parties to Docket No. CP78-123, *et al.*, or Docket No. CP80-435 may participate fully in the Commission's proceedings on the above described amendment to application without filing any further petitions for that purpose.)

Kenneth F. Plumb,

Seretary.

[FR Doc. 82-2119 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5797-000]

B & C Energy, Inc., Application for Preliminary Permit

January 25, 1982.

Take notice that B & C Energy, Inc. (Applicant) filed on December 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5797 to be known as the Star Falls Project located on Snake River in Twin Falls and Jerome Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. B. Beymer, Jr., 188 Blair Dr., Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) a 15-foot high concrete weir with an ungated concrete ogee spillway; (2) a reinforced concrete intake structure; (3) a 10-foot deep excavated canal; (4) a 15.5-foot diameter penstock; (5) a powerhouse to contain two generating units with a combined rated capacity of 15,000 kW which would operate under a head of 48 feet; (6) a tailrace; (7) a switchyard and; (8) a 3.75-mile long 34.5-kV transmission line extending from the powerhouse to the existing Wilson Butte substation. The average annual energy output is 71 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a preliminary permit for a period of 24 months, during which it would conduct engineering, economic, and environmental feasibility studies and prepare an application for FERC license. No new roads would be needed to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $250,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 12, 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 April 12, 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 June 10, 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 April 12, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2129 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5701-000]

Floyd Bidwell; Application for Preliminary Permit

January 26, 1982.

Take notice that Floyd Bidwell (Applicant) filed on November 30, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5701 to be known as the Bidwell Ditch Power Project located on Lost Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Bidwell, P.O. Box 547, Cassel, California 96016.

Project Description—The proposed project would consist of: (1) A 60-foot long, 5-foot high diversion structure; (2) a 2,100-foot long, 72-inch diameter diversion conduit; (3) a 4,620-foot long, 48-inch diameter penstock; (4) a powerhouse with a rated capacity of 400 kW; and (5) a 2-mile long, 12-kV transmission line from the powerhouse to the Bidwell Ranch. The Applicant estimates that the average annual energy production would be 3.3 million kWh. The project is located on U.S. Federal lands owned by the U.S. Forest Service.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which he would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2141 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5684-000)

City of Canyonville, Oregon; Application for Preliminary Permit

January 26, 1982.

Take notice that the City of Canyonville, Oregon (Applicant) filed on November 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5684 to be known as the Jackson Creek Hydroelectric Project located on Jackson River in Douglas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Canyonville, P.O. Box 765, Canyonville, Oregon 97417, Attention: Mayor Winston W. Walker.

Project Description—The proposed project would consist of:

(1) A 6-foot high, 90-foot long diversion structure on Jackson Creek;

(2) A 4-foot high, 50-foot long diversion structure on Beaver Creek;

(3) A 1.5-mile long diversion channel at Beaver Creek;

(4) A 7.2-mile long diversion channel at Jackson Creek;

(5) A 60-inch diameter, 2,100-foot long penstock delivering water to the upper powerhouse;

(6) Upper powerhouse with a total installed capacity of 5,100 kW;

(7) An 8-foot wide, 2.9-mile long tailrace canal;

(8) A 60-inch diameter, 550-foot long penstock delivering water to the lower powerhouse;

(9) The lower powerhouse with a total installed capacity of 2,500 kW; and

(10) A 4-mile long, 69-kV transmission line.

The Applicant estimates that the average annual energy production would be 43 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to conduct geological, environmental and economic feasibility studies, obtain necessary agreements, preparing designs, and preparation of a license application. Applicant estimates the cost of the above activities would cost $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 1, 1982. The competing application itself (see: 18 CFR 4.30 et. seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 1, 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 June 1, 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 April 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent, to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2142 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2952-001]

City of Idaho Falls; Application for License (Over 5 MW)

January 26, 1982.

Take notice that the City of Idaho Falls, (Applicant) filed on September 14, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be know as Gem State Hydroelectric Project No. 2952. The project would be located on Snake River, near the City of Idaho Falls, in Bingham and Bonneville Counties, Idaho. Correspondence with the Applicant should be directed to: Mr. G. S. Harrison, Manager, Electric Light Division, City of Idaho Falls, 140 South Capitol Avenue, P.O. Box 220, Idaho Falls, Idaho 83401.

Project Description—The proposed project would consist of: (1) A 40-foot high, 4,300-foot long earthfill dam, impounding a reservoir with a storage capacity of 5,000 acre-feet and surface area of 305 acres; (2) a four-bay spillway, each bay 40-foot wide and 32-foot high; (3) a 3,300-foot long power canal, narrowing in width from 620-foot to 200-foot; (4) a powerhouse containing one generating unit with an installed capacity of 22.3 MW; (5) a 1,080-foot long tailrace; (6) a 7,300-foot long dike upstream from the spillway on the right bank and a 10,400-foot long dike upstream from the powerhouse on the left bank; (7) two access roads which will be improvements to existing roads; (8) a 3.75-mile long, 44-kV transmission line from the powerhouse to the City's Westside substation; and (9) appurtenant facilities. The project would affect U.S. lands within the Bureau of Land Management.

Purpose of Project—The project would generate an estimated average annual energy of 125.12 million kWh which would be sold to the Bonneville Power Administration.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 8, 1982, either the competing application itself (See: 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submision of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2143 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4893-000]

City of Redding, California; Application for Preliminary Permit

January 25, 1982.

Take notice that City of Redding, California (Applicant) filed on June 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4893 to be known as the Shasta Dam Power Project located on Sacramento River near the City of Redding On United States lands managed by Department of Interior in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Mr. W. Brickwood, City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001.

Project Description—The proposed project would consist of uprating the windings of units 3, 4, and 5 of the existing Shasta Dam Powerplant, owned and operated by the Bureau of Reclamation of the U.S. Department of Interior, which would increase the total installed capacity from 508.75 MW to 750 MW.

The Applicant estimates that with the proposed project the annual energy output from the powerplant would be 1,200 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic, and environmental studies; and prepare an FERC license application. The Applicant estimates that these studies would cost $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 8, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (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 April 8, 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 June 8, 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 April 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2130 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-129-000]

Ozark Gas Transmission System; Application

January 26, 1982.

Take notice that on December 18, 1981, Ozark Gas Transmission System (Applicant), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP82-129-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during an indefinite period commencing January 1, 1982, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application which is on file with the commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicants states that the total and single project cost limitations would not exceed those prescribed by § 157.7(b) of the Commission's Regulations under the Natural Gas Act. The cost of the proposed facilities would be financed from funds on hand, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2150 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-132-000]

Panhandle Eastern Pipe Line Co.; Application

January 26, 1982.

Take notice that on December 22, 1981, Panhandle Easter Pipe Line Company (applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-132-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities required to make 20 direct sales of natural gas to right-of-way grantors and the construction and operation of one new delivery point to an existing resale customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it would construct and operate facilities required to make 20 direct sales of natural gas to the following right-of-way grantors in the States of Oklahoma, Kansas, and Missouri for domestic or irrigation fuel end-use:

County and State	Customer
Beaver, Okla	Bernice M. Anderson.
Beaver, Okla	Bernice M. Anderson.
Beaver, Okla	Otis Desper.
Beaver, Okla	Faye Clark.
Beaver, Okla	Faye Clark.
Beaver, Okla	Hobble Land & Cattle Co.
Beaver, Okla	Paul Dean Kirton.
Beckham, Okla	Ruby Howard.
Cimarron, Okla	Dayle M. Oyler.
Cimarron, Okla	Zero Enterprises, Inc.
Garfield, Okla	Ed Cardwell.
Harper, Okla	Howard G. Aitken.
Texas, Okla	Bernice M. Anderson.
Woods, Okla	Donald M. White.
Barber, Kans	M. D. Christenson.
Morton, Kans	William F. Penick.
Seward, Kans	Nila Redford.
Audrain, Mo	A. Hugh Williams.
Cass, Mo	Charles E. Wallace.
Pike, Mo	Raymond L. Hostetter.

Applicant further proposes to construct and operate one new delivery point to Indiana Gas Company, an existing resale customer of Applicant, in the State of Indiana in order to provide gas service to Esther L. Campbell, Vermillion county, Indiana.

Applicant states that the total cost of the facilities proposed herein would be $49,700 which costs Applicant would finance from cash on hand.

Applicant explains that 11 of the direct sales would be for irrigation fuel purposes. It is estimated that said irrigation fuel sales would involve an average of 3,750 Mcf of natural gas per year. Applicant further explains that the end-use for the remaining 10 sales would be for domestic purposes. it is estimated that the average volume of natural gas sold per domestic tap would be approximately 150 MCf per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

FR Doc. 82-2124 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-133-000]

Panhandle Eastern Pipe Line Co.; Application

January 26, 1982.

Take notice that on December 22, 1981, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP82-133-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the addition of a new delivery point to The Gas Service Company (Gas Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to add a new point of delivery from which Gas Service would provide service to a new customer, DEKALB AgResearch, Inc. (DeKalb). It is stated that Applicant and Gas Service have entered into a gas sales contract dated June 5, 1981, which adds a new point of delivery in Seward County, Kansas (DeKalb delivery point). It is further stated that Applicant would have a 1500 Mcf day maximum daily delivery obligation to Gas Service at the DeKalb delivery point and that Applicant's maximum daily delivery obligation to Gas Service at 21 of the 26 existing delivery points in Kansas would be reduced by an aggregate total of 1500 Mcf per day. Applicant notes that there would, therefore, be no change in the total contract demand of Gas Service.

Applicant submits that the requested change in service for Gas Service would not result in any increase in peak day or annual entitlement for natural gas service nor adversely affect Applicant's ability to meet the requirements of its other customers.

The cost to install the DeKalb delivery point on Applicant's system is estimated at $56,100 to be financed from funds available to the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2151 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5759-000]

Public Utility District No. 1; Application for Preliminary Permit

January 25, 1982.

Take notice that Public Utility District No. 1 (Applicant) filed on December 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5759 to be known as the West Cady Creek Hydroelectric Project located on West Cady Creek, in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

Project Description—The proposed project would consist of: (1) A 10-foot high diversion structure on West Cady Creek; (2) a 3,800-foot long, 7.5-foot diameter penstock; (3) a powerhouse with a total installed capacity of 9,000 kW; and (4) a 12-mile long, 12-kV transmission line from the powerhouse to an existing 12-kV transmission line. The Applicant estimates that the average annual energy production would be 28.9 million kWh. The project is located on U.S. Forest Service Lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $200,000.

Competing Applications—This application was filed as a competing application to Western Power Inc.'s application for Project No. 5338 filed on September 8, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 11, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2137 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5617-000]

Clark-Skamania Joint Operating Agency of Clark and Skamania Counties, Wash.; Application for Preliminary Permit

January 26, 1982.

Take notice that Clark-Skamania Joint Operating Agency of Clark and Skamania Counties, Washington (Applicant) filed on November 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5617 to be known as the Meadows Waterpower Project located on Rush, Curly, Meadow and Big Creeks, on land within the Gifford Pinchot National Forest in Skamania County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William F. Yee, Manager, Public Utility District No. 1 of Skamania County, P.O. Box 500, Carson, Washington 98610.

Project Description—The proposed project would consist of three developments: (A) *The Big Creek development* would consist of: (1) a 10-foot high diversion dam creating a small pond with a surface area less than 10 acres and a volume less than 30 acre-feet; (2) a 3-foot diameter, 5,500-foot long pipeline. (B) *The Upper Meadows development* would consist of: (1) Two 10-foot high diversion dams impounding ponds of less than an acre in area and volumes of less than 5 acre-feet each on Rush Creek; (2) a 3-foot diameter, 6,800-foot long pipeline; (3) a 20-foot high diversion dam impounding a small pond with a surface area less than 10 acres and a volume less than 30 acre-feet on Meadow Creek; (4) an 8-foot diameter, 15,200-foot long pipeline; (5) a 7-foot diameter, 1,400-foot long penstock; (6) a powerplant with an installed capacity of 10,000 kW. (C) *The Lower Meadows Power development* would consist of: (1) Two 20-foot high diversion dams

impounding small ponds less than 5 acres in area and volumes less than 10 acre-feet each, one on Rush Creek and one on Curly Creek; (2) an 8-foot diameter, 3,000-foot long pipeline to convey water from the Lower Rush Creek diversion to a junction with a 4-foot diameter, 4,000-foot long pipeline from the Curly Creek diversion; (3) from the junction, an 8-foot diameter, 11,300-foot long pipeline and (4) a 7-foot diameter, 2,000-foot long penstock; (5) a powerhouse with an installed capacity of 31,000 kW, and (6) an 18-mile long transmission line. The Applicant estimates that the total average annual energy production would be 208 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit during which time geological, environmental and economic feasibility studies will be conducted as well as, obtaining agreements and preparation of a license application. Applicant estimates the above activities will cost $1,110,000.

Competing Applications—This application was filed as a competing application to Capital Development Company's application for Project No. 4467-000 filed on April 2, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 3, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2144 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-128-000]

Columbia Gas Transmission Corp.; Application

January 26, 1982.

Take notice that on December 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP82-128-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 32 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 4 taps for residential service; 2 taps for commercial service; 1 tap for industrial service—estimated annual usage of 48,209 Mcf.

(2) Columbia Gas of Ohio, Inc.: 12 taps for residential service; 1 tap for commercial service; 1 tap for industrial service—estimated annual usage of 2,835 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 4 taps for residential service; 1 tap for commercial service—estamated annual usage of 900 Mfc.

(4) Columbia Gas of West Virginia, Inc.: 4 taps for residential service—estimated annual usage of 600 Mcf.

(5) The Dayton Power and Light Company: 2 taps for industrial service—estimated annual usage of 4,000 Mcf.

It is estimated that the total cost of the interconnections proposed herein is $35,425 to be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2120 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5628-000]

Energenics Systems, Inc.; Application for Preliminary Permit

January 26, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5628 to be known as Belle Fourche Dam located on the Belle Fourche River in Butte County, South Dakota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would utilize a U.S. Bureau of Reclamation dam and reservoir, Project No. 5628 would consist of: (1) A proposed powerhouse located at each outlet conduit with an estimated installed capacity of 700 kW; (2) existing 69 kV transmission lines located within 5 miles of the site; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3 GWh.

Purpose of Project—Energy at the proposed project would be sold to the Black Hills Power & Light Co., WAPA, or nearby public institutions and industrial users. The project would provide a contribution to the energy needs of the Fruitdale area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 3, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [See: 18 CFR 4.30 et seq. of 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2145 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5693-000]

Arthur C. Frazier; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 25, 1982.

Take notice that on November 24, 1981, Arthur C. Frazier (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5693 would be located on Gertrude Creek in Madera County, California, in the Sierra National Forest. Correspondence with the Applicant should be directed to: Mr. Arthur C. Frazier, P.O. Box 381, North Fork, California 93643.

Project Description—The proposed project would consist of: (1) An intake in the streambed at a natural granite basin; (2) a penstock 1,200 feet long; (3) a powerhouse containing a turbine generator with 40 kW capacity and 129.6 MWh annual output; (4) transmission line 400 feet long; and (5) appurtenant facilities.

Purpose of Project—Project-generated energy would be sold to Pacific Gas and Electric Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license appliants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the

granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 17, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2131 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5671-000]

Gover Ranch Power Project Inc.; Application for Preliminary Project Permit

January 25, 1982.

Take notice that Gover Ranch Power Inc. (Applicant) filed on November 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5671 to be known as the Gover Ranch Power Project located on the Battle Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dan Gover, Rt. 1 Box 2051, Anderson, California 96007.

Project Description—The proposed project would consist of: (1) A concrete and natural fill diversion structure 5 feet high, crest elevation 425 feet, with negligible storage; (2) a diversion canal; (3) a penstock 30 feet long; (4) a powerhouse containing a turbine generator with 500 kW capacity and 4.25 GWh annual energy production; and (5) transmission line one mile long. The expected market for project generated power is the Pacific Gas & Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support an application for an FERC license to construct and operate the project. The estimated cost of permit activities is $45,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2132 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5705-000]

Grisdale Hill Co.; Application for Preliminary Permit

January 26, 1982.

Take notice that Grisdale Hill Company (Applicant) filed on December 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5705 to be known as the Huckleberry Creek Hydropower Project located on Huckleberry Creek, in Lane County, near Oakridge, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Marilyn Tebor Shaw, Esq., Suite 1100, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036, with a copy to Robert Looper, Henningson, Durham & Richardson, 1100 East Lake Avenue East, Seattle, Washington 98109.

Project Description—The proposed project would consist of: (1) A 10-foot high by 40-foot long diversion dam; (2) a 4,100-foot long, 24-inch diameter penstock; (3) a powerhouse with a total installed capacity of 1.4 MW; and (4) a 5-mile long, 34.5-kV transmission line to connect to an existing Bonneville Power Administration. The project would be located within the boundaries of the Willamette National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (1982); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981]

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 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 June 1, 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 April 2, 1982.

Filing and Service or Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any otice of intent, competing application, or petition to intervene must also be in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2146 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-30-000]

Gulf States Utilities Co.; Application

January 25, 1982

Take notice that on January 11, 1982, Gulf States Utilities Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing to issuance not more than 500,000 shares of new preferred stock, $100 per value, or not more than 2,000,000 shares of new preference stock, $25 stated value via negotiated placement.

An person desiring to be heard or to make any protest with reference to the application should on or before February 10, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and is available and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2133 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5592-000]

H-O-H Power; Application for Preliminary Permit

January 26, 1982.

Take notice that H-O-H Power (Applicant) filed on November 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5592 to be known as the Daguerre Point Project located on the Yuba River at a dam owned and operated by the U.S. Army Corps of Engineers in Yuba County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Janice L. Haemmig, 10904 Brunswick Road, Grass Valley, California 95945.

Project Description—The proposed project would consist of: (1) An intake structure; (2) two 108-inch diameter, 450-foot penstocks; (3) a powerhouse containing six generating units with a total rated capacity of 3,600 kW; and (4) a one-quarter mile long transmission line. Applicant estimates that the average annual output would be 26.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with the preparation of an environmental impact statement, obtaining agreements with the U.S. Army Corps of Engineers and other Federal, State, and local agencies, preparing a license application, conducting final field survey, and preparing designs is estimated by the Applicant to be $126,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 1, 1982, the competing application itself [see: 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 1, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2147 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-31-000]

Idaho Power Co.; Application

January 25, 1982.

Take notice that on January 15, 1982, Idaho Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance and sale of up to $100,000,000 of its First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 11, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2135 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5575-000]

Edgar F. Lafayette; Application for Preliminary Permit

January 25, 1982.

Take notice that Edgar F. Lafayette (Applicant) filed on October 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5575 to be known as the McKercher's Mill Hydropower Project located on Calapooia River, near Crawfordsville in Linn County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Edgar F. Lafayette, 36898 Northern Drive, Brownville, Oregon 97327.

Project Description—The proposed project would consist of: (1) A 12-foot high, 180-foot long diversion dam; (2) a powerhouse with five turbine-generator units incorporated into the diversion structure and total installed capacity of 800 kW; (3) a 100-foot long, 20.8-kV transmission line from the powerhouse to an existing Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy production would be 2.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies. The applicant estimates the cost of undertaking these studies would be $66,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 et seq. (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 April 5, 1982, and should specify the type of application forthcoming. Any application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application permit no later than June 3, 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 April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2134 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5765-000]

Madera Irrigation District; Application for Preliminary Permit

January 25, 1982.

Take notice that Madera Irrigation District (Applicant) filed on December 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5765 to be known as the Mile 24.2 Turnout Project located on the United States Bureau of Reclamation's Madera Canal at Station 1302 + 10.26 in Madera County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Stanfield, Manager-Chief Engineer, Madera Irrigation District, 12152 Road 28¼, Madera, California 93637.

Project Description—The proposed project would consist of: (1) an inlet structure; (2) a 300-foot long, 42-inch diameter penstock; (3) a power plant to contain a single generating unit with a rated capacity of 250 kW; and (4) a tail-water channel discharging into the canal. The average annual energy production is 700,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct environmental, economic, and engineering feasibility studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $31,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 4, 1982, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2136 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-46-002]

Mid Louisiana Gas Co.; Amendment to Application

January 26, 1982.

Take notice that on December 29, 1981, Mid Louisiana Gas Company (Applicant), 2100 Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP81-46-002 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a route change for the right-of-way site for its proposed pipeline facilities and a related change in the transportation of natural gas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on November 10, 1980, Applicant filed in the instant docket an application for authorization to construct and operate approximately 3.6 miles of 6 inch O.D. pipeline at an estimated cost of $1,250,000 in order to connect a new source of gas supply. Applicant asserts that it has contracted with Quintana Production Company, *et al.*, to purchase approximately 9,000 Mcf per day of gas to be produced from the West Cameron Block 32 Field area, Cameron Parish, Offshore Louisiana. Applicant stated that the proposed facilities are required in order to transport the gas from the producer's platform located approximately two

miles offshore to a point of delivery at the inlet side of Phillips Petroleum Corporation's Hog Bayou treatment plant located in Section 21, Township 15 South, Range 1 West, Cameron Parish, Louisiana. Applicant further stated that after processing for the removal of water, liquids, and/or liquefiable hydrocarbons the residue gas was to be delivered at the outlet of the plant to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which would transport the gas and redeliver it to Applicant at a point on its main transmission system.

Applicant now proposes a route change for the right-of-way site for its proposed pipeline facilities and a related change in the transportation arrangement to bring the Quintana gas supply to Applicant's main transmission system. Applicant explains it would construct approximately 4.85 miles of 6⅝ inch O.D. pipeline from the producer's platform in the West Cameron Block 32 Field area to a point of delivery at the inlet of a separation plant operated by Quintana in Section 16, Township 15 South, Range 6 West, Cameron Parish, Louisiana.

The total cost of these proposed facilities is approximately $1,972,000. Such costs, it is asserted, would be financed from internally generated funds and short term loans.

Applicant further states that the producer would measure the gas and process it at the separation plant for the removal of water, liquids and/or liquefiable hydrocarbons. Applicant asserts that the off-system transportation of the subject gas to Applicant's main-line transmission system would be accomplished through an exchange and transportation arrangement with Tennessee pursuant to Tennessee's blanket authority under Subpart G of Part 284 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2121 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-121-000]

Midwestern Gas Transmission Co.; Application

January 26, 1982.

Take notice that on December 17, 1981, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-121-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Central Illinois Light Company (CILCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas on an interruptible basis on its Southern system for CILCO pursuant to the terms of a contract dated August 31, 1981. Applicant explains that it is now rendering natural gas service to CILCO for its Oakwood, Illinois, service area under Applicant's Rate Schedule SR-1 and gas service contract dated July 8, 1963. Applicant states that this gas service contract provides for the sale of up to 365 Mcf of gas per day.

It is stated that CILCO has advised Applicant of its need for additional natural gas to serve its high requirements customers in its Oakwood service area particularly during the winter months. It is further stated that CILCO's Oakwood service area. In order to effect this arrangement CILCO has made arrangements with one of its other pipeline suppliers, Panhandle Eastern Pipe Line Company (Panhandle), to have gas which is presently being delivered by Panhandle for use in other service areas to be delivered to Applicant for transportation to CILCO has entered into a transportation and exchange agreement with Panhandle and Trunkline Gas Company (Trunkline) under which Panhandle would reduce its normal deliveries to CILCO and deliver equivalent volumes to Trunkline for redelivery to Applicant for the account of CILCO.

Applicant proposes herein to transort up to 1,000 Mcf of natural gas per day made available to it by trunkline for the account of CILCO at the existing interconnection of the pipeline facilities of Trunkline and Applicant near Potomac, Illinois. Such service would be available on an interruptible basis on any day in which CILCO needs natural gas in excess of CILCO's maximum daily purchase entitlement under its gas service contract. It is stated that transportation service proposed herein as well as the transportation service to be rendered by Panhandle and Trunkline would be rendered by means of existing facilities.

Applicant proposes to charge CILCO 1.0 cent per Mcf delivered to reimburse Applicant for its administrative services associated with the proposed transportation service.

Applicant further requests that the Commission waive the provisions of paragraph (b) of Article I in its Rate Schedule SR-1 which provides that Rate Schedule SR-1 service is available only to total requirements customers with respect to specified areas. It is explained the absent the granting of this waiver, CILCO would have to become a Rate Schedule CD-1 customer which provides for higher purchase obligations for customers having multiple sources of supply. Applicant notes that by granting this waiver, CILCO would be able to retain the other benefits of being a small requirements customer. It is stated that the annual total volumes of gas which CILCO would purchase from Applicant would neither increase nor decrease the level which CILCO would otherwise purchase from Applicant and that neither Applicant nor its other Southern system customers would be detrimentally affected by the grant of this waiver.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2148 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-63-001]

Montana-Dakota Utilities Co.; Amendment to Application

January 26, 1982.

Take notice that on December 28, 1981, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-63-001 an amendment to its application filed in the instant docket on November 6, 1981, pursuant to Section 7(c) of the Natural Gas Act so as to delete its request for authorization for the construction and operation of certain pipeline facilities requested in the application, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it originally requested authority to construct and operate 4 taps on its transmission lines to serve the Shell Oil Company in the Mon-Dak Field, McKenzie County, North Dakota. Applicant indicates that it has been informed that three of the four taps are no longer required because Shell Oil Company has made other arrangements for fuel. Applicant therefore requests deletion of tap numbers 66, 67 and 68. Applicant states that the total cost of the remaining facilities would be reduced from $171,300 to $163,000.

Applicant asserts that in its application it refers to an amendment of Stipulation and Agreement in Settlement of Remaining Issues in Applicant's curtailment plan Docket No. RP76-91 filed with the Commission on July 10, 1981. The Stipulation of July 10, 1981, has since been withdrawn and replaced by a Stipulation and Agreement filed on December 4, 1981, which does not change any of the conditions which would be relied upon to provide service to industrial customers as stated in the original application in this docket.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2122 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-120-000]

Northern Natural Gas Co.; Application

January 26, 1982.

Take notice that on December 16, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-120-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, by purchase of an individed fractional interest in the ownership of certain existing offshore facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire by purchase from Mobil Oil Exploration and Producing Company, Inc., (Mobil), its undivided fractional interest in the compression facilities on the West Cameron Area Block 352 "A" Platform all in West Cameron Area Block 352, offshore Louisiana. Applicant states that the proposed purchase of Mobil's 55.4 percent interest in such facilities is made in accordance with a letter agreement dated November 10, 1978, which was entered into as the direct result of notification received by Applicant from the operator of High Island Offshore System (HIOS) that the operating pressure of the HIOS pipeline was to be in excess of 1,300 psig. It is explained that pursuant to the gas sale contract dated September 14, 1978, delivery of sales gas by Mobil would be made at a pressure sufficient to allow gas to enter Applicant's facilities but not at a pressure in excess of 1,505 psig. It is stated that in the judgment of Applicant and the other purchasers of gas reserves underlying West Cameron Area Blocks 343/352, compression facilities would be required to deliver gas into the HIOS pipeline against the operating pressure of said pipeline.

It is further stated that Mobil initiated construction of the compression facilities on June 26, 1970, and that such compression was ready for service August 18, 1979. The compression facilities are located on the West Cameron Block 352 "A" platform and consist of a 1,000 horsepower compressor with appurtenances. Applicant's proportionate share of the construction cost is $680,671.

Applicant explains that since the subject compressor facilities were installed the HIOS pipeline has failed to realize the anticipated operating pressure in excess of 1,300 psig. It is stated that the pressure at which Mobil delivers West Cameron Block 343/352 gas volumes into Applicant's facilities has been sufficient to allow delivery of such gas into the HIOS pipeline without the use of compression and that the compression facilities installed by Mobil have remained idle since installation.

On July 29, 1981, the Commission issued an order affirming in part and modifying in part the initial decision in regard to HIOS' petition to amend certificate at Docket No. CP75-104. The amendment provides for the modification of existing compression on the HIOS pipeline. In Applicant's opinion the approved compressor modification would increase the operating pressure of HIOS such that the West Cameron Block 352 compression would be required to deliver the remaining West Cameron Block 343/352 gas into HIOS.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is requird by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2149 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-467-001]

Northern Natural Gas Co.; Amendment to Application

January 26, 1982.

Take notice that on December 17, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-467-001 an amendment to its application filed August 18, 1981, in the instant docket pursuant to § 7(c) of the Natural Gas Act so as to reflect a change in the location of the proposed delivery point to accommodate deliveries of natural gas to its utility customer, Owatonna Public Utilities (Owatonna), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that in the application filed on August 18, 1981, Applicant requested authority to construct and operate approximately 4.3 miles of 10-inch branchline and a new delivery point for its utility customer, Owatonna. Applicant states that subsequent to the time of filing Owatonna informed Applicant that in order to obtain tax exempt bond financing for this project Owatonna must maintain ownership of the facilities constructed by said financing. Consequently, Applicant proposes herein to relocate the proposed delivery point to a point of tie-in with Applicant's 24-inch branchline in Section 16, T.107N., R.21W., Steele County, Minnesota. It is explained that Owatonna would then be responsible for construction of the facilities needed to provide service from the new proposed delivery point to its distribution system and that Applicant would own only the necessary metering and appurtenances needed for gas measurement.

The cost of the proposed facilities is estimated at $88,920 for which Applicant would be reimbursed by Owatonna.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 16, 1982, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2123 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5404-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

January 26, 1982.

Take notice that Puget Sound Power & Light Company (Applicant) filed on September 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5404 to be known as the Martin Creek Project located on Martin Creek in Kings County, Washington. The proposed penstock route crosses part of Snoqualmie National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) A concrete gravity diversion dam 10 feet high with negligible storage; (2) a steel penstock 6,000 feet long; (3) a powerhouse containing two turbine generators with 6.6 MW total capacity and 27.5 GWh annual energy output; (4) a transmission line 0.3 miles long; and (5) appurtenant facilities. Power output would be marketed through the existing Puget Sound Power Service network.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 24 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $300,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 7, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (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 April 7, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than June 7, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 7, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2152 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5195-001]

Simon Pearce (U.S.), Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 25, 1982.

Take notice that on October 22, 1981, Simon Pearce (U.S.), Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5195) would be located on Ottauquechee River, in Windsor County, Vermont. Correspondence with the Applicant should be directed to: Simon Pearce, Simon Pearce (U.S.) P.O. Box S, Quechee, Vermont 05059.

Project Description—The proposed project would consist of: (1) The Applicant's existing Emory Mill Dam (also known as Downer's Mills), a concrete gravity structure 14 feet high and 150 feet long with an uncontrolled spillway; (2) an existing impoundment having negligible storage with a water surface elevation of 562 feet m.s.l.; (3) a rehabilitated intake; (4) a new penstock; (5) a new powerhouse with a generating capacity of approximately 645 kW; (6) a new tailrace and (7) appurtenant facilities. The Applicant estimates the annual average energy output would be 3,200,000 kWh. Project energy in excess of the industrial requirements of Simon Pearce Glass is to be sold to Central Vermont Public Service Corporation.

Purpose of Project—An exemption, if issued, gives the exemptee priority of control, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife service, The National Marine Fisheries Service, and the Vermont State Agency of Environmental Conservation, Fish and Game Department are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified licensee applicant desiring to file a competing application must submit to the Commission, on or before March 10, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2138 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-130-000]

Southwest Gas Corp.; Application

January 26, 1982.

Take notice that on December 21, 1981, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP82-130-000 an application pursuant to § 7(c) of the Natural Gas Act for a certificate

of public convenience and necessity authorizing the construction and operation of one high pressure tap facility on its Fort Churchill Lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate one high pressure tap on its Fort Churchill Lateral in order to serve the Maine Line Plastics Development Company in Lyon County, Nevada. Such tap, it is asserted, would have annual usage, peak day and average day usage of 25,452 Mcf, 120 Mcf and 101 Mcf, respectively.

It is asserted that the cost of the facility proposed herein would be $1,640 which would be financed from an advance made by the customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2125 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-15-000]

Sun Gas Co.; Petition for Temporary Waiver of Certain NGPA Regulations Implementing Section 108

Issued: January 25, 1982.

Take notice that on December 11, 1981 Sun Gas Company (Sun Gas), Post Office Box 20, Dallas, Texas 75221, filed a petition for temporary waiver of certain Natual Gas Policy Act (NGPA) regulations implementing section 108 pursuant to § 1.7 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure (18 CFR 1.7) thereby allowing Sun Gas to collect the section 108 for gas from the S.J. Neal No. 1 (Neal No. 1) for deliveries from July 31, 1979 to April 29, 1981.

Specifically, Sun Gas states that certain procedures conducted on the Neal No. 1 caused it to produce in excess of 60 Mcf per production day for three 90-day periods. (Section 108(b)(1) of the NGPA provides that gas qualifies as stripper well natural gas only if during the 90 day production period preceding the month in question, the subject well produced nonassociated natural gas at its maximum rate of flow and did not exceed an average of 60 Mcf per production day.) However, Sun Gas states that the disqualifying periods were not discovered until the latter part of 1980 when Sun Gas reviewed its computer program and discovered its program had employed an improper number of production days. As a consequence, according to Sun Gas, timely notices of disqualification were not sent to the Commission of the Texas Railroad Commission. In its petition for waiver, Sun Gas favorably compares the engineering test and state procedure used on the Neal No. 1 well to recognized enhanced recovery techniques. (An exception to the 60 Mcf per day limitation is provided in NGPA section 108(b)(2) for situations where the increased production is due to enhanced recovery techniques). Additionally, Sun Gas compares the historical gas production record of the well at issue in *B.H. Keyes,* Docket No. SA81-40, which was granted a stripper well status, with the production record of the Neal No. 1 well.

Sun Gas presented the same facts to Staff when it filed an application with the Commission in Docket No. SA81-37-000 seeking a waiver of § 271.805(a); this application for staff adjustment was dismissed on October 16, 1981 by the Director of the Office of Pipeline and Producer Regulation. In the order dismissing Sun Gas' application, the Director stated that he did not have "the authority to create additional categories of continued stripper well qualification" and that "the appropriate remedy is to bring that view before the Commission in a petition for a general rulemaking."

Any person desiring to be heard or to protest this petition should file, on or before March 1, 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 § 1.8 or § 1.10 of the Commission's Rules of Practice and Procedure. 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. 82-2139 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-131-000]

Texas Eastern Transmission Corp.; Application

January 26, 1982.

Take notice that on December 21, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77002, filed in Docket No. CP82-131-000 an application pursuant to § 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for New Jersey Natural Gas Company (New Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that New Jersey has purchased a quantity of natural gas from several wells drilled in western New York State and has provided for transportation of such gas to Applicant through a gas transportation agreement with Consolidated Gas Supply Corporation (Consolidated). Applicant proposes to receive from Consolidated for the account of New Jersey up to 300 dekatherms (dt) equivalent of natural gas per day at the existing point of interconnection between Applicant and Consolidated located at Applicant's meter station 082 in Westmoreland County, Pennsylvania, or at other mutually agreeable existing delivery points in Applicant's Zone C and to transport and redeliver equal quantities, less quantities retained for shrinkage, to New Jersey at the existing point of interconnection between Applicant and

New Jersey located at Applicant's meter station 953 in Middlesex County, New Jersey, or at other mutually agreeable existing points of delivery.

Applicant would charge New Jersey its presently applicable TS–1 basic rate of 13.98 cents per dt equivalent under Applicant's Rate Schedule TS–1 for delivery by Applicant to or for the account of New Jersey; provided, however, for quantities transported and delivered by Applicant which, when added to the quantities delivered to New Jersey under Applicant's Rate Schedules TS–1 and SS–II and other transportation agreements, exceed the combined total curtailment of natural gas sales to New Jersey under all of Applicant's firm sales rate schedules, Applicant would charge New Jersey the presently applicable effective TS–1 excess rate of 16.02 cents per dt equivalent. In addition, Applicant would retain applicable shrinkage which presently is 3 percent of all gas received for transportation from April 16 through November 15 of each year and 6 percent of all gas received for transportation from November 16 through April 15 of each year.

Applicant states that the proposed transportation service would enable New Jersey to implement its purchase of natural gas and to help fulfill its need for a greater natural gas supply. It is further stated that Applicant's customers would not be adversely affected by the proposed transportation service because the agreement provides that this service is subject to interruption and is conditioned upon the availability of sufficient capacity for Applicant to provide services under its firm sales rate schedules and under its Rate Schedules SS, TS, TS–1, TS–2, SS–II and certified agreements filed as part of Applicant's FERC Gas Tariff, Original Volume No. 2.

Applicant further states that it would retain all revenues resulting from transportation of gas for New Jersey.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2153 Filed 1–27–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2986–001]

Texon, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 25, 1982.

Take notice that on November 27, 1981, Texon, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. This application was filed during the term of the Applicant's preliminary permit for Project No. 2986. The proposed small hydroelectric project, Project No. 2986, would be located on the Westfield River in the County of Hampden, Massachusetts. Correspondence with the Applicant should be directed to: Texon, Inc., Canal Street, South Hadley, Massachusetts 01075, Attention: Mr. Irving Quimby, Senior Vice President.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing gravity dam, 250 feet long and 12 feet high, constructed of stone blocks and concrete with a spillway at the right abutment and provision for 3-foot high flashboards; (2) a reservoir having minimal pondage; (3) an existing gated intake structure, forebay and channel leading to (4) a powerhouse to be renovated and equipped with two new turbine-generator units having a total rated capacity of 1,650 kW; (5) a restored tailrace; (6) existing transmission lines and a substation; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 9,500,000 kWh. Project energy would be sold to the Western Massachusetts Electric Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Massachusetts Division of Fisheries and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 10, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 10, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2140 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-134-000]

Transcontinental Gas Pipe Line Corp.; Application

January 26, 1982.

Take notice that on December 22, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-134-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the City of Shelby, North Carolina (Shelby), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on behalf of Shelby up to 5,000 dekatherms (dt) equivalent of natural gas per day which Shelby would purchase from the City of Danville, Virginia (Danville). Applicant explains that it would receive such quantities from Danville at the existing point of delivery between Danville and Applicant and that Danville would make such gas available by reducing its takes from Applicant. Applicant states that it would then redeliver equivalent quantities by displacement to Shelby at existing points of delivery between Shelby and Applicant.

It is stated that the proposed transportation service would be for a term beginning on the date of initial deliveries and ending no later than November 1, 1982. It is further stated that the transportation would be interruptible at Applicant's sole discretion and subordinate to Applicant's deliveries to Shelby under its Rate Schedules CD, ACQ, LGA, GSS, and WSS.

It is further stated that Shelby would initially pay 3.5 cents per dt equivalent for such transportation service with no retainage for compressor fuel and line loss make-up.

It is asserted that the subject gas would be used to assist in meeting the high-priority requirements of Shelby during the current winter heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2126 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-141-000]

Trunkline Gas Co.; Application

January 26, 1982.

Take notice that on December 30, 1981, Truckline Gas Company (Applicant) P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-141-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas on behalf of Columbia Gas Transmission Corporation (Columbia Gas) and Columbia Gulf Transmission Company (Columbia Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation and exchange agreement between Applicant, Columbia Gas and Columbia Gulf dated December 29, 1981, the parties have agreed to exchange up to 20,000 Mcf of gas per day. Applicant states that it and Columbia Gas have the right to purchase certain quantities of natural gas in Eugene Island Block 392 and in West Cameron Block 624, offshore Louisiana. It is submitted that Applicant would receive volumes of gas for the account of Columbia Gas at its existing platform facilities in Eugene Island Block 392. Applicant further submits that Columbia Gas' point of receipt would be Columbia Gulf's platform located in West Cameron Block 624 at which point Columbia Gulf would receive gas for the account of Applicant. It is stated that Applicant and Columbia

Gas would receive exchange gas offshore Louisiana and transport thermally equivalent volumes to a point of interconnection near Centerville, St. Mary Parish, Louisiana.

Applicant explains that should an imbalance occur on a daily basis, then a daily thermal balance would be achieved by the party where deliveries are insufficient by making daily deliveries on a interruptible basis at the point of balance less 2 percent reduction for fuel for the account of Columbia Gas and less 1.65 percent reduction for fuel usage and unaccounted for the account of Applicant. Applicant states that for any imbalance incurred on a monthly basis excess volumes would be charged a unit rate per Mcf with Columbia Gas paying Applicant 27.84 cents per Mcf and Applicant paying Columbia Gulf 32.94 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2128 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-72-002]

Trunkline Gas Co.; Petition To Amend

January 26, 1982.

Take notice that on January 5, 1982, Trunkline Gas Company (Petitioner), P.O. Box 1642, Houston, Texas, 77251, filed in Docket No. CP78-72-002 an petition to amend the order issued June 6, 1978, as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the installation and operation of 1,460 horsepower of additional low-volume compression facilities associated with the Epps Storage Project, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued June 6, 1978, it was authorized to construct and operate facilities for the development and operation of the Epps Field and the South Epps Field, West Carroll Parish, Louisiana, for the storage of natural gas.

Petitioner explains that shortly after commencing the development of the storage project Petitioner encountered certain mechanical problems with the Elkins No. 3-1 and Marston No. 14-1 injection wells. Petitioner asserts that said problems with the two wells and a need for lower injection volumes during initial development stages of the Epps Storage Project caused Petitioner to modify slightly its planned development of the field.

Petitioner states that lower injection volumes were not economically feasible with only the large compressor units available for storage service. To inject the lower volumes efficiently, Petitioner proposes to install and operate two 730-horsepower compressor units on an on-going basis which units were found beneficial when utilized on a rental basis.

Petitioner submits that the cost associated with the installation of the subject compression facilities at the Epps Compressor Station is estimated to be $690,700. Such cost, it is said, would be financed from funds available to Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2127 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5337-000]

Westfir Energy Company, Inc.; Application for Preliminary Permit

January 26, 1982.

Take notice that Westfir Energy Company, Inc. (Applicant) filed on September 7, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5337 to be known as the Westfir Hydroelectric Project located on North Fork of Middle Fork of the Willamette River in Lane County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Orvis D. Kutschkaw, P.O. Box 2425, Pasco, Washington 99302.

Project Description—The proposed project would consist of: (1) An intake structure on the existing Mill Pond; (2) a 210-foot long penstock; (3) a powerhouse with a total installed capacity of 3,000 kW; and (4) a transmission line from the powerhouse to an existing Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy production would be 12.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $25,000.

Competing Applications—This application was filed as a competing application to J. R. Ferguson and Associates, Inc.'s application for Project

No. 5312 filed on September 3, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2154 Filed 1-27-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between the United States and Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involves approval for the following sales:

Contract Number S-CA-316, to the Department of Energy, Mines and Resources, Canada, 84.77 grams of natural uranium for use as standard reference material.

Contract Number S-CA-317, to Atomic Energy of Canada Limited, 1 gram of plutonium-239 for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-2207 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between United States and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concering Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve supply of the following nuclear materials:

Contract Number WC-EU-218, to the Institute fur Radiochemie, Karlsruhe, Federal Republic of Germany, 7.95 grams of plutonium and 22.40 grams of natural uranium in the form of plutonium-uranium oxide.

Contract Number WC-EU-219, to ALKEN Gmbh, Hanau, Federal Republic of Germany, 26.25 grams of plutonium in the form of plutonium oxide.

Contract Number WC-EU-220, to CEN/BN, Mol, Belgium, 26.25 grams of plutonium as plutonium-oxide, and 7.95 grams of plutonium and 22.40 grams of natural uranium in the form of plutonium-uranium oxide.

Contract Number WC-EU-221, to CEN/Grenoble, Grenoble, France, 26.25 grams of plutonium as plutonium-oxide.

Contract Number WC-EU-222, to the Netherlands Energy Research Institute, Petten, the Netherlands, 26.25 grams of plutonium as plutonium-oxide, and 7.95 grams of plutonium and 22.40 grams of natural uranium in the form of plutonium-uranium oxide.

Contract Number WC-IA-122, to the IAEA Safeguards Analytical Laboratory, Vienna, Austria, 26.25 grams of plutonium as plutonium-oxide, and 7.95 grams of plutonium and 22.40 grams of natural uranium in the form of plutonium-uranium oxide.

Contract WC-JA-36, to the Safeguards Analytical Laboratory, Tokai-Mura, Japan, 26.25 grams of plutonium as plutonium-oxide, and 7.95 grams of plutonium and 22.40 grams of natural uraniumin the form of plutonium-uranium oxide.

Contract Number WC-JA-37, to the Tokai Works, Power Reactor and Nuclear Fuel Development Corp., Tokai-Mura, Japan, 26.25 grams of plutonium as plutonium-oxide, and 7.95 grams of plutonium and 22.40 grams of natural uranium in the form of plutonium-uranium oxide.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This

program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Poliferation Policy.

[FR Doc. 82-2208 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice it hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the following sales:

Contract Number S-EU-708, to the Max Planck Institute fur Chemie, Federal Republic of Germany, 1 gram of uranium enriched to 49.7% in U-235, 1 gram of uranium enriched to 97.66% in U-235, 0.1 gram of uranium enriched to 99.82% in U-235, 21.19 grams of natural uranium, and 0.005 gram of uranium-233, for use as standard reference materials.

Contract Number S-EU-709, to British Nuclear Fuels, Ltd., the United Kingdom, 0.005 gram of plutonium-244, for use as standard reference material.

Contract Number S-EU-711, to C.E.A. Department de Recherche et Analyse, France, 1 gram of uranium enriched to 5.01% in U-235, for use as standard reference material.

Contract Number S-EU-712, to Franco-Belge de Fabrication de Combustible, France, 87.71 grams of uranium enriched to 2.38% in U-235, for use as standard reference material.

Contract Number S-EU-713, to Service de Chimie Appliquee, France, 1 gram of uranium containing 0.02% U-235, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc 82-2209 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between the United States and Finland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Finland Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale: Contract Number S-FI-12, to the University of Helsinki, Finland, 1 gram of uranium enriched to 2.038 percent in U-235, and 1 gram of uranium enriched to 5.01 percent in U-235, to be used as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 12, 1982

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-2210 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Indonesia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" pursuant to General License for the export of source material under CFR Part 110.23.

The subsequent arrangement to be carried out under the above-mentioned CFR involves approval for the following sale: Contract Number S-IE-5, to Indonesia, 106 grams of natural uranium to be used as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-2211 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements Between U.S. and Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the following sales:

Contract Number S-JA-302, to the Japan Atomic Energy Research Institute, for use as standard reference materials, 28 grams of uranium, with enrichments ranging from 1.0037% through 97.663% in U-235, and 6 grams of uranium containing less than 0.5% U-235, for use as standard reference materials.

Contract Number S-JA-303, to the Chubu Exploration Office, Japan, 23.34 grams of natural uranium and 3.48

grams of thorium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-2212 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Republic of Korea

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S-KO-13, to the Korea Advanced Energy Research Institute, 100 milligrams of Uranium-233, 50 milligrams of Plutonium-242, and 50 milligrams of Plutonium-238, to be used as standards for determination of burnup by mass spectrometry dilution analysis.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 12, 1982.

For the Department of Energy.

Dated: January 22, 1982.

Fred McGoldrick,

Deputy Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-2213 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of December 4 Through December 11, 1981

During the week of December 4 through December 11, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any persoin who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 20, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 4 Through Dec. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 8, 1981	Mt. Lake Co-Op Oil Assn., Mt. Lake, Minnesota	HEE-0006	Exception to the reporting requirements. If granted: Mt. Lake Co-Op Oil Assn. would be granted an extension of time to file Form EIA-9A "No. 2 Distillate Price Monitoring Report."
Dec. 9, 1981	Charter Oil Company, Jacksonville, Florida	HEE & HEL-0007	Temporary exception and exception from the entitlements program. If granted: Charter Oil Company would receive an exception from the provisions of 10 CFR § 211.69 which would permit the firm to file amended entitlements reports for the months of April and May 1980.
Do	Gulf Oil Corporation, Houston, Texas	HES-0002	Request for Stay. If granted: The Gulf Oil Corporation would receive a stay of the November 24, 1981 Decision and Order (Case No. BTX-0180) pending a final determination in the 341 Tract Unit proceedings (Case No. DEE-7746).
Do	The Alcot House, Kuthleen, Georgia	HFA-0021	Appeal of Information Request Denial. If granted: The November 17, 1981 Information Request denial issued to the Alcot House would be rescinded and the firm would receive access to certain DOE information.
Do	Uban Oil Company, et al., Washington, D.C	HEX-0006	Supplemental Order. If granted: Applications for refunds submitted in response to the Vickers Energy Corporation's May 22, 1979, Consent Order would be granted.
Dec. 10, 1981	Eastern of New Jersey, Inc., Alexandria, Virginia	HEG-0010	Petition of Special Redress. If granted: The Office of Hearings and Appeals would reject for the Office of Enforcement's Petition for Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the October 9, 1979 Consent Order issued to Eastern of New Jersey, Inc.
Do	Eastern of New Jersey, Inc., Alexandria, Virginia	HES-0010	Request for Stay. If granted: Eastern of New Jersey, Inc. would receive a stay of the provisions of 10 CFR Part 205, Subpart V, pending a final determination on its Petition for Special Redress (Case No. HEG-0010).
Do	Eastern of New Jersey, Inc., Alexandria, Virginia	HET-0010	Request for Temporary Stay. If granted: Eastern of New Jersey, Inc. would receive a temporary stay of the provisions of 10 CFR Part 205, Subpart V, pending a final determination on its Application for Stay (Case No. HES-0010).
Do	OE/George W. Hiatt Mobil Service, Westminster, California.	HRR-0017, HRW-0017	Request for Modification/Rescission and Remedial Order Finalization. If granted: The June 25, 1980, Proposed Remedial Order issued to George W., Hiatt would be modified regarding interest charges. The Office of Enforcement requested that the Proposed Remedial Order issued to Paul Loveladdy d.b.a. George W. Haitt on June 25, 1980, would be issued as a final Remedial Order.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Dec. 4 Through Dec. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	OE/Mike's Texaco, Needam, Massachusetts	HRR-0016, HRW-0004	Request for Modification/Rescission and Remedial Order Finalization. If granted: The September 3, 1980, Proposed Remedial Order issued to Mike's Texaco would be modified regarding interest charges. The Office of Enforcement requested that the Proposed Remedial Order issued to Stephen Savignano d.b.a. Mike's Texaco on September 3, 1980 would be issued as a final Remedial Order.
Do	OE/Ted's Texaco Service and Diagnostic, Mission Viejo, California.	HRR-0018, HRW-0005	Request for Modification/Rescission and Remedial Order Finalization. If granted: The July 16, 1981 Proposed Remedial Order issued to Ted's Texaco Service and Diagnostic would be modified regarding interest charges. The Office of Enforcement requested that the Proposed Remedial Order issued to the firm on July 16, 1980 would be issued as a final Remedial Order.

[FR Doc. 82-2215 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed Week of January 4 Through January 8, 1982

During the week of January 4 through January 8, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 20, 1982.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 4 through Jan. 8, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 6, 1982	Gulf States Oil & Refining Company, Inc., Washington, D.C.	HEE-0008 and HEN-0008	Exception from the Entitlements Program Request for Interim Order. If granted: Gulf States Oil & Refining Company, Inc. would receive an exception from the provisions of 10 CFR 211.66 which would modify its entitlements purchase obligations for certain periods prior to October, 1980. The firm would receive exception relief on an interim basis pending a final determination on its Application for Exception.
Do	Texaco, Inc., Washington, D.C	HRZ-0012	Interlocutory Order. If granted: Texaco, Inc. would be permitted to file corrections to its Statement of Factual Objections, Fourth Submission, in Texaco, Inc. (Case No. DRO-0199).
Jan. 7, 1982	Bob Heinz, d.b.a. Granada Chevron, Livermore, CA	HRX-0009	Supplemental Order. If granted: The December 8, 1981, Remedial Order (Case No. BRO-1447) issued to Bob Heinz d.b.a. Granada Chevron would be rescinded in light of a Consent Order previously entered into by the firm and the Office of Enforcement.
Do	OSC/Atlantic Richfield Company, Washington, D.C	HRZ-0013	Interlocutory Order. If granted: The Office of Hearings and Appeals would strike from the record portions of the Atlantic Richfield Company's reply to the supplemental response to the Statement of Factual Objections (Filed October 19, 1981) in Atlantic Richfield Company (Case No. DRO-0193).
Do	OSC/Gulf Oil Corp., Washington, D.C	HRJ-0002	Request for Protective Order. If granted: The Office of Special Counsel would enter into a Protective Order with Gulf Oil Corporation regarding the release of proprietary information to Gulf Oil in connection with the Proposed Remedial Order issued to the firm by the Office of Special Counsel (Case No. DRO-0194).

[FR Doc. 82-2216 Filed 1-27-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of December 7 Through December 11, 1981

During the week of December 7 through December 11, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals,

Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 20, 1982.

Quad Refining Corp., Newport Beach, California, BEE–1685

Quade Refining Corp. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would result in the issuance to Quad of entitlements to compensate it for entitlements which it has been unable to sell because of a buyer's default, and for lost interest revenue on the entitlements that it has been unable to sell. On December 8, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 82–2217 Filed 1–27–82; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders Week of December 28 Through January 1, 1982

During the week of December 28 through January 1, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–1200, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 20, 1982.

Appeal

Dorian Duffin, 12–30–81, HFA–0019

Dorian Duffin filed an Appeal from a denial by the Freedom of Information Officer of the DOE Idaho Operations Office of a request for a waiver of fees in connection with an information request which Mr. Duffin had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Freedom of Information Officer had correctly determined that a waiver of fees was not in the public interest. The DOE determined that although the information requested was the subject of general public interest, Mr. Duffin had not demonstrated that the information, if released, was likely to be widely and effectively disseminated to a significant segment of the general public. Accordingly, the Appeal was denied.

Remedial Order

Austral Oil Company, Inc., 12–30–81, DRO–0141, BRH–0044, BRD–0044, BRD–0107

Austral Oil Company, Inc. (Austral) objected to a Proposed Remedial Order (PRO) which the DOE Economic Regulatory Administration Region VI issued to the firm on October 20, 1978. In connection with its Statement of Objections to the PRO, the firm also filed two Motions for Discovery and a Motion for Evidentiary Hearing. In the PRO, ERA Region VI found that Austral had misapplied the definition of the term "property" to two crude oil producing units and as a result had sold crude oil produced from the units at prices that exceeded those permitted by 6 CFR 150.354 and 10 CFR 212.73. In considering the firm's submissions, the DOE first rejected Austral's initial Discovery and Evidentiary Hearing motions on the grounds that they were not timely filed and that the cirucmstances present in the case did not warrant consideration of the untimely submissions. In considering Austral's Objections to the PRO, the DOE rejected Austral's contentions that DOE Ruling 1975–15 was invalidly promulgated and that the Ruling is inconsistent with the definition of the term "property" contained in 10 CFR 212.72. In addition, the DOE rejected Austral's contention that DOE Ruling 1977–2 permits the firm to apply its own interpretation of the term "property" to one of the two units for periods prior to January 1975. The DOE also rejected Austral's contentions that erroneous oral advice which the firm received from a senior Federal Energy Administration official constituted a binding official interpretation of the property regulations and that due to the firm's detrimental reliance on the advice, the DOE is estopped from advancing a contrary interpretation of the property regulations. Finally, the DOE rejected Austral's contention that the DOE should not impose interest on any refunds which the firm may be required to make. The DOE then considered Austral's second Discovery Motion, which concerned the agency's interest rate policies, and rejected it on the grounds that Austral had failed to demonstrate that the information sought by discovery was material to the case. The PRO was therefore issued as a final Remedial Order, subject to certain modifications providing for interest based upon the prime rate for periods following February 9, 1981, and permitting the DOE to determine at a later date the appropriate method of distributing refunded overcharges.

Request for Exception

Bettis, Boyle, and Stovall, 12–28–81, BEE–1679

On July 27, 1981, Bettis, Boyle, and Stovall (Bettis) filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. In its application, Bettis requested that it be relieved of the obligation to prepare and submit Form EIA–23, Annual Survey of Domestic Oil and Gas Reserves, for the 1980 reporting year. On September 11, 1981, the DOE issued a Proposed Decision and Order to Bettis which tentatively denied the firm's request. On October 14, 1981, the firm filed a Statement of Objections to the issuance of the proposed decision in final form. In considering Bettis' objections, the DOE found that the firm had not shown that it would experience a serious hardship, a gross inequity, or unfair distribution of burdens as a result of having to fulfill the requirement that it file Form EIA–23. Accordingly, Bettis was not relieved of the obligation to submit Form EIA–23. However, because of the illness of the employee responsible for completing the form and that fact that Bettis diligently pursued the available administrative remedies, the firm was granted an extension of time of 60 days from the date of the final order to file the required form.

Special Refund Procedures

Office of Enforcement, ERA: Lewtex Oil & Gas, 12–28–81, BEF–0033

The Office of Enforcement filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Lewtex Oil & Gas Corporation. Under the terms of the consent order Lewtex agreed to remit to the DOE $251,384.58 for its alleged violations of the DOE price regulations in its sales of natural gas liquids (NGLs) during the period September 1973 through March 1977. The DOE determined that a two stage refund procedure would be implemented. In the first stage, all parties which had purchased NGLs produced by Lewtex may file Applications for Refund within 90 days of the publication of the final Decision in the **Federal Register**. Specific information to be included in refund applications is discussed in the Decision. As for the second stage, depending upon the amount of residual funds remaining after the first stage, remaining funds may be distributed through the first purchasers of the NGLs or may be deposited in the Treasury of the United States. No final determination as to the second stage will be made until all Applications for Refund have been processed. The entire text of this Decision was published in the **Federal Register** on January 5, 1982. 47 FR 324.

Motion for Discovery

Office of Special Counsel for Compliance, 12–28–81, BRD–0125

The Office of Special Counsel for Compliance (OSC) filed a Motion for Audit-Related Discovery in connection with Atlantic Richfield Company's objections to a Proposed Remedial Order issued to the firm on May 1, 1979. In considering the motion, the DOE found that the majority of the OSC's discovery requests sought relevant and material factual information concerning factual assertions Arco had made in its Statement of Factual Objections which OSC disputed. The DOE also found that OSC had shown good cause for its failure to seek this information at an earlier time. Accordingly, the OSC motion was granted in part.

Dismissal

The following submission was dismissed without prejudice:

Name and Case No.

Lampton-Love, Inc., HRS–0015

[FR Doc. 82–2218 Filed 1–27–82; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Announcement of Final Power Allocations, Central Valley Project, California

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Final Power Allocations—Central Valley Project, California.

SUMMARY: This notice contains the final allocations for 102 MW of firm power plus 30 MW of power to utilize system diversity. These allocations are made pursuant to the final Allocation Criteria published at 46 FR 41547 (August 17, 1981) and the Final Power Marketing Plan which was published at 46 FR 51224 (October 16, 1981).

Proposed power allocations were published at 46 FR 51229 (October 16, 1981). The major reasons and rationale for granting or denying allocations in each category were presented. These allocations were also published in the Las Vegas Review Journal, the San Francisco Chronicle, and the Sacramento Bee on or about October 19, 1981.

Comments on the proposed allocations were received at a comment forum held on October 27, 1981, at the Holiday Inn-Holidome, Sacramento, California. In addition, written comments were received up to November 16, 1981; however, the Western Area Power Administration (Western) did consider several written comments received after that deadline. Responses to these comments are included below.

After evaluation of all the comments, Western has decided to finalize the proposed power allocations without substantial change.

In response to several commentors' requests for more power, Western has elected to specify an alternate group of recipients eligible for a possible allocation in the renewable resource and cogeneration category. This group will be considered for an allocation of power in this renewable resource category in the event that any of the 30 MW of power fails to become subscribed and thus is returned to the pool for reallocation. No priority is established among the members of the group; the technical and economic considerations such as inservice dates and purchased energy costs will be the evaluation factors along with the previous allocation criteria set forth at 46 FR 41547 (August 17, 1981).

ADDRESS: For further information concerning the Final Allocations or the Final Power Marketing Plan contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251 FTS 468–4251.

Final Allocations: The following final allocations for the Central Valley Project (CVP) are made in accordance with the Final Allocation Criteria for Marketing Additional Power published at 46 FR 41547 (August 17, 1981) and the Final Power Marketing Plan published in the **Federal Register** October 16, 1981, at 46 FR 51224.

I. Allocation of 26 MW of Nonwithdrawable Power and 46 MW of Power Withdrawal for the Westlands Water District (Westlands)

Each allottee under these categories will receive a proportionate share of the 26 MW of nonwithdrawable power and the available amount of Westlands withdrawable power, except that a customer will not have a Contract Rate of Delivery (CRD) less than 0.5 MW.

	Maximum allocation
Municipalities	
1. City of Alameda	16
2. City of Healdsbury	3
3. City of Lodi	12
4. City of Lompoc	5
5. City of Ukiah	6
Subtotal	42
Irrigation Districts	
6. Delano-Earlimart	1
7. James	1
8. Lindsay-Strathmore	1
9. Lower Tule River	2
10. Modesto	9
11. Terra-Bella	1
12. Turlock	3
Subtotal	18
Water Districts	
13. Broadview	.5
14. Kern-Tulare	1
15. Rag Gulch	.5
16. Santa Clara Valley	1
Subtotal	3.0
Federal	
17. Fish & Wildlife Service	.5
18. International Communications Agency—Dixon	.5
Subtotal	1.0
Utility Districts	
19. East Bay Municipal Util. Dist.	2
20. Truckee-Donner	2
Subtotal	4
Grand total 1	68
Unassigned Westland's withdrawable	4
Grand total 2	72

II. Allocation of Up to 30 MW of Renewable Resources and Cogeneration

All 30 MW are allocated as specified below. Allocations are subject to the execution of a mutually satifactory contract, in accordance with the Final Marketing Plan and Allocation Criteria. If any of the power allocated in this category fails to be subscribed, subsequent allocations will be made in accordance with Part III below.

Preference customer	Maximum allocation
1. Northern California Power Agency—geothermal:	
Owner:	
Santa Clara	6.0
Lodi	1.5
Alameda	1.5
Lompoc	.3
Ukiak	.4
Healdsburg	.3
2. Department of Energy Laboratories—cogeneration	4.0
3. Sacramento Municipal Utility District—photvoltaic	1.0
4. Federal Hydroelectric Projects—small hydro:	
Federal Energy Regulatory Commission license recipient—Warm Springs	1.5
City of Ukiah—Lake Mendocina	2.5
5. Glenn-Colusa Irrigation District—Tehama—Colusa Intertie	1.0
6. Modesto Irrigation District—small hydroelectric projects	2.0
7. Turlock Irrigation District—small hydroelectric projects	1.0
8. City of Santa Clara—cogeneration	2.0
9. City of Alameda—municipal waste combustion	4.0
10. City of Palo Alto—cogeneration	1.0
Grand total	30.0

III. Alternate 15 MW for Renewal Resource and Cogeneration Projects

The following entities will be considered for an allocation, as indicated below, in the event a power allocation specified in Part II above fails to be subscribed and is returned to the pool for reallocation. No priority is inferred by the order of the listing as Western intends to review the economic cost, inservice date, and other relevant factors, as provided in the final Marketing Plan, for each project being proposed by the project proponent. Although this group will have priority for the power in the renewable resource and cogeneration category which fails to become subscribed, Western encourages those applicants who desire consideration of their proposed renewable resource or cogeneraiton project in conjunction with an allocation of power to maintain a dialogue with Western's Sacramento Area Office staff. In addition, Western will also consider purchasing the output of any renewable resource or cogeneration project. If more than 15 MW is returned to the reallocation pool, Western will propose subsequent allocations after allowing

for the required public notice and comment.

Preference customer	Proposed [1]	Project type
Modesto Irrigation District	4	Small hydroelectric.
City of Redding	4	Do.
Turlock Irrigation District	2	Do.
University of California, State Universities and Colleges.	3	Cogeneration.
El Dorado Irrigation District	1	Small hydroelectric.
Department of the Air Force.	1	Wind.
Total	15	

[1] Proposed maximum allocation (MW).

IV. Diversity Allocations

Diversity allocations are contingent upon reaching a mutually satisfactory contract whereby the customer will agree to shed, during the times when Western's system's simultaneous peak is at or approaches 1,152 MW, both the diversity allocation and amounts being served under nonwithdrawable contracts with Western (as necessary in accordance with the terms of the contract) to prevent the 1,152-MW simultaneous load limit from being exceeded.

Preference customer	Proposed [1]
National Aeronautics and Space Administration—Ames	21
Department of Energy Laboratories	9
Grand total	30

[1] Proposed maximum allocaton (MW).

SUPPLEMENTARY INFORMATION: The rationale and reason for granting or denying, in whole or part, each request for an allocation was published at 46 FR 57230 on October 16, 1981. Those rationale and reasons are herein incorporated by reference. Along with all responses to comments, the rationale and reasons are the primary bases relied upon by Western for these final allocations.

Two Federal agencies that did not receive a proposed allocation were inadvertently omitted from the October 16, 1981, **Federal Register.** These entities were:

International Communications Agency, Delano, California (81–PMP–63)
Vandenberg Air Force Base (91–PMP–009)

These two entities were not selected because they have relatively small or no residential loads. The Department of the Air Force is, however, listed in the alternate 15 MW for renewable resources and cogeneration projects, for 1 MW for their wind project at Travis Air Force Base.

Response to Customer Comments

1. *Notice Required by Santa Clara Settlement.* Pacific Gas and Electric Company (PGandE) asserts that Western did not give proper 1-year notice as required by the Santa Clara Settlement for allocation of the 102 MW. First of all, the Santa Clara Settlement does not require Western to give PGandE notice of the allocations or of the disposition of the 102 MW. It merely requires notice of an increase in the load level. That notice was sent by letter dated July 30, 1980, and acknowledged by PGandE by letter dated September 16, 1980. The Settlement does not require further mutual agreement between PGandE and Western on the giving of the notice, the raising of the load level, or the allocations. The purpose of the notice is to notify PGandE that Western would exercise its option under the Settlement (after developing a marketing plan and allocations in accordance with the required public notice and procedures) to raise the load level.

Secondly, PGandE's complaint cannot be considered timely. PGandE, after participating in the develpment of the marketing plan from the beginning, raised this issue only just prior to the completion of the Marketing Plan and allocations 1 year after the notice was given. Before service is initiated by Western, PGandE will have had 1½ years within which to plan.

Thirdly, except with respect to two or thee allottees receiving small (less than 3 MW) allocations, implementation of the allocations will require no physical changes or planning by PGandE for either transmission or resources. The only changes required, if any, would be contractual.

In their comments on the proposed allocations (letter dated November 16, 1981), PGandE admits that there will be no practical problems. Western believes that most of the new contractual arrangement between itself and the customers can be consummated so that service can begin on February 1, 1982, or shortly thereafter. If requested, Western will provide assistance, as necessary or desirable, to the customers and PGandE to facilitate contract matters between them. Western's staff stands ready to meet with PGandE or any customer to resolve any difficulties which may arise either with contract concerns, wheeling, or other service conditions.

2. *Effect of Diversity Allocations on Withdrawable Power Allocations.* PGandE questioned what effect the diversity allocations would have on the withdrawable power allocations.

The diversity allocations require those allottees to shed load (in amounts yet to be negotiated) during those times when Western's system's simultaneous peak is at or approaches 1,152 MW. The purpose and goal of the load shedding is to keep Western's system demand within the 1,152-MW contract load limit. This will avoid withdrawing power from all of the customers which would result if the 1,152-MW load level was exceeded.

There are six other classes of withdrawable power: (1) Trinity reservation, (2) Calaveras and Toulomne reservation, (3) Westlands withdrawable, (4) withdrawable for benefit of certain customers at the 925-MW load level, (5) withdrawal from Santa Clara for benefit of certain customers at 1,050-MW load level, and (6) project-use withdrawals. For each class of withdrawable power, the amount of withdrawal from those customers who are subject to the withdrawal, depends upon either the demands of certain other customers or entities or the effective CRD of certain other customers. The diversity allocations will not affect the priority of any of the withdrawals or the method of calculating those withdrawals. However, for certain classes of withdrawal, particularly those made at the 925-MW load level, the amount of withdrawal could be less due to the fact that actual load will be taken off during the peak periods. Stated in other words, the load shedding may have the effect of preserving for a longer period of time the withdrawable customer's rights to withdrawable power.

3. *Response to Issues Raised by Irrigators.* The representative of 11 irrigation districts which are current customers of Western reiterated their previous comments and requested reconsideration by Western. Western remains unpersuaded by these comments and refers the irrigation districts to the detailed response to their comments printed at 46 FR 41551–41553 (August 17, 1981). This response remains the position and opinion of Western on the issues raised by the irrigation districts.

4. *Unassigned Westlands Withdrawable Power.* A number of entities have requested the 4 MW of Westland's withdrawable power which was left as an unassigned power allocation. As explained in the **Federal Register** at 46 FR 51229 (October 16, 1981), Western had requested, but was not yet in receipt of, its Legal Counsel's opinion of Westlands' request for 4 MW

of additional power to cover certain pumping loads.

Legal Counsel's opinion which was recently issued determined that the pumping loads identified by the Westlands Water District do, in fact, qualify for service under Westlands' contract. Service to such loads under that contract will begin within 6 months of their request date or by March 20, 1982. Therefore, the 4 MW remain withdrawn for Westlands.

5. *Comments by the Modesto Irrigation District.* The Modesto Irrigation District (MID) made several comments on Western's implementation of its allocation criteria. First, MID commented that when the residential load criterion is considered, their firm power allocation is disproportionate to their electrical loads when compared to the firm allocations received by the other entities. MID further stated that their allocation, if based on an assumed availability of other low cost hydroelectric power was "probably greatly over estimated." Lastly, MID requested that any diversity or renewable resource and cogeneration allocation not contracted should be considered for allocation to MID because of their plan to install peak shaving equipment and their commitment to developing renewable resources.

Western was aware that MID had the largest residential load of all prospective applicants and that a straight forward application of the residential criterion would have given MID almost all of the firm power. However, this would not have been consistent with the widespread-use principle which was the basis for the criteria. While Western was not aware of the specific amount of hydroelectric power available to MID, in this case Hetch-Hetchy power, Western still believes the balance of allocation is reasonable when considering the circumstances and resources of all applicants.

The diversity allocations were intended for those customers who could shed load, not for those who would shift to peaking units. However, Western does recognize MID's commitment to renewable resources and has set aside 3 MW in the alternate 15–MW group for renewable resource and cogeneration projects.

6. *University of California—Systemwide Administration.* The Systemwide Administration for the University of California (University) submitted comments on behalf of the Berkley, San Francisco, Santa Barbara, and Santa Cruz campuses. Individual letters reiterating the comments by the University were submitted by U.C. Berkley and U.C. Santa Barbara. The University urged Western's reconsideration of its power allocation so as to include the campuses. The University took issue with each of Western's reasons for not selecting any of the campuses. The reasons Western selected were that the University was an existing customer, lacked individually served residential loads, and the State (through its Department of Water Resources (DWR)) owns and utilizes for the State's purposes, several major hydroelectric power resources.

In refutation, the University pointed out that it is autonomous from all other State agencies, subject to control neither by the Governor nor the legislature, and, therefore, is not a State agency. Second, the University also commented that they were not "an existing customer" and they were informed by Western personnel that they would be considered as new applicants. Furthermore, Western's application of the existing customer criterion to the universities because of U.C. Davis' existing contract was viewed as inconsistent in that allocations were made to new Federal entities despite the fact the Federal Government is an existing contractor. Third, the University asserted that the large "student and staff residential end users living in student faculty housing complexes" do not constitute a lack of residential loads. Lastly, the University argued that Western's data requests in their application form did not recognize the power facilities of DWR, and further, that there was no relationship between DWR's ownership and operation of the facilities and the University.

Western erroneously listed the University and college campuses as "State agencies." However, as an entity created under the California State constitution, Western finds the universities to be a "creature of the State". Even without this criterion, Western reasoned that while the University and college campuses may have sizable residential type customers, the University and colleges in conjunction with state government, were in a position to deal with their energy problems. Western is aware of the various efforts being made by the State in conservation, renewable resources, cogeneration, and alternative fuel resources. Western believes that collaborative efforts by the State, through its energy and power agencies and the University, should result in lower energy costs to the University.

To lend support to the University and the State, Western has included 3 MW for renewable resource and cogeneration projects in the alternate 15 MW such projects. Western found the cogeneration projects proposed by the universities and State colleges to be meritorious and encourages the respective administrative bodies to maintain communication with Western.

7. *Diversity.* The Washington, D.C., Office of Energy Research (Office) on behalf of the DOE laboratories recommended that Western, in keeping with the Administration's policy objectives for the Federal Government's role in long-term energy research, should increase the proposed diversity allocation to the DOE laboratories from 9 MW to 15 MW and to grant Lawrence Berkley Laboratory (LBL) 15 MW of power. As reasons for its recommendation, the Office cited the Stanford Linear Accelerator Center's historically demonstrated ability to monitor and to respond promptly to an approaching system simultaneous peak and LBL's ability to shed load promptly on request.

Western desires to assist the Federal energy research laboratories in their long-term research, but increasing the allocation to the DOE laboratories would require Western to reduce its allocation to NASA-AMES (AMES), a Federal agency charged with aeronautics and space research. Ames has also demonstrated an ability to respond to an approaching system simultaneous demand and has as an additional benefit, a low load factor which results in less energy cost for Western.

However, AMES, in response to their 21-MW share of the total 30 MW for diversity, found the proposed allocation to be "unacceptable." AMES' comments were based on their economic analysis of the energy savings associated with the 21 MW compared to the costs of dropping load (shutting down their experiments). Their analysis showed that the net cost savings was not significant, which they defined/ proposed to be 10 percent of their total electric energy budget. In their comments, AMES elaborated on certain specifics of its analysis and the reader is referred to their written comments, which are available for inspection or copying at the Sacramento Area Office. AMES did, however, offer two possible alternatives under which they would accept the 21–MW allocation. One involved reducing the load shedding requirement and the other involved setting a compensating rate for such allocations. Both alternatives would be consistent with the marketing plan and the final allocation. However, it is recognized that further negotiation will be needed. If a new rate is to be set, the

required public notice and comment will be allowed.

Both AMES and the DOE laboratories have proposed the possibility of shifting CRD between them to maximize the use of their allocations and ability to utilize system diversity. These proposals have not yet been studied either by them or by Western. Western is of the opinion that such CRD shifting, if mutually agreeable among Western, AMES, the DOE laboratories and PGandE, would be consistent with the final Marketing Plan and Allocations.

Thus, after evaluating the distribution of the proposed diversity allocations in the context of the benefits for all our customers, Western has elected to reaffirm its 9 MW to the DOE laboratories and 21 MW to AMES. Western will review AMES' and the DOE laboratories' proposals in order to maximize the diversity protection with the least cost to the customers, without undue burden or cost to AMES and the DOE laboratories.

8. *Firming Renewable Resource and Cogeneration Projects.* The City of Santa Clara requested that when an "early project comes on line which has an allocation equivalent to only a portion of the output, the balance of the output or a part of the balance of the output, should receive a withdrawable allocation from the unused portion of the 30 MW. Santa Clara suggested that the withdrawable allocation would be reduced as other projects which were given an allocation became operational.

Western commends the City of Santa Clara for its ingenuity in proposing alternative withdrawal mechanisms for the allocations for renewable resource and cogeneration projects. The concept, however, is nevertheless inconsistent with final criterion 7 for this category. The intent of criterion 7 is to have energy benefits to the CVP while firming a project. The allocation is thus to a specific project of the recipient and not to the recipients as a whole or for any project a recipient may have. With the added problems of withdrawal, accounting, contracts, and billing, the CVP does not need an additional class of withdrawable power.

9. *Comments by the California Energy Commission.* The California Energy Commission (CEC) supplied rebuttal comments to Western's response to their proposal that Western "either (a) market federal hydropower and act as a regional broker and transmitter of power from other sources, but minimize its purchases of non-federal power for melding into WAPA rates, or (b) continue to purchase non-federal power to be marketed under a system of tiered energy charges to convey the actual costs of these purchases to WAPA customers." Western maintains its previous position as presented at 46 FR 51224 (October 16, 1981) and defers the consideration of the CEC's specific rate recommendations to the upcoming rate proceedings which will begin in January 1982.

The CEC'S comments on the proposed allocations are dealt with below.

a. 72–MW Allocation. The CEC stated that basing the allocations for this block of power upon a one-third proportion of the applicant's 1980 winter peakload would "(1) penalize prior conservation, (2) reward utilities that have promoted electric space and water heating even where gas is available, and (3) perpetuate WAPA's subsidy for unecomic irrigation pumping lifts."

Western disagrees with the CEC's point that its firm allocation penalizes prior conservation. As indicated by the comments submitted by most of the recipients during the course of the Marketing Plan proceedings, an allocation of power would enable them to further pursue conservation and alternative resources. Furthermore, the cost-effective conservation efforts made by most of the recipients would more than likely be continued because they would continue to pay PGandE rates for that amount of power above and beyond Western's allocation.

Whether Western, in fact, rewarded utilities who promoted electric space and water heating even when gas was available is highly speculative. It first requires knowledge of which customers engaged in such promotions. Western does not have such knowledge. Second, such a factor may be counterbalanced by an entity's positive efforts in conservation and renewable resource activities. In addition, it is highly speculative that an allocation from Western will be a contributing factor to the promotion of electric space and water heating in the future. Thus, while not specifically considering this factor in its allocation process (this factor is being proposed for the first time by the CEC), Western balanced all factors it believed to be reasonable and stands behind its criteria and allocations.

The CEC's comment regarding the subsidy of "uneconomic irrigation pumping lifts" is a subject more properly addressed in the upcoming rate proceedings. Western, therefore, defers this subject to those proceedings.

b. 30 MW for Renewable Resource and Cogeneration Projects. The CEC commented that Western's selection of high capacity factor projects of predictable dispatch characteristics—geothermal, cogeneration, and municipal solid waste projects—"appears to defeat the purpose of offering firming power for intermittent resources such as wind (allocated zero) and small hydro (allocated only 8 MW)." The criteria for this category was clear in that energy from firm sources of power would be preferred because of Western's desire to balance its energy situation. Thus, the projects selected, including the small hydro projects, were chosen because of their favorable power generation features. Western has also selected an additional 11 MW for small hydro projects and 1 MW for wind in the alternate 15–MW category. These projects will receive consideration in the event a previous allocation fails to become subscribed and is therefore made available for reallocation.

c. 30 MW for Diversity Protection. The CEC recommended that this 30 MW be marketed with an energy replacement requirement because of Western's energy shortage situation. Western finds the CEC proposal rather odd as it presumes that the DOE laboratories and NASA-AMES have power generation of their own or access to alternative sources of purchase power. Whether Western or the recipients acquire the energy, the energy shortage situation is the same because the load to be served is the same in either case. The diversity allocations come with a load shedding requirement during Western's peak periods. As explained before, the purpose is to keep Western's customers' simultaneous peak demand within contractual limits. Added benefits to the system are the possible increase in reserves or a small reduction in the need for new resources in the area. Western therefore rejects the CEC's proposal.

d. Renewal of Expiring Contracts. The CEC recommended that Western apply the same criteria applicable to its 102 MW so that "existing inequities are not automatically perpetuated." This comment was also offered by the PGandE cities when the criteria to renew contracts on substantially the same terms was first proposed in June 1981. Western's response which is still relevant appears at 46 FR 41554 (August 17, 1981).

The CEC also recommended that Western's contracting process for the additional power be open to public scrutiny, citing as a basis Western's contracts with PGandE and SMUD and the presently constrained operation and restrictions on rate adjustments.

There is no requirement that Western open contract negotiations to the public. The contracts will be based on and will be consistent with the final marketing plan and allocations. Western does provide information on request

regarding contract negotiations which are pending. Consequently, it is Western's policy to negotiate with its contractors on an individual basis without public participation. Western will accept comments or suggestions from any interested person regarding contract negotiations.

10. *Comments by the State of Nevada.* The State of Nevada reiterated its position as previously presented in written comments submitted during the Marketing Plan proceedings. No further response beyond that contained in the **Federal Register** at 46 FR 51227 (October 16, 1981) is required.

11. *The Status of the Wherry Housing (Travis AFB and Mather AFB) Facilities.* James Shepard, on behalf of the James Irrigation District, requested Western's review of the contract with the U.S. Air Force to serve Wherry Housing. In his latest comment, Mr. Shepard pointed out that "An examination of Section 305 of the Act of September 30, 1981, does not show power distribution facilities as community facilities so authorized." He concluded that if the "units do not qualify, the contracts should not be renewed and the capacity allocated to others."

The issue raised is whether Western can serve power to a preference agency who may not be authorized to own or operate certain distribution facilities which it currently does own and operate. The question of whether the U.S. Air Force is so authorized has been referred to it by Western. Until a response is received, Western will not renew that contract. If the facilities are authorized, the contract will be renewed. If the facilities are not authorized, Western will then decide whether, under Reclamation Law, the facilities can continue to be served.

12. *CVP Water Supplier Criterion.* The El Solyo Water District took issue with the criterion which stated that preference was given to irrigation and water districts which deliver CVP water. El Solyo, not a CVP water supplier, commented that "to be eliminated from consideration for this project benefit because we do not already have another benefit for the project seems to us to be unfair." They further added that "benefits from Federal projects should be as widespread as possible."

Western appreciates El Solyo's comments, but considering that the power needs of those customers who pump water purchased from the CVP are no less than the needs of districts such as El Solyo which do not pump CVP water, it would be just as unfair to give preference to entities who do not pump CVP water. Given the limited supply to be allocated and the numerous requests for power, some means were necessary to reduce the eligibility of applicants. Western believes that it is reasonable to assist those water districts which pump CVP water by allocating to them CVP power; and thus Western remains unpersuaded that a change in the criterion is necessary.

13. *Comments by Allottees Supporting Western's Allocation of Power.* Western received numerous comments from allottees who generally expressed that while they would have desired a greater allocation of power, they appreciated the amount that they received. Western appreciates their supportive comments and looks forward to their becoming customers of Western.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western, including the Environmental Assessment and Finding of No Significant Impact, for the purpose of developing the power marketing plan and allocations are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484–4251.

Issued on January 25, 1982.

Ronald K. Greenhalgh,

Assistant Administrator for Washington Liaison.

[FR Doc. 82–2156 Filed 1–27–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51386; TSH–FRL–2037–4]

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 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 five PMNs and provides a summary of each.

DATES: Written comments by: PMN 82–32—March 19, 1982. PMN 82–33, 82–34, 82–35, and 82–36—March 20, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51386]" 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 are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82–32

Close of Review Period. April 18, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Dichloro-triazinylamino-substituted sulfophenylazo-sulfonaphthalenylazo-benzene-disulfonic acid, tetra sodium salt.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Powder.
Solubility: water—>20%.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.

Skin irritation (rabbit)—Mild irritant.

Eye irritation (rabbit)—Severe irritant.

Exposure. The manufacturer states that during manufacture and processing up to 175 workers may experience potential exposure up to 4 hrs/day.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is to a treatment works.

PMN 82–33

Close of Review Period. April 19, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated polyester resin.

Use. Claimed confidential business information. Generic use information

provided: The manufacturer states that the PMN substance will be used as a cured, thermosetting, cross-linked polyester plastic for commercial articles.

PRODUCTION ESTIMATES

	Pounds per year	
	Minimum	Maximum
1st year	50,000	100,000
2d year	100,000	200,000
3d year	200,000	400,000

Physical/Chemical Properties

Viscosity @ 65% NV in styrene—1,500–2,000 cps.

Acid value—12–22.

Toxicity Data. No data were available.

Exposure. The manufacturer states that during processing the operator is exposed to the substance 2–3 minutes per hour during sampling.

Environmental Release/Disposal. Disposal is by landfill or incineration.

PMN 82–34

Close of Review Period. April 19, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Polymer of hydroxypropyl methacrylate, methyl methacrylate, diallyl phthalate, styrene, butyl methacrylate, hydroxyethyl-acrylate, 2-ethyl hexylacrylate, acrylic acid.

Use. The manufacturer states that the PMN substance will be used in baking enamel paint.

PRODUCTION ESTIMATES

	Pounds per year	
	Minimum	Maximum
1st year	15,000	20,000
2d year	50,000	60,000
3d year	50,000	100,000

Physical/Chemical Properties

Viscosity, Ford cup—10–15 sec.

Acid number—10–14.

Non-volatile—30±1.

Color—White.

Weight/gallon—7.50.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 7 workers may experience inhalation exposure up to 8 hrs/day, up to 251 days/yr during transfer and mixing.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water up to 8 hrs/day, up to 251 days/yr.

PMN82–35

Close of Review Period. April 19, 1982.

Manufacturer's Identity. Claimed confidental business information. Organization information provided:

Annual sales—Over $5,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential busines information. Generic name provided: Reaction product of dehydroacid ester, polyhydric anhydride and substituted isocyanate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in paint products.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light yellow liquid.

Flash point—>200° F.

Viscosity, Gardner-Holdt @ 25° C—300–500 cps.

Density @ 20° C—1.15.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Acute dermal toxicity LD_{50} (rat)—>2 g/kg.

Primary skin irritation (rabbit)—1.9/8.0.

Primary eye irritation (rabbit)—12 at 1 hr. decreasing to 1.0/160 by 72 hrs.

Ames salmonella—Negative.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 82–36

Close of Review Period. April 19, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Carnauba wax ethoxylated propoxylated.

Use. The manufacturer states that the PMN substance will be used as a car spray wax/surfactant.

PRODUCTION ESTIMATES

	Maximum pounds per year
1st year	4,800
2nd year	5,600
3rd year	6,400

Physical/Chemical Properties

Appearance @ 77° F—Soft paste.

pH—5–8.

Flash point, Seta flash—>200° F.

Moisture weight %—0.4.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Primary skin irritation (rabbit)—Non-irritating.

Eye irritation (rabbit)—Non-irritating.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure up to 43 hrs.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is to a publicly owned treatment works (POTW).

Dated: January 20, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-2219 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51387; TSH-FRL-2037-5]

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 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 four PMNS and provides a summary of each.

DATE: Written comments by: PMN 82–37, 82–38, 82–39, and 82–40, March 21, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51387]" 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 are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-37

Close of Review Period. April 20, 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: Neutralized substituted alkanoic ester.

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		3,000
2d year	3,000	6,000
3d year	6,000	9,000

Physical/Chemical Properties

Melting point—92-93° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—5.0 ml/kg.

Acute dermal toxicity LD_{50} (rabbit)—2.0 ml/kg.

Primary skin irritation (rabbit)—Not an irritant.

Primary eye irritation (rabbit)—An irritant.

Exposure. The manufacturer states that during manufacture, processing, and use a total of 73 workers may experience dermal, inhalation, and ocular exposure up to 6 hrs/day, up to 50 days/yr during filling, cleanup, and sampling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10-1,000 kg/yr released to land. Disposal is by distillation and incineration.

PMN-82-38

Close of Review Period. April 20, 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 alkyd polymer from fatty acid oils, glycerin, and a carbomonocyclic anhydride.

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	5,000	16,000
2d year	16,000	50,000
3d year	25,000	75,000

Physical/Chemical Properties

Flash point—75° F.

Viscosity—Z1-Z3.

Acid value—10 mg KOH/gm.

Color—10.

Total solids—80±1%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use a total of 173 workers may experience dermal, inhalation, and ocular exposure up to 6 hrs/day, up to 230 days/yr during filling, cleanup, and sampling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10-1,000 kg/yr released to land. Disposal is by distillation and incineration.

PMN 82-39

Close of Review Period. April 20, 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: Polymer of a diisocyanate, polyglycol and polysubstituted alkyl amine.

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		10,000
2d year	5,000	20,000
3d year	10,000	30,000

Physical/Chemical Properties

Flash point—119°F.

Viscosity—Q-R.

Density—0.926.

Acid value—0.4 mg KOH/gm.

Color—12.

Percent solids—61.8 @ 105° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use, a total of 92 workers may experience dermal, inhalation, and ocular exposure up to 10 hrs/day, up to 200 days/yr during filling, cleanup, and sampling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10-1,000 kg/yr released to land. Disposal is by distillation and incineration.

PMN 82-40

Close of Review Period. April 20, 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, alkyl acrylates, alkyl methacrylates and a substituted alkyl methacrylate.

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		10,000
2d year	10,000	40,000
3d year	40,000	80,000

Physical/Chemical Properties

Viscosity—34.5 stokes.

Acid value—0.1.

Color—1.

Percent solids—66.6 @ 150° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use, a total of 104 workers may experience dermal, inhalation, and ocular exposure up to 8 hrs/day, up to 250 days/yr during filling, cleanup, and sampling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water with 10–1,000 kg/yr released to land. Disposal is by landfill, distillation, and inceneration.

Dated: January 21, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-2220 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59074A; TSH-FRL-2034-7]

Saturated Dicarboxylic Acid Diamine Polyamide; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–81–50) under section 5 of the Toxic Substances Control Act (TSCA) on December 14, 1981. Notice of receipt of the application was published in the **Federal Register** of December 23, 1981 (46 FR 62311). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., SW., Washington, DC 20460, (202–382–3733).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On December 14, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–81–50. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is saturated dicarboxylic acid diamine polyamide and it will be used in an open use. A maximum of 1,000 kilograms (kg) will be manufactured for test market purposes, during a test marketing period not to exceed 3 months. During manufacture, two workers may have potential skin contact for 3 hours per day for 25 days. During processing, three workers may be exposed for 8 hours per day for 26 days. A notice published in the **Federal Register** of December 23, 1981 (46 FR 62311) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM–81–50, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. No significant health concerns were identified for the TME substance. The substance has a high molecular weight and is not soluble in water. The final use of the substance will involve a restricted and minimal exposure to consumers as part of an article. No significant environmental concerns were identified and environmental release to a landfill of the substance will be low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 1,000 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a three-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: January 22, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-2223 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59054C; TSH-FRL 2034-6]

2-Dodecyl-9-H-Thioxanthen-9-One; Approval of Extension of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has granted an extension of a test marketing exemption (TM–81–17) period under section 5 of the Toxic Substances Control Act (TSCA) to allow the manufacturer to make and distribute the remaining amount of the TME substance approved for distribution in the original exemption.

EFFECTIVE DATE: This exemption is effective on January 22, 1982.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, DC 20460, (202-382-3733).

SUPPLEMENTARY INFORMATION: On December 22, 1981, the EPA received a request from the Sherwin-Williams Chemical Division to extend for 90 days an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. This exemption had been assigned the number TM-81-17 for purposes of identification and EPA granted the exemption on July 22, 1981 (46 FR 39027; July 30, 1981). The chemical, 2-dodecyl-9-*H*-thioxanthen-9-one, is used as a photoinitiator additive in ultraviolet (UV) light cured inks and coatings. A total of 500 pounds (lb) will be manufactured for test marketing purposes during the entire test market period and will be provided to approximately 20 customers as stated in the original application. The additional time period should not exceed 3 months. The company states that the additional time is necessary to allow it to make and distribute the remaining amount of the TME substance approved for distribution in the original exemption.

The EPA has established that the extension of the test marketing of the substance described in TM-81-17, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment as explained in the original approval notice (46 FR 39027; July 30, 1981). There were no significant health or environmental concerns at the levels of exposure expected to result from manufacture, processing, and industrial use of the TME substance. The amount of potential exposure is small for a limited time period.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 500 lbs. described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a three-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: January 22, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-2222 Filed 1-27-82; 8:45 am]

BILLING CODE 6560-31-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

National Council on Health Planning and Development

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Paul Schwab, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7170.

Dated: January 20, 1982.

Jackie E. Nylen,

Advisory Committee Management Officer, HRA.

[FR Doc. 82-2108 Filed 1-27-82; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, November—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, service area revisions of two previously qualified HMOs are reported at the end of the list.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. MD-IPA, (Individual Practice Association, see Section 1310(b)(2)(A) of the Public Health Service Act), 451 Hungerford Drive, Suite #600, Rockville, Maryland 20580. Service area: Zip codes as follows:

Montgomery County, Maryland

20014	20795
20034	20832
20702-4	20837
20720	20850-5
20727	20860
20729-31	20868
20734	20880
20750	20901-4
20753	20906
20760	20910
20766-8	

Howard County, Maryland

20701	21036
20759	21723
20777	21737-8
20863	21765
21029	21797

Frederick County, Maryland

21754	21770–1

District of Columbia

20012	20015–6

Date of qualification: November 30, 1981.

(Transitionally Qualified Health Maintenance Organization: 42 CFR 110.603(b))

2. Lovelace Health Plan, (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 5400 Gibson Blvd., S.E., Albuquerque, New Mexico 87108. Service area: Bernalillo County, and the following zip codes in portions of Sandoval, Torrance, and Valencia Counties, New Mexico.

87002	87059
87004	87101–25
87008	87174
87031	87184–5
87035	87190–2
87041	87194–8
87047–8	

Date of qualification: October 30, 1981.

Service Area Revisions

1. Pima Care, 2555 E. Adams, Tucson, Arizona 85716. Add the following zip codes to the service area published on July 1, 1981, in the Federal Register, 46 FR 34522: 85741 and 85743—effective date July 1, 1981; 85745—effective date October 1, 1981. These zip code additions were made as a result of changes by the Postal Service.

2. Kaiser Foundation Health Plan of Ohio, Bond Court Building, Suite 1100, 1300 East Ninth Street, Cleveland, Ohio 44114. Service area: Delete the following townships from the service area published on July 1, 1981, in the **Federal Register**, 46 FR 34520: Trumbull, Hartsgrove and Windsor in Ashtabula County; Mesopotamia and Farmington in Trumbull County; and Windham in Portage County. Effective date: October 1, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: January 19, 1982.

Rhoda Abrams,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 82–2109 Filed 1–27–82; 8:45 am]

BILLING CODE 4160–17–M

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, December—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended (42 CFR 110.605(b)), require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Georgia Medical Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 1447 Peachtree Street, NE, Suite 804, Atlanta, Georgia 30339. Service area: Cherokee, Clayton, Cobb, De Kalb, Fayette, Forsyth, Fulton, and Gwinnett Counties, Georgia. Date of qualification: December 1, 1981.

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

2. C.A.C. Health Plan, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 1200 SW 1st Street, Miami, Florida 33135. Service area: Dade County, Florida. Date of qualification: December 24, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: January 19, 1982.

Rhoda Abrams,

Director, Office of Health Maintenance Organizations.

[FR Doc. 82–2110 Filed 1–27–82; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–82–1108]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of system of records.

SUMMARY: The Department is giving notice of a system of records it maintains which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective February 27, 1982 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5336. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The system is Property Rental Files (HUD/H–8). It contains information about occupants of one-to-four-family properties which HUD has acquired or aspects to acquire because of a pending foreclosure on the property. The system is used to provide information required in the property disposition program to adequately manage and account for the rental of HUD acquired single-family properties. This information is required to qualify prospective tenants of HUD-held properties, maintain rental accounts, assist collection efforts where current and former tenants are delinquent in their rental payments, to provide rent rolls and income and expenses data to prospective purchasers of tenant occupied properties, and to perform other related program management functions. The prefatory statement containing General Routine uses applicable to most of the Department's systems of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was

published at 46 FR 5414 (November 4, 1981). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on December 16, 1981.

HUD/H–8

SYSTEM NAME:

Property Rental Files.

SYSTEM LOCATION:

HUD field offices and HUD Area Management Brokers (AMBs) under the jurisdiction of the HUD field offices. For a complete listing of HUD field offices with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants (prospective, current and former) of one-to four-family properties which HUD expects to acquire, generally as a result of foreclosure, or has acquired or of which HUD expects to or has taken possession.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files consist of documents pertaining to request for continued occupancy, rental applications, and rent payment. The documents will include leases and rental information if the properties are being conveyed or transferred to HUD subject to occupancy; individuals' names, addresses, telephone numbers, identifying numbers such as Social Security Numbers, (if available) income, circumstances of employment, expenses, liabilities, and personal and credit references, and records of rents paid and owed while tenants of HUD, and related correspondence. Also, pursuant to 24 CFR 203.670, where individuals seek to qualify for continued occupancy of a property to be conveyed to HUD because of an illness or injury, certain documentation pertaining to the validity of the individuals' claims will be maintained in these files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Housing Act of 1937 as amended (Pub. L. 75–412).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See routine uses paragraph in prefatory statement. Other routine uses: Consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal claims collection standards, 4 CFR 102.4, to State motor vehicle agencies and Internal Revenue Service—to obtain current addresses of debtors, to attorneys hired by the Department in connection with eviction related activites—to facilitate eviction related activities, to collection agencies hired by the Department—to collect delinquent rent, to prospective purchasers of tenant occupied properties—to provide them rent rolls and income and expense data, and to HUD's Area Management Brokers (AMBs)—to permit them to perform their property management responsibilities.

POLICIES, AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Case file number, property address, and name of tenant.

SAFEGUARDS:

Desk, file cabinets kept in a secured area. Access restricted to authorized individuals.

RETENTION AND DISPOSAL:

Obsolete records are destroyed or sent to storage facility in accordance with HUD Handbook 2225.6, Records Disposition Management: HUD Records Schedules.

SYSTEM MANAGER AND ADDRESS:

Director
Single Family Property Disposition Division, HSSP
Office of Single Family Housing
Department of Housing and Urban Development
451 Seventh Street, S.W.,
Washington, D.C. 20410

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDCURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject invididuals, other individuals, current or previous employers credit bureaus, financial institutions, other corporations or firms, Federal government agencies; non-Federal (including foreign, State and local) government agencies, real estate brokers and agents.

(5 U.S.C. 552a, 88 Stat. 1896, Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C. January 25, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82–2235 Filed 1–27–82; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. D–82–661]

Delegation of Authority With Respect to the Neighborhood Self-Help Development Act

AGENCY: Department of Housing and Urban Development (HUD)/Office of the Secretary.

ACTION: Notice of delegation of authority.

SUMMARY: The Secretary is transferring authority with respect to the Neighborhood Self-Help Development Program from the recently abolished Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection to the Office of the Assistant Secretary for Community Planning and Development.

EFFECTIVE DATE: Retroactive to October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John Barnett, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410; (202) 755–6087. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Neighborhood Self-Help Development Act, Title VII of the Housing and Community Development Amendments of 1978, Pub. L. 95–557, was repealed, effective October 1, 1981, pursuant to Title III, Section 313(a) of the Omnibus Budget Reconciliation Act of 1981, Pub.

L. 97–35 (approved August 13, 1981) (the "Reconciliation Act"). However, Section 307(b) of the Reconciliation Act provides that any grant or loan which, prior to the effective date of the Reconciliation Act, was obligated and governed by an authority amended by the Act, shall continue to be governed by the provisions of such authority as they existed immediately before such effective date. The Secretary has recently abolished the Office of Neighborhoods, Voluntary Associations and Consumer Protection. Accordingly, the Secretary is now delegating, in the following Sections A through C, his authority and power under Section 307(b) of the Omnibus Budget Reconciliation Act, as that section applies to the Neighborhood Self-Help Development Program.

Section A. *Authority Delegated.* The Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development are each individually authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Section 307(b) of the Omnibus Reconciliation Act of 1981, Pub. L. 97–35, as that Section preserves the Secretary's power and authority under the recently repealed Neighborhood Self-Help Development Act, Title VII of the Housing and Community Development Amendments of 1978, Pub. L. 95–557.

Section B. *Authority to Redelegate.* The Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development are each individually authorized to redelegate to employees of the Department any of the power and authority delegated under Section A of this delegation except the power and authority to issue rules and regulations.

Section C. *Delegations Revoked and Superceded.* This delegation revokes and supercedes part 6 of Section A of the Delegation of Authority from the Secretary to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection published at 46 FR 5081, January 19, 1981.

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

Issued at Washington, D.C., January 18, 1982.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc 82–2236 Filed 1–27–82; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Bureau of Indian Affairs Advisory Committee for Exceptional Children; Meeting to Investigate the Unmet Needs of Handicapped Indian Children

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91–230 as amended by section 5(a) of Pub. L. 94–142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet February 4–6, 1982, at the Window Rock Motor Inn, Window Rock, Arizona, from 8:30 a.m. to 5:00 p.m. on February 4–6.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian Children and to discuss miscellaneous related items.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed.

Additional information about the meeting may be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Main Interior, room 4655, phone (202) 343–4071.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

January 26, 1982.

[FR Doc. 82–2111 Filed 1–27–82; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[F–14918–A]

Alaska Native Claims Selection

On November 18, 1974, Pilot Station, Incorporated, for the Native village of Pilot Station, filed selection application F–14918–A, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611), as amended, for the surface estate of certain lands in the vicinity of Pilot Station.

Pilot Station, Incorporated, in its November 18, 1974 application excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of ANCSA. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation shall, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 18, 1974 application are considered selected by Pilot Station, Incorporated.

As to the lands described below, the application submitted by Pilot Station, Incorporated is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 104,475 acres, is considered proper for acquisition by Pilot Station, Incorporated, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lot 2, U.S. Survey No. 4293, Alaska, located approximately 1 mile northeast of Pilot Station, Alaska, on the right bank of the Yukon River.

Containing 0.02 acre.

Seward Meridian, Alaska (Unsurveyed)

T. 20 N., R. 73 W.,
Secs. 4 to 9, inclusive.

Containing approximately 3,328 acres.

T. 21 N., R. 73 W.,
Secs. 6 and 7
Secs. 18 to 22, inclusive;
Secs. 27 to 35, inclusive.

Containing approximately 8,205 acres.

T. 22 N., R. 73 W.,
Secs. 3 to 10, inclusive;
Secs. 18, 19, 30, and 31.

Containing approximately 7,061 acres.

T. 23 N., R. 73 W.,
Secs. 31 to 34, inclusive.

Containing approximately 2,102 acres.

T. 20 N., R. 74 W.,
Secs. 1 to 5, inclusive;
Sec. 6, excluding Native allotment F–16789 Parcel B;
Sec. 7, excluding Native allotments F–16664 Parcel C, F16789 Parcel B, F–16790 Parcel A, and F–16787 Parcel A;
Secs. 8 to 12, inclusive.

Containing approximately 7,273 acres.

T. 21 N., R. 74 W.,
Secs. 1, 2, and 3;
Sec. 4, excluding U.S. Survey No. 4489, Native allotments F–16695 Parcel A, F–16673 Parcel A, F–16687 Parcel B, and F–16699 Parcel A;
Sec. 5, excluding U.S. Survey No. 4489, Lot 1 (ANCSA Sec. 3(e) application AA–39897 BIA) and Lots 2 and 3 of U.S. Survey No. 4011, Native allotments F–16687 Parcel B, F–16690 Parcel B, F–16658 Parcel C, F–16659 Parcel A, F–16790 Parcel C, and F–17695 Parcel A;

Sec. 6, excluding U.S. Survey No. 4489, Native allotments F–16787 Parcel C, F–16659 Parcel A, F–16775, F–16668 Parcel A, F–16790 Parcel C, F–16517 Parcel D, and F–17695 Parcel A;
Sec. 7;
Sec. 8, excluding Native allotment F–16696 Parcel C;
Sec. 9, excluding Native allotment F–16675 Parcel D;
Secs. 10 to 16, inclusive;
Sec. 17, excluding Native allotments F–16781 Parcel B and F–479 Parcel A;
Secs. 18 and 19;
Sec. 20, excluding Native allotment F–479 Parcels A and B;
Secs. 21 to 25, inclusive;
Sec. 26, excluding Native allotment F–16782 Parcel A;
Secs. 27 to 30, inclusive;
Sec. 31, excluding Native allotments F–16698 Parcel B and F–16666 Parcel C;
Sec. 32, excluding Native allotments F–16698 Parcel B, F–16779 Parcel A, and F–16672 Parcel C;
Sec. 33, excluding Native allotments F–16672 Parcel C, F–16781 Parcel D, and F–16667 Parcel B;
Sec. 34, excluding Native allotments F–16669 Parcel B and F–16674 Parcel A;
Sec. 35, excluding Native allotment F–16782 Parcel A;
Sec. 36.

Containing approximately 17,089 acres.

T. 22 N., R. 74 W.,
Secs. 1 to 5, inclusive;
Sec. 6, excluding Native allotment F–18745 Parcel D;
Secs. 7 to 10, inclusive;
Sec. 11, excluding Native allotment F–16516;
Sec. 12, excluding Native allotments F–16516 and F–17537 Parcel A;
Sec. 13, excluding Native allotments F–17537 Parcel A, F–16657 Parcel B, F–16516, F–16659 Parcel B, F–16777 Parcel B, F–16667 Parcel D, and F–16663 Parcel C;
Sec. 14, excluding Native allotments F–16516, F–16659 Parcel B, F–16776 Parcel C, F–16693 Parcel A, F–17538 Parcel B, F–19272 Parcel B, F–16789 Parcel D, F–16671 Parcel C, F–16780 Parcel A, F–16669 Parcel A, F–16698 Parcel A, F–16788 Parcel B, and F–16694 Parcel A;
Sec. 15, excluding Native allotments F–16694 Parcel A, F–16784 Parcel B, F–16664 Parcel D, and F–16779 Parcel B;
Secs. 16 to 21, inclusive;
Sec. 22, excluding Native allotments F–16779 Parcel B, F–16677 Parcel C, and F–16689;
Sec. 23, excluding Native allotments F–16783 Parcel C, F–16788 Parcel B, F–16669 Parcel A, F–16698 Parcel A, F–16677 Parcel C, and F–16694 Parcel B;
Sec. 24, excluding Native allotment F–16783 Parcel C;
Secs. 25 to 28, inclusive;
Sec. 29, excluding Native allotments F–16664 Parcel A, F–16785 Parcel A, F–16690 Parcel A, F–16787 Parcel B, and F–16672 Parcel A;
Secs. 30 and 31;
Sec. 32, excluding Native allotments F–16686 Parcel A, F–16693 Parcel B, F–16790 Parcel B, F–16785 Parcels A and C, F–16671 Parcel B, F–16781 Parcel C, F–16789 Parcel C, F–16780 Parcel B, F–16692 Parcel C, F–16776 Parcel D, F–19272 Parcel C, and F–16690 Parcel B;
Sec. 33, excluding U.S. Survey No. 4293, U.S. Survey No. 4296 (F–022794), and Native allotment F–16686 Parcel A;
Secs. 34, 35, and 36.

Containing approximately 18,973 acres.

T. 20 N., R. 75 W.,
Sec. 1, excluding Native allotments F–19272 Parcel A, F–16786 Parcel B, F–16788 Parcel A, and F–16671 Parcel A;
Sec. 2, excluding Native allotments F–16777 Parcel A, F–16783 Parcel B, F–16778 Parcels A and B, F–16776 Parcel B, and F–19399 Parcel B;
Secs. 3, 4, and 5;
Sec. 6, excluding Native allotments F–16687 Parcel A and F–18401 Parcel B;
Sec. 7, excluding Native allotments F–16688 Parcel A, F–16664 Parcel B, F–16658 Parcel B, F–16676 F–15593, and F–16692 Parcel A;
Secs. 8, 9, and 10;
Sec. 11, excluding Native allotments F–16684 Parcel A and F–16686 Parcel B;
Sec. 12, excluding Native allotments F–16671 Parcel A, F–16790 Parcel A, F–16780 Parcel C, F–16677 Parcel B, F–16686 Parcel B, F–16688 Parcel B, and F–16668 Parcel B;
Secs. 14, 15, and 16;
Sec. 17, excluding Native allotments F–16670 Parcel A, F–16657 Parcel A, and F–16783 Parcel A;
Sec. 18, excluding Native allotments F–16657 Parcel A and F–16692 Parcels A and B;
Sec. 19;
Sec. 20, excluding Native allotments F–16682;
Sec. 21, excluding Native allotments F–16682 and F–16658 Parcel A;
Sec. 22;
Secs. 27 and 28;
Sec. 29, excluding Native allotment F–16682;
Secs. 30 to 34 inclusive.

Containing approximately 16,197 acres.

T. 21 N., R. 75 W.,
Sec. 1, excluding Native allotment F–16667 Parcel A;
Sec. 2;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 35;
Sec. 36, excluding Native allotments F–16662 Parcel C, F–16666 Parcel C, F–16680 Parcel B, F–479 Parcel C, F–16696 Parcel B, F–16687 Parcel A, and F–16700 Parcel B.

Containing approximately 3,735 acres.

T. 22 N., R. 75 W.,
Secs. 24, 25, 35, and 36.

Containing approximately 2,560 acres.

T. 20 N., R. 76 W.,
Sec. 1;
Secs. 9, 10, and 11;
Sec. 12, excluding Native allotments F–16784 Parcel C and D, F–16693 Parcel C, F–16674 Parcel B, F–16676, and F–16785 Parcel B;
Sec. 13, excluding Native allotment F–16692 Parcel B;
Secs. 14 to 36, inclusive.

Containing approximately 17,952 acres.

Aggregating approximately 104,475 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in the easement case file F–14918–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available evidence, they were determined to be non-navigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusion *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F–14918–EE, is reserved to the United States. All easements are subject to applicable Federal, State or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the southernmost part of Steamboat Slough in Sec. 36, T. 23 N., R. 76 W., Seward Meridian, southeasterly to Pilot Station village. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted.

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permitee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. A right-of-way, F–19110, one hundred (100) feet in width in Sec. 5, T. 21 N., R. 74 W., Seward Meridian, for a Federal Aid Highway, Act of August 27, 1958, as amended, 23 U.S.C. 317; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

School Site Lease AA–13185, located in Sec. 5 of T. 21 N., R. 74 W., Seward Meridian, Alaska, was granted to the State of Alaska for a public school at Pilot Station pursuant to and subject to the terms and conditions of Sec. 302 of the Federal Land Policy and Management Act of 1976, Public Law 94–579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1622(i)). According to the terms of the lease, it is to terminate on conveyance of title of said lands out of United States ownership.

Pilot Station, Incorporated is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date approximately 104,475 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 10,725 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Pilot Station, Incorporated, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 1, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those reights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained at the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Pilot Station, Incorporated, Pilot Station, Alaska 99650

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of ANCSA, Adjudication.

[FR Doc. 82-2199 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-84-M

[PHX 075449, etc.]

Arizona; Order Providing for the Opening of Public Lands

January 20, 1982.

1. In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, amended, 43 U.S.C. 315g) the following lands have been reconveyed to the United States under the serial numbers listed below:

Gila and Salt River Meridian, Arizona

PHX 075449

T. 15 N., R. 12 W.,
Secs. 2 and 16.
T. 15 N., R. 14 W.,
Sec. 2, S½N½, S½.

PHX 075460

T. 17 N., R. 21 W.,
Sec. 36.
T. 18 N., R. 16 W.,
Sec. 2, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 16, 32 and 36.
T. 18 N., R. 17 W.,
Sec. 2, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 16 and 32;
Sec. 36, N½, SE¼, NE¼SW¼.

PHX 075462

T. 19. N., R. 13 W.,
Sec. 2;
Sec. 32, N½NE¼, SE¼NE¼, W½, SE¼;
Sec. 36.
T. 19 N., R. 15 W.,
Sec. 32, N½, W½SE¼, NE¼SE¼.
T. 19 N., R. 17 W.,
Sec. 2, Lots 1, 2 and 4, S½N½, S½.
T. 18 N., R. 20 W.,
Sec. 36.
T. 3 S., R. 3 W.,
Sec. 2, Lots 1, 2, 3 and 4.
T. 18 N., R. 21 W.,
Secs. 2, 16 and 36.

PHX 075485

T. 23 N., R. 14 W.,
Sec. 2, Lots 3 and 4, S½NW¼.
T. 24 N., R. 16 W.,
Secs. 16 and 32.
T. 24 N., R. 17 W.,
Sec. 2, S½;
Secs. 16 and 32.
T. 24 N., R. 18 W.,
Sec. 2, S½;
Sec. 16.
T. 6 S., R. 10 W.,
Sec. 32, N½.
T. 20 N., R. 16 W.,
Sec. 32, SE¼, S½SW¼;
Sec. 36.
T. 19 N., R. 16 W.,
Sec. 2, SE¼SE¼.

PHX 080130

T. 18 N., R. 12 W.,
Secs. 16 and 32.

The areas described aggregate approximately 18,640 acres in Maricopa, Mohave and Yuma counties.

2. The United States did not acquire the mineral rights on any of the lands described in paragraph 1.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby open to operation of the public land laws, generally. All valid applications received at or prior to March 1, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261–3707.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–2195 Filed 1–27–82; 8:45 am]

BILLING CODE 4310–84–M

[A 10876]

Arizona; Transfer of Public Lands to the State of Arizona

January 20, 1982.

Notice is hereby given that the following described lands will be transferred to the State of Arizona pursuant to the Colorado River Basin Salinity Control Act of June 24, 1974, 88 Stat. 269; 43 U.S.C. 1573(a)(2):

Gila and Salt River Meridian, Arizona

Bullhead City Area, Mohave County

T. 21 N., R. 21 W.,
Sec. 31, Lots 1, 2, 3 and 4, E½, E½W½.

Yuma Island Area, Yuma County

T. 8 S., R. 22 W.,
Sec. 7, Lots 6, 7, 8, 9, 10, 11 and 12, NE¼NW¼;
Sec. 6, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, E½SW¼, W½SE¼.

The two areas comprise 1271.42 acres.

This transfer is to compensate the State of Arizona for State lands acquired by the Bureau of Reclamation under the above cited authority. The acquisition of the State lands is to enhance and protect the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligation under the agreement with the Republic of Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico).

The lands to be transferred to the State of Arizona will be subject to a reservation to the United States for rights-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890; 26 Stat. 391; 43 U.S.C. 945; and will be subject to all existing rights-of-way of record and any other existing valid rights of record. The purpose of this notice it to allow any persons asserting a claim to the lands to file notice at the address set forth below. Such claim must be filed, on or before March 29, 1982.

Detailed information concerning the transfer, including the environmental analysis, is available for review at the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, 201 North Central Avenue, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–2194 Filed 1–24–82; 8:45 am]

BILLING CODE 4810–84–M

[Colorado 34825]

Colorado: Realty Action Non-Competitive Sale of Public Lands in Montezuma County

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value shown for each parcel.

New Mexico Principal Meridian

T. 37 N., R. 17 W.,

Sec. 12 Lot 6 (4.69 acres, $4,125.00
Being offered at direct sale to: Merritt Farm, Inc. c/o Edward Merritt, P.O. Box 907, Dolores, Colorado 81323
Sec. 24, Lot 1 (0.91 acres) Lot 2 (0.92 acres) $915.00
Being offered at direct sale to: Bee Mark, Inc., Box 1509, Cortez, Colorado 81321
Sec. 24, Lot 3 (0.94 acres) Lot 4 (0.95 acres) $1,400.00
Sec. 25, Lot 1 (0.95 acres) $700.00
Being offered at direct sale to: Johnnie and Emma Duran 20508 Colorado Road S., Cortez, Colorado 81321
Sec. 25, Lot 2 (2.77 acres) Lot 3 (2.26 acres) $5,000.00
Being offered at direct sale to: Merritt Farm, Inc. c/o Edward Merritt; P.O. Box 907, Dolores, Colorado 81323

These public land lots resulted from resurvey of T. 37 N., R. 17 W., in 1917. The approximate dimensions of the lots follows:

Sec. 12, Lot 6 1,320 feet long, east and west, 153 feet wide;
Sec. 24, Lot 1, 2, 3 and 4 each lot 1,320 feet long, north and south, 30 feet wide;
Sec. 25, Lot 1 1,320 feet long, north and south, 30 feet wide;
Sec. 25, Lot 2 1,320 feet long north and south, 30 feet wide, and 1,320 feet long east and west, and 50 feet wide;
Sec. 25, Lot 3, 1,320 feet long, east and west, 79 feet wide.

The separation of the lots from larger blocks of public lands, along with their size and shape, makes them difficult and uneconomic to manage as part of the public lands. The lots are occupied by improvements such as fences, driveways, irrigation ditches, or are within cultivated privately owned fields or pastures. There is a private residence on Lot 6 of section 12. The lots have not been used, and are not suitable for, nor needed for management by another Federal department or agency. The lands do not have potential for multiple use management. Transfer of title out of Federal ownership is consistent with the Bureau's planning and has been discussed with the Montezuma County Commissioners. The public interest will be well served by offering the land for sale.

The terms and conditions applicable to the sale are:

1. The patents will include a reservation of a right-of-way for ditches and canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. All minerals rights will be reserved to the United States.

3. The land patent will be subject to valid existing rights.

4. An easement 30 feet in width will be reserved to Montezuma County for public use along the existing road on the west end of Lot 6 of Section 12.

5. An easement 60 feet in width will be reserved to Montezuma County for public use along the existing road on the northern boundary of Lot 6 of Section 12.

6. An easement 60 feet in width will be reserved to Montezuma County for public use along the existing road on the southern boundary of Lot 4 of Section 24.

7. An easement 30 feet in width will be reserved to Montezuma County for public use along the existing road on the east end of Lot 3 of Section 25.

The sale of this land will be held at 10:00 a.m. on March 31, 1982 in the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Detailed information concerning the sale, including the planning documents, environmental assessment/land report,

is available for review at the Bureau of Land Management San Juan Resource Area office, 701 Camino del Rio, Durango, Colorado 81301.

On or before March 15, 1982, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401. Any adverse comments will be evaluated by the BLM State Director, 1037 20th Street, Denver, Colorado 80202, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Marlyn V. Jones,

District Manager, Montrose District.

[FR Doc. 82-2113 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-84-M

[M 34989]

Montana; Termination of Proposed Withdrawal and Reservation of Land

The Forest Service, United States Department of Agriculture, filed application for withdrawal of the following described land from location and entry under the mining laws. The Notice of Proposed Withdrawal was published in **Federal Register** Vol. 41, No. 184 on page 41123 of the issue of September 21, 1976. The application agency has cancelled its application in its entirety.

Principal Meridian

T. 16 N., R. 14 W.,
Sec. 4, NE¼SE¼;
Sec. 10, SW¼NW¼.

The area described contains 3.03 acres in Missoula County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.25(b)(1), at 8 a.m. on March 5, 1982, such land will be relieved of the segregative effect of the above mentioned application.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee

Chief, Branch of Lands and Minerals Operations.

January 19, 1982.

[FR Doc. 82-2115 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico State Office; To Prepare Wilderness Plan Amendments Statewide

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare wilderness plan amendments and a statewide environmental impact statement.

SUMMARY: The Department of the Interior, Bureau of Land Management, New Mexico is beginning preparation of Plan Amendments for wilderness including a statewide Environmental Impact Statement (EIS). The plan amendments and EIS will consider the suitability of designating the remaining 44 Wilderness Study Areas (WSA's) in New Mexico as wilderness or for release to other land uses.

FOR FURTHER INFORMATION CONTACT: Dan Wood, Wilderness Coordinator, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501; Telephone: (505) 988-6227; FTS 476-6227.

SUPPLEMENTARY INFORMATION: In a **Federal Register** notice of April 14, 1981, a Notice of Intent was published to do a Management Framework Plan Amendment for the Ladrones and Petaca Pinta WSA's. This plan amendment will now be incorporated into this Statewide effort.

A **Federal Register** notice was also issued on January 23, 1981 for a Resource Management Plan (RMP) for the Las Cruces District and a **Federal Register** Notice was issued on June 25, 1981 for an RMP in the Roswell District. Wilderness recommendations were scheduled to be developed in these RMP's; however, due to budgetary constraints, these RMP's have been cancelled and the affected WSA's will be processed as plan amendments in the statewide effort.

Three Wilderness Study Areas in San Juan County are being processed in a separate EIS which is scheduled for release later this year. A Final EIS is currently being prepared for the El Malpais Instant Study Area in Cibola County. The remaining 44 WSA's in New Mexico will be handled through this Statewide plan amendment process.

The plan amendments and EIS for the Statewide process will recommend the following WSA's as either suitable or unsuitable for designation as wilderness by Congress as provided in Pub. L. 88-577:

WILDERNESS STUDY AREAS (WSA's) IN THE STATEWIDE STUDY

Name	WSA No.	Acreage
Albuquerque District		
TAOS Resource Area:		
Navajo Peak	NM-010-59	7,750
Sabinosa	NM-010-55	15,760
San Antonio	NM-010-35	7,050
Rio Puerco Resource Area:		
Cabezon Peak	NM-010-22	7,235
Ojito	NM-010-24	11,200
Chamisa	NM-010-21	11,091
Ignacio Chavez	NM-010-20	23,928
Empedrado	NM-010-63	8,419
La Lena	NM-010-63A	9,359
Manzano	NM-010-92	845
Socorro District		
Jornada Resource Area:		
Sierra Ladrones	NM-020-016	38,922
Petaca Pinta	NM-020-014	12,440
Devil's Backbone	NM-020-047A	8,820
Veranito	NM-020-035	7,450
Stallion	NM-020-040	22,000
Jornada Lava Flow	NM-030-061	29,000
Las Canas	NM-020-038	11,000
San Augustine Resource Area:		
Rimrock	NM-020-007	29,430
Little Rimrock	NM-020-009	9,540
Pinon	NM-020-010	13,160
Sand Canyon	NM-020-008	8,320
Mesita Blanca	NM-020-018	19,400
Eagle Peak	NM-020-019	43,520
Horse Mountain	NM-020-043	5,140
Continental Divide	NM-020-044/45	70,000
Las Cruces District		
White Sands Resource Area:		
Brokeoff Mountains	NM-030-112	28,600
Culp Canyon	NM-030-152	10,937
Las Cruces/Lordsburg:		
Cowboy Spring	NM-030-007	6,710
Gila Box	NM-030-023	8,950
Blue Creek	NM-030-026	13,584
Cooke Range	NM-030-031	19,870
Big Hatchet Mountains	NM-030-035	65,950
Alamo Hueco Mountains	NM-030-038	20,840
Cedar Mountains	NM-030-042	17,780
West Potrillo Mtns	NM-030-052	150,545
Aden Lava Flow	NM-030-053	24,725
Robledo Mountains	NM-030-063	11,640
Las Uvas Mountains	NM-030-065	10,680
Organ Mountains	NM-030-074	7,200
Roswell District		
Roswell Resource Area:		
Carrizozo Lava Flow	NM-060-110A	11,000
Carlsbad Resource Area:		
Lonesome Ridge	NM-060-801	2,400
Mudgetts	NM-060-819	2,700
McKittric Canyon	NM-060-145	120
Devils Den	NM-060-145	320

Wilderness Analysis Reports (WAR's) will be done for each WSA and draft Environmental Assessments (EA's) will be done for each of the eight resource areas. After public review and comment, these draft EA's will be finalized by District and the final EA's will be used during scoping of the draft EIS. After public review of the draft EIS, a final EIS will be prepared and transmitted to Congress. The schedule is as follows:

Initial scoping: January 11, 1982 to May 3
Release draft EA's: November 12, 1982
Complete final EA's: March 1983
Scoping to draft EIS: March to June
Release draft EIS: September 1983
Complete final EIS: December 1983

This process emphasizes site-specific concerns during the EA phase and more general concerns in the Statewide EIS. The BLM Wilderness Study Criteria will be applied. If the results of mineral studies are not available during preparation of the draft EA this information will be utilized in the Final EA or the EIS. Also, consideration of ecosystem diversity will be applied in the draft EIS.

Anticipated issues include the quality of wilderness values, manageability, and resource conflicts, particularly energy and minerals, which are issues common to most WSA's. Alternatives to be considered in the EA's and the Statewide EIS will include recommendations as to the suitability or unsuitability of the WSA's, developed in accordance with the criteria established in the BLM Final Wilderness Study Policy.

The studies will be developed through as interdisciplinary approach with expertise in a broad spectrum of professional disciplines: Geology, soils, vegetation, wildlife, archaeology, recreation, wilderness management, and range management. The teams will be under the direct supervision of the Resource Area Managers. A team approach will also be utilized to develop the Statewide EIS.

The public will be given frequent opportunity to participate in the wilderness process. Their input crucial to producing quality documents and recommendations. The benchmarks of public involvement include:

1. Initial scoping and input into the Wilderness Analysis Reports;
2. Comment period on the draft Environmental Assessment;
3. Scoping for the Environmental Impact Statement based on the final Environmental Assessment; and
4. Comment period for the draft Environmental Impact Statement.

Input from the public is especially needed concerning various resource values and uses of the Wilderness Study Areas. Public comment in the past was crucial in providing information that aided our site inventories upon which WSA designation was based. This information will be carried forward as the final phase begins. All resource values and conflicts in the WSA's will now be considered to determine the best use of the land. Information concerning these issues is now needed from the public.

Information and records concerning the studies will be available at the appropriate District or Area Offices for public inspection upon request.

Charles Luscher,
State Director.
January 15, 1982.

[FR Doc. 82-2114 Filed 1-27-82; 8:45 am]
BILLING CODE 4310-84-M

Lands Closed Due to Herbicide Application Operations; Willamette, Oregon

AGENCY: Bureau of Land Management.

ACTION: Closure of lands and roads.

SUMMARY: Lands closed due to herbicide application operations.

ADDRESS: 3040 Biddle Road, Medford, Oregon 97501.

FOR FURTHER INFORMATION CONTACT:
Gary Ryan, (503) 776-4217.

Wayne A. Boden,
Acting District Manager.

Oregon; Closure of Lands and Roads During Herbicide Application Operations

Notice is hereby given that public access to certain public lands and roads in the Medford District will be temporarily prohibited during herbicide application operations in accordance with the provisions of 43 CFR 6010.4. These closures do not apply to emergency, law enforcement, and federal or other government personnel while performing emergency or official acts, or to persons authorized to be present by permit or contract.

The following described lands and the roads thereon shall be closed.

Spring-Early Summer Herbicide Program

Lands to be Closed—

Willamette Meridian, Oregon:

T. 32 S., R. 5 W.,
Sec. 5, NE¼, E½NW¼;
Sec. 23, N½NE¼; and
T. 33 S., R. 3 W.,
Sec. 5, NW¼NW¼;
Sec. 17, SE¼NE¼;
Sec. 19, SW¼;
Sec. 23, N½SW¼, S½NE¼, N½SE¼;
Sec. 33, W½SW¼; and
T. 33 S., R. 4 W.,
Sec. 33, NW¼SE¼, NE¼SW¼, NW¼SE¼; and
T. 33 S., R. 5 W.,
Sec. 9, N½; and
T. 33 S., R. 6 W.,
Sec. 31, NE¼NW¼, NW¼NE¼; and
T. 34 S., R. 3 W.,
Sec. 15, NE¼NE¼;
Sec. 19, S½SE¼, W½SW¼, N½NE¼;
Sec. 21, N½SW¼, S½NW¼;
Sec. 30, SE¼; and
T. 34 S., R. 4 W.,
Sec. 3, N½, N½S½, SW¼SW¼;
Sec. 9, SW¼NW¼, NW¼SE¼, SW¼NE¼;
Sec. 17, SW¼SE¼; and
T. 34 S., R. 6 W.,
Sec. 15, NE¼NW¼;
Sec. 21, NE¼NE¼, S½NW¼; and
T. 35 S., R. 4 W.,
Sec. 1, NW¼SW¼, SW¼NW¼; and
T. 35 S., R. 5 W.,
Sec. 1, E½SW¼, SW¼SW¼;
Sec. 25, NE¼SE¼; and
T. 36 S., R. 4 W.,
Sec. 13, S½SW¼, SW¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, SW¼, N½NW¼, E½NE¼;
Sec. 24, NW¼NW¼;
Sec. 26, N½NW¼;
Sec. 27, NE¼NE¼; and
T. 37 S., R. 2 E.,
Sec. 23, SE¼NE¼, NE¼SE¼; and
T. 37 S., R. 3 W.,
Sec. 9, SW¼;
Sec. 23, All; and
T. 37 S., R. 4 W.,
Sec. 5, All;
Sec. 7, S½;
Sec. 17, NW¼;
Sec. 18, N½;
Sec. 27, SW¼, S½NW¼, SW¼NE¼, W½SE¼; and
T. 37 S., R. 5 W.,
Sec. 11, All;
Sec. 13, N½N½;
Sec. 14, N½N½; and
T. 38 S., R. 2 W.,
Sec. 21, S½SW¼, NE¼SW¼;
Sec. 25, All;
Sec. 29, E½;
Sec. 31, N½, SE¼; and
T. 38 S., R. 3 W.,
Sec. 21, S½SE¼, NE¼SE¼;
Sec. 22, SW¼; and
T. 38 S., R. 4 W.,
Sec. 23, N½NE¼;
Sec. 31, N½; and
T. 38 S., R. 5 W.,
Sec. 30, N½SE¼; and
T. 38 S., R. 6 W.,
Sec. 8, SW¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 35, NE¼SE¼; and
T. 39 S., R. 2 W.,
Sec. 1, SW¼;
Sec. 2, SE¼;
Sec. 9, E½NW¼;
Sec. 11, NE¼;
Sec. 12, NW¼;
Sec. 15, S½;
Sec. 22, N½N½, SE¼NW¼, E½;
Sec. 23, N½, W½SW¼, NE¼SW¼, W½SE¼;
Sec. 27, S½;
Sec. 34, N½; and
T. 39 S., R. 3 W.,
Sec. 7, All;
Sec. 8, All;
Sec. 17, N½;
Sec. 18, N½; and
T. 39 S., R. 4 W.,
Sec. 11, All;
Sec. 12, All;
Sec. 17, SW¼;
Sec. 19, NE¼;
Sec. 20, NW¼;
Sec. 22, E½;

Sec. 23, W½; and
T. 40 S., R. 2 W.,
Sec. 5, All;
Sec. 6, SE¼;
Sec. 7, All; and
T. 40 S., R. 3 W.,
Sec. 1, S½;
Sec. 12, N½S½; and
T. 40 S., R. 3 E.,
Sec. 16, SW¼SE¼, SE¼SW¼;
Sec. 21, SE¼, E½NE¼.

Roads to be Closed—

B. L. M. Road Numbers

32–3–31.4;
33–3–17.3;
33–3–19.1;
33–3–23;
33–3–23.1;
33–3–26D;
33–3–30.1;
33–3–33;
33–3–33.1;
33–3–33.4;
33–4–2.3;
33–4–33.2;
33–4–33.4;
33–4–33.5;
33–5–22;
34–3–3;
34–3–14;
34–3–15.2;
34–3–17;
34–3–19;
34–3–20;
34–3–21;
34–3–24;
34–3–30;
34–3–30.1;
34–3–32;
34–3–32.2;
34–4–2;
34–4–2.3;
34–4–3.1;
34–4–3.2;
34–4–5.1;
34–4–5.2;
34–4–9;
34–4–10;
34–4–23;
34–4–31;
34–6–11.1;
34–6–20;
35–3–5;
35–4–1;
35–4–8;
35–5–1;
35–5–1.1;
35–5–25;
35–5–25.3;
35–5–35;
37–2E–24.1;
37–4–4;
37–4–4.1;
37–4–22;
37–4–27.1;
37–4–27.3;
37–5–1;
37–5–11;
37–5–14.1;
38–2–21;
38–2–24;
38–2–25;
38–2–26.1;
38–2–29;
38–2–29.2;
38–2–31;
38–3–32;
38–3–33;
38–4–17;
38–4–31;
38–5–6.1;
38–5–31.4;
38–5–33;
38–6–8;
39–2–1;
39–2–12.2;
39–2–27;
39–2–28;
39–3E–32.3;
39–3–5.3;
39–3–7;
39–3–8;
39–4–19.1;
39–4–22.2;
39–4–23.2;
39–6–1.5;
40–2–5;
40–2–5.2;
40–2–7;
40–2–7.1;
40–2–7.2;
40–2–18;
40–3–11;
40–3–12;
40–3–12.1;
40–3E–16;
40–3E–21.

A total of approximately 17,600 acres of public lands and 50 miles of road will be involved in this closure. This closure will be effective during the performance of herbicide application operations. During such times a closure notice shall be posted at normal access points and at appropriate road junctions. The lands affected shall be listed on the closure notice and designated on an attached map. Copies of these detailed closure notices will also be available at the following locations:

Oregon State Office, 729 NW Oregon Street, Portland, OR 97208
Medford District Office, 3040 Biddle Road, Medford, OR 97501

The purpose of these closures is to insure the effectiveness of the herbicide application program design features as developed in the Environmental Statement entitled *Vegetation Management with Herbicides: Western Oregon 1978–1987,* to protect the health and safety of the public and to prevent interference with the silvicultural treatment of these lands. Persons violating this closure order are subject to arrest and criminal prosecution under Oregon Revised Statute 164.245 (criminal trespass in the second degree; 30 days and/or $250) or 43 CFR 6010.6 and 43 U.S.C. 1733 (1 year and/or $1000).

This closure notice expires on July 1, 1982.

Wayne A. Boden,
Acting District Manager.

[FR Doc. 82–2198 Filed 1–27–82; 8:45 am]
BILLING CODE 4310–84–M

Oklahoma; Availability of Draft MFP Amendment; Public Meeting and Request for Comments on Fair Market Value

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft MFP amendment; public meeting and request for comments on fair market value.

SUMMARY: This notice will serve three purposes: (1) To advise the public that the Albuquerque, New Mexico, District Office of the Bureau of Land Management (BLM) has released a draft amendment to the Southeast Oklahoma Management Framework Plan (MFP) and opened the thirty-day public review and comment period; (2) To notify the public of a meeting scheduled for February 11, 1982, to present the findings of the amendment and hear comments; and (3) To solicit written public comment concerning the fair market value of the coal resources presented in the amendment.

FOR FURTHER INFORMATION CONTACT: Dr. Srinivas Rao, (405) 231–4481, Oklahoma Resource Area Office, Bureau of Land Management, Room 548, 200 NW Fifth Street, Oklahoma City, Oklahoma 73102.

1. Availability of Draft MFP Amendment

Prepared in response to a competitive lease application by HFCO Inc., the MFP amendment covers a 170-acre area in LeFlore County, Oklahoma, 7 miles northwest of the town of Spiro, and 1 mile southwest of the community of Tucker. The legal description of the lease application area (LAA) is as follows:

Township 9 North, Range 24 East, Indian Meridian, Oklahoma:
Section 3:
NE/4 NE/4
NW/4 SE/4 NE/4
SW/4 NE/4
NW/4 NW/4 SE/4
NE/4 SW/4
NW/4 SE/4 SW/4
N/2 SW/4 SW/4

The amendment incorporates the lease application area into the Southeast Oklahoma MFP. Application of unsuitability criteria (43 CFR Part 3461), interrelationships with existing land use decisions, coordination with other state and federal agencies, and analysis of those values that could be impacted by coal development have been addressed in the amendment.

Comments on the draft MFP amendment should be addressed to the Oklahoma Resource Area Office (address above) to arrive no later than 30 days from the date of this notice.

2. Public Meeting

A public meeting will be held Thursday, February 11, 1982, at 7:30 p.m. in the old school building (now the community center) in Tucker, Oklahoma. The purpose of the meeting is to present the findings of the MFP amendment, application of unsuitability criteria, and to hear comments from the public on the proposal and analysis. During the public meeting, the U.S. Geological Survey will be available to answer questions on the economic evaluation and the mining methods to be used in recovery of the coal. Comments received at the meeting, both oral and written, will be considered in preparation of the final MFP amendment.

3. Request for Public Comment on Fair Market Value of the Coal Resource

The public is invited to submit written comments concerning the fair market value of the coal resource in the lease application area to the BLM and to the U.S. Geological Survey. Public comments will be used in establishing fair market value for the coal resources in the area described above. Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource; the price that the mined coal would bring in the marketplace; the cost of producing the coal; the probable timing and rate of production; the interest rate at which

anticipated income streams would be discounted; depreciation and other accounting factors; the expected rate of industry return; the value of the surface estate (if private surface); and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time. These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. If any information submitted is considered proprietary by the person submitting it, the information should be labeled as such and stated in the first page of the submission. Comments on fair market value should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, and to the Conservaton Manager, South Central Region, Conservation Division, U.S. Geological Survey, P.O. Box 26124, Albuquerque, New Mexico 87125, to arrive no later than 30 days after the date of this notice.

The coal resource to be evaluated consists of all the coal minable by surface methods in the 170-acre LAA. The estimated total strippable reserves are 138,000 tons. The quality of the Stigler coal bed is as follows: 13,000 British thermal units (Btu) per pound of coal; 2 percent sulfur, and 6 to 12 percent ash. The Stigler coal bed averages 1.3 feet in thickness at strippable depths of less than 70 feet over approximately 73 acres of the LAA.

L. Paul Applegate,

Albuquerque District Manager.

January 18, 1982.

[FR Doc. 82-2112 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Mesa Garden, Belen, New Mexico.—PRT 2–1571.

The applicant requests a permit to export and conduct interstate commerce in artificially propagated specimens of the following endangered and threatened species of Cactaceae, including seeds and whole plants thereof:

Ancistrocactus tobuschii
Coryphantha minima
C. ramillosa
C. sneedii var. *leei*
C. sneedii var. *sneedii*
Echinocereus kuenzleri
E. lloydii
E. triglochidatus var. *inermis*
E. viridiflorus var. *davisii*
Neolloydia mariposensis
Pediocactus bradyl
P. *knowltonii*
P. peeblesianus
P. sileri
Sclerocactus glaucus
S. mesae-verde
S. wrightiae

Applicant: San Diego Wild Animal Park, Escondido, CA—PRT 2–8780.

The applicant requests a permit to import two yellow-footed rock wallabies (*Petrogale xanthopus*) from the Royal Zoological Society of South Australia.

Applicant: Kenneth Kalenak, Saginaw, MI—PRT 2–8766.

The applicant requests a permit to purchase in interstate commerce 16 captive-bred Nene geese (*Branta sandvicensis*) from various sources for enhancement of propagation.

Applicant: National Zoological Park, Washington, DC—PRT 2–8776.

The applicant requests a permit to import one captive-born white-naped crane (*Grus vipio*) from the Hong Kong Zoo for enhancement of propagation.

Applicant: New York Zoological Society, Bronx, NY—PRT 2–8758.

The applicant requests a permit to import two male and two female captive-born white-naped cranes (*Grus vipio*) from the People's Republic of China for enhancement of propagation.

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 on or before March 1, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 22, 1982.

Lee Robinson,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-2255 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: San Francisco Zoological Gardens, San Francisco, CA—PRT 2–8743.

The applicant requests a permit to export one male captive-bred jaguar (*Panthera onca*) to Parc Safari, Quebec, Canada for the purpose of enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2–8745.

The applicant requests a permit to purchase in interstate commerce one jaguar (*Panthera onca*) from Bensen's Wild Animal Park, New Hampshire for the purpose of enhancement of propagation.

Applicant: Reptile Supply, Ft. Lauderdale, FL—PRT 2–8756.

The applicant requests a permit to purchase in interstate commerce four captive-bred Radiated tortoise (*Testudo radiata*) from the Gladys Porter Zoo, Brownsville, Texas for enhancement of propagation.

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 on or before March 1, 1982, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 20, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-2256 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan

describing the activities it proposes to conduct on Lease OCS 0478, Block 116, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 20, 1982.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–2116 filed 1–27–82; 8:45 am]

BILLING CODE 4310–31–M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease Nos. W–0322255, W–0321780, B–031719]

Availability of Final Environmental Impact Statement on the Proposed Antelope Mine Converse County, Wyoming

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

ACTION: Notice of availability of final environmental impact statement (OSM–EIS–5).

SUMMARY: Pursuant to § 1506.6 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM), Western Technical Center, has prepared a final environmental impact statement (EIS) on the proposed Antelope Mine. The EIS has been written to assist the Department in making a decision on Northern Energy Resources Company's (NERCO) application to surface mine about 260 million tons of coal over a period of 29 years. The proposed site is 65 miles south of the City of Gillete, and 55 miles north of Douglas, Wyoming. The mine would encompass 7,641 acres of State, private and Federal land (Thunder Basin National Grasslands) of which 5,860 acres would be disturbed for mining, roads, and facilities.

ADDRESSES: Copies of the final EIS may be obtained from: Richard E. Dawes, Acting Administrator, Office of Surface Mining, Brooks Tower, 1020 Fifteenth Street, Denver, Colorado 80202.

Copies are also available for review at the Converse County Courthouse and the Douglas Library, Douglas, Wyoming; and at the State of Wyoming, Department of Environmental Quality, 401 West Nineteenth Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Floyd L. Johnson (telehone: 303–837–2451) Office of Surface Mining, Brooks Tower, 1020 Fifteenth Street, Denver, Colorado 80202.

SUPPLEMENTARY INFORMATION: The EIS evaluates three alternative actions the Department could take on the mining and reclamation plan which has been submitted to OSM and the State of Wyoming. Those alternatives are approval, disapproval, and no action.

OSM, with assistance from the Geological Survey, Forest Service, Interstate Commerce Commission, and State of Wyoming, has analyzed the impacts of the alternatives. The final EIS consists of two documents: Volume 1—response to letters of comment, letters of comment and changes made to the draft EIS and Volume 2—the draft EIS. Therefore, both documents are needed for complete EIS information.

Dated: January 25, 1982.

James R. Harris,

Director.

[FR Doc. 82–2117 Filed 1–27–82; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: January 25, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) American Farmers Cooperative
(2) 1635 South Laredo St., San Antonio, TX 78207
(3) 1635 South Laredo St., San Antonio, TX 78207
(4) Hamp Scruggs, 1635 S. Laredo St. San Antonio, TX 78207

(1) Darylea Cooperative Inc.
(2) One Blue Hill Plaza, Pearl River, NY 10965
(3) P.O. Box 548, Oneida; NY 13421
(4) Frank Reile, P.O. Box 548, Oneida, NY 13421

(1) Nationwide Transportation, Inc.
(2) P.O. Box 52, Bismark, Missouri 63624
(3) 1008 Main St., Bismark, MO 63624
(4) Clarence E. Coleman, P.O. Box 52, Bismark, MO 63624

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2225 Filed 1–27–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP4-17

Decided: January 21, 1982.

MC 12566 (Sub-1), filed January 11, 1982. Applicant: MILLER TOURS, INC., Suite 245, Glendale Bldg., 6100 North Keystone Ave., Indianapolis, IN 46220. Representative: Harry J. Harman, 700 Harrison Bldg., 143 West Market St., Indianapolis, IN 46204, (317) 634-4242. To engage in operations, in interstate or foreign commerce, as a *broker*, at Indianapolis, IN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage, in special and charter operations, between points in IN, and points in the U.S.*

MC 21866 (Sub-199), filed January 12, 1982. Applicant: WEST MOTOR FREIGHT , INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Robert R. Harris, 1730 M St., NW, Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *printed matter*, between points in Rockingham County, VA, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 37896 (Sub-55), filed January 11, 1982. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in Butler and Hamilton Counties, OH and Kenton County, KY, on the one hand, and, on the other, points in the U.S.

MC 99676 (Sub-2), filed January 13, 1982. Applicant: F. KIRCHNER & SON CO., INC., 421 Industrial Dr., P.O. Box 325, Harrison, OH 45030. Representative: Norbert B. Flick, 2250 Beechmont Ave., P.O. Box 30-L, Cincinnati, OH 45230, (513) 231-4831. Transporting (1) *machinery and machinery parts*, and *iron and steel articles*, between Cincinnati, OH, on the one hand, and, on the other, points in KY, MO, OH, and PA; and (2) *general commodities* (except classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in OH. CONDITION: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of the certificate of registration in MC-99676 Sub 1.

MC 118816 (Sub-9), filed January 15, 1982. Applicant: MATERIALS TRANSPORT SERVICES, INC., P.O. Box 33, Northampton, PA 18067. Representative: Joseph A. Bubba, 740 Hamilton Mall, Allentown, PA 18101, (215) 439-1451. Transporting *clay, concrete, glass or stone products*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 141516 (Sub-9), filed January 11, 1982. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, ME 04988. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773-5651. Transporting *general commodities* (except household goods, commodities in bulk, and Classes A and B explosives), between points in the U.S, under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 147886 (Sub-17), filed January 11, 1982. Applicant: A M & M INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526-4114. Transporting (1) *scrap metals* and *metal products*, between points in Madison County, TN, on the one hand, and, on the other, points in IL, IN, PA, MO, TX, AL, NC, OH, GA, KY, and AR; (2) *furniture; fixtures; metal products;* and *fluorescent lighting fixtures*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 147906 (Sub-8), filed January 12, 1982. Applicant: KOHN TRANSPORT, INC., 4840 Southway, SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *food and related products*, between points in OH and PA, on the one hand, and, on the other, points in NC and GA.

MC 152406 (Sub-5), filed January 11, 1982. Applicant: TEXAS WESTERN EXPRESS, INC., Suite 502, 301 NE Loop 820, Hurst, TX 76053. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332-4718. Transporting *petroleum and related products*, between points in the U.S., under continuing contract(s) with Pennzoil Products Company, of Maryland Heights, MO.

MC 155796 (Sub-3), filed January 11, 1982. Applicant: TRANSPORTATION LTD. 440 Commercial Federal Tower, 2120 S. 72nd St., Omaha, NE 68124. Representative: Arthur J. Cerra 2100 CharterBank Center, P. O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *frozen bakery products*, between points in the U.S., under continuing contract(s) with Lender's Bagel Bakery, Inc., of West Haven, CT.

MC 156986 (Sub-1), filed January 11, 1982. Applicant: FIVE STAR

TRUCKING, INC., 14934 Minnetonka Industrial Rd., Minnetonka, MN 55343. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *general commodities*, (except classes A and B explosives), between points in IA, MN, ND, SD, WI, MT, the upper peninsula of MI, NE, and IL.

MC 158686, filed January 11, 1982. Applicant: PHILLIPS INDUSTRIES, INC., 4801 Springfield St., Dayton, OH 54501. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting (1) *mental products*, and (2) *clay, concrete, glass and stone products*, between points in the U.S., under continuing contract(s) with Preway, Inc., of Wisconsin Rapids, WI.

MC 159316 filed January 11, 1982. Applicant: RONNIE J. NEEL CO., INC., Route 3, Box 773–B Tazewell, VA 24651. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *such commodities as are dealt in or sold by manufacturers and distributors of mining supplies, equipment, and machinery*, between points in AL, GA, IL, IN, KY, MD, MI, NC, NY, OH, PA, SC, TN, VA, and WV.

MC 160026, filed January 11, 1982. Applicant: C & W TRUCKING, INC., 505 N. 18th, Grand Forks, ND 58201. Representative: Lloyd Corbit (same address as applicant), (701) 775–9167. Transporting *food and related products*, between points in ND and TX.

Volume No. OP4–19

Decided: January 21, 1982.

MC 91306 (Sub-42), filed January 5, 1982. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 Ninth Ave. N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347–9332. Transporting *general commodities (except classes A and B explosives, commodities in bulk, and household goods)* between points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 160046, filed January 11, 1982. Applicant: MICHAEL R. IRVIN, d.b.a. IRVIN TRANSFER, POB 506, Shelby, MT 59474. Representative: William E. Seliski, 2 Commerce St., POB 8255, Missoula, MT 59807, (406) 543–8369. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points on Pondera, Toole, Liberty and Glacier Counties, MT.

MC 160056, filed January 11, 1982. Applicant: NORTH ATLANTIC BUS LINES, INC., 26 Court St., Brooklyn, NY 11241. Representative: Jeremy Kaln, 1511 K Street N.W., Washington, DC 20005, (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S. (except HI), under continuing contract(s) with All State Bus Corp., of Brooklyn, NY.

Volume No. OP4–20

Decided: January 19, 1982.

MC 118527 (Sub-8), filed January 6, 1982. Applicant: SOURDOUGH EXPRESS, INC., Box 73398 (600 Driveway St.), Fairbanks, AK 99707. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4731. Transporting *general commodities* (except classes A and B explosives), (1) between Seattle, WA, on the one hand, and, on the other, points in AK, (2) between points in the Seattle, WA commercial zone and (3) between points in AK.

MC 141777 (Sub-2), filed January 11, 1982. Applicant: KENNETH D. SIMPSON, d.b.a. SIMPSON TRUCKING, R.R. #5, Box 427, Fairfield, IL 62837. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *automobile parts* and castings, between points in the U.S.

MC 146457 (Sub-7), filed January 11, 1982. Applicant: PAISLEY TRUCKING, INC., Box 208, Durango, IA 52309. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *fertilizers*, between points in Dane County, WI on the one hand, and, on the other, points in Clayton, Delaware, Dubuque and Jackson Counties, IA.

MC 147727 (Sub-3), filed January 11, 1982. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: Jerry R. Woods, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204. Transporting *wines, brandy, spirits, fruit juice and fruit must*, between points in CA, ID, OR and WA.

MC 153877, filed January 7, 1982. Applicant: A. L. ZARY TRANSPORT LTD., 210 Vancouver Ave. S., Saskatoon, Sask, CD S7M 3M9. Representative: Robert G. Gleason, 1127–10th East, Seattle, WA 98102, (206) 325–8875. Transporting *chipboard, particle board, lumber, plywood and waferboard*, between the ports of entry on the International Boundary line between the U.S. and Canada at points in Toole County, MT, Boundary County, ID, and Whatcom County, WA, on the one hand, and, on the other, points in WA, OR, ID, and MT.

MC 158537 (Sub-2), filed January 8, 1982. Applicant: ARTY G. WILLIAMSON, d.b.a. G & D TRUCKING, Route 3, Box 413, Proctorville, OH 45669. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting (1) *food and related products, and* (2) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Clay Farm Bureau Cooperative, of Clay, WV, Southern States Huntington Coop., Inc., of Huntington, WV, Southern States Pt. Pleasant Coop., of Pt. Pleasant, WV, and Southern States Spencer Cooperative, of Spencer, WV.

MC 159667, filed December 11, 1981, previously notice in the **Federal Register** of December 30, 1981. Applicant: EXECUTIVE SALES PROMOTION, INC., 7c Aylesbury Rd., Timonium, MD 21093. Representative: John S. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *passengers and their baggage*, in special and charter operations, (a) between points in MD, VA, DE, and DC, and (b) between points in MD, VA, DE, and DC, on the one hand, and, on the other, points in NC, WV, PA, NJ, and NY.

Note.—The purpose of this republication is to show the type of authority as passenger common carrier. The previous notice inadvertently reflected the authority as passenger broker.

MC 159957, filed January 11, 1982. Applicant: RODGER ROBBINS, d.b.a. P & J TRUCKING COMPANY, P.O. Box 388, Scottsville, TX 75688. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *Mercer commodities and steel products*, between points in the U.S. (except AK and HI), under continuing contract(s) with TRW Rada Pump, Inc., of Marshall, TX, S.O.S.-Hughes, Inc. of Marshall, TX, and Tri-State Welding & Fabricating, Inc., of Marshall, TX.

MC 160047, filed January 11, 1982. Applicant: CARL WOMACK, d.b.a. C & J TRANSPORT, P.O. Box 574, L. C. A. Granberry. Representative: C. W. Ferebee, 3910 F.M. 1960 W., Suite 106, Houston, TX 77068, (713) 537–8156. Transporting *metal articles and building materials*, between points in TX, LA, AR, OK, and NM.

Volume No. OP4–22

Decided: January 20, 1982.

FF 347 (Sub-3), filed January 11, 1982. Applicant: NORTHERN LIGHTS EXPRESS, INC., 2805 26th Ave. S.W., P.O. Box 3365, Seattle, WA 98114.

Representative: Frank MonteCalvo (same address as applicant), (206) 938–6345. As a freight forwarder, in connection with the transportation of *general commodities* (except household goods), (1) between points in CA and OR, and (2) between points in OR and WA.

MC 3647 (Sub-466), filed January 12, 1982. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Ave., Maplewood, NJ 07040. Representative: James R. Zazzali, McCarter Hwy and Market St., P.O. Box 10009, Newark, NJ 07101, (201) 648–6908. *Over regular routes,* transporting *passengers and their baggage,* and express, in the same vehicle with passengers, (1) between Pompton Lakes, and Wayne, NJ, serving all intermediate points: from junction Wanaque Ave. and Colfax Ave., Pompton Lakes, NJ, over Colfax Ave. to junction Lakeside Ave., then over Lakeside Ave. to junction Wanaque Ave., then over Wanaque Ave., to junction Paterson-Hamburg Turnpike, then over Paterson-Hamburg Turnpike to junction Valley Rd., then over Valley Rd. to junction Ratzer Rd., Wayne, NJ., and (2) between points in Wayne, NJ, serving all intermediate points: from junction Paterson-Hamburg Turnpike and Black Oak Ridge Rd., over Black Oak Ridge Rd. to junction NJ Hwy 23, then over NJ Hwy 23, to junction U.S. Hwy 46.

Note.—Applicant proposes to join the above described routes with its existing authorized routes.

MC 129427 (Sub-7), filed January 12, 1982. Applicant: JOSEPH GEORGIANA, INC., 26 Lafayette Ave., Somerset, NJ 08873. Representative: James F. Flint, 406-World Center Bldg., 918-16th St., N.W., Washington, DC 20006, (202) 833–1170. Transporting *waste and scrap materials,* between New York, NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and MS (except ME, VT, and NH).

MC 136137 (Sub-1), filed January 12, 1982. Applicant: JOHNSON MOVING & STORAGE, 481 Wilmont Rd., Mount Sterling, KY 40353. Representative: James D. Johnson (same address as applicant), (606) 498–1801. Transporting *household goods,* between points in AR, AL, FL, GA, IL, IN, KY, MI, MO, MS, NC, OH, SC, TN, VA, and WV.

MC 143267 (Sub-119), filed January 15, 1982. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., N.W., Washington, DC 20005, (202) 223–6680. Transporting (1) *machinery and transportation equipment,* between those points in the U.S. in and east of MT, WY, CO, and NM, and (2) *machinery,* between Cleveland, OH, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM.

MC 144927 (Sub-39), filed January 12, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 W., Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261–3461. Transporting *agricultural chemicals, industrial chemicals and chemical products,* between points in the U.S. (except AK and HI).

MC 146447 (Sub-21), filed January 12, 1982. Applicant: TANBAC, INC., P.O. Box 22566, Ft. Lauderdale, FL 33335. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with New England Shipping Association Co-operative, of Brockton, MA, and its members.

MC 159807 (Sub-1), filed January 15, 1982. Applicant: L. BRENT CHECKETTS, d.b.a. CEDAR VALLEY TRANSPORT, P.O. Box 315, Hyde Park, UT 84318. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *petroleum and petroleum products,* between points in the U.S., under continuing contract(s) with McFarlane Oil Company Limited, of Edmonton, Alberta, Canada.

MC 160067, filed January 12, 1982. Applicant: LONG'S TRUCKING SERVICE, INC., Route 1, Box 124A, Colfax, IN 46035. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *fertilizers,* between points in the U.S., under continuing contract(s) with Agrico Chemical Company, of Tulsa, OK.

MC 160137, filed January 18, 1982. Applicant: DAVIS, CLADWELL AND ASSOCIATES, INC., d.b.a. CUMBERLAND TOURS, 510 Stahlman Bldg., Nashville, TN 37201. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005, (202) 783–7900. To engage in operations, in interstate or foreign commerce, as a *broker,* at Nashville, TN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2250 Filed 1-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP4-18

Decided: January 21, 1981.

MC 160066, filed January 11, 1982. Applicant: DONALD J. CLARK, 1700 Boxford, Trenton, MI 48183. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. As a *broker of general commodities,* (except household goods), between points in the U.S.

MC 160076, filed January 11, 1982. Applicant: IRVIN L. NORTON AND MARYANN NORTON, 303 N. 11th, Aumsville, OR 97325. Representative: Irvin L. Norton (same address as applicant) (503) 740-1658. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4-21

Decided: January 19, 1982.

MC 160027, filed January 7, 1982. Applicant: LORA SMITH, 635 S.E. 11th, Portland, OR 97214. Representative: Lora Smith (same address as applicant) (503) 233-5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160057, filed January 12, 1982. Applicant: GEORGE E. & ELIZABETH A. BENNETT (Partnership) d.b.a. G & E TRANSPORT CO., 16074 S.W. Lake Forest Blvd., Lake Oswego, OR 97034. Representative: George G. Bennett (Same Address as applicant) (503) 635-7105. Transport *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4-23

Decided: January 20, 1982.

MC 160077, filed January 11, 1982. Applicant: DARWYN C. METZGER, 7304 S. 300 West, Suite 201, Midvale, UT 84047. Representative: Darwyn C. Metzger, 6715 Hazel Ave., Orangevale, CA 95662 (916) 988-4864. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions,* by the owner of the motor vehicle in such vehicle, between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-135912.

[FR Doc. 82-2226 Filed 1-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 224]

Motor Carriers; Restriction Removals Decision-Notice

Decided: January 25, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3252 (Sub-120)X, filed Jan. 6, 1982. Applicant: MERRILL TRANSPORT CO., P.O. Box 739, Portland, ME 04101. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Sub-No. 116X: broaden (1) between points in ME on and south of a line beginning at a point on the NH-ME line, near Upton, and extending through Upton Livermore Falls to Rockport including the points specified to "between points in ME located in and south of Oxford, Androscoggin, Franklin, Kennebec, Lincoln, and Knox Counties, ME," in part (1).

MC 32882 (Sub-168)X, filed Jan. 18, 1982. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Subs 80, 81, 86, 123, 126, 127, 144F, and 152: (1) broaden (a) cellulose insulation, and materials, supplies and equipment to "building materials", Sub 80; (b) fireplace logs and briquettes to "lumber and wood products", Subs 86 and 123; (c) building materials, lumber, lumber mill products, and wood products to "building materials, lumber and wood products, and pulp, paper and related products", Sub 127; (d) insulation, insulated panels and boards, and materials, equipment and supplies to "building materials and equipment and supplies", Sub 144F; and (e) iron and steel articles to "metal products", Sub 152; (2) remove the following restrictions: (a) except commodities in bulk, in tank vehicles, Subs 80 and 144F; (b) except iron or steel articles and commodities which because of size and weight require the use of special

equipment, and against the transportation of oil field commodities as defined in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459, Sub 81; (c) except automobiles, trucks and buses, other than construction equipment, in truckaway service, and except iron and steel, Sub 126; (d) except origin state; MT, Sub 123; and (e) originating at and/or destined to and the facilities limitations, Subs 80, 81, 86, 123, and 144F; (3) change one-way to radial authority, Subs 80, 81, 86, 123, and 152; and (4) change cities to counties; Salt Lake City, UT (Salt Lake County), Subs 80 and 144F; Hurt and Gonzales, TX (Tarrant and Gonzales Counties), Sub 80; and Flagstaff, AZ (Coconino County), Sub 86.

MC 60066 (Sub-36)X, filed January 19, 1982. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, 7171 Mercy Road, Omaha, NE 68106. Lead and Sub-Nos. 4, 9, 15F, 18F, 23F, and authority acquired in MC–F–13306; broaden (1) general commodities (with the usual exceptions) to "general commodities (except household goods, commodities in bulk, and classes A and B explosives)" in the lead, Subs 4, 9, 18 and MC–F–13306; iron and washing machines, farm machinery and parts thereof, to "machinery" in MC–F–13306; shock absorbers to "automotive equipment and parts" in Sub 15 and 18; refined beet and cane sugar to "food and related products" in Sub 23; (2) authorize service to all intermediate points in the lead, MC–F–13306, and Sub 4; (3) delete delivery only restriction in the lead; (4) broaden Cozad, NE, to Dawson County and Batavia, IL, to Kane County in Sub 15; Cozad, NE, to Dawson County, Baltimore and Savage, MD, to Baltimore, Howard and Anne Arundel Counties in Sub 18; York, NE, to York County, Lincoln, Seward, and York, NE, to Lancaster, Seward, and York Counties in MC–F–13306; (5) delete plantsite restrictions in Sub 18; (6) to radial service in the lead, MC–F–13306, and Subs 15, 18.

MC 126196 (Sub-19)X, filed January 11, 1982. Applicant: BLACHOWSKE TRUCK LINE, INC., P.O. Box 530, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Subs 1, 11, 12, 13, 15, 16 and 18. Broaden: Sub 1, limestone to "clay, concrete, glass, or stone products," phosphate feed supplements to "food and related products", dry bulk fertilizer and dry fertilizer compounds to "chemicals and related products", rendering plant products to "food and related products", hides to "food and related products"; Sub 11, animal and poultry feeds and feed ingredients, to "food and related products"; Sub 12, hides to "food and related products"; Sub 13, linestone to "clay, concrete, glass, or stone products", phosphatic feed supplements to "food and related products"; Sub 15, coal to "coal and coal products"; Sub 16 feed and feed ingredients, grain products and grain byproducts and soybean products and soybean byproducts to "food and related products"; Sub 18 bentonite clay to "clay, concrete, glass, or stone products", foundrys and additives to "clay, concrete, glass, or stone products"; Sub 1, from De Smet, and points within five miles thereof to Kingsbury County, SD; from Omaha, Lynn Center, IL; Milwaukee, WI to Douglas County, NE and Pottawattamie County, IA; Henry County, IL; Milwaukee, Waukesha, Washington, Ozaukee and Racine Counties, WI; from Watertown, SD, Omaha, NE, Lynn Center, Milwaukee, WI; to Codington County, SD; Douglas County, NE, Henry County, IL; Milwaukee, Waukesha, Washington, Ozaukee and Racine Counties, WI; from North Redwood, MN to Redwood County, MN; from Redwood Falls, MN to Redwood County, MN; from Boston, MA, Chicago, IL; Detroit, MI; Houston, TX, New Orleans, LA; New York; NY; Philadelphia, PA; and St. Louis, MO; to Suffolk, Norfolk, Middlesex, Essex, Plymouth, and Bristol Counties, MA; Cook, Lake, Kane, DuPage, Will, and McHenry Counties, IL and Lake and Porter Counties, IN; Wayne, Oakland, Macomb, St. Clair, Livingston, Washtenaw, and Monroe Counties, MI; Harris, Brazoria, Fort Bend, Waller, Montgomery, Liberty, and Chambers Counties, TX; Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, and St. Tammany Parishes, LA and Hancock County, MS; New York, NY, Philadelphia, Delaware, Montgomery, Bucks, and Chester Counties, PA, and Hunterdon, Mercer, Burlington, Camden, Gloucester and Salem Counties, NJ, and New Castle County, DE; St. Louis, MO and St. Charles, St. Louis and Jefferson Counties, MO, and St. Clair, Madison and Monroe Counties, IL; from Alden, IA to Hardin County, IA; from Minneapolis, Savage, and Pine Bend, MN, to Hennepin, Ramsey, Carver, Anoka, Washington, Scott and Dakota Counties, MN; Sub 11, from Weeping Water, NE to Cass County, NE; Sub 13, from Alden, IA, to Hardin County, IA; Sub 16, from Red Wing, MN, facilities to Goodhue County, MN; Sub 18, from facilities at points in Phillips County, MT; Butte County, SD, and Big Horn, Crook and Weston Counties, WY, to those named counties; and remove restrictions in part (1) against the transportation of bentonite, in bags, to Council Bluffs, IA and Minneapolis, MN, and to transportation of traffic originating at named facilities; in all subs, broaden to radial authority.

MC 127304 (Sub-19)X, filed Jan. 18, 1982. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, KS 67148. Representative: Michael J. Ogborn, P.O. Box 8208, Lincoln, NE 68501. Sub-No. 12: (1) broaden meats, meat products, and meat by-products to "food and related products"; (2) remove the exception against the transportation of hides and commodities in bulk other than liquid commodities in tank vehicles; (3) broaden the territorial authority to between points in the U.S. (except AK and HI), under continuing contract(s) with a named shipper; and (4) remove the originating at and destined to shipper's facilities restriction.

MC 129092 (Sub-5)X, filed Jan. 15, 1982. Applicant: HARVEY TRANSPORT LIMITED, 2900 Sud, Avenue du Pont, C.P. 580, Alma, Lake St. John, PO G68B5 5WL, Canada. Representative: Marshall Kragen, Suite 300, 1919 Pennsylvania Ave. N.W., Washington DC 20006. Lead and Subs 2 and 4 permits: (1) broaden (a) planed and dressed lumber to "lumber and wood products, Lead; (b) granite to "clay, concrete, glass or stone products and ores and minerals," Sub 2; and (c) wood pulp, in bales to "pulp, paper, and related products"; and (2) broaden the territorial authority to between points in the U.S., under continuing contract(s) with named shippers.

MC 134668 (Sub-2)X, filed Jan. 4, 1981. Applicant: MARINE TERMINALS, INC., 1775 N.W. 70th Ave., Miami, FL 33126. Representative: William Sembler, One World Trade Center, Suite 1035, New York, NY 10048. Sub 1 permit: (1) remove exceptions of household goods, and cement to authorize "general commodities (except those unusual value, and classes A and B explosives)", and (2) change the territorial authority to between points in the U.S., under continuing contract(s) with named shippers.

MC 134899 (Sub-2)X, filed Jan. 18, 1982. Applicant: FRASSE TRANSPORTATION COMPANY, INC., Three Dakota Drive, Lake Success, NY 11042. Representative: Brian H. Siegel, 1101 Conneciticut Ave., NW, Washington, DC 20036. Sub 1 permit: broaden (1) steel and aluminum articles to "metal products"; (2) to all points in the U.S. (except AK and HI) under

continuing contract(s) with a named shipper.

MC 143775 (Sub-168)X, filed Jan. 12, 1982. Applicant: PAUL YATES, INC., P.O. Box 1059 Glendale, AZ 85301. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW Washington, DC 20001. Sub-No. 164X certificate, broaden to county-wide as follows: Cook, Lake, Du Page, Will and Kane Counties, IL and Lake and Porter Counties, IN (Chicage, IL); Hamilton, Butler, and Clermont Counties, OH, Dearborn County, IN and Boone, Kenton and Campbell Counties, KY (Cincinnati, OH); Fulton, De Kalb, Cobb, Clayton, Henry, Gwinnett and Douglas Counties, GA (Atlanta, GA); Suffolk, Norfolk, Plymouth, Middlesex and Essex Counties, MA (Boston, MA); Mecklenburg, Cabarrus, Gaston, and Union Counties, NC, and York County, SC (Charlotte, NC); Guilford County, NC (Greensboro, NC); Philadelphia, Delaware, Chester, Montgomery and Bucks Counties, PA, New Castle County, DE, and Mercer, Burlington, Gloucester, Camden, Salem, and Hunterdon Counties, NJ (Philadelphia, PA); Greenville, Pickens and Anderson Counties, SC (Greenville, SC); Los Angeles, Ventura, and Orange Counties, CA (Los Angeles, CA); Maricopa and Pinal Counties, AZ (Phoenix, AZ), Jackson, Clay, Platte and Cass Counties, MO, Wyandotte and Johnson Counties, KS (Kansas City, MO); Hartford and Middlesex Counties Counties, CT (Berlin, CT); Milwaukee, Waukesha, Washington, Ozaukee and Racine Counties, WI (Milwaukee, WI); Pulaski, Saline, Faulkner, and Lonoke Counties, AR (Little Rock, AR); Orange, Los Angeles and San Bernardino Counties, CA (Brea, CA); Butler and Sedgewick Counties, KS (Andover, KS); Genesee, Niagara and Wyoming Counties, NY (Buffalo, NY); Tulsa, Creek and Osage Counties, OK (Sand Springs, OK); Carbon and Northampton, PA (Palmerton, PA); and Harris, Brazoria, Galveston, Chambers, Liberty, Montgomery, Waller, Fort Bend, and San Jacinto, Counties, Tx (Houston, TX).

MC 14675 (Sub-2)X, filed Jan. 6, 1982. Applicant: M.E.P. DISTRIBUTORS, INCORPORATED, P.O. Box 3044, CRS, Johnson City, TN 37601. Representative: Eckner Pandzic (same as applicant). Sub 1F, broaden (1) general commodities, with usual exceptions to "general commodities, (except classes A and B explosives)," and (2) remove prior or subsequent movement by rail restriction.

MC 148613 (Sub-1)X, filed October 1, 1981, previously noticed in **Federal Register** on October 16, 1981, republished to notice the following omission: Applicant: I. PETERS TRANSPORT, LTD., 985 Dugald Road, Winnipeg, Manitoba, Canada R3B1N9. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Lead: Remove "in foreign commerce only" restriction to provide for service "in interstate or foreign commerce."

MC 150783 (Sub-21)X, filed January 19, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Harry J. Jordan, Thomas N. Willess, Suite 502, Solar Building, 1000 Sixteenth Street, NW., Washington, DC 20036. Subs 1, 2F, and 3F: broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)", Sub 1; (2) paper and paper products, plastic and plastic articles and woodpulp to "pulp, paper and related products, lumber and wood products, and rubber and plastic products", Sub 2F; and (3) malt beverages to "food and related products", Sub 3F.

[FR Doc. 82-2262 Filed 1-27-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-87 (Preliminary)]

Certain Seamless Steel Pipes and Tubes From Japan; Preliminary Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-87 (Preliminary) to determine, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of seamless alloy steel (other than stainless or heat-resisting steel) pressure [1] pipes and tubes, provided for in item 610.5209 of the Tariff Schedules of the United States Annotated (TSUSA), seamless heat-resisting steel pipes and tubes, provided for in TSUSA items 610.5209, 610.5229, or 610.5234, and seamless stainless steel pipes and tubes, provided for in TSUSA items 610.5205, 610.5229, or 610.5230.

[1] Suitable for use in boilers, superheaters, heat exchangers, condensers, refining furnaces, and feedwater heaters.

EFFECTIVE DATE: January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Abigail Eltzroth, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0289.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted following receipt of a petition filed by counsel for Babcock & Wilcox Co., a U.S. producer of the subject merchandise. The Commission must make its determination in the investigation within 45 days after the date of receipt of a petition, or by March 8, 1982 (19 CFR 207.17). The investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before February 12, 1982, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., e.s.t., on February 10, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the investigator for the investigation, Ms. Abigail Eltzroth, telephone 202-523-0289, not later than February 3, 1982, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of the investigation and rules of

general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Ms. Eltzroth.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.

Issued: January 25, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-2259 Filed 1-27-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-115]

Certain Power Woodworking Tools, Their Parts, Accessories and Special Purpose Tools; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 16, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. section 1337), on behalf of Shopsmith, Inc., 750 Center Drive, Vandalia, Ohio 45377. A supplement to the complaint was filed on January 4, 1982. The complaint, as supplemented, (hereinafter the complaint) alleges unfair methods of competition and unfair acts in the importation of power woodworking tools, their parts, accessories and special purpose tools into the United States, or in their sale, by reason of (a) false designation of source; (b) infringement of registered trademarks; (c) common law trademark infringement; (d) misappropriation, simulation or adoption of trade dress or tradename; (e) passing off; (f) false and deceptive advertising; (g) product disparagement; (h) misappropriation of trade secrets; (i) infringement of registered copyrights; and (j) tortious interference with the business relationships between complainant and its dealers. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on January 19, 1982, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain power woodworking tools, their parts, accessories and special purpose tools into the United States, or in their sale, by reason of the alleged (a) false designation of source; (b) infringement of registered trademarks; (c) common law trademark infringement; (d) misappropriation, simulation or adoption of trade dress or tradename; (e) passing off; (f) false and deceptive advertising; (g) product disparagement; (h) misappropriation of trade secrets; (i) infringement of registered copyrights; and (j) tortious interference with the business relationships between complainant and its dealers, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Shopsmith, Inc., 750 Center Drive, Vandalia, Ohio 45377.

(b) The respondents are the following companies, alleged to be in violation of section 337 by having committed one or more of the unfair acts and unfair methods of competition set forth in paragraph (1), and are the parties upon which the complaint is to be served:

	The letters indicate which of the acts or methods listed in paragraph (1) applies
Johnson Metal Industries Co., Ltd., Suite 1004, Central Building, 2 Chung Shan N. Road, Taipei, Taiwan.	a–f and i.
King Feng Fu Machinery Works Co., Ltd., No. 45 Chung Chin Road, Sec. 1, Ta Ya Tai-chung H Hsien, Taiwan.	a–f and i.
Tops Equipment and Tools Co., Ltd., 2F–7, No. 750 Tunhwa S. Road, P.O. Box 3–69, Taipei, Taiwan.	a–f and i.
Big Joe Industrial Tool Corp., 2421 West 11th Street, Houston, TX 77008, c/o Berk Horowitz, 7620 Washington Avenue, Houston, TX 77007.	a–f and i.
Master Woodcraft & Hobby Machine Co., 800 Spruce Lake Drive, P.O. Box 669, Harbor City, CA 90710, c/o Ralph Morrow, 1000 East Carson, Harbor City, CA 90710.	a–g, i, and j.
United Metal Services, Inc., P.O. Box 16297, Greenville, SC 29606, c/o Donald G. Preston, Route 6, 1 Woodruff Land Industrial Park, Greenville, SC 29607.	a–f and i.
ABCA, Inc., 3728 Benner Road, Miamisburg, OH 45342, c/o Clifford R. Anders, 4616 Woodwell Drive, Kettering, OH 45440.	a–j.
Worcester Tool Factory Outlet, 475 Shrewsbury Street, Worcester, MA 01604.	a–f and i.
Herbert Clark and Associates, 5685 Redwood Drive, Rohnert Park, CA 94928.	a–f and i.

(c) Robert S. Budoff, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission Investigative Attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room

156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Robert S. Budoff, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0113.

By order of the Commission.

Issued: January 25, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-2260 Filed 1-27-82, 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-133]

Trends in International Trade in Printed Circuit Boards and Base Material Laminates; Change of Date of Public Hearing

Notice is hereby given that the time and date for the public hearing to be held in connection with United States International Trade Commission investigation No. 332-133, Trends in International Trade in Printed Circuit Boards and Base Material Laminates, has been changed to 10 a.m., e.d.t., Wednesday, May 5, 1982, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. A hearing date of May 12, 1982, had previously been announced in the Commission's notice of institution of the investigation as published in the **Federal Register** of December 23, 1981 (46 FR 62348). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) April 28, 1982.

By order of the Commission.

Issued: January 25, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-2263 Filed 1-27-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Western Electric Company, et al.; Proposed Modification of Final Judgment; United States v. American Telephone and Telegraph Co., et al.; Stipulation for Voluntary Dismissal

Notice is hereby given pursuant to an order of the United states District Court of the District of Columbia, dated January 21, 1982, in Civil Action Nos. 74-1698 and 82-0192 that a proposed Modification of Final Judgment and Stipulation, as set forth below, have been filed, originally with the United States District Court for the District of New Jersey in *United States v. Western Electric Company, et al.*, Civil Action No. 17-49. By order of the District Court in New Jersey dated January 14, 1982, No. 17-49 has been transferred to the United States District Court for the District of Columbia where it has been docketed under Civil Action No. 82-0192. A Stipulation for Voluntary Dismissal, as set forth below, has been lodged with the District Court for the District of Columbia in *United States v. American Telephone and Telegraph Company, et al.*, Civil Action No. 74-1698.

The Complaint in the case now docketed as Civil Action NO. 82-0192 was filed in 1949 and charged the defendants with monopolizing the manufacture and distribution of telephone equipment in violation of the Sherman Act. A consent decree was entered in 1956 in settlement of that case in the District Court in New Jersey. The 1956 Decree contained various restrictions on AT&T's activities.

Under the modified Decree, all of the provisions of the 1956 Decree would be eliminated and replaced by provisions requiring AT&T to undertake an 18-month reorganization, after which local Bell operating companies providing local exchange telephone services would be divested by AT&T. AT&T would continue to own a nationwide intercity network composed of its Long Lines Department and the intercity facilities of the Bell operating companies, and would retain ownership of Bell Telephone Laboratories and Western Electric. AT&T wold also provide customer premises equipment. AT&T's plan for the required reorganization is to be submitted to the Department of Justice for its approval within six months of the effective date of the modified Decree.

The modified Decree would also require the to-be-divested operating companies to provide, on a phased-in basis, exchange access to all intercity carriers equal to that provided to AT&T, and forbid the operating companies from discriminating against AT&T's competitors with respect to procurement, interconnection of equipment or services, the establishment and disclosure of technical specifications, and the planning of new facilities and services. In addition, the modification would require the operating companies, after divestiture, to provide through a centralized organization a single point of contact for coordination of those companies to meet the requirements of national security and emergency preparedness.

Simultaneously with the filing of the modificaiton on January 8, 1982, the Government and AT&T stipulated to dismissal without prejudice of the Government's more recent monopolization case against AT&T (No. 74-1698), which was filed in 1974 in the District of Columbia. In that case, the Government alleged that AT&T had monopolized certain telecommunications services and equipment markets. The reorganization achieved by the modification of the 1956 Decree is similar to the relief that had been sought by the Department of Justice in the 1974 litigation.

Under the terms of the January 21, 1982 court order, the United States, on or before February 5, will file with the District Court in the District of Columbia and publish in the **Federal Register** a competitive impact statement reciting:

"(1) the nature and purpose of the proceeding;

(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

(3) an explanation of the proposal, including an explanation of any unusual circumstances giving rise to the proposal or any provisions contained therein, relief to be obtained thereby, and the anticipated effects on competition of such relief;

(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that the Modification of Final Judgment and the Dismissal are entered in these proceedings;

(5) a description of the procedures available for modification of the proposal; and

(6) a description and evaluation of alternatives to the proposal actually considered by the United States."

At the time the competitive impact statement is published in the **Federal Register**, the United States will invite public comment on the proposed modification.

Joseph H. Widmar,

Director of Operations Antitrust Division.

Stipulation

In the matter of United States of America, Plaintiff v. Western Electric Company, Incorporated, and American Telephone and Telegraph Company, Defendants. Civil Action No. 17-49.

It is stipulated by and between the undersigned parties, Plaintiff, United States of America, and Defendants, American Telphone & Telegraph Company and Western Electric Company, Incorporated, by their respective attorneys, that:

1. The parties consent that a Modification of Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after hearing by the Court and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Modification of Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to Plaintiff or Defendants in this or any other proceeding.

Dated: January 8, 1982.

For The Plaintiff:

William F. Baxter,

Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530.

For the Defendants:

Howard J. Trienens,

Vice President and General Counsel for American Telephone and Telegraph Company, 195 Broadway, New York, New York 10007.

Modification of Final Judgement

In the matter of United States of America, Plaintiff, v. Western Electric Company, Incorporated, and American Telephone and Telegraph Company, Defendants. Civil Action No. 17–49.

Plaintiff, United States of America, having filed its complaint herein on January 14, 1949; the defendants having appeared and filed their answer to such complaint denying the substantive allegations thereof; the parties, by their attorneys, having severally consented to a Final Judgment which was entered by the Court on January 24, 1956, and the parties having subsequently agreed that modification of such Final Judgment is required by the technological, economic and regulatory changes which have occurred since the entry of such Final Judgment;

Upon joint motion of the parties and after hearing by the Court, it is hereby

Ordered, Adjudged, and Decreed that the Final Judgment entered on January 24, 1956, is hereby vacated in its entirety and replaced by the following items and provisions:

AT&T Reorganization

A. Not later than six months after the effective date of this Modification of Final Judgment, Defendant AT&T shall submit to the Department of Justice for its approval, and thereafter implement, a plan of reorganization. Such plan shall provide for the completion, within 18 months after the effective date of this Modification of Final Judgment, of the following steps:

1. The transfer from AT&T and its affilates to the BOCs, or to a new entity subsequently to be separated from AT&T and to be owned by the BOCs, of sufficient facilities, personnel, systems, and rights to technical information to permit the BOCs to perform, independently of AT&T, exchange telecommunications and exchange access functions, including the procurement for, and engineering, marketing and management of, those functions, and sufficient to enable the BOCs to meet the equal exchange access requirements of Appendix B;

2. The separation within the BOCs of all facilities, personnel and books of account between those relating to the exchange telecommunications or exchange access functions and those relating to other functions (including the provision of interexchange switching and transmission and the provision of customer premises equipment to the public); provided that there shall be no joint ownership of facilities, but appropriate provision may be made for sharing, through leasing or otherwise, of multifunction facilities so long as the separated portion of each BOC is ensured control over the exchange telecommunications and exchange access functions;

3. The termination of the License Contracts between AT&T and the BOCs and other subsidiaries and the Standard Supply Contract between Western Electric and the BOCs and other subsidiaries; and

4. The transfer of owership of the separated portions of the BOCs providing local exchange and exchange access services from AT&T by means of a spin-off of stock of the separated BOCs to the shareholders of AT&T, or by other disposition; provided that nothing in this Modification of Final Judgment shall require or prohibit the consolidation of the ownership of the BOCs into any particular number of entities.

B. Notwithstanding separation of ownership, the BOCs may support and share the costs of a centralized organization for the provision of engineering, administrative and other services which can most efficiently be provided on a centralized basis. The BOCs shall provide, through a centralized organization, a single point of contact for coordination of BOCs to meet the requirements of national security and emergency preparedness.

C. Until September 1, 1987, AT&T, Western Electric, and the Bell Telephone Laboratories, shall, upon order of any BOC, provide on a priority basis all research, development, manufacturing, and other support services to enable the BOCs to fulfill the requirements of this Modification of Final Judgment. AT&T and its affiliates shall take no action that interferes with the BOCs' requirements of nondiscrimination established by section II.

D. After the reorganization specified in paragraph A(4), AT&T shall not acquire the stock or assets of any BOC.

II

BOC Requirements

A. Subject to Appendix B, each BOC shall provide to all interexchange carriers and information service providers exchange access, information access, and exchange services for such access on an unbundled, tariffed basis, that is equal in type, quality, and price to that provided to AT&T and its affiliates.

B. No BOC shall discriminate between AT&T and its affiliates and their products and services and other persons and their products and services in the:

1. procurement of products and services;

2. establishment and dissemination of technical information and procurement and interconnection standards;

3. interconnection and use of the BOC's telecommunications service and facilities or in the charges for each element of service; and

4. provision of new services and the planning for and implementation of the construction or modification of facilities, used to provide exchange access and information access.

C. Within six months after the reorganization specified in I(A)4, each BOC shall submit to the Department of Justice procedures for ensuring compliance with the requirements of paragraph B.

D. After completion of the reorganization specified in Section I, no BOC shall, directly or through any affiliated enterprise:

1. provide interexchange telecommunications services or information services;

2. manufacture or provide telecommunications products or customer premises equipment (except for provision of customer premises equipment for emergency services); or 3. provide any other product or service,

except exchange telecommunications and exchange access service, that is not a natural monopoly service actually regulated by tariff.

III

Applicability and Effect

The provisions of this Modification of Final Judgment, applicable to each defendant and each BOC, shall be binding upon said defendants and BOCs, their affiliates, successors and assigns, officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with each defendant and BOC who receives actual notice of this Modification of Final Judgment by personal service or otherwise. Each defendant and each person bound by the prior sentence shall cooperate in ensuring that the provisions of this Modification of Final Judgment are carried out. Neither this Modification of Final Judgemtn nor any of its terms or provisions shall constitute any evidence against, an admission by, or an estoppel against any party or BOC. The effective date of this Modification of Final Judgment shall be the date upon which it is entered.

IV

Definitions

For the purposes of this Modification of Final Judgment:

A. "Affiliate" means any organization or entity, including defendant Western Electric Company, Incorporated, and Bell Telephone Laboratories, Incorporated, that is under direct or indirect common owership with or control by AT&T or is owned or controlled by another affiliate. For the purposes of this paragraph, the terms "ownership" and "owned" mean a direct or indirect equity interest (or the equivalent thereof) of more than fifty (50) percent of an entity. "Subsidiary" means any organization or entity in which AT&T has stock ownership, whether or not controlled by AT&T.

B. "AT&T shall mean defendant American Telephone and Telegraph Company and its affiliates.

C. "Bell Operating Companies" and "BOCs" mean the corporations listed in Appendix A attached to this Modification of Final Judgment and any entity directly or indirectly owned or controlled by a BOC or affiliated through substantial common ownership.

D. "Carrier" means any person deemed a carrier under the Communications Act of 1934 or amendments thereto, or, with respect to intrastate telecommunications, under the laws of any state.

E. "Customer premises equipment" means equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications, but does not include equipment used to multiplex, maintain, or terminate access lines.

F. "Exchange access" means the provision of exchange services for the purpose of originating or terminating interexchange telecommunications. Exchange access services include any activity or function performed by a BOC in connection with the origination or termination of interexchange telecommunications, including but not limited to, the provision of network control signalling, answer supervision, automatic calling number identification, carrier access codes, directory services, testing and maintenance of facilities and the provision of information necessary to bill customers. Such services shall be provided by facilities in an exchange area for the transmission, switching, or routing, within the exchange area, of interexchange traffic originating or terminating within the exchange area, and shall include switching traffic within the exchange area above the end office and delivery and receipt of such traffic at a point or points within an exchange area designated by an interexchange carrier for the connection of its facilities with those of the BOC. Such connections, at the option of the interexchange carrier, shall deliver traffic with signal quality and characteristics equal to that provided similar traffic of AT&T, including equal probability of blocking, based on reasonable traffic estimates supplied by each interexchange carriers. Exchange services for exchange access shall not include the performance by any BOC of interexchange traffic routing for any interexchange carrier. In the reorganization specified in section I, trunks used to transmit AT&T's traffic between end offices and class 4 switches shall be exchange access facilities to be owned by the BOCs.

G. "Exchange area," or "exchange" means a geographic area established by a BOC in accordance with the following criteria:

1. any such area shall encompass one or more contiguous local exchange areas serving common social, economic, and other purposes, even where such configuration transcends municipal or other local governmental boundaries;

2. every point served by a BOC within a State shall be included within an exchange area;

3. no such area which includes part or all of one standard metropolitan statistical area (or a consolidated statistical area, in the case of densely populated States) shall include a substantial part of any other standard metropolitan statistical area (or a consolidated statistical area, in the case of densely populated States), unless the Court shall otherwise allow; and

4. except with approval of the Court, no exchange area located in one State shall include any point located within another State.

H. "Information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or other symbols.

I. "Information access" means the provision of specialized exchange telecommunications services by a BOC in an exchange area in connection with the origination, termination, transmission, switching, forwarding or routing of telecommunications traffic to or from the facilities of a provider of information services. Such specialized exchange telecommunications services include, where necessary, the provision of network control signalling, answer supervision, automatic calling number identification, carrier access codes, testing and maintenance of facilities, and the provision of information necessary to bill customers.

J. "Information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information which may be conveyed via telecommunications, except that such service does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

K. "Interexchange telecommunications" means telecommunications between a point or points located in one exchange telecommunications area and a point or points located in one or more other exchange areas or a point outside an exchange area.

L. "Technical information" means intellectual property of all types, including, without limitation, patents, copyrights, and trade secrets, relating to planning documents, designs, specifications, standards, and practices and procedures, including employee training.

N. "Telecommunications equipment" means equipment, other than customer premises equipment, used by a carrier to provide telecommunications services.

O. "Telecommunications" means the transmissions, between or among points specified by the user, of information of the user's choosing, without change in

the form or content of the information as sent and received, by means of electromagnetic transmission, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

P. "Telecommunications service" means the offering for hire of telecommunications facilities, or of telecommunications by means of such facilities.

Q. "Transmission facilities" means equipment (including without limitation wire, cable, microwave, satellite, and fibre-optics) that transmit information by electromagnetic means or which directly support such transmission, but does not include customer-premises equipment.

V

Compliance Provisions

The defendants, each BOC, and affiliated entities are ordered and directed to advise their officers and other management personnel with significant responsibility for matters addressed in this Modification of Final Judgment of their obligations hereunder. Each BOC shall undertake the following with respect to each such officer or management employee:

1. The distribution to them of a written directive setting forth their employer's policy regarding compliance with the Sherman Act and with this Modification of Final Judgment, with such directive to include:

(a) An admonition that non-compliance with such policy and this Modification of Final Judgment will result in appropriate disciplinary action determined by their employer and which may include dismissal; and

(b) Advice that the BOCs' legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems.

2. The imposition of a requirement that each of them sign and submit to their employer a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the 1982 *United States* v. *Western Electric*, Modification of Final Judgment and a written directive setting forth Company policy regarding compliance with the antitrust laws and with such Modification of Final Judgment, (2) represents that the undersigned has read such Modification of Final Judgment and directive and understands those provisions for which the undersigned has responsibility, (3) acknowledges that the undersigned has been advised and understands that non-compliance with such policy and Modification of Final Judgment will result in appropriate disciplinary measures determined by the Company and which may inlcude dismissal, and (4) acknowledges that the undersigned has been advised and understands that non-compliance with the Modification of Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine.

VI

Visitorial Provisions

A. For the purpose of determining or securing compliance with this Modification of Final Judgment, and subject to any legally recognized privilege, from time to time:

1. Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant or after the reorganization specified in Section I, a BOC, made to its principal office, duly authorized representatives of the Department of Justice shall be permitted access during office hours of such defendants or BOCs to depose or inteview officers, employees, or agents, and inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, BOC, or subsidiary companies, who may have counsel present, relating to any matters contained in this Modification of Final Judgment; and

2. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office or, after the reorganization specified in Section I, a BOC, such defendant, or BOC, shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Modification of Final Judgment as may be requested.

B. No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States or the Federal Communications Commission, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by a defendant to a plaintiff, such defendant or a BOC represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant or BOC marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to such defendant or BOC prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant BOC is not a party.

VII

Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Modification of Final Judgment, or, after the reorganization specified in Section I, a BOC to appy to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Modification of Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

Entered this day of , 1982.

United States District Judge.

Appendix A

Bell Telephone Company of Nevada
Illinois Bell Telephone Company
Indiana Bell Telephone Company, Incorporated
Michigan Bell Telephone Company
New England Telephone and Telegraph Company
New Jersey Bell Telephone and Telegraph Company
New York Telephone Company
Northwestern Bell Telephone Company
Pacific Northwest Bell Telephone Company
South Central Bell Telephone Company
Southern Bell Telephone and Telegraph Company
Southwestern Bell Telephone Company
The Bell Telephone Company of Pennsylvania
The Chesapeake and Potomac Telephone Company
The Chesapeake and Potomac Telephone Company of Maryland
The Chesapeake and Potomac Telephone Company of Virginia
The Chesapeake and Potomac Telephone Company of West Virginia
The Diamond State Telephone Company
The Mountain States Telephone and Telephone Company
The Ohio Bell Telephone Company
The Pacific Telephone and Telephone Company
Wisconsin Telephone Company

Appendix B

Phased-In BOC Provision of Equal Exchange Access

A. 1. As part of its obligation to provide non-discriminatory access to interexchange carriers, no later than September 1, 1984, each BOC shall begin to offer to all interexchange carriers exchange access on an unbundeled, tariffed basis, that is equal in type and quality to that provided for the interexchange telecommunications services of AT&T and its affiliates. No later than September 1, 1985, such equal access shall be offered through end offices of each BOC serving at least one-third of that BOC's exchange access lines and, upon bona fide request, every end office shall offer such access by September 1, 1986. Nothing in this Modification of Final Judgment shall be construed to permit a BOC to refuse to provide to any interexchange carrier or information service provider, upon bona fide request, exchange or information access superior or inferior in type or quality to that provided for AT&T's interexchange services or information services at charges reflecting the reduced or increased cost of such access.

2. (i) Notwithstanding paragraph (1), in those instances in which a BOC is providing exchange access for Message Telecommunications Service on the effective date of this Modification of Final Judgment through access codes that do not permit the designation of more than one interexchange carrier, then, in accordance with the schedule set out in paragraph (1), exchange access for additional carriers shall be provided through access codes containing the minimum number of digits necessary at the time access is sought to permit nationwide, multiple carrier designation for the number of interexchange carriers reasonably expected to require such designation in the immediate future.

(ii) Each BOC shall, in accordance with the schedule set out in paragraph (1), offer as a tariffed service exchange access that permits each subscriber automatically to route, without the use of access codes, all the subscriber's interexchange communications to the interexchange carrier of the customer's designation.

(iii) At such time as the national numbering area (area code) plan is revised to require the use of additional digits, each BOC shall provide exchange access to every interexchange carrier, including AT&T, through a uniform number of digits.

3. Notwithstanding paragraphs (1) and (2), with respect to access provided through an end office employing switches technologically antecedent to electronic, stored program control switches or those offices served by switches that characteristically serve fewer than 10,000 access lines, a BOC may not be rquired to provide equal access through a switch if, upon complaint being made to the Court, the BOC carries the burden of showing that for particular categories of services such access is not physically feasible except at costs that clearly outweigh potential benefits to users of telecommunications services. Any such denial of access under the preceding sentence shall be for the minimum divergence in access necessary, and for the minimum time necessary, to achieve such feasibility.

B. 1. The BOCs are ordered and directed to file, to become effective on the effective date of the reorganization described in I(A)(4), tariffs for the provision of exchange access including the provision by each BOC of exchange access for AT&T's interexchange telecommunictions. Such tariffs shall provide unbundled schedules of charges for exchange access and shall not discriminate against any carrier or other customer. Such tariffs shall replace the division of revenues process used to allocate revenues to a BOC for exchange access provided for the interexchange telecommunications of BOCs or AT&T.

2. Each tariff for exchange access shall be filed on an unbundled basis specifying each type of service, element by element, and no tariff shall require an interexchange carrier to pay for types of exchange access that it does not utilize. The charges for each type of exchange access shall be cost justified and any differences in charges to carriers shall be cost justified on the basis of differences in services provided.

3. Notwithstanding the requirements of paragraph 2, from the date of reorganization specified in section I until September 1, 1991, the charges for delivery or receipt of traffic of the same type between end offices and facilities of interexchange carriers within an exchange area, or within reasonable subzones of an exchange area, shall be equal, per unit of traffic delivered or received, for all interexchange carriers; provided, that the facilities of any interexchange carrier within five miles of an AT&T class 4 switch shall, with respect to end offices served by such class 4 switch, be considered to be in the same subzone as such class 4 switch.

4. Each BOC offering exchange access as part of a joint or through service shall offer to make exchange access available to all interexchange carriers on the same terms and conditions, and at the same charges, as are provided as part of a joint or through service, and no payment or consideration of any kind shall be retained by the BOC for the provision of exchange access under such joint or through service other than through tariffs filed pursuant to this paragraph.

C. 1. Nothing in this Modification of Final Judgment shall be construed to require a BOC to allow joint ownership or use of its switches, or to require a BOC to allow co-location in its building of the equipment of other carriers. When a BOC uses facilities that (i) are employed to provide exhange telecommunications or exchange access or both, and (ii) are also used for the transmission or switching of interexchange telecommunications, then the costs of such latter use shall be allocated to the interexchange use and shall be excluded from the costs underlying the determination of charges for either of the former uses.

2. Nothing in this Modification of Final Judgment shall either require a BOC to bill customers for the interexchange services of any interexchange carrier or preclude a BOC from billing its customers for the interexchange services of any interexchange carrier it designates, provided that when a BOC does provide billing services to an interexchange carrier, the BOC may not discontinue local exchange service to any customer because of nonpayment of interexchange charges unless it offers to provide billing services to all interexchange carriers, and provided further that the BOC's cost of any such billing shall be included in its tariffed access charges to that interexchange carrier.

3. Whenever, as permitted by this Modification of Final Judgment, a BOC fails to offer exchange access to an interexchange carrier that is equal in type and quality to that provided for the interexchange traffic of AT&T, nothing in this Modification of Final Judgment shall prohibit the BOC from collecting reduced charges for such less-than-equal exchange access to reflect the lesser value of such exchange access to the interexchange carrier and its customers compared to the exchange access provided AT&T.

United States District Court for the District of Columbia

Stipulation for Voluntary Dismissal

In the matter of United States of America, Plaintiff, v. American Telephone and Telegraph Company, Western Electric Company, Inc.; and Bell Telephone Laboratories, Inc., Defendants. Civil Action No. 74–1698.

Pursuant to rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties stipulate that the above entitled action is hereby dismissed without prejudice.

Dated: January 8, 1982.

Howard J. Trienens,

195 Broadway, New York, New York 10007, (212) 393–1000.

For Defendants.

William F. Baxter,

Assistant Attorney General, Antitrust Division, Department of Justice, (202) 633–2401.

For Plaintiff.

[FR Doc. 82–2197 Filed 1–27–82; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82–2)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory

Subcommittee on Aircraft Controls and Guidance.

DATE AND TIME: February 17, 1982, 8:30 a.m. to 4:30 p.m.; February 18, 1982, 8:30 a.m. to 4:30 p.m.; February 19, 1982, 8:30 a.m. to 11 a.m.

ADDRESS: NASA Ames Research Center, Building 200, Committee Room, Moffett Field, CA.

FOR FURTHER INFORMATION CONTACT: Dr. Herman A. Rediess, National Aeronautics and Space Administration, Code RTE-6, Washington, DC 20546 (202/755-3237).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aircraft Controls and Guidance was established to assist the NASA in assessing the overall program. Particular emphasis is placed on the responsiveness to the critical needs, significant technology gaps and exploiting new opportunities with high potential benefits. The Subcommittee, chaired by Mr. Duane McRuer, is comprised of 9 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Subcommittee members and participants).

Type of meeting

Open

Agenda

February 17, 1982

8:30 a.m.—Subcommittee Business
9:30 a.m.—Introductory Remarks
10 a.m.—NASA Aircraft Controls and Guidance Research and Technology Plan
1 p.m.—Proposed Simulation Validation Technology Review Task
2 p.m.—NASA Controls and Guidance Program Issues
4:30 p.m.—Adjourn

February 18, 1982

8:30 a.m.—NASA Controls and Guidance Program Issues Continued
5 p.m.—Adjourn

February 19, 1982

8:30 a.m.—Subcommittee Deliberations
11 a.m.—Adjourn

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

January 21, 1982.

[FR Doc. 82-2101 Filed 1-27-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

Public Meeting

DATE: February 10, 1982.

PLACE: 357 Russell Senate Office Building, Washington DC.

TIME: 9:00 a.m. until 1:00 p.m.

PURPOSE: General meeting to discuss status of on-going Commission studies; to release a background paper on the Guaranteed Student Loan Program; and to establish Commission priorities for the remainder of the year.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Executive Director, (202) 472-9023.

This meeting was called by the Commission Chairman on January 11, 1982.

Submitted the 20th day of January, 1982.

Richard T. Jerue,

Executive Director.

[FR Doc. 82-2224 Filed 1-27-82; 8:45 am]

BILLING CODE 6820-BC-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293, License No. DPR-35, EA 81-63]

Boston Edison Co., Pilgrim Nuclear Power Station; Order Modifying License Effective Immediately

I

The Boston Edison Company (the "licensee") is the holder of Facility Operating License No. DPR-35 (the "license") which authorizes the operation of the Pilgrim Nuclear Power Station at steady state reactor core power levels not in excess of 1998 megawatts thermal (rated power). The license was originally issued on June 8, 1972 and will expire on August 26, 2008. The facility consists of a boiling light water moderated and cooled reactor (BWR), located at the licensee's site at Plymouth, Massachusetts.

II

Over the past several years, this facility has been cited for a number of violations of regulatory requirements. The recent Systematic Assessment of Licensee Performance (SALP) resulted in a below average rating for this facility. The SALP identified weaknesses in the areas of refueling, reporting, radiation protection, emergency preparedness and management controls.

Escalated enforcement action was taken on three occasions in the past 2½ years. On one occasion, October 26, 1979, a civil penalty of $5000 was proposed (which was subsequently paid by the licensee) for a safeguards occurrence in which the licensee failed to maintain the required level of security at the main vehicle access gate to the protected area. On the second occasion, February 15, 1980, a $5000 civil penalty was proposed (which was subsequently paid by the licensee) for the licensee's failure to comply with NRC regulations pertaining to the shipment of radio active materials. On the third occasion, July 8, 1980, a $13,000 civil penalty was proposed (which was subsequently paid by the licensee) for the licensee's failure to maintain secondary containment integrity while moving irradiated fuel and for the failure to operate the auxiliary electrical system in accordance with plant procedures. These events reveal inadequacies in Boston Edison Company controls in several functional areas of activity.

III

The results of NRC inspections conducted between June 15 and September 30, 1981, reveal a series of breakdowns in control of engineering and design review activities, revision of operating procedures, facility maintenance activities, notifications to the NRC about safety problems, and onsite safety committee activities. One of the events identified concerned operation of the facility in violation of NRC combustible gas control system standards. These standards were imposed on November 27, 978 through NRC regulation 10 CFR 50.44. The purpose of the regulation was to enhance the safety of operation of those light water rectors fueled with oxide pellets within cylindrical zircaloy cladding, such as at the Pilgrim facility, by assuring the capability to maintain containment integrity following a postulated loss of coolant accident (LOCA). However, as a result of an apparent failure to control safety-related activities, full compliance with these standards at the Pilgrim facility was not achieved until June 5, 1981. Specifically, control of combustible gas concentrations within the containment after a postulated LOCA had not been assured.

In April 1979, Operating Procedure No. 2.2.70 for the primary containment atmosphere control system, the system relied upon to control post-LOCA combustible gas concentrations with the containment, was revised by the onsite staff to reposition the manually-operated nitrogen supply makeup block valves from the "locked open" to the "closed" position during power operation. This revision was not reflected in the system drawing, P&ID 6498-M-227, nor in the emergency procedure provided for post-LOCA containment nitrogen purging. The onsite safety review committee, consisting of station management and technical personnel, had reviewed and accepted this revision. Access to these

valves could not be assured in all cases because of the, likelihood of high rediation levels. The significance of this procedure change which in effect prevented remote operation of the system for post-LOCA containment purging, was not recognized until June of 1981. In early 1979 (inspection report 50-293/79-09), an NRC inspector noted, as an item of noncompliance, that containment nitrogen supply block valves were tagged closed when they were required to be in the opposite position. In response to this issue, Boston Edison Company stated in a letter to the NRC on October 2, 1979 that all 2.2-series procedured for safety systems had been checked against the P&ID's and that all safety systems were in compliance.

On October 19, 1979, Boston Edison Company informed the NRC that the Pilgrim facility complied with 10 CFR 50.44. This was not true. Exclusive of the failure to note the value lineup change mentioned above, erroneous assumptions in the engineering analysis of the containment nitrogen purging system indicated the system could be reliably put into operation after a LOCA. However, to put this system into operation in accordance with the design condition required by Criterion 41 of Appendix A to 10 CFR Part 50, personnel had to manually open air-operated valves inside the reactor building, near the containment. Access to these values could not be assured in all cases because of the likelihood of high radiation levels. This limitation on personnel accessibility was previously acknowledged in the design criteria documented in proposed Amendment 35 to the FSAR, dated January 28, 1974, regarding post-LOCA combustible gas control systems.

On March 28, 1980, Boston Edison Company engineering personnel documented the error regarding personnel access and initiated a modification to permit remote operation of the containment nitrogen purging system. However, NRC was not notified of the error nor of the apparent false statement of October 19, 1979 concerning compliance with 10 CFR 50.44.

In May, 1980, modification of the system was completed. However, since the modification did not include revision of Procedure No. 2.2.70 to change the position of the block valves from "closed" to "open", remote operation of the system was essentially precluded during subsequent operating periods. Consequently, there was not reasonable assurance that the purging system could have been used if needed in a post-LOCA situation. The onsite safety review committee reviewed and accepted the system modification completed in May 1980 and yet failed to ensure that all procedural revisions necessary to ensure system operability had been made.

In July 1980, the containment nitrogen purging system was further disabled when the nitrogen makeup supply pipes were cut off and closed with pipe caps. (A Notice of Violation, dated August 11, 1981, was issued for the quality assurance violation associated with that maintenance activity.) The system remained disabled until June 5, 1981.

Another event concerned operation of the facility in violation of a Technical Specification for the containment integrity limiting condition for operation. On September 12, 1981, during the conduct of electrical maintenance activities, operating personnel de-energized electrical power supplies, which partly disabled the containment isolation control logic electrical circuits for two containment isolation valves in the steam supply pipe to the reactor core isolation cooling system. This resulted in a loss of redundancy provided in the design of the electrical circuits to assure automatic closure of these valves during certain postulated accidents. Failure of these valves to close when required could result in the release of significant amounts of radioactive materials into the environment. The facility was operated in this condition until September 16, when the misoperation was discovered by the NRC Resident Inspector.

IV

The recently discovered events described in Section III, together with the weaknesses described in Section II, reveal substantial serious breakdowns in Boston Edison Company's management controls related to the Pilgrim facility. Continued operation of the Pilgrim facility requires significant changes in Boston Edison Company's control of licensed activities. Accordingly, I have determined that the actions set forth below are required by the public health, safety, and interest, and therefore, should be imposed by an immediately effective order.

V

In view of the foregoing, pursuant to Sections 103 and 161(i) of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, it is hereby ordered effective immediately that:

Within 30 days of this Order, the licensee shall submit to the Administrator of Region I of the NRC, for review and approval a comprehensive plan of action that will yield an independent appraisal of site and corporate management organizations and functions, recommendations for improvements in management controls and oversight, and a review of previous safety-related activities to evaluate compliance with NRC requirements. The plan shall include a description of the actions to be taken, required implementing staff and their qualifications, documentation requirements, and the plan schedule with important milestones. Upon approval, the plan shall be implemented and the scheduled times for the milestones may be shortened but shall not be extended without prior written approval by the Region I Administrator. The licensee shall submit to the Region I Administrator a copy of the independent evaluation required by paragraph (1) and all other evaluations required by paragraphs (2) through (6).

The plan shall include at least the elements itemized below:

(1) An independent organization retained by the licensee shall evaluate current organizational responsibilities, management controls, staffing levels and competence, training and retraining programs, communications, and operating practices both at the facility and the corporate office. This organization shall be directed to make recommendations for changes in the aforementioned areas that will assist the licensee in meeting NRC requirements, including the requirement for production, engineering and quality assurance functions to have sufficient authority and organizational freedom to identify problems and to initiate, recommend, or provide solutions.

(2) A program that will assure that future information supplied by Boston Edison Company to the NRC, pertaining to analyses, designs, and the compliance of systems important to safety, is complete and accurate, and that previously submitted information is either complete and accurate or corrected so as to be complete and accurate.

(3) The licensee shall review, evaluate and modify as necessary, the program for the development, approval and implementation of facility modifications and design changes in order to ensure compliance with the provisions of 10 CFR 50.59. Included in this review shall be an evaluation of whether any previous facility modifications made without prior Commission approval involved an unreviewed safety question as defined by 10 CFR 50.59.

(4) The licensee shall review, evaluate and modify as necessary, presently approved safety-related procedures and the method used in the development and approval of these procedures. Included in this review shall be an evaluation of whether changes resulting from previous modifications have been appropriately addressed in operating and emergency procedures and plant drawings.

(5) The licensee shall review, evaluate and modify as necessary, the program for training and retraining of personnel involved in maintenance and safety-related activities to ensure that the program adequately addresses facility modifications and procedure changes. Included in this review shall be an evaluation as to whether personnel were properly trained in changes resulting from previous facility modifications and revisions to procedures.

(6) The licensee shall review, evaluate and modify as necessary, the program to assure that responsible corporate management oversight is provided for safety-related activities, particularly onsite activities. This program shall include a daily audit of plant operations by a corporate management representative.

(7) The licensee shall develop and implement a system of audits by management representatives aimed at assuring conformance to procedures and continued adherence to changes which result from the reviews identified in items (2) through (6) above.

The Administrator of Region I may relax or terminate any of the preceding conditions in writing for good cause.

VI

The licensee may request a hearing on this Order within 30 days of its issuance. A request for a hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in Sections II and III of this Order, this Order should be sustained.

In the event that a need for further enforcement action becomes apparent, either in the course of a hearing or any other time, appropriate action will be taken by the Director.

Dated at Bethesda, Maryland this 18th of January 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 82-2227 Filed 1-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-522 and STN 50-523]

Puget Sound Power and Light Co. et al.; Intent to Prepare Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Puget Sound Power and Light Company, Pacific Power and Light Company, Washington Water Power Company, and Portland General Electric Company (the applicants) have filed an amendment to their Environmental Report which discusses environmental considerations related to the proposed construction of the Skagit/Hanford Nuclear Project, Units 1 and 2. This amendment relocates the proposed facilities from the applicants' site in Skagit County, Washington, to the Department of Energy's Hanford Reservation in Benton County, Washington, and changes the name of the project from Skagit Nuclear Power Project to Skagit/Hanford Nuclear Project.

After the amended environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

An agreement (pursuant to a Memorandum of Understanding dated September 6, 1978, between the NRC and Washington State) dated July 31, 1981, between the Nuclear Regulatory Commission and the Washington State Energy Facility Site Evaluation Council (EFSEC) provides for one environmental statement that fully addresses both the State and Federal environmental assessment requirements. Therefore, a joint environmental statement will be prepared by NRC and EFSEC.

As part of the review of the amended environmental report, the Commission and EFSEC staffs will hold two public scoping meetings. The first will be on February 3, 1982, beginning at 7:00 p.m. at the Department of Energy Auditorium, Federal Building, 825 Jadwin Avenue, Richland, Washington. The second scoping meeting will be on February 4, 1982, beginning at 7:00 p.m. at the Seattle Science Center, Mercer Forum C, Seattle, Washington. Interested members of the public are invited to attend and to submit comments concerning the proposed action. Written comments are also requested. They should be sent to Mr. Jan Norris, Environmental Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. To be included in the staffs' review, written comments must be received by February 12, 1982. For further information with respect to the scoping process and the environmental impact statement, please contact Mr. Norris at the above address or by telephone at Area Code (301) 492-4908.

Any Federal agencies who so desire are hereby invited to become cooperating agencies in the preparation of the environmental statement. A "cooperating agency" means any Federal agency other than the NRC which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a resonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. By agreement with the Commission, a state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may become a cooperating agency.

The applicants' environmental report is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. As they become available, copies of the draft and final environmental statements and related correspondence will also be on display at the above locations.

Dated at Bethesda, Maryland, this 21st day of January 1982.

For the Nuclear Regulatory Commission.

William H. Regan, Jr.,

Chief, Siting Analysis Branch, Division of Engineering.

[FR Doc. 82-2228 Filed 1-27-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittees on Metal Components and Waste Management; Meeting

The ACRS Subcommittees on Metal Components and Waste Management will hold a meeting on February 12, 1982, Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittees will discuss the technical aspects of proposed research efforts to predict high-level radioactive waste container long term (1000 yr.) integrity by accelerated methods as well as the technical capability of various potential contractors.

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 Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information and industrial security. 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:

Friday, February 12, 1982—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding the technical aspects of various proposals submitted to the NRC and the capabilities of the various organizations that submitted proposals.

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. Elpidio Igne (telephone 202/634-1414) 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 information and industrial security. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 21, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-2229 Filed 1-27-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 4-6, 1982, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on January 20, 1982.

The agenda for the subject meeting will be as follows:

Thursday, February 4, 1982

8:30 a.m.-8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.-12:00 Noon: Quantitative Safety Goals for Nuclear Power Plants (Open/Closed)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present and a presentation by representatives of the NRC Staff regarding a proposed NRC policy statement on quantitative safety goals to be used in the regulation of nuclear power plants. Representatives of the nuclear industry will present comments regarding this subject as appropriate.

1:00 p.m.-4:00 p.m.: Severe Accident Rulemaking and Related Matters (Open/Closed)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present and a report by members of the NRC staff regarding the proposed substitution of specific standard plant rulemaking proceedings for the NRC generic severe accident rulemaking. Representatives of the nuclear industry may present comments as appropriate.

4:00 p.m.-6:30 p.m.: NRC Safety Research Program (Open/Closed)—The ACRS members will discuss the proposed Committee report to the United States Congress regarding the proposed NRC safety research program budget for Fiscal Year 1983. Representatives of the NRC Staff will participate as appropriate.

Friday, February 5, 1982

8:30 a.m.-9:30 a.m.: NRC Regulatory Reform (Closed)—The ACRS will hear and discuss a report regarding activities of the NRC Regulatory Reform Task Force from the Chairman of the Task Force.

9:30 a.m.-10:30 a.m.: General Discussion (Open/Closed)—The members of the Committee will discuss interim comments of the members and/or areas needing clarification with regard to the following items scheduled for discussion with the NRC Commissioners:

- Quantitative safety goals for nuclear power plants.
- Proposed NRC policy regarding the severe accident rulemaking.
- NRC regulatory reform.

10:30 a.m.-12:00 Noon: ACRS Meeting with NRC Commissioners (Open/Closed)—The Committee will meet with the NRC Commissioners to discuss the topics noted above.

1:00 p.m.-2:15 p.m.: NRC Policy and Program Guide (Open)—The Committee will hear and discuss a presentation by NRC officials regarding the recent Policy and Program Guidance promulgated by the NRC Commissioners.

2:15 p.m.-2:30 p.m.: Future ACRS Activities (Open)—The Committee will discuss proposed and anticipated subcommittee and full Committee activity.

2:30 p.m.-5:30 p.m.: NRC Safety Research (Open/Closed)—The ACRS members will discuss the proposed Committee report to the United States Congress regarding the proposed NRC safety research program budget for Fiscal Year 1983. Representatives of the NRC Staff will participate as appropriate.

5:30 p.m.-6:15 p.m.: Reports of ACRS Subcommittees (Open)—The Committee will hear and discuss the reports of ACRS Subcommittee chairmen with respect to activities related to quality assurance deficiencies at the Zimmer

Nuclear Power Station and interpretation by the NRC Staff of ACRS recommendations regarding the composition of licensee's safety review committees.

Saturday, February 6, 1982

8:30 A.M.–10:30 A.M.: NRC Safety Research Program (Open/Closed)—The ACRS members will discuss the proposed Committee report to the United States Congress regarding the proposed NRC safety research program budget for Fiscal Year 1983.

10:30 A.M.–12:30 P.M.: General Discussion (Open/Closed)—The Committee will discuss proposed ACRS comments/recommendations and additional committee action regarding topics discussed during this meeting including:

- Quantitative safety goals.
- NRC Policy regarding the severe accident rulemaking.

1:30 P.M.–3:00 P.M.: General Discussion (Open/Closed)—The Committee will discuss proposed ACRS comments/recommendations and additional Committee activities regarding topics discussed during this meeting including:

- NRC Regulatory Reform.
- NRC Policy and Program Guidance.

Activities of individual members of the Committee will also be discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 30, 1981 (46 FR 47903). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chariman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)) and information the premature release of which would be likely to significantly frustrate proposed agency action (5 U.S.C. 552b(c)(9)(B)).

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 ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: January 22, 1982.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 82–2230 Filed 1–27–82; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

January 20, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the pubic on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the Public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The Name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the Information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill our the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether Section 3504(h) of Pub. L. 96–511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or Recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or officer listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please sent them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
Evaluation of the Year II EFNEP/Food Stamp Pilot Project
On occasion, weekly
Individuals or households/State or local governments
Participants in and staff of nutrition ed. pilot project
SIC: 881
Food and nutrition assistance: 16,843 responses; 4,565 hours; $445,617 Federal cost; 4 forms; $45,650 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Four data collection instruments are submitted to provide information for the evaluation of the year II EFNEP/Food stamp pilot projects. The evaluation tests alternative methods for providing nutrition education to low income homemakers. Evaluation results will be useful in policy decisions for the food stamp and EFNEP programs.

• Farmers Home Administration
7 CFR 1980–C, Guaranteed Emergency Livestock Loans
On occasion
Businesses or other institutions
Agricultural lending institutions
SIC: 602
Small businesses or organizations
Farm income stabilization: 50 responses; 50 hours; $100,800 Federal cost; 1 form; $566 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

FMHA needs this information to service loans made to bona-fide farmers or ranchers who have substantial operations in breeding, raising, fattening or marketing livestock so that they may continue their normal operations.

• Forest Service
Benefit-Cost Analysis of Visual Management in National Forest Timber Harvesting, Benefits Phase
Nonrecurring
Individuals or households
Volunteer grps. in approx. 4 small cities in Rocky Mtn. area
Area and regional development: 250 responses; 63 hours; $6,000 Federal cost; 1 form; $220 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Resource Planning Act and National Forest Management Act require the Forest Service to manage lands to protect and enhance scenic beauty. Forest Service landscape architects need measures of public reaction to help guide landscape planning and meet visual management goals. This study is being undertaken now because the Forest Service is already developing cost data on visual management. Without accompanying estimates of public benefits there is no way to evaluate cost effect.

Extensions (No Change)

• Extension Service
Soil/Plant Laboratory Testing Activities
SEA–501
Biennially
State or local governments
Private and commercial, public and Government soil/plant testing labs
SIC: 018
Agricultural research and services: 78 responses: 39 hours; $1,780 Federal cost; 2 forms; $1,780 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

This biennial study and subsequent report is made and provided for the purposes of helping to evaluate the effectiveness of soil fertility educational programs, and to aid soil and plant testing laboratories with analyzing the status of testing and to make improvements in their ongoing programs.

Reinstatements

• Food and Nutrition Service
Food Stamp Regulations—Part 275, Quality Control and Performance Reporting
Part 275
On occasion
State or local governments
All State and loc. agncs. respon. for admin. food stamp program
SIC: 943
Food and nutrition assistance: 5,340 responses; 218,772 hours; $686,379 Federal cost; 1 form; $639,908 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

The integration of civil rights reviews into the management evaluation (ME) review system will ensure that project areas are in compliance with the requirements of title VI of the Civil Rights Act of 1964. The monitoring of civil rights compliance in project areas by State agencies through the ME system will also ensure that deficiencies requiring corrective action measures are identified.

• Food and Nutrition Service
Child-Care Food Program Regulations (Part 226)
FNS–341, 342, 343, 344, 345, 345–1, 430, 431, 432, 433, 82
Monthly, annually, other, see SF83
State or local governments/businesses or other institutions
Participating child care centers and administering agencies
SIC: 943
Food and nutrition assistance: 328,698 responses; 13,880,100 hours; $1,168,278 Federal cost; 11 forms; $13,880,100 public cost; not applicable under 3504(h)
Nell Minow, 202–395–7340

Institutions need to file these forms with administering agencies in order to be considered for participation, agree to comply with program requirements, be monitored and receive reimbursement for program costs. The program regulations are necessary in order to ensure that programs are administered efficiently and effectively.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Economic Censuses General Schedule
NC–9923
Nonrecurring
Businesses or other institutions
Single establishment companies in all economic areas
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 300,000 responses; 75,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

To provide a standard basis for assigning standard industrial classification codes of establishments engaged in all areas of economic activity.

• Bureau of the Census
Former Interviewers Job Attitude Survey
BC–1294

Nonrecurring
Individuals or households
Former employees of the Bureau of Census who worked as intervrs.
Other advancement and regulation of commerce: 551 responses; 92 hours; $2,780 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Interviewer turnover is costly and poses unknown threats to the quality of survey data. However, before cost-effective programs can be implemented to deal with the problem, causes and correlates of attrition must be identified. This study (pretest) is scheduled to begin February 1982 and terminate by December 1982.

• Bureau of the Census
RDD Primary Number Screening Questionnaire RDD Questionnaire
RDD 101, 102
Nonrecurring
Individuals or households
See supporting statement item number II
Other advancement and regulation of commerce: 4,560 responses; 1,868 hours; $300,000 Federal cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Increasing demands for statistical information and decreasing budgets require the evaluation of potential cost-saving survey methods such as random digit dialing (RDD) telephone interviewing. The Census Bureau will conduct an RDD study from March to September 1982 to develop information for decisions about implementing RDD in some of the bureau's statistical activities.

Revisions

• National Oceanic and Atmospheric Administration
Requirements Study of Needs and Uses for a National Environmental Data Referral Service
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Affected public includes State government agencies, private businesses, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 750 responses; 375 hours; $60,000 Federal cost; 1 form; $9,375 public cost; not applicable under 3504(h)
William T. Adams, 202–395–4814

The National Oceanic and Atmospheric Administration, Environmental Data and Information Service is collecting this information to assist in determination of data user requirements for referral to sources of environmental data, in order that the National Environmental Data Referral Service can be designed to satisfy these requirements.

Extensions (Burden Change)

• National Oceanic and Atmospheric Administration
Pacific Billfish Angler Survey
NOAA 88–10
Annually
Individuals or households
Marine recreational anglers fishing for billfish, etc.
Other advancement and regulation of commerce: 2,000 responses; 140 hours; $1,200 Federal cost; 1 form; $1,120 public cost; not applicable under 3504(h)
William T. Adams, 202–395–4814

To comply with Marine Game Fish Research Act (Pub. L. 86–359). Used to assess annual trend in catch rate for billfish in the Pacific by recreational fisherman, and the effects of catches on the domestic fleet by foreign longline fleet operations. Data used in domestic and international discussions, and by the Federal fishery councils.

• International Trade Administration
Product Characteristics—Design Check off List
ITA–426P
On occasion
Businesses or other institutions
Manufacturers and exporters
SIC: Multiple
Small Businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 2,000 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

This form was created as a convenient means for participants in U.S. export promotion exhibitions overseas to define their requirements for signs, utilities, and exhibition booth characteristics so that their booths will be designed to meet their particular requirements. The information is transmitted to the exhibition designer and the exhibition or export development office director

Extensions (No Change)

• Bureau of the Census
Quarterly Survey of the Finances of Employee Retirement Systems
F–10
Quarterly
State or local governments
The 105 public employee retirement system with the largest cash
SIC: Multiple
Other advancement and regulation of commerce: 444 responses; 444 hours; $15,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The Census Bureau needs the F–10 in order to survey the receipts, payments and asset balances of major public employee retirement systems. We use this form as the basis for a quarterly report that is used by groups such as the council of economic advisers and the Federal Reserve System to analyze factors affecting the securities market.

• Economic Development Administration
Special Adjustment Assistance Application Form
ED–540
On occasion
State or local governments
State, city, non-profit public organization, a consortium etc.
SIC: All
Other advancement and regulation of commerce; 60 responses; 315 hours; $75,500 Federal cost; 1 form; $4,800 public cost; not applicable under 3504(h)
William T. Adams, 202–395–4814

The information (form) is needed to receive benefits under the sudden and severe economic dislocation (SSED) program. Because the SSED program responds to unforeseen disruption to an economy, specific and new information is needed to identify the problem to be addressed. No other program in the agency is designed to address such special needs.

Reinstatements

• Economic Development Administration
Preliminary Plan For: Longitudinal Analysis of Minority Business, Enterprises Participating in the Local Public Works Program
ED–462QP
Nonrecurring
Businesses or other institutions
3075
SIC: 015, 016, 017
Small businesses or organizations
Area and regional development: 444 responses; 205 hours, $78,000 Federal cost; 2 forms; not applicable under 3504(h)
William T. Adams 202–395–4814

The study's purpose is to evaluate the long term impacts of the 10% minority setaside of the local public works program. The resulting information will be of interest to DOC and other policymakers concerned with the impacts of minority setasides.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Department of the Navy
Segmentation Study of Potential Navy Recruits
Nonrecurring
Individuals or households
Non-prior military service males, 17 to 21 years old
Department of Defense-Military: 800 responses; 400 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

The purpose of this sutdy is to segment the target market (17–21 years old males) into well defined groups that have common behavior and preference patterns. Subsequently, this information will be used to increase the effectiveness of future Navy advertising and recruiting efforts.

• Department of the Air Force
Proposal for a Proprietary Tracking Study of Air Force Advertising
Annually
Individuals or households:
17–26 yr. old males as they exist in the population
Department of Defense—Military: 610 responses; 225 hours; $37,624 Federal cost; 1 form; $765 public cost; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

There is no research study to gather proprietary data with which to develop the most propitious advertising and overall Air Force Marketing Program. Current imagery of the Air Force must be discernable at a point in time that is most reflective of Air Force advertising efforts. This proposed tracking study should be conducted among a nationally representative sample of our broad demographic target group on a recurring basis. Proposed begin date: 1/82 ending 11/83.

• Department of the Air Force
Proposal for an Advertising Copy Evaluation Survey
Annually
Individuals or households
17–26 yr. old males, high sch. sen. or high sch. graduates
Department of Defense—Military: 800 responses; 335 hours; $34,305 Federal cost; 1 form; $1,005 public cost; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

A quantitative testing technique to test Air Force advertising has not been established. A pretesting system is recommended that can evaluate prefinished commercials and print ads prior to final production, discriminate between alternatives and provide diagnostic information to fine tune the execution prior to final production. This copy testing system has as its evaluative criterion, both a pre and post exposure measurement of interest in the Air Force vs other branches.

• Department of the Air Force
Proposal for a Research Study to Explore the Theme Line "A Great Way of Life"
Nonrecurring
Individuals or households
17–26 yr. old males, hs sen. or hs. grad. maxi. 2 yr college
Department of Defense—Military: 500 responses; 200 hours; $26,570 Federal cost; 1 form; $600 public cost; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Basic objective is to determine the believability and communications value of USAF theme lines. To date, no research has been conducted to evaluate theme lines through quantative testing. This proposal will determine validity of the current theme line or determine if a revision is indicated.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

• Social Security Administration
Study of the Extent and Effects of English Language Training for Refugees
Nonrecurring
State or local governments
State Government and local organizations
SIC: 944
Small businesses or organizations
Other income security: 302 responses; 453 hours; $39,934 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

The objectives of the study are to obtain descriptive information on the extent, nature and quality of English language training being provided for refugees and entrants through the refugee resettlement program and to gather information on the most effective approaches to English training, as well as methods used to monitor such training.

• Social Security Administration
Report of Student Beneficiary About to Attain Age 19
SSA–1390–C1 (1–82)
On occasion
Individuals or households
Student beneficiaries who will soon attain age 19
General retirement and disability insurance: 50,000 responses; 3,333 hours; $6,126 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is needed to make an accurate determination regarding the proper month for termination of student benefits to a high school or to determine if the student continues to be eligible for benefits beyond age 19.

• Social Security Administration
Financial Status Report
SSA–4930 (12–81) Quarterly
State or local governments
State income maintenance agencies
SIC: 944
Other income security: 104 responses; 832 hours; $1,608 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to ensure that funding for each State and each year is within the limits prescribed by law and to maintain accountability of the use of Federal funds provided for the work incentive demonstration program and to ensure that program expenditures are in accordance with the approved plan.

• National Institutes of Health
Telephone Survey of Physicians To Determine Awareness of NIH Consensus Development Program—Phase 2.
Nonrecurring
Businesses or other institutions
Physicians in continental U.S.
SIC: 801
Small businesses or organizations
Health: 700 responses; 35 hours; $21,000 Federal cost; 1 form; $350 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6830

The telephone survey of 700 medical specialists will be conducted to determine the effectiveness of agency efforts to disseminate information about the NIH consensus development program and the meeting on computed tomographic scanning of the brain that was held November 4–6. The results of the survey will enable the agency to better inform the relevant community, resulting in greater professional and public input into the consensus program.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Indian Affairs
Pesticides[1]

[1] Section 3512 of the Paperwork Reduction Act precludes Federal agencies from penalizing any

Continued

Annually, Other–see SF83
Individuals or households/businesses or other institutions
Indian tribal governments
SIC: Multiple
Area and regional development: $17,186 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Required to assess pesticide use on Indian lands to ensure compliance with the Federal Insecticide, Fungicide and Rodenticide Act. Required to comply with the National Environmental Policy Act.

• Bureau of Indian Affairs
25 CFR subchapter w—Miscellaneous activities[1]
On occasion
Businesses or other institutions
Individuals who wish to peddle/operate bus on Indian, etc.
SIC: Multiple
Small businesses or organizations
Multiple functions: 29,810 responses; 29,810 hours; $628,169 Federal cost; 14 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The trading with Indians on Indian reservations statute is necessary because of the isolation of Indian communities. It is necessary to gather information on persons who conduct business on reservations because of the possibility of having fraud/overpricing perpetrated on Indians. State consumer protection laws do not apply on Indian reservations.

• Bureau of Indian Affairs
Identification of Unresolved Indian Rights Issues[1]—Form for Developing Action Plan 25 CFR Subchap W
5–5101, 5–5102
On occasion
Individuals or households/State or local governments
Indians, Indian tribes and Alaska Natives
SIC: Multiple
Small Businesses or organizations
Area and regional development: 9,422 responses; 9,422 hours; $173,288 Federal cost; 2 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Used in Indian rights protection office procedure for identification and resolution of unresolved Indian rights issues.

• Bureau of Indian Affairs
Commercial fishing catch report—Subchapter W miscellaneous[1]
Annually
Individuals or households
Indian commercial fisherman
Conservation and land management: 14,133 responses; 14,133 hours; $259,932 Federal cost; 3 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

. Each tribal fisherman must report his commercial fishing catch monthly to the tribe. They, in turn, submit all catch reports to the Michigan agency, BIA, and the State of Michigan, and the U.S. Fish and Wildlife Service.

• Bureau of Indian Affairs
Housing[1]
On occasion, annually
Individuals or households/State or local governments
Indian tribes and tribal members
SIC: Multiple
Multiple functions: 47,110 responses; 47,110 hours; $86,440 Federal cost; 10 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Used to determine eligibility for participation in the housing program.

• Bureau of Indian Affairs
Indian self-determination and education assistance[1] Act Programs
Annually
Individuals or households/State or local governments
Indian tribes and Indian organizations
SIC: multiple
Small businesses or organizations
Multiple functions: 357,057 responses; 357,057 hours; $5,528,152 Federal cost; 162 forms; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Information collection required by Pub. L. 93–368, 25 CFR sub-chapter Y and is needed for sound program administration

• Bureau of Indian Affiars
General Administration—Personnel [1]
Annually
Individuals or household/State or local governments/businesses or other institutions
Indivds, schools, former employers, pers references, etc.
SIC: 999
Multiple functions: 240,844 responses; 240,844 hours; $2,976,897 Federal cost; 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Most forms are related to applications for employment, retirement, or other benefits, which are initially voluntary, for appropriate action on the application, the other sources of supplementary information become mandatory.

• Bureau of Indian Affairs
General Administration—Bowhead Whale [1]
Nonrecurring
Individuals or households
Heads of households of Alaska Natives in the whaling, etc.
Multiple functions: 9,422 responses; 9422 hours; $173,288 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The United States is a signatory of the International Whaling Convention of 1946 and a member of the International Whaling Commission (62 Stat, 1716, T. I. A. S. IWC directed the United States to determine the need of Alaska Natives to take the bowhead whale. This study is the basis of determining that need.

• United States Fish and Wildlife Service
Envir Education/Evaluation [1]
On occasion
Individuals or households
Visitors on national wildlife refuges.
Recreational resources: 2,000 responses; 200 hours; $10,000 Federal cost; 1 form not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to evaluate the refuge educational programs from the user's viewpoint, and plan for improvements in such programs.

• United States Fish and Wildlife Service
North American Breeding Bird Survey [1]
Annually
Individuals or households
Individs that volunteer to conduct surveys of breeding birds
Recreational resources: 1,300 responses; 16,000 hours; $70,210 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Information collected from cooperators with the Service in this survey is used to determine the status of migratory birds in North America, providing trends and relative abundance of each species. The information aids the Service, Canadian Wildlife Service, and State wildlife agencies in identifying species of concern and developing priorities for assigning available resources.

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person failing to maintain or provide information to the agencies if the information collection request was made after December 31, 1981 and does not display a current OMB control number, or fails to state that the request is not subject to the Paperwork Reduction Act. Due to resource constraints, the Department of the Interior was unable to submit complete clearance packages for OMB review for many information collection requests before the December 31 deadline. OMB has agreed to approve the above information collection requests on a provisional basis. In exchange, Interior developed a schedule for submitting complete justification packages for these items. This schedule is available from the Agency Clearance Officer, Vivian A. Keado, at 202–343–6191.

• United States Fish and Wildlife Service
Surplus Animal Permits [1]
On occasion
State or local governments
State, local and Indian govts willing to remove surplus, etc
SIC:951
Small businesses or organizations
Recreational resources: 100 responses; 25 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to permit State, local, and Indian governments and organizations to remove surplus wildlife from refuges.

• United States Fish and Wildlife Service
Master Planning Questionnaire [1]
On occasion
Individuals or households
Individs interested in national wildlife refuge, etc.
Recreational resources: 2,000 responses; 1,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used by the Service to gather public input for refuge master planning. The questionnaire is used when public meetings are impracticable, or in some instances to supplement such meetings.

• United States Fish and Wildlife Service
Farming Permits [1]
On occasion
Individuals or households/farms
Farms that wish to conduct oper on nat. wildlife refuges.
SIC: 011, 013, 016, 019, 021, 024, 029, 072, 076
Small businesses or organizations
Recreational resources: 650 responses; 325 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for farming operations on refuges. Permits are necessary to control the amount of acreage open to farming.

• United States Fish and Wildlife Service
Off Road Vehicle Permits [1]
On occasion
Individuals or households
Individs applying for vehicular access on nat. wildlife, etc
Recreational resources: 1,000 responses; 100 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to control the number and locations of permittees allowed to operate off road vehicles on refuges.

• United States Fish and Wildlife Service
Commercial Fishing Permits [1]
On occasion
Businesses or other institutions
Commercial fishermen applying for permits to conduct, etc.
SIC: 091
Small businesses or organizations
Recreational resources: 1,000 responses; 500 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for commercial fishing operations on refuges where such opportunities can be permitted.

• United States Fish and Wildlife Service
Camping Registration/Permits [1]
On occasion
Individuals or households
Campers on national wildlife refuges
Recreational resources: 25,000 responses; 2,500 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for camping on refuges, and to plan for improvements in the facilities provided to campers/visitors.

• United States Fish and Wildlife Service
Hunter Survey [1]
On occasion
Individuals or households
Hunters on national wildlife refuges
Recreational resources: 100,000 responses; 5,000 hours; $150,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to monitor the size and effects of hunting harvests allowed on refuges. The information is necessary to determine the level of future hunting programs.

• United States Fish and Wildlife Service
Migratory Bird Waterfowl Subsistence Use [1]
Nonrecurring
Individuals or households
Alaska natives harvesting waterfowl for subsistence
Recreational resources: 500 responses; 500 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to determine the size of the migratory waterfowl substance harvest in Alaska to fulfill the Service's responsibilities in managing the species under international treaty and the Migratory Bird Treaty Act.

• United States Fish and Wildlife Service
Special Use Permits (Misc.) [1]
On occasion
Individuals or households
Individs applying for permits to conduct generally, etc.
Recreational resources: 10,000 responses; 1,000 hours; $20,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for various activities otherwise prohibited on refuges, such as access, bird banding, scouting trips, and unique uses.

• United States Fish and Wildlife Service
Hunting Reservation/Application/Blind Assignment [1]
On occasion
Individuals or households
Hunters on national wildlife refuges
Recreational resources: 100,000 responses; 8,500 hours; $250,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to allow hunting on refuges, and is used to determine eligibility, assign "blinds" for hunting, and made reservations in advance where a limited number of permits are available.

• United States Fish and Wildlife Service
Application for Federal aid—Standard Form 424 [1]
On occasion
State or local governments
State Fish and Wildlife Management Agencies
SIC: 951
Recreational resources: 200 responses; 8,000 hours; $21,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Service rules in 50 CFR 80, 81, 82, and 83 provide for the administration of Federal grants to States for fish and wildlife projects. The rules provides for the use of SF 424—as prescribed by OMB Circ 1–102—to submit applications for program/project approval.

• United States Fish and Wildlife Service
Project Agreement [1]
Annually
State or local governments
State Fish and Wildlife Management Agencies
SIC: 951

Recreational resources: 1,140 responses; 570 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The project agreement is used to issue annual grants in aid projects for fish and wildlife conservation projects. The form provides for specific funding agreements for work concepts approved under the application for Federal assistance (SF–424).

• Bureau of Land Management
Statement of Federal Land Payments Adjusted Statement of [1]
Federal Land Payments
Annually
State or local governments
State Governors' Offices and State Finance Offices
SIC: 999
Other general purpose fiscal assistance: 50 responses; 1,000 hours; $10,000 Federal cost; 2 forms; $30,000 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information requested is statutorily required to compute payments due units of local government under the Payments in Lieu of Taxes Act (31 U.S.C. 1601–1607). The act requires that the Governor of each State furnish a statement as to the amounts paid to units of local government under 11 receipt sharing statutes in the prior fiscal year.

• United States Fish and Wildlife Service
Weapons Qualifications Records
On occasion
Individuals or households
Hunters on National Wildlife Refuges
Recreational resources: 6,000 responses; 600 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to ensure that permittees allowed to hunt on refuges meet certain minimum qualifications, primarily for hunter safety. In many instances, a certificate showing completion of an approved hunter safety course meets the requirements of the information collection.

• Bureau of Land Management
Coal Management—Federally Owned Coal, 43 CFR 3400 [1]
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
State, Federal and local government and large and small business
SIC: 111, 112
Conservation and land management: 846 responses; 12,468 hours; $2,827,250 Federal cost; 1 form; $187,020 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Information requirements are located within several sections of this rulemaking. The statutes under which Federal coal is managed require a determination that applicants for Federal coal lease, surface owners in split estate land and applicants for lease exchanges and transfers meet specific requirements. Information collection requirements of these rules are consistent with that need.

• United States Fish and Wildlife Service
Public use surveys [1]
On occasion
Individuals or households
Visitors on nat wildlife Refuges that are open to the public
Recreational resources: 5,000 responses; 500 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

These surveys are used to determine how long visitors are on a refuge, what activities are conducted, and what improvements users would like to see made. The information is used for compiling usage data and planning projects on the individual refuges.

• United States Fish and Wildlife Service
Fertilizer/Pesticide Report [1]
Annually
Individuals or households/farms
Agricultural operators on national wildlife refuges
SIC: 021, *013, 016, 019, 024, 027, 029, 076, 081*
Small businesses or organizations
Recreational resources: 500 responses; 50 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to monitor the amount and effect of chemicals used by permittees conducting agricultural operations on refuges.

• United States Fish and Wildlife Service
Back Bay Vehicle Permit Applications [1]
Annually
Individuals or households
Individs applying for vehicular access on Back Bay (VA), etc.
Recreational resources: 300 responses; 600 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to determine applicants' eligibility for vehicular access on the refuge, including the extent (number of trips/days) of access to be allowed.

• United States Fish and Wildlife Service
Timber Harvest Permit [1]
On occasion
Businesses or other institutions
Timbering/forestry operations on national wildlife refuges
SIC: 081, 084, 085
Small businesses or organizations
Recreational resources: 400 responses; 200 hours; $2,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue a timber harvest permit, and to monitor the extent/value of timber harvested in an effort to ensure that adverse effects are avoided.

• United States Fish and Wildlife Service
Firewood Gathering Permits [1]
On occasion
Individuals or households
Persons wishing to collect firewood on nat wildlife refuges
Recreational resources: 5,000 responses; 250 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for the gathering of firewood on refuges. The information is necessary to monitor the amount of firewood taken.

• Bureau of Land Management
Geothermal Resources Leasing, General—43 CFR Part 3200 [1]
BLM 3000–2, 9, 11 & 17
Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Individual citizens, small businesses, large corps., etc.
SIC: 999
Small businesses or organizations
Conservation and land management: 420 responses; 1,449 hours; $57,750 Federal cost; 4 forms; $43,500 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The geothermal resource regulations were promulgated to carry out the provisions of the Geothermal Steam Act, for the purposes of providing procedures and establishing rights to develop and utilize geothermal resources on the Federal lands. This proposed rulemaking contains information collection requirements, a "notice of intent . . ." form, a bond form, a form for an assignment of a geothermal resources lease, and a form for a competitive oil and gas geothermal lease bid.

• United States Fish and Wildlife Service
Haying Permits/App [1]
On occasion
Individuals or households/farms
Agricultural operations that apply for having permits
SIC: 011, 013, 019, 072
Small businesses or organizations
Recreational resources: 700 responses; 175 hours; $3,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for haying operations on refuges, and to determine the amount produced.

• Bureau of Land Management
Oil and Gas Leasing—43 CFR Part 3100 [1]
On occasion, annually
Individuals or households/businesses or other institutions
Small businesses, filing services, oil companies, indiv.
SIC: 999
Conservation and land management: 58,164 responses; 29,082 hours; $27,450 Federal cost; 9 forms; $3,981,880 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The regulations within part 3100 of title 43 of the Code of Federal Regulations contain the procedures for obtaining a lease to explore for, develop and produce oil and gas resources located on Federal lands. The revised rulemaking eliminates unnecessary, burdensome, incorrect, unclear and outdated provisions.

• United States Fish and Wildlife Service
Grazing Permits [1]
On occasion
Individuals or households/farms
Agricultural activities that apply for livestock, etc.
SIC: 021, 024, 029
Small businesses or organizations
Recreational resources: 500 responses; 250 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information collected is used to issue permits for grazing on refuges. The permits are necessary to control the number of livestock allowed on each refuge.

• Bureau of Land Management
Timber or Vegetative Resource Sale Contracts and Free Use Permits [1]
BLM 5450–1, 5450–3, 5470–3
On occasion
Businesses or other institutions
Timber industry contractors or forest product manufacturers
SIC: 081, 241
Small businesses or organizations
Conservation and land management: 1,220 responses; 1,220 hours; $50,550 Federal cost; 3 forms; $82,200 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

These regulations are forms needed and used to provide for the orderly disposal of forest products through sales and free use.

• Bureau of Land Management
Notice of Removal of Exempted Timber for Export Purposes [1]
BLM 5460–14
Nonrecurring
Businesses or other institutions
Timber industry contractors or forest products manufacturers
SIC: 081, 241
Small businesses or organizations
Conservation and land management: 100 responses; 10 hours; $100 Federal cost; 1 form; $1,000 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

This information is used to enforce export restrictions which are required by law.

• Bureau of Land Management
Regional Corporation Selection Application [1]
2650–1
Nonrecurring
Businesses or other institutions
Alaska Native Regional Corporations
SIC: 999
Small businesses or organizations
Conservation and land management: 96 responses; 48 hours; $135,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The subject form is needed by one of the 12 regional corporations established pursuant to the Alaska Native Claims Settlement Act to Select lands to which it is entitled. Use of the form is required by departmental regulation 43 CFR 2650.2(a).

Reinstatements

• Office of Surface Mining Reclamation and Enforcement
Statement of Employment and Finacncial Interest (for Use by State Employees) [1]
OSM 23
Annually
Individuals or households
State regulatory authority employees
Conservation and land management: 1,000 responses; 500 hours; $5,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Section 517(g) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 requires that no employee of the State regulatory authority performing any function or duty under the act shall have a direct financial interest in any underground or surface coal mining operation.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Immigration and Naturalization Service
Application for Permission to Reapply for Admission Into the United States After Deportation or Removal
I–212
Nonrecurring
Individuals or households
Applicants seeking readmission into the United States
Federal law enforcement activities: 5,000 responses; 1,666 hours; $15,000 Federal cost; 1 form; $16,660 public cost; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Section 212(d)(3)(a) of the I&N Act provides that an alien applying for a nonimmigrant visa may at the discretion of the Attorney General be issued such a visa even though inadmissable because of previous deportation or removal from the United States. Information is used to determine eligibility.

• Legal Activities
Request for Confirmation of Naturalization
FCSC–13
Nonrecurring
Individuals or households
Naturalized American citizens whose property, etc.
Conduct of foreign affairs: 2,000 responses; 167 hours; $1,650,000 Federal cost; 1 form; $1,666 public cost; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Information will be used to verify claimant's United States naturalization and determine eligibility for compensation under Pub. L. 96–606 and Pub. L. 97–127.

• Legal Activities
Statement of Claim
FCSC 127
Nonrecurring
Individuals or households
Amer. citizens whose property was taken by the Czech Gov't
Conduct of foreign affairs: 2,000 responses; 2,000 hours; $750,000 Federal cost; 1 form; $20,000 public cost; not applicable under 3504(h)
Andy Uscher, 202–395–4814

The proposed form is the means by which American citizens can claim compensation for property losses in Czechslovakia which occurred after August 8, 1958, out of funds derived from a claims settlement agreement with that country.

Extensions (No Change)

• Immigration and Naturalization Service
Application for Exception From the Classification of Alien Enemy
N–436
On occasion
Individuals or households
Alien enemies
Federal law enforcement activities: 1 response; 1 hour; $0 Federal cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Inactive and would become effective upon appropriate proclamation by the President of the United States.

• Immigration and Naturalization Service
Application to extend time of temporary stay
I–539
Nonrecurring
Individuals or households
Non-immigrant alien applying for extension of stay
Federal law enforcement activities: 352,000 responses; $2,200,000 Federal cost; $1,173,330 public cost; 117,333 hours; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

As provided for in section 214 of the I&N Act, this form is used by a non-immigrant alien in the U.S. to apply for an extension of temporary stay and by INS to determine eligibility for extension.

• Immigration and Naturalization Service
Request for Verification of Naturalization
N–25
Nonrecurring
Individuals or households
Clerks of court
Federal law enforcement activities: 2,500 responses; $14,500 Federal cost; $6,250 public cost; 625 hours; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Form is used to obtain information from the records of a clerk of court which may be needed by a person applying for benefits under various provisions of the I&N Act.

• Immigration and Naturalization Service
Certificate of Elegibility for Non-Immigrant F–L Student Status
I–20AB
Nonrecurring
Individuals or households/businesses or other institutions
Nonimmigrants seeking admission as students
SIC: 919
Federal law enforcement activities: 110,000 responses; $10,000 Federal cost; $1,100,000 public cost; 110,000 hours; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Used by consular and immigration officials to determine eligibility of applicant for admission to U.S. as student as provided in section 101(a)(15(f)(1) of the I&N Act.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Record of Change of Rail Car Seals
On occasion
Businesses or other institutions
Rail carriers
SIC: 401
Other transportation: 170 responses; $0 Federal cost; 85 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by rail carriers and shippers to ascertain that cars of class A explosives are not broken into.

• Research and Special Programs Administration
Rail Carrier Local Restrictions
On occasion
Businesses or other institutions
Rail carriers
SIC: 401
Other transportation: 51 responses; $0 Federal cost; 51 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Rail carriers, through Bureau of Explosives, Association of American Railroads, use this report as a means of avoiding the bringing of rail cars to areas there they are forbidden or at times when they are not allowed.

• Research and Special Programs Administration
Inspection of Cylinders Previously Containing Corrosive Liquids
On occasion
Businesses or other institutions
Shippers of compressed gases
SIC: All
Other transportation: 5,000 responses; $0 Federal cost; 1,666 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To verify that the cylinders previously containing corrosive liquids have not been weakened due to corrosion and are safe to recharge and ship in a charged condition.

• Maritime Administration
Affidavit of United States Citizenship
Special format
Annually
Individuals or households/businesses or other institutions
Corporations, banks, and lending institutions
SIC: 602, 446, 639
Water transportation: 500 responses; $55,000 Federal cost; 2,500 hours; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Applicants for and those receiving Federal loan guarantees to build U.S. flag ships, and construction and operating subsidies must, by statute, be and remain U.S. citizens (within the meaning of 46 U.S.C. 802) during the contract period. Failure to do so, is a default under the contract and could subject the vessel to forfeiture.

• Research and Special Programs Administration
Tank Car Leak Notification
On occasion
Businesses or other institutions
Rail carriers
SIC: 401
Other transportation: 340 responses; $0 Federal cost; 170 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by railroads and tank car owners as a means to locate and avoid reloading tank cars which have been discovered leaking and are unfit for continued use until they have been repaired.

• Research and Special Programs Administration
Inspection of Cylinders Used for Hydrofluoric Acid, Anhydrous
On occasion
Businesses or other institutions
Shippers of anhydrous hydrofluoric acid
SIC: 999
Other transportation: 7,500 responses; $0 Federal cost; 1,250 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by cylinder owners and shippers of hydrofluoric acid, anhydrous, to verify that cylinders used in this service are safe for continued use.

• Research and Special Programs Administration
Tank Car Safety Valve Test Overdue Report
On occasion

Businesses or other institutions
Rail carriers
SIC: 401
Other transportation: 408 responses; $0 Federal cost; 408 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Used by railroads, through Bureau of Explosives, Association of American Railroads, as a means to avoid reloading tank cars which are or whose safety valves are due or past due for retest.

• Research and Special Programs Administration
Cylinders Recharged More Than Once Every Other Day
Other—see SF83
Businesses or other institutions
Owners of cylinders
SIC: 019, 028, 072, 291, 162, 421, 442, 444, 401, 554
Other transportation: 10,800 responses; $0 Federal cost; 1,800 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To ascertain that the lightweight cylinders with small built-in safety factors, used in aircraft for emergency supplies of oxygen, are safe for continued recharging.

• Federal Highway Administration
Time Records
Other—see SF83
Individuals or households/businesses or other institutions
Motor carriers oper vehicles in interstate or for commerce
SIC: 999
Small businesses or organizations
Ground transportation: 324,136,600 responses; $0 Federal cost; 10,800,000 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

49 CFR 395.8(t) and 395.9(v) provide an exemption from logging requirements if accurate time records are maintained. Time records are used by FHWA and carriers to determine compliance with maximum time limitations required by 49 CFR 395.3 and to determine overall safety compliance status.

• Research and Special Programs Administration
Cylinder Welding or Brazing Repair Records
On occasion
Businesses or other institutions
Manufacturers of cylinders or cylinder repair facilities
SIC: 344
Other transportation: 6,000 responses; $0 Federal cost; 2,000 hours; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

To ascertain that cylinders repaired by welding or brazing have not been weakened by the process and still meet the requirements for the specifications set forth in the regulations.

• Federal Railroad Administration
Special Notice for Repairs
FRA–F–6180.8, 6180.8A
On occasion
State or local governments/businesses or other institutions
Common carriers by rail engaged in interest commerce, etc.
SIC: All
Ground transportation: 700 responses; 60 hours; $1,500 Federal cost; 2 forms; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The Locomotive Inspection Act, 45 U.S.C. section 29, requires the special notice be issued to notify the carrier in writing of an unsafe condition involving a locomotive, a freight car or track. The carrier is required to return the form after repairs are made.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—202–254–9735

Revisions

• Registration of Employees of Commodity Training Advisors and Commodity Pool Operators
Form 8–R
Biennially
Individuals or households/businesses or other institutions principally, inivids who solicit customers on behalf, etc.
SIC: 633
Other advancement and regulation of commerce: 1,000 responses; 1,000 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The proposed rule would implement and facilitate the registration of certain commodity training advisors who solicit customers.

• Proposed Amendments to Arbitration Rules
On occasion
Businesses or other institutions
Contract markets and FCM's
SIC: 622
Other advancement and regulation of commerce: 1 response; 1 hour; $0 Federal cost; 2 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The information collection required by the amendments to regulations 180.2 and 180.3 would be necessary to assure that the Commission's policy to reduce the number of reparations and encourage arbitration for the resolution of commodities related disputes is implemented.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

• Generator Requirements
On occasion, other—see SF83
State or local governments/businesses or other institutions
Generators of hazardous waste
SIC: multiple
Small businesses or organizations
Pollution control and abatement: 2,145 responses; 11,170 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This is an aggregate ICR that covers three components: exception reports, waste documentation and international shipments for hazardous waste generators. Exceptions reports are required when confirmation of waste delivery is not received. Waste documentation (determination) is required for all wastes. Notice of international shipments must be sent to EPA prior to the initial shipment in a calendar year for each foreign consignee and for each waste.

• Environmental Assessment Data Systems
Nonrecurring, on occasion
State or local governments/businesses or other institutions
EPA contracts performing sampling and analysis work, etc.
SIC: multiple
Pollution control and abatement: 200 responses; 4,000 hours; $250,000 Federal cost; 50 forms; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

EADS is a computerized information system that contains results of sampling and analysts activities performed on multimedia discharges from energy and industrial processes. The data are used to support technology development and to assist the States and industry in determining the applicability of control systems to various industrial processes.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–287–9906

Extensions (Burden Change)

• Equipment Survey Federal Disaster Assistance Program
FEMA 90–3
On occasion
State or local governments
State and local governments
SIC: multiple

Disaster relief and insurance: 1,500 responses; 750 hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form used to summarize data from pumping equipment log maintained by applicant. Use of form is optional. Information needed as basis for reimbursement. Annual burden varies depending on the number and type of disasters occurring in any particular year.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

- Semiannual Report (of Savings and Loan Associations)

Special Sections: G; Supplemental Data: H; Deposits: I; Income Tax: J; Securities: K; Deposit Rate and Structure FHLBB 777, 778, 921, 154, 895
Annually, semiannually
Businesses or other institutions
SIC: 612
Mortgage credit and thrift insurance: 28,000 responses; $120,896 Federal cost; 43,400 hours; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

Provides detail required to monitor association utilization (individually and in the aggregate) of regulatory and statutory authority to invest in various types of securities and mortgages and to offer various types of deposits and the need for changes in such authority. Provides basis for analyzing tax law changes and secondary market activity of associations. Also provides national aggregates used for analyzing financial and mortgage market activity.

FOUNDATION FOR EDUCATION ASSISTANCE

Agency Clearance Officer—Wallace McPherson—202–426–7304

Extensions (Burden Change)

- ESEA Title I Financial and Performance Report

ED 686–2
Annually
State or local governments
State education agencies
SIC: 941
Elementary, secondary, and vocational education: 58 responses; $210,000 Federal cost; $134,400 Public cost; 5,104 hours; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council 202–426–5030

Data will provide national information on total obligations, the number of participants and instructional areas, staff employment, and national achievement.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

- Federal Supply Motor Vehicle Rental Contracts (Schedule 751)

Other—see SF83
Businesses or other institutions
Rental contractors
SIC: Multiple
Small business or organizations
General property and records management: 1 response; $0 Federal cost; 1 hours; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This information collection is necessary to collect data on rental contracts. The data elements include vehicle type, the number of rentals, the gross billings, and the number of turndowns. This information is critical to the performance of effective contract administration and necessary for making decisions affecting short term motor vehicle support for customer agencies.

- Standard Form 362, U.S. Government Freight Loss/Damage Claim

SF–362
On occasion
Businesses or other institutions
Transportation companies
SIC: Multiple
Small businesses or organizations
General property and record management: 1 response; $2,000 Federal cost; 1 hour; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Standard form 362 is used by Government shippers when filing formal claims against transportation companies. This document establishes the government's level of damages to shipments during transportation.

- Description of Property for Possible Leasing, Lessor's Annual Cost Statement, and Proposal To Lease Space

GSA 54, 1217, 1364
Other—See SF83
Individuals or households/businesses or other institutions
Commercial real estate operator, owners and lessors, etc.
SIC: 651
Small businesses or organizations
General property and records management: 20,000 resposnes; $119,000 Federal cost; 50,000 hours; 3 forms; not applicable under 3504 (h)
Franklin S. Reeder, 202–395–3785

GSA's responsibility is to accommodate Federal agencies in leased space. Form 54 first brings the real estate to the attention of the Government. Form 1217 itemizes the building owner's costs so the Government can evaluate the reasonableness of the price. Form 1364 affords interested building owners or managers the opportunity of offering space to the Government in a standardized format for equitable evaluation of all offers by the Government.

- Standard Form 361, Discrepancy in Shipment Report

SF–361
On occasion
Businesses or other institutions
Transportation companies
SIC: All
Small businesses or organizations
General property and records management: 1 response; $2,500 Federal cost; 1 hour; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Standard form 361 is used by Government shippers or receivers to request detailed information from commercial transportation companies regarding loss or damage or other discrepancy occurring during transportation. The carrier and Government use this information to resolve subsequent claim actions.

- Request for and Report of Medical Examination

GSA 1896
Other—SEE SF83
Individuals or households
Physicians
General property and records management: 1 response; $0 Federal cost; 1 hour; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Form is used by building managers to send members of the public to the hospital after an alleged accident in a GSA building. Reverse of the form requests information from attending physician as a result of examination.

- Household Goods Shipment Report

GSA–3080
On occasion
Individuals or households
Gov't employ. being relocated on a perm. change of stat.
General property and records management: 1 response; $3,000 Federal cost; 1 hour; 1 form; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 3080, household goods shipment report, was developed to assist in the evaluating of household goods carriers service. This form is the basic document used to remove unsatisfactory carriers from the GSA centralized household goods program.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions (Burden change)

• Pension Reports
G–88P
On occasion
Businesses or other institutions
Railroad employers
SIC: 401
General retirement and disability insurance: 3,300 responses; $90,300 Federal cost; 440 hours; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The Railroad Retirement Act provides for payment of a supplemental annuity to a qualified retirement annuitant based on age, length of railroad service and a current connection with the railroad industry. The collection obtains information from the annuitant and his employer to be used in determining entitlement to and the amount of annuity applied for.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Ms. Elizabeth Zaic—202–653–7738

New

• SBA Export Date Base Form
SBA 18
Biennially
Businesses or other institutions
Export service organizations and firms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 50,000 responses; $2,500 Federal cost; $4,800 public cost; 8,000 hours; 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

The information is needed to comply with provisions of Pub. L. 96–481 and will be used to direct small businesses to public and private sector organizations capable of providing the in-depth export information and assistance needed by them.

• Application for Section 503 Loan
1244
Nonrecurring
Businesses or other institutions
Small business concerns
SIC: All
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; $5,000 Federal cost; $45,000 public cost; 3,000 hours; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Standard business information that allows SBA loan officer to make an eligibility and credit determination.

• SBA Export Information Request
SBA 22
On occasion
Businesses or other institutions
Small business firms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 24,000 responses; $2,500 Federal cost; $3,600 public cost; 1,200 hours; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The information is necessary to comply with provisions of Pub. L. 96–481 and will be used to ascertain the needs of small business exporters in order to refer them to private and public sector organizations available to assist them.

• Application for Certification As a Certified Development Company
1246
On occasion
Businesses or other institutions
Corporations wishing to become certified development companies.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 50 responses; $5,000 Federal cost; $2,200 public cost; 400 hours; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Section 108.503.2 requires the company to submit application form with supporting documents.

• Annual Report Guide
1253
Annually
Businesses or other institutions
Development companies certified under sec. 108.503 of SBA's, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 250 responses; $2,500 Federal cost; $3,750 public cost; 250 hours; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

Section 108.503–3 requires the CDC to submit annual reports and data that analyze the impact of its assistance to small business. This is a portion of the data required.

• National Training Evaluation SBA Management Training
Questionnaire
SBA 20
Nonrecurring
Individuals or households/businesses or other institutions
Small business clients
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 8,400 responses; $50,000 Federal cost; 4,200 hours; 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

This questionnaire will allow us (1) to evaluate SBA training programs on a continuing national basis and (2) to comply with the IG's request for closer evaluation of our programs.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202–389–2146

Revisions

• Application and Enrollment Certification Individualized
Tutorial assistance
VA 22–1990T
On occasion
Individuals or households/State or local governments/businesses or other institutions
Schools offering courses approved for VA benefits
SIC: 822; 829
Veterans education, training, and rehabilitation: 26,000 responses; $128,320 Federal cost; 13,000 hours; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The information requested on the form is used to determine entitlement to tutorial assistance. No payment may be made for the allowance unless the application form is submitted (38 U.S.C. 1692 and 1733(B), 38 CFR 21.4236).

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82–1817 Filed 1–27–82; 8:45 am]

BILLING CODE 3110–01–M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the seventeenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and

Behavioral Research will be held in the Auditorium of the Medical Society of the District of Columbia, 2007 I Street, N.W., Washington, D.C., from 9:00 a.m. to 5:30 p.m. on Friday, February 12, 1982 and from 9:00 a.m. to 4:00 p.m. on Saturday, February 13, 1982, and in the Conference Room at Suite 555, 2000 K Street, N.W., Washington, D.C., from 7:00 p.m. to 8:00 p.m. on Friday, February 12, 1982.

The meeting will be open to the public, subject to limitations of available space. The agenda for Friday, February 12 will include, among other things, the swearing-in of four new Commissioners, testimony on and discussion of issues of patient competence and the role of families in biomedical decisionmaking. The agenda for Saturday, February 13 will include, among other things, deliberation on a discussion outline on ethical and legal implications of decisions in neonatal intensive care units.

During Friday afternoon, at approximately 3:45 p.m., and Saturday afternoon, at approximately 1:00 p.m., fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Alexander M. Capron,

Executive Director.

FR Doc. 82–2265 Filed 1–27–82; 8:45 am]

BILLING CODE 6820–AV–M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1–A; Rev. 11]

Delegation of Authority; Associate Deputy Administrator (Line of Succession to the Administrator)

Delegation of Authority No. 1–A (Revision 10) (46 FR 34447) is hereby revised to read as follows:

I

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, authority is hereby delegated to the following officials in the following order:

1. Associate Deputy Administrator
2. General Counsel

to perform, in the event of the absence or incapacity of the Administrator and the Deputy Administrator any and all acts which the Administrator is authorized to perform, including but not limited to authority to issue, modify, or revoke delegations of authority and regulations, except exercising authority under sections 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

II

Anyone designated by the Administrator or Acting Administrator as acting due to a vacancy in one of the positions listed above remains in the line of succession; otherwise in the absence of one of the above, the authority moves to the next position.

III

This delegation is not in derogation of any authority residing in the above-listed officials relating to the operations of their respective programs nor does it affect the validity of any delegations currently in force and effect and not revoked or revised herein.

EFFECTIVE DATE: January 28, 1982.

Dated: January 21, 1982.

Michael Cardenas,

Administrator.

[FR Doc. 82–2081 Filed 1–27–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[CM–8/479]

Advisory Committee on International Intellectual Property; Meeting

The International Industrial Property Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Tuesday, February 9, 1982, in Room 1105 at the Department of State. The meeting will begin at 9:30 a.m. and will continue until 1:00 p.m. Although we anticipate that the business of the meeting will be concluded prior to the lunch break, an afternoon session will be held if required.

The meeting will be open to the general public. The following topics will be discussed:

1. Revision of the Paris Convention for the Protection of Industrial Property.
2. The Draft International Code of Conduct on the Transfer of Technology.
3. The Draft Convention on the Law of the Sea.

The public attending may, as time permits and subject to the instructions of the Chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Entrance to the Department of State is controlled and entry will be facilitated if arrangments are made in advance of the meeting. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, and address to Mrs. Bobbi Tinsley, Office of Business Practices, Department of State, telephone (202) 632–1486, prior to February 9, 1982. All attendnees to the meeting should use the C Street Entrace to the building.

Dated: January 11, 1982.

Harvey J. Winter,

Executive Secretary.

[FR Doc. 82–2118 Filed 1–27–82; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/487]

Presidential Commission on Broadcasting to Cuba; Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) as amended by Pub. L. 94–409 Section 5(c), notice is hereby given that the Presidential Commission on Broadcasting to Cuba will meet in closed session on Friday, February 5, at 10:00 a.m. in Room 6909, U.S. Department of State, 21st and C Streets, NW., Washington, D.C.

The purpose of the closed meeting, which will be the Commission's first, is to organize the work program of the Commission and to establish appropriate security procedures for handling classified information.

The reason for holding a closed meeting is that subjects and documents relating to Broadcasting to Cuba will be discussed that should not be prematurely disclosed to the public or which are classified under Executive Order 12065. It is the Commission's intention that there will be subsequent meetings of the Commission open to the public.

This notice of meeting is being published with less than 15 days advance notice because of the imperative need for the Commission to

begin its deliberations as soon as possible.

Ambassador George W. Landau,

Executive Secretary, Presidential Commission on Broadcasting to Cuba.

January 26, 1982.

[FR Doc. 82-2400 Filed 1-27-82; 9:37 am]

BILLING CODE 4710-29-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

San Juan Island Airport; Intent

The Federal Aviation Administration and the Port of Friday Harbor, Washington, acting as joint lead agencies, intent to develop Draft and Final Environmental Impact Statements (EIS) for a proposed new public airport on San Juan Island.

Proposed Action and Alternatives

The proposed action consists of construction of a General Utility airport publicly owned (by the Port of Friday Harbor) and open to the general public. The runway length as proposed is 3,400 feet. Sufficient support area will be provided to accommodate present and projected future aviation activity at the airport.

Alternatives to be evaluated include:

a. Friday West Site (approximately one mile west of the town of Friday Harbor on Beaverton Valley Road);

b. Upgrade the existing Friday Harbor Airport (privately owned) to FAA standards (new configuration); and

c. No-Build (continue using existing Friday Harbor Airport as is)

Scoping Process

Due to federal budgetary constraints, a formal scoping meeting will not be held. The proposed action was the subject of an environmental assessment (EA) report prepared in August of 1980. Persons wishing to review the EA in order to better understand the proposed action or provide comments regarding environmental concerns may review the EA at the following locations: Northwest Region Federal Aviation Administration Airports Division Office (Seattle), the offices of the Port of Friday Harbor (Friday Harbor) and at the San Juan Island Library (Friday Harbor).

Letters containing environmental concerns must be received by Mr. Mark Beisse, Acting Chief, Airports Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 or by Ms. Linda Browne, Commission Chairperson, Port of Friday Harbor, P.O. Box 661, Friday Harbor, Washington 98250, by February 26, 1982.

Approximate Release of:

Draft EIS.....July 1982
Final EIS.....October 1982

Points of Contact for Information

Any questions concerning the proposed project and the EIS should be directed to:

Dennis Ossenkop, ANW-614, Environmental Planning Officer, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, WA 98108, (206) 767-2633

Mr. Fred Krabbe, P.O. Box 767, Friday Harbor, WA 98250, (206) 378-4171

Dated: January 18, 1982.

Mark A. Beisse,

Acting Chief, Planning and Programming Branch, ANW-610.

[FR Doc. 82-1802 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement, Decatur, Illinois

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Decatur, Illinois. The project will consist of replacement, rehabilitation or closing of the existing IL Route 121 bridge over the A.E. Staley Company and the Norfolk and Western Railroad yard, commonly known as the Staley Viaduct. The proposed project also includes associated roadway improvements, which will connect U.S. Route 36, IL Route 105 and local city streets to IL Route 121. The FHWA and the Illinois Department of Transportation will act as lead agencies.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Johnson, District Engineer, Federal Highway Administration, 320 West Washington, 7th Floor, Springfield, Illinois 62701, telephone (217) 492-4618.

Mr. Robert E. Kronst, District Engineer, Illinois Department of Transportation, Division of Highways, District 5, Route 133 West, P.O. Box 358, Paris, Illinois 61944, telephone (217) 465-4181.

SUPPLEMENTARY INFORMATION: The Staley Viaduct, which was built in 1928, is a 2 lane structure approximately 2400 feet long and consists of 61 reinforced concrete deck girder spans and 7 steel plate girder spans. The condition of the structure is such that routine repair and maintenance can no longer prevent the structure from deteriorating to an unsafe condition.

Ten alternatives are being considered for the rehabilitation or replacement of the existing structure or construction of a replacement structure on a new alignment. The proposed structure will provide four lanes. The evaluation of the alternatives will consider the use of single and double level structures and tunnels along various alignments. All of the study alignments on new locations would extend partly through residential areas and partly through industrial areas. The environmental impact statement will also evaluate the effects of the no action alternative on the community and environment. Possible environmental effects associated with the proposed project include:

1. Temporary or permanent disruption and adverse travel of local and through traffic.

2. Increased noise, traffic congestion, and potential safety problems on existing facilities.

3. Some alternatives may have adverse effects on the Staley Company's operations. Also there may be some effects to the Norfolk and Western Railroad yard operations.

4. Additional right-of-way needs for some alternatives may require the relocation of some businesses and residences, maximum 110 displacements.

5. Right-of-way needs on some alternatives may require the acquisition of up to two acres of existing park land.

6. Some alternatives would affect the cohesiveness of neighborhoods in the vicinity of the project.

The scoping process will be achieved by review and comment on an information packet that has been prepared by the Federal Highway Administration and Illinois Department of Transportation. The information packet will be sent to the Department of Interior, U.S. Fish and Wildlife Service, Department of Housing and Urban Development, Department of Agriculture, U.S. Environmental Protection Agency, National Park Service, the Federal Railroad Administration and the U.S. Army Corps of Engineers. State and local agencies in Illinois will also have an opportunity to review and comment on the informational packet. Other interested parties may obtain copies of the informational packet from the contact persons listed in this notice. A notice announcing the availability of the scoping document will be published in local newspapers. A formal scoping

meeting will not be held for the proposed action.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Frank Johnson,

District Engineer, Springfield, Illinois.

[FR Doc. 82-1846 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration

Environmental Impact Statement; Valencia County, New Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Valencia County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dewey O. Lonsberry, Program Development Engineer, Federal Highway Administration, U.S. Courthouse—Room 117, Santa Fe, New Mexico 87501, Telephone: (505) 988-6255.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department will prepare an environmental impact statement (EIS) on a proposal to improve New Mexico Route 49 in Valencia County, New Mexico. The existing 2-lane roadway is not wide enough to safely carry existing and projected traffic volumes. The proposed improvement would begin at the intersection of U.S. 85 and New Mexico 49, extend east across the Rio Grande, and terminate at the intersection of New Mexico 49 and New Mexico 47. A length of approximately 2.1 miles. Alternatives under consideration include taking no action, to build alternatives for the section of the project west of the Rio Grande and to build alternatives for the section east of the Rio Grande. Either build alternative west of the river could be combined with either build alternative east of the river to form a complete build alternative. The build alternatives west of the river include widening the existing 2-lane section to 4-lane along the existing alignment and widening to 4 lanes within the existing right-of-way and widening to 4 lanes with a continuous left turn lane. The build alternatives east of the river include widening to 4 lanes partially along the existing alignment then realigning N.M. 49 to a new intersection with N.M. 47 approximately ½ mile south of the existing intersection. The existing bridge across the Rio Grande will accommodate 4 lanes meeting present standard and will not be modified.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A public hearing will also be held. Public notice will be given of the time and place of the meeting and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: January 19, 1982.

Dewey O. Lonsberry,

Program Development Engineer, Santa Fe, New Mexico.

[FR Doc. 82-2158 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-708]

American President Lines, Ltd.; Application

Notice is hereby given that American President Lines, Ltd. has filed an application dated December 29, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-417, so as to permit vessel calls at all ports of Oman in Line A Extension service and in Line B Extension service.

APL's Line A Extension service description requires a minimum of 18 and a maximum of 28 Line A sailings (California to Japan, Hong Kong, Philippines, Taiwan, Korea, Vietnam, Cambodia, Thailand) to serve Indonesia, Malaysia, or Singapore with privilege ports in the Bay of Bengal area, west coast of India, Pakistan, and the Persian Gulf-Gulf of Oman (not to load U.S. cargo at the Persian Gulf-Gulf of Oman). Deletion of this last parenthetical phrase is part of another application which is being processed separately and is not affected by the December 29 application being here Noticed. APL's Line A services also include the privilege of service to U.S. Atlantic ports via the Panama Canal on not more than 28 sailings.

APL's Line B Extension service description requires a minimum of 6 Line B sailings (Washington-Oregon to Japan, Korea, Taiwan, Hong Kong, Philippines, Vietnam, Cambodia, or Thailand) to serve Indonesia, Malaysia, or Singapore with privilege ports in the Bay of Bengal area, west coast of India, Pakistan, and the Persian Gulf-Gulf of Oman.

APL proposes to substitute "Persian Gulf-Gulf of Oman (including Oman)" for the present reference to "Persian Gulf-Gulf of Oman" in the Line A Extension and Line B Extension services described above.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by the close of business on February 12, 1982.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: January 22, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-2094 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP81-23; Notice 1]

Bridgestone Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Bridgestone Tire Company of America, Inc. of Torrance, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3.1 of Standard No. 109 requires each tire to be "labelled with the symbol DOT in the manner specified in Part 574. * * *" Figure 1 of Part 574, *Tire Identification and Recordkeeping*, specifies that the DOT symbol shall be not less than ¼-inch from the tire identification number. In metrics, the minimum requirement is 6.35 mm. Bridgestone has manufactured 429,000 tires in which the spacing has varied from 4.0 to 6.5 mm. It has received no reports or complaints on the noncompliance, has corrected the mistake, and believes that the noncompliance is inconsequential as the tire otherwise complies with Standard No. 109 and Part 574.

Interested persons are invited to submit written data, views and arguments on the petition of Bridgestone Tire Company of America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: March 1, 1982.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-2161 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-4; Notice 1]

Volvo White Truck Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance With Vehicle Identification Number Regulation

Volvo White Truck Corporation of Greensboro, North Carolina, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Volvo White imports Western Star trucks (33,000 pounds and greater GVWR) manufactured in Canada. The tenth character of the VIN was not changed at the proper time to signify Model Year 1982. The result is that 46 trucks, manufactured in September 1981, came into the country with the VIN translating as Model Year 1981, when in reality they were 1982 models.

The company's principal inconsequentiality argument is that traceability for recall is not affected by the content of the descriptor section of the VIN. To require correction would burden the truck owner who would have to obtain a new title. There are other difficulties such as misinterpretation by law agencies of a restamped VIN and the possibility for error that restamping might involve.

Interested persons are invited to submit written data, views and arguments on the petition of Volvo White Truck Corporation, described above. Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Nelson Erickson and Taylor Vinson.

Comment closing date: March 1, 1982.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-2160 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-59-M

National Highway Traffic Safety Administration

[Docket No. IP82-1; Notice 1]

National Coach Corp.; Receipt of Petition for Inconsequential Defect

National Coach Corporation of Gardena, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a defect in certain of its buses that it deems is safety-related. The bases of the petition is that the defect is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

National has manufactured 116 "Escort" buses from May 1980 to June 1981 with seating capacities of 17 and 20 passengers. Its design incorporates a wheelbase that is short relative to the vehicle's overall length which would result in an overloading of the rear axle if the bus is loaded to its full complement of passengers. The rear gross axle weight rating (RGAWR) required by 49 CFR 567.4(g)(4) to be on the vehicle's certification label, is stated at 7,400 pounds for both types of Escorts, while the actual RGAWR is either 7,840 pounds or 8,220 pounds, depending on the vehicle and equipment involved. In no instance, however, would the overall gross vehicle weight rating be exceeded if the buses were fully loaded.

The petitioner makes several arguments in support of its contention that the erroneous RGAWR figure is inconsequential as it relates to motor vehicle safety. First, over 72 percent of

the vehicles are used either as demonstrators or in airports in shuttle service (average load of 9 passengers per vehicle) and this actual load level does not approach the maximum stated capacity. A complement of 15 passengers is required to approach an overloading of the rear suspension capacity. Because of the type of service involved, the buses are operated at low speeds and away from regular highway traffic. Further, the values assigned to indicate the suspension system capacity are not the product of a stress-to-limit test but usually include a substantial safety factor. The rating, therefore, is indicative of an acceptable tolerance level rather than an ultimate limit of capacity. National's rear suspension system can "most probably" sustain weights "substantially" in excess of the stated RGAWR and any overloading would be temporary and would not create a hazard; no complaints have been received to date.

Interested persons are invited to submit written data, views and arguments on the petition of National Coach Corporation described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are James Thomas and Taylor Vinson, respectively.

Comment closing date: March 1, 1982.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 20, 1982.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 82-1847 Filed 1-27-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 156 (Rev. 1) Amend. 3; Chief Counsel Order No. 1031.3 Amend 1]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This is an amendment to paragraph 13(a) of Delegation Order No. 156 (Rev. 1) and Chief Counsel Order No. 1031.3. The responsibility to authorize testimony of Service employees is redelegated from the Regional Commissioner to the District and Service Center Director level.

EFFECTIVE DATE: March 1, 1982.

FOR FURTHER INFORMATION CONTACT: R. L. Rizzo, TX:D, 1111 Constitution Ave., NW., Room 1603, Washington, D.C. 20224, Telephone number 202-566-4263 (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.

R. L. Rizzo,

Director, Disclosure Operations Division.

Order No. 156 (Rev. 1) Amend. 3; Chief Counsel Order No. 1031.3 Amend. 1

Authorization of Testimony of Officers and Employees of the Internal Revenue Service

Date of issue: January 25, 1982.

Effective date: March 1, 1982.

This Amendment supersedes Paragraphs 13 (a) and (e) of Delegation Order No. 156 (Rev. 1) and Chief Counsel Order No. 1031.3, issued July 30, 1979.

"(13) The authority vested in the Commissioner of Internal Revenue by 26 CFR 301.9000-1 is delegated by this Order to the Deputy Commissioner and to Regional Commissioners, the Assistant Commissioner (Taxpaayer Service and Returns Processing); the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing); District Directors; and Service Center Directors to the extent described below:

"(a) Regional Commissioners, District Directors and Service Center Directors are authorized to determine whether officers and employees of the Internal Revenue Service assigned to their respective region, district or service center will be permitted to testify or produce Service records because of a request or demand for the disclosure of such records or information. For purposes of this delegation, employees of the Office of the Regional Counsel come under the authority of the Regional Commissioner. For purposes of this delegation, employees of the Office of the District Counsel come under the authority of the District Director. This paragraph does not apply to employees of the Regional Inspector. The Regional Commissioners should act in all such matters only after coordination with the Office of the Regional Counsel. District and Service Center Directors should act in all such matters only after coordination with the Office of the District Counsel. In instances where it is anticipated that the testimony or production of Service records by a District Counsel attorney will involve matters which may fall within the attorney-client privilege, the determination of whether to waive the privilege, as well as the authority to authorize the testimony or production shall lie with the Regional Commissioner who will act in these matters only after coordination with Regional Counsel. The authority delegated in this paragraph shall not extend to the disclosure of Internal Revenue Service records and information in response to a subpoena or request or other order of the Tax Court. (See General Counsel Order No. 4, 44 FR 36131 (1979), which provides the authority for the disclosure of Internal Revenue Service records and information in tax court proceedings.) The authority herein may not be redelegated. See paragraphs 13 (c), (d) and (e) of Delegation Order No. 156 (Rev. 1).

"(e) The authority delegated to Regional Commissioners, District Directors, and Service Center Directors in paragraph (a) shall not extend to testimony or the production of Service records or information which may require a disclosure to a competent authority under a tax convention, whether or not such records or information were previously disclosed pursuant to such convention. The Assistant Commissioner (Taxpayer Service and Returns Processing) and the Deputy Assistant Commissioner (Taxpayer Service and Returns Processing) should act in all such matters only after authorization by the Assistant Compliance. The authority delegated to Regional Commissioners, District Directors and Service Center Directors in paragraph (a) also shall not extend to testimony on the production of Service records which may require a disclosure of returns or return information pursuant to IRC 6103(i)(1), (2), (3), and (4), unless a disclosure of the same returns or return information has been previously authorized by the Commissioner, or other persons authorized to permit such disclosure under paragraph (6) of this Order."

The Amendment supersedes Paragraphs 13 (a) and (e) of Delegation Order No. 156 (Rev. 1) and Chief Counsel Order No. 1031.3 issued July 30, 1979, and printed in the **Federal Register** dated August 1, 1979, Vol. 44, No. 149, Page 45275.

Kenneth W. Gideon,

Chief Counsel.

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 82-2264 Filed 1-27-82; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 19
Thursday, January 28, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 10 a.m. (open), January 29, 1982.

PLACE: Room 1027 (open), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 39634, U.S.-London Case (1982). Instructions to staff. (OGC)
3. Docket 39788, *The Air Florida System-Western Acquisition Show-Cause Proceeding.* (BDA)
4. Docket 40194, Application of Cape Smythe Air Service, Inc., under expedited procedures, for a section 401 certificate. (Memo 1047, BDA)
5. Docket 40193, Application of Hermens Air, Inc. under Subpart Q of the Board's Regulations for a section 401 certificate. (BDA)
7. Docket 40184—Certificate Applicaton of Tyee Airlines Filed Under Subpart Q. (Memo 1054, BDA)
6. Docket 40200, Commuter carrier certification of Channel Flying. (BDA)
8. Docket 39550-Application of People Express Airlines, Inc. for exemption. Petition of American Airlines for reconsideration and reversal of staff action in order 81-6-41 granting People Express exemptions for Parts 221 and 250 of the Board's Economic Regulations. (Memo 1028, BDA)
9. Dockets EAS-633, 40340 and 40341, 90-day notice and exemption application of Continental Air Lines to terminate service at Pago Pago, American Samoa. (Memo 227B, BDA, OCCR)
10. Dockets 39997 and NR-488—Petition of Frontier Airlines for Reconsideration of Order 81-12-101, requiring Frontier to maintain the capability to reinstitute essential air service at Fayetteville, Harrison and Fort Smith, reinstitute essential air service at Fayetteville, Harrison and Fort Smith, Arkansas, and Fort Leonard Wood, Missouri for thirty days after it suspends service. (BDA, OCCR)
11. Commuter carrier fitness determination of Northern Airlines, Inc. (Memo 1051, BDA)
12. Commuter carrier fitness determination of SFO Helicopter Airlines, Inc. (Memo 1050, BDA)
13. Commuter carrier fitness determination of Simmons L. J. Enterprise, Inc. d.b.a. Simmons Airlines. (BDA)
14. Docket 39374, Cochise Airlines notice to suspend service at Kingman, Prescott, and Winslow, Arizona. (BDA, OCCR)
15. Dockets 39289 and 39480—Essential Air Service for Norfolk, Nebraska, and Yankton, South Dakota. (Memo 884D, BDA, OCCR)
16. Dockets 40259 and 40286—90-day notices of Frontier Airlines to reduce its service at Salina and Manhattan/Junction City/Ft. Riley, Kansas and requests for exemptions to suspend on less than the statutory notice period. (BDA, OCCR)
17. Dockets 40298 and 40362—notice of Republic Airlines, Inc. to suspend service at Yakima, Washington on less than 90 days notice. (BDA, OCCR)
18. Dockets 40283 and 40284, Texas International Airlines' notice to terminate service at Lake Charles, Louisiana, and request for exemption for early termination. (BDA, OCCR)
19. Docket EAS-599, Sixty-day notice of Piedmont Aviation to suspend service in the Charlottesville-Roanoke market. (BDA, OCCR)
20. Docket EAS-735, Essential Air Service Eligibility for Marysville/Yuba City, California. (Memo 615A, BDA, OCCR, OGC)
21. Docket 39992, Essential air service for Elko and Ely, Nevada. (BDA, OCCR)
22. Docket 38138, Application of Aspen Airways, Inc., for Compensation for Losses Pursuant to Section 419 of the Act. (Memo 174A, BDA, OCCR)
23. Docket 39856, Cascade Airways, Inc., application for compensation of losses at Wenatchee, Washington. (Memo 1046, BDA, OCCR)
24. Docket 39617, Air Wisconsin, Inc., compensation for losses at Jamestown, North Dakota. (Memo 1048, BDA, OCCR)
25. Revised Cost-Sharing Report (Memo 1049, BDA, OGC, OEA)
26. Docket 21670, *Frontier Airlines, Inc., Subsidy Mail Rates.* (Remanded Phase. (Memo 1066, OGC)
27. Docket 38023—Change in effective date of the rule governing registration of foreign operators. (Memo 880A, OGC, BIA)
28. Expiration of restriction removal program. (OGC)
29. Docket 39989—*Continuation of expired authorizations pending Board action on renewal requests.* (Memo 741A, OGC, BIA)
30. Docket 35634, IATA agreement proposing new U.K.-U.S. cargo rates. (BIA)
31. Docket 40309—Application of Korean Air Lines Co., Ltd. for an exemption to provide emergency transportation for a heart attack victim and his wife between Anchorage and New York. (Memo 1039, BIA)
32. Docket 40129—Application of Aerolineas Nicaraguenses, S.A. (Aeronica) for an exemption from section 402 of the Act to conduct nonstop scheduled Miami-Managua operations, pending final Board action on its initial permit application. (Memo 1043, BIA)
33. Docket 39664, Application of Soljet-Tours, Inc. for relief from the Act pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended. (Memo 1045, BIA)
34. Dockets 39955 and 40013—Applications of Transamerica Airlines, Inc. and Guy-America Airways, Inc., respectively, for certificate authority to operate foreign scheduled combination service to numerous multiple entry points. (Memo 1052, BIA)
35. Dockets 40137, 40138, 40204, and 40223—Applications of Transamerica, Capitol, World, and Evergreen for renewal and amendment of certificates of public convenience and necessity to provide overseas and foreign charter air transportation. (Memo 1042, BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S. 127-82 Filed 1-26-82; 3:51 pm]

BILLING CODE 6320-01-M

2

COMMISSION ON CIVIL RIGHTS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 2451.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. to 4 p.m., January 18, 1982.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

CHANGE IN THE MEETING: The following items have been added to the agenda of the meeting:

(1) Discussion of the issue of the tax exempt status of certain private schools.

(2) Internal agency personnel matters. That portion of the meeting relating to item (2) is closed to the public.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera and Barbara Brooks, Press and Communications Division, (202) 254-6687.

[S-123-82 Filed 1-26-82; 10:31 am]

BILLING CODE 6335-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, February 5, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–121–82 Filed 1–26–82; 8:56 am]

BILLING CODE 6351–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 A.M., MONDAY, FEBRUARY 8, 1982.

LOCATION: THIRD FLOOR HEARING ROOM, 1111 18TH STREET, NW., WASHINGTON, D.C.

STATUS: OPEN TO THE PUBLIC.

MATTERS TO BE CONSIDERED:

1. *Urea-Formaldehyde Foam Insulation* The Commission will consider whether to finalize or withdraw a proposed consumer product safety rule that would declare urea-formaldehyde foam insulation to be a banned hazardous product under section 8 of the Consumer Product Safety Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Ave., Bethesda, MD 20207; Telephone (301) 492–6800.

[S–125–82 Filed 1–26–82; 1:34 pm]

BILLING CODE 6355–01–M

5

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, February 3, 1982.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Urea-Formaldehyde Foam Insulation The staff will brief the Commission on whether to finalize or withdraw the proposed ban on urea-formaldehyde foam insulation, a thermal insulation material for residences and other buildings. On February 5, 1981 the Commission published a proposal to ban urea-formaldehyde foam insulation and on November 18, 1981 the Commission published a request for comment on additional data. The decision meeting on this matter is scheduled for 10 a.m. February 8, 1982.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Ave., Bethesda, MD 20207; Telephone (301) 492–6800.

[S–126–82 Filed 1–26–82; 1:39 pm]

BILLING CODE 6355–01–M

6

FEDERAL ELECTION COMMISSION

[Federal Register No. FR–S–82–96]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, January 28, 1982 at 10 a.m.

CHANGE IN MEETING: The following item has been added to the agenda:

Draft AO 1981–51: Continued from January 21, 1982

* * * * *

DATE AND TIME: Tuesday, February 2, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, February 3, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Continuation of Executive Session of February 2, 1982, if necessary.

* * * * *

DATE AND TIME: Thursday, February 4, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory Opinions:
Draft AO 1981–59: Ralph W. Holman, National Association of Realtors
Draft AO 1981–61: Barnett Grace, Commercial National Bank
Draft AO 1982–1: James J. Florio, Member of Congress
Revisions of proposed regulations—11 CFR 114.3 and 114.4 (if not concluded on January 28, 1982)
Revisions of proposed regulations—11 CFR 102.6 and 102.7 (if not concluded on January 28, 1982)
Appropriations and budget
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–128–82 Filed 1–26–82; 3:52 pm]

BILLING CODE 6715–01–M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., February 3, 1982.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Docket No. 76–63: Filing of Agreements by Common Carriers and Other Persons; Supporting Statements and Evidence—Status of Proceeding.

Portion closed to the public:

1. Docket No. 79–83: Investigation of Unfiled Agreements in the North Atlantic Trades—Status of Proceeding.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S 124–82 Filed 1–26–82; 12:41 pm]

BILLING CODE 6730–01–M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 20, 1982.

TIME AND DATE: 2:30 p.m., Wednesday, January 27, 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. Callanan Industries, Inc., Docket No. YORK 79–99–M. (Issues include interpretation and application of 30 CFR 56.5–50).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–122–82 Filed 1–26–82; 10:10 am]

BILLING CODE 6820–12–M

federal register

Thursday
January 28, 1982

Part II

Department of the Interior

Fish and Wildlife Service

Threatened Status for the Leopard in Southern Africa

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Status for the Leopard in Southern Africa

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a rulemaking which reclassifies certain African populations of the leopard as Threatened rather than Endangered. All leopard populations occurring to the south of a line running along the borders of the following countries are reclassified as Threatened: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia. A special rule is promulgated that allows for the importation of a sport-hunted leopard trophy legally taken anywhere in Africa south of this line under the terms and conditions imposed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Since the leopard is on Appendix I of this Convention, a valid export permit from the country of origin of the trophy or a reexport certificate from any intermediate country is required, and a valid import permit must be issued by the United States Management Authority for the Convention. No Threatened species permit under the Endangered Species Act is required in this limited situation. It must be emphasized that this action applies only to sport-hunted trophies. With regard to any other transaction, all of the prohibitions of 50 CFR 17.31 still apply. In addition, it should be noted that leopard populations in any area other than that delineated above in southern Africa remain on the Endangered species list, and continue to be subject to all of the prohibitions of 50 CFR 17.21.

DATE: The rule becomes effective on March 1, 1982.

ADDRESSES: Documents, comments, and other materials related to this rulemaking are available by appointment for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia, 22201.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, 1000 North Glebe Road, Arlington, Virginia, 22201 (703/235-1975).

SUPPLEMENTARY INFORMATION:

Background

The leopard (*Panthera pardus*) was listed in March, 1972, as an Endangered species throughout its entire range. In the **Federal Register** of March 24, 1980 (45 FR 19007), the service proposed to change the classification of the leopard in sub-Saharan Africa from Endangered to Threatened, and to permit the importation of sport-hunted leopard trophies from this region under the terms and conditions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The specific area for which this action was proposed is in Africa, south of a line running along the borders of the following countries: Senegal/Mauritania; Mali/Mauritania; Mali/Algeria; Niger/Algeria; Niger/Libya; Tchad/Libya; Sudan/Libya; Sudan/Egypt. In the proposal, the public and all interested parties were given until November 24, 1980, in which to present data, comments, opinions and arguments in favor of, or in opposition to, the proposal. In addition, the Service requested the Department of State to contact all affected foreign countries (i.e., those sub-Saharan African countries in which the leopard is resident), and solicit any pertinent information or comments they might have. The Service has now completed its examination of all materials submitted in connection with the proposal, and finds that the area in which the leopard should be reclassified is southern Africa rather than all of sub-Saharan Africa. It is therefore issuing herewith a final rulemaking to reclassify the leopard in an area of Africa to the south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethopia; Kenya/Somalia. Imports of sport-hunted trophies will be permitted from this area under the terms and conditions of CITES.

Historical Record

The leopard is the most widely distributed species of cat. It occurs throughout most of Africa, and from Asia Minor to China, Korea, Japan, and Java; it also is found in India, Sri Lanka and Southeast Asia. In March of 1972, the Service listed the leopard as an Endangered species pursuant to the Endangered Species Conservation Act of 1969. This was done primarily because it was felt that the species was being drastically over utilized in the commercial fur trade. For instance, in 1968 and 1969 alone, over 17,000 leopard hides were imported into the United States. This trade was unregulated, and illegal poaching was widespread. The Service felt that no species of large cat like the leopard could tolerate this enormous drain from its wild populations for any sustained period of time and continue to survive as a viable species. In addition, nearly every country contacted, in which the leopard was resident, expressed fears for the leopard's future if the fur trade was not brought under control. Consequently, the leopard was listed as an Endangered species pursuant to the Endangered Species Act of 1969.

Under that Act, there were provisions for only the single status category of Endangered. A listing as Endangered automatically prohibited the importation of any leopards, alive or parts and products thereof, into the United States, except under permit. Permits could be issued only for scientific purposes, or to enhance the propagation or survival of the species. The heavy flow of leopards into the United States for the fur trade immediately ceased after the listing and there have been no imports of leopards, except under permit, since 1972.

In February and March of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter, the CITES or the Convention) was negotiated in Washington, D.C. (the Convention, however, did not become effective until July 1, 1975). The leopard was placed on Appendix I of the Convention when the Convention was negotiated. Appendix I is defined as including all species threatened with extinction which are or may be affected by trade. The CITES requires that trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances. With an Appendix I species, a valid export permit must be issued by the Management Authority of the country of export and an import permit must be issued by the Management Authority of the country of import before trade in the species is allowed. An export permit will not be granted by the country of export unless its Scientific Authority advises that such export will not be detrimental to the survival of the species, and unless its Management Authority is satisfied that

an import permit has been granted, and that the specimen was lawfully acquired. In the case of countries not party to the CITES, these findings must be made by comparable government authorities. The United States Management Authority will not issue an import permit unless it is determined that the country of origin for the trophy has a management program for the leopard, and can show that its populations can sustain a sport hunting harvest, and that sport hunting enhances the survival of the species.

The U.S. Scientific Authority for CITES has, on several occasions, advised in favor of requests to import sport-hunted trophies of another Appendix I Species, the southern white rhinoceros (*Ceratotherium simum simum*). It is prepared to give similar advice on requests to import leopard trophies, but only if the countries of origin meet the above criteria. To date, the U.S. Scientific Authority for CITES has reviewed the adequacy of the leopard conservation program in a specific case for Botswana and has determined in that case that the country currently meets these criteria; the review of other countries' programs is anticipated. The Scientific Authority intends to evaluate individual permit requests in terms of Conference Report 2.11 of the Convention concerning Appendix I trophy imports. That report indicates that import permit decisions for sport-hunted trophies should be made on the basis of the following considerations: (1) Whether the importation will serve a purpose not detrimental to the survival of the species; and (2) whether the killing of animals whose trophies are intended for import will enhance the survival of the species. These considerations translate into determinations concerning management programs and populations in specific countries.

The placing of the leopard on the United States List of Endangered and Threatened Wildlife and Plants, and on Appendix I of the Convention, has generated considerable interest in that species' actual status in the wild. Since the listing, four major studies on the status of the leopard have been completed which form the basis for the present action. These studies are the following: "The Leopard *Panthera pardus* in Africa" by Norman Myers (IU CN Monograph No. 5, 1976); "The Status and Conservation of the Leopard in sub-Saharan Africa" by Randall L. Eaton (Safari Club International, January, 1977); "Status of the Leopard in Africa South of the Sahara" by James G. Teer and Wendell G. Swank (unpublished contracted study, 1978, financed by U.S. Fish and Wildlife Service); and finally, "The Leopard *Panthera pardus* and Cheetah *Acinonyx jubatus* in Kenya" by P. H. Hamilton (unpublished contracted study, 1981, financed by U.S. Fish and Wildlife Service).

In December 1973, the Endangered Species Act of 1973 was passed into law. This Act differed from the previous 1969 Act in that it provided for a Threatened category as well as for an Endangered one. A Threatened species is one that is likely to become Endangered within the foreseeable future throughout all or a significant portion of its range. The Secretary has broad discretion in developing a management strategy that will effectively conserve Threatened species by issuing specific regulations. Based on data contained in the status documents enumerated above and other available information, the Service feels now that the leopard in southern Africa more properly fits the definition of a Threatened species than it does an Endangered species (an Endangered species is defined as one in danger of extinction throughout all or a significant portion of its range).

The Service can promulgate any specific regulations for a Threatened species that are deemed necessary and advisable to provide for the conservation of that species. In the case of the leopard in southern Africa, the Service finds it necessary and advisable to permit the importation of legally taken sport-hunting trophies under the terms and conditions of the Convention in certain cases. In the following sections, the Service outlines its reasons for reclassifying the leopard in southern Africa, and presents its argument as to why it may be necessary and advisable in some cases to permit the controlled importation of legally taken trophies.

Reasons for Reducing the Area Affected by the Reclassification

In its March 24, 1980, proposed rulemaking, the Service delineated all of sub-Saharan Africa as the area in which it proposed to reclassify the leopard to Threatened status. Since that proposal, the Service has re-examined the status reports available to it, and has carefully analysed the data, comments and opinions that were submitted in response to the proposal. The Service now concludes from the available data that a more restricted area for the reclassification is warranted. Therefore this final rule reclassifies the leopard as Threatened in southern Africa only, rather than in all of sub-Saharan Africa as originally proposed. The reasons for this change from the original proposal are as follows: (1) Through the American embassies in the countries, three West African countries (Senegal, Liberia and Ghana), and Sudan and Ethiopia in the northeastern part of sub-Saharan Africa, indicated that leopards were considered as Endangered in those countries; and (2) reexamination of all available data show that less substantial evidence is available from West Africa and the northern tier of countries in sub-Saharan Africa than from the rest of the area of the proposed reclassification. Because of these factors, the Service now proceeds to reclassification of the leopard only in southern Africa.

Summary of Data on the Status of the Leopard in Southern Africa

Eaton (loc. cit.), using a habitat/density analysis, believes that a conservative estimate of the numbers of leopards in the area under consideration would be in the neighborhood of half a million animals (426,282). He feels that an absolute minimum estimate would place the numbers at 186,034. A breakdown of minimum and conservative estimates for each of the southern African countries is as follows:

Country	Absolute minimum	Conservative estimate
Kenya	6,379	25,640
Uganda	1,547	3,413
Tanzania	14,740	36,100
Angola	17,369	42,340
Zambia	18,500	46,250
Mozambique	16,190	32,378
Malawi	1,980	3,835
Botswana	3,164	6,646
Zimbabwe	2,288	6,676
South West Africa/Namibia	3,477	6,554
South Africa	3,800	7,150
Congo	13,200	27,500
Gabon	13,400	26,800
Zaire	70,00	155,000
Total	186,034	426,282

Although the conservative estimates may overstate actual numbers, it still is reasonable to believe that the absolute minimum figures have validity and that there probably are well over 180,000 leopards in the area under consideration, e.g., the minimum figure of Eaton for Kenya corresponds well with P. H. Hamilton's minimum figure for that country.

Eaton (loc. cit.) gives his expert opinion of the status of the leopard in each of the countries of southern Africa as follows:

Kenya—satisfactory.
Uganda—rare, but probably not endangered overall.
Tanzania—satisfactory, probably abundant.
Angola—satisfactory.

Zambia—satisfactory, probably abundant.
Mozambique—satisfactory, probably abundant.
Malawi—satisfactory.
Botswana—satisfactory, and improving in the future.
Zimbabwe—satisfactory.
South West Africa/Namibia—satisfactory.
South Africa—between rare and satisfactory, with present trend being stable.
Congo—satisfactory and abundant.
Gabon—satisfactory and abundant.
Zaire—satisfactory and abundant.

Myers, in his 1976 report, summarizes his findings on the leopard in Africa as follows:

> The leopard's present status is much more favourable than that of a number of other major mammal species, notably the cheetah, but also the lion, wild dog, three species of hyena and two of rhinoceros, giraffe, hippopotamus and crocodile. By 1980, the leopard, compared with several of these species, may enjoy yet more favourable status, a trend which could well continue throughout the years thereafter.

In a 1980 letter of Myers', he indicated that the leopard was "relatively numerous" in Zaire, Congo and Gabon and that the species "retains satisfactory numbers" in seven other countries in south-central and eastern Africa. The Service maintains that these statements by Myers do not imply Endangered status (as defined by the Act) for the leopard in southern Africa.

The data obtained by Teer and Swank (loc. cit.) also demonstrate that a Threatened rather than an Endangered classification is warranted for the leopard in southern Africa. These authorities state in their Summary of Findings that "in a realistic appraisal of the status of the leopard, and considering its inherent characteristics, the species logically belongs in a Threatened classification * * * that is, it is not currently threatened with extinction in sub-Sahara Africa, but there are indications that it might become so in some areas."

The most recent survey (1981) of the status of the leopard was conducted in Kenya by Patrick H. Hamilton of the African Wildlife Leadership Foundation. Mr. Hamilton's report dealing with the leopard has now been received by the Service, and supports reclassification and controlled sport hunting of the species. Hamilton obtained the information in his survey from questionnaires, personal interviews, correspondence, published reports and his own observations. Most of his information was obtained by talking to 53 professional hunters, game wardens, wildlife biologists, tour operators, and farmers, as well as a number of herdsmen and other local people. The most valuable single source of information he found were the 21 professional hunters that he interviewed.

In summary, Hamilton reports that leopards have declined generally in Kenya since the 1960's. He believes that the causes of the decline were excessive poaching for hides, increase of human settlement as large farms were divided into small holdings (reduction of habitat), widespread use of poison for deliberate predator control, and to a lesser extent, uncontrolled sport hunting; in some areas natural habitat changes, such as increasing soil salinity in Ambroseli which resulted in killing of the Acacia woodlands, have proved detrimental to leopard populations. Hamilton says that at the present time, he would be very surprised if Kenya's leopard population numbers less than 6,000 or more than 18,000 animals. He believes that 10,000 to 12,000 is probably the closest approximation, and that Eaton's conservative and realistic estimates for Kenya overstate the population of leopards.

Hamilton believes, on subjective evidence available, that a recovery of the leopard is underway in Kenya and that, following the relaxation of poaching pressure, Kenyan leopard populations are increasing again. Although he doubts that leopards will ever be as abundant as in former times, recent reports from Masailand and parts of Samburu District are particularly encouraging.

For the rest of Africa, Hamilton feels that the same factors that have affected leopard populations in Kenya affect those in other countries. Although they may do so to different degrees in different countries, the lessons of Kenya are widely applicable. Although he considers Eaton's estimates and judgements as invalid, he still feels that as a species the leopard cannot be considered "endangered," in the true meaning of the word, in sub-Saharan Africa at the present time.

But, he points out, if the leopard is not "endangered," it should certainly be regarded as "threatened" for the Kenyan experience has shown what can happen to an abundant leopard population within the short period of ten years (1965–1975). The virtual elimination of leopards from North Africa and parts of southern Africa should serve, according to Hamilton, as a warning to any who believe that this species can always survive no matter what the impact of man. For this reason, Hamilton is strongly opposed to resumption of any sort of commercial trade in leopard skins. He feels that there is simply no system in effect to provide the desired controls and safeguards for resuming commercial trade.

Hamilton's recommendation, therefore, is that the United States Government reclassify the leopard in Africa to Threatened status, but continue to insist on retaining the species in Appendix I of the CITES to protect against commercial exploitation. He further recommends that the U.S. Government lift its present ban on the importation of leopards legitimately shot in Africa by American sport hunters. He states that the ban on importing the legitimately taken leopard trophies of sport hunters has not served any useful purpose. The number involved has been relatively small and the ban runs counter to the concept of giving the leopard monetary value that will help to justify its continued existence in Africa.

Because the Hamilton report was received considerably after the March 24, 1980, proposal, the Service decided to make Mr. Hamilton's views fully known to the public before proceeding with a final regulation. Therefore, on September 8, 1981, the Service published in the **Federal Register** (46 FR 44960) a summary of the Hamilton report, and requested the public to submit any views, comments, opinions, or disagreements they might have by October 8, 1981; it was requested that correspondence during this reopened comment period be restricted to the Hamilton report and not simply be a rehash of issues involved in the original proposal on which the public already has had ample time to comment. The closing date of this new comment period has now passed, and the Service has analyzed the comments presented during the period. These comments are fully addressed in a later section of this rulemaking.

The Service feels that the best scientific and commercial data available indicate that the leopard is Threatened, not Endangered, in southern Africa. The major authorities on the leopard agree that the species is not Endangered in southern Africa. In addition, CITES has now been fuly implemented and presents an adequate method of controlling utilization of the species for commercial purposes. It is the Service's opinion that CITES represents an effective regulatory mechanism in controlling the decline of the species due to commercial trade. Therefore, the Service is proceeding with a reclassification of the species in southern Africa to reflect these facts. Further biological information is

outlined in the Summary of Comments section of this rulemaking.

Responses From African Countries

When the proposal to reclassify the leopard was published, the Service requested that the State Department, through the relevant American embassies, notify all sub-Saharan African countries of the action and solicit their data, comments, and opinions. Because many of the concerned countries did not reply to embassy inquiries, the Service again contacted the State Department on August 28, 1980, and urged their assistance. As a result of these two requests, the Service received comments from the following countries directly or through the American embassies in those countries: Benin, Botswana, Ethiopia, Ghana, Lesotho, Liberia, Malawi, Mozambique, Senegal, Sudan, Tanzania, Upper Volta, and Zimbabwe. The following chart summarizes the reaction of each of these countries to the proposal:

	Favor proposal	Oppose proposal	Proposal of no concern
Benin			X
Botswana	X		
Ethiopia			X
Ghana		X	
Lesotho			X
Liberia		X	
Malawi	X		
Mozambique	X		
Senegal		X	
Sudan			X
Tanzania	X		
Upper Volta			X
Zimbabwe	X		

The following is a summary of the comments received directly from, or received from American embassies in, responding African countries:

Benin—This country reported that the leopard was rare, and is protected vigorously from hunting pressures. No sport hunting or commercial take is permitted. The country expressed no opinion as to whether or not it approved of the proposed U.S. action.

Botswana—Botswana welcomed the proposal. It stated that the leopard is not Endangered here and that livestock raids by the species are not uncommon over the whole country. For these reasons, Botswana fully supported the proposal.

Ethiopia—Ethiopia reported that the species is now classified as Endangered, but that with the new conservation measures the country is proposing, the danger hopefully will be lessened. No comments were made, either for or against the proposed U.S. action.

Ghana—This country strongly opposed the U.S. proposed action. It stated that the leopard is endangered in Ghana through overexploitation and habitat destruction, and that the U.S. proposed action would not be in the interest of Ghana or of Africa.

Lesotho—"There are no leopards in Lesotho. The Government of Lesotho appears to have no interest in the subject."

Liberia—Liberia opposed the proposed regulation, citing problems with smuggling and habitat destruction as principal threats to the leopard in that country.

Malawi—Malawi reported that the U.S. proposal is in line with the thinking of that country and therefore meets with its approval.

Mozambique—This country reported that the leopard was not Endangered and that the U.S. proposed action met with its full approval.

Senegal—"* * * the declassification is inopportune and the leopard should remain an Endangered species."

Sudan—The leopard is still considered an Endangered species in Sudan and accordingly hunting or export of leopard trophies is strictly prohibited. No opposition or approval, however, was expressed to the proposed U.S. action.

Tanzania—Tanzania reported that the leopard is neither Endangered nor Threatened. It supported the U.S. proposed action.

Upper Volta—No permits are issued for hunting leopards. The proposed U.S. action "* * * would not affect Upper Volta."

Zimbabwe—Zimbabwe welcomed the move as being in the best interest of the leopard and felt that it would promote proper conservation.

As can be seen from these reactions to the proposal, opposition came only from west African countries. In addition, several of the northern countries covered by the proposal (Ethiopia and Sudan) consider the leopard as Endangered within their jurisdictions. The reaction from these countries is the primary reason the Service is proceeding with a rulemaking which restricts the reclassification to southern Africa rather than to sub-Saharan Africa as originally proposed.

The Service would like to emphasize that even in southern Africa, where the leopard is reclassified as Threatened, the U.S. cannot by law permit import of trophies from any country which prohibits hunting of leopards. Issuance of import permits by the U.S. Management Authority of the CITES would be considered only when the trophy has been taken in a country where sport-hunting of leopards is legal, and then only if the trophy can meet all of the requirements and conditions imposed on the import of an Appendix I species.

Summary of Findings on Threatened Status

Despite the fact that the leopard is not an Endangered species in southern Africa, the Service feels that it should be listed as a Threatened species in that region. Section 4(a) of the Act states:

> General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:
>
> (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
>
> (2) Overutilization for commercial, sporting, scientific, or educational purposes;
>
> (3) Disease or predation;
>
> (4) The inadequacy of existing regulatory mechanisms; or
>
> (5) Other natural or manmade factors affecting its continued existence.

In the case of the leopard in southern Africa, factors (1), (2), (4), and (5) are operational to some extent.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Myers (loc. cit.) feels that the leopard may be more adaptable to habitat changes than many other forms of animal life. Nevertheless, large areas of southern Africa will be given over to crop farming within the next decade, particularly savannah, as drought-resistant maize becomes available. This could present a long-term threat to the leopard as well as to many other forms of African wildlife. Hamilton (loc. cit.) points out that Africa has the highest population growth of any region on earth and this is bound to adversely affect available habitat for the leopard.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Since 1972 when the United States prohibited the importation of live leopards and leopard products, a good part of the world market for illegal hides has vanished and this significant threat to the survival of the leopard was checked. Nevertheless, illegal poaching continues to be a problem in certain areas with hides going into the international fur trade. Although Hamilton characterizes the leopard as "threatened" and not "Endangered" in Kenya, he feels the species could not withstand resumption of commercial fur trade. Many of the authorities interviewed by Teer and Swank (loc. cit.) expressed concern over the inability of some African nations to effectively control this illegal take. The leopard, with a reclassification to Threatened status, will continue to be protected by

the general prohibition against importation into the United States found at 50 CFR 17.31, and the trade restrictions found in the Convention.

4. *The inadequacy of existing regulatory mechanisms.* Although the present position of the leopard on Appendix I of the Convention assures the species adequate regulatory protection, it is essential that the leopard remain protected by the Convention. In fact, along with the evidence of its status in southern Africa, its regulation under CITES makes it possible to permit the importation of a sport-hunting trophy under the Act. If the leopard was transferred to CITES Appendix II, it might be necessary for the United States to reconsider the issue of importation of sport-hunting trophies under the Act.

5. *Other natural or manmade factors affecting its continued existence.* Myers (loc. cit.) feels that the greatest threat to the leopard derives from increasing use of poison. The leopard's propensity for scavenging makes it more susceptible than many carnivorse for taking treated lumps of meat. Myers states that preliminary signs suggest that this threat is certainly capable of extirpating leopards from sizeable areas in a short space of time. He feels that it is a factor of greater consequence to the future of the leopard than all other forms of combating the species combined. Hamilton (loc. cit.) also points out that natural environmental changes, such as increasing soil salinity in Ambroseli Park, have destroyed forests and other habitats of value to leopards.

Importation of Leopard Trophies

The Service is convinced that in some cases permitting the importation of a legally taken leopard trophy from southern Africa will benefit the species. The argument that the leopard might benefit from strictly controlled legal trophy hunts is expressed by Mr. Daniel Sindiyo, Assistant Director, Division of Wildlife, Ministry of Tourism and Wildlife, Kenya, in an interview contained in the Teer and Swank report. Mr. Sindiyo says: "It seems very clear to me that no one is going to conserve and manage a resource that is not going to provide some financial return to them. This applies to Masai or any other landowners. The leopard does cause damage to livestock, and it cannot be expected that the Masai will live happily with an animal that has only negative benefits. Fortunately, we are beginning to make more progress in getting revenues from wildlife back to the people. For example, a leopard shot on a license would return to the landowner Sh 5,000 ($665 U.S.), so this is it. The landowner now knows that fees due will go directly to him, either as a private landowner, or a member of a group ranch, and they appreciate this highly."

"As you well know, prior to 1973 very few of the landowners had much interest in wildlife. If they saw someone killing wildlife they just went about their business. That has now gradually changed. They now think of wildlife as common property because money from wildlife is invested in projects that will benefit the whole community."

Mr. E. T. Matenge, Director, Department of Wildlife, National Parks and Tourism, Botswana (in an interview contained in the Teer and Swank report) states: "Now, there are some places where they (leopards) come face to face with the cattle industry and they do damage. Now the plan for destruction of leopard in those areas is very great. So you need to reconcile this situation by insuring that these animals can continue to be hunted where they are available but protected where you feel they must continue to retain good populations of these animals. The hunting of leopards in these areas is, in fact, beneficial economically, because as you may be aware, the license fee for a sport hunter to hunt leopard is P300. I don't know what this is in terms of U.S. dollars, but it's roughly $380, or something like that. From that end, you can see that it is an economically important animal as well, but to say that you must just keep it conserved without utilizing it would really be destructive in the long-term to its populations."

The same argument is repeatedly presented by persons interviewed by Teer and Swank for their report. Myers (loc. cit.) sums it up as follows: "Above all, organized exploitation of the leopard could enhance the image of wildlife in general and predators in particular, as perceived by citizens in emergent Africa."

Because of the above considerations, the Service believes that there will be cases in which permitting the importation of leopard trophies will not only not be detrimental to the survival of the species, but will assist in their conservation. Such a situation could exist, for example, in countries where the leopard is destroyed as vermin because of predation problems with livestock, but where some such depredation might be tolerated if the leopard has an economic value through more hunting. The U.S. Scientific Authority of CITES will need to consider each application for a permit to import a leopard trophy on a case by case basis to determine whether such a situation might exist in the particular country from which the trophy is to be imported.

Summary of Comments on the Proposal

When the proposal was published on March 24, 1980, the public and all interested parties and agencies were invited to submit data, comments, opinions, etc., by June 24, 1980. However, because of the tremendous public interest in the matter, and because of the Service's desire to give all concerned parties an opportunity to respond, the comment period was extended to November 24, 1980. In addition, the Service, on two occasions during this period, requested that the State Department contact American embassies in each African country in which the leopard is resident and have those embassies request the countries' views on the proposal.

Over 1,000 pieces of correspondence were received during the comment period, as extended. Of these, more than 90 percent opposed both the proposed reclassification and the proposed regulations to allow the importation of trophies to the extent they are permitted under the CITES. Most of these communications, however, were simply personal opinions and presented no substantive data or arguments that could be used in formulation of the final rule package. Some letters did contain significant data or comments that need to be addressed individually. The responses that follow address all significant opposing comments made to the Service.

Comment: The data on which the proposal was based are inadequate and incomplete.

Response: The proposal was based on major reports by recognized authorities in the field; since the proposal, support for it has been received from Patrick H. Hamilton of the African Wildlife Leadership Foundation, who has completed a survey of leopards in Kenya. It must be recognized that the leopard is a secretive and wary animal. There will never be surveys of leopard populations that provide precise numbers of animals simply because such surveys are impossible to make. The best that can ever be anticipated with such elusive animals is population estimates and trends based on sightings or increased predation, expert opinions, habitat considerations, and general impressions obtained by knowledgeable persons in the field. The reports upon which this action is based provide the best scientific and commercial data available, and support the view that the leopard is not an animal in danger of extinction in southern Africa.

Comment: The sanction of even limited sport-hunting will not benefit the leopard in any way.

Response: The Service believes that sport-hunting will benefit the species as a whole. As noted earlier in this document, the leopard is widely regarded as vermin in many parts of southern Africa. Experts agree that the economic value that would develop for the species through sporthunting will encourage some of the countries to develop management and conservation programs and will discourage indiscriminate killings by local landowners. It must be remembered, that the present action will not remove from the United States the ability to regulate, or even prohibit, the import of leopard trophies from importation. It merely results in giving responsibility to the U.S. authorities for CITES to manage sport trophy imports.

Comment: The proposed reclassification is not consistent with the Service's guidelines for reclassification of species.

Response: The only guidelines utilized by the Service in classifying a species as Endangered or Threatened are contained in the Act's definition of these terms. An Endangered species under the Act is one that is in danger of extinction throughout all or a significant portion of its range; a Threatened species is one that is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range. The Service believes that no responsible authority on the leopard would contend that in southern Africa as a whole it meets the conditions of the above definition for an Endangered species. Such authorities, however, do feel that the leopard fulfills the Act's definition of a Threatened species in this region.

Comment: The proposed action would not be consistent with social or environmental ethics.

Response: With regard to this point, the Service suggests that there may have been misinterpretation of exactly what the proposal does and does not do. The United States does not, through this proposal, make legal in any way the importation of a leopard trophy from a country which prohibits a sport hunt of leopards. In fact, the Lacey Act expressly forbids such importations. The proposal would, however, allow importation of a trophy from a country in which such a trophy could be legally taken *Provided,* the hunter could obtain the proper permits under CITES.

Comment: Although some countries oppose sport-hunting of leopards, the U.S. would be promoting such hunting, even in those countries that oppose it.

Response: The U.S. would not be promoting sport-hunting of leopards in countries that oppose it. The U.S. could not, by law, permit imports of leopards from countries where sport hunting of the species is illegal. Only those countries in which sport-hunting is legal, and then only those countries which can meet all of the conditions imposed by CITES, would be considered for trophy imports.

Comment: Very few African countries are capable of managing their wildlife resources in a manner that would be considered barely minimal by United States standards. Because of weak management and enforcement, opening the door even a little for a specified and limited kind of exploitation, could result in other far more expansive forms of exploitation, notably poaching of leopards for their skins to supply the international fur trade.

Response: The present rule simply will not open the door to the import of any and all leopard trophies from anywhere in southern Africa. The leopard will remain on Appendix I of CITES. The Service thinks that CITES can and will effectively control illegal trade in leopard products, and that because of the protection offered by CITES, the U.S. is not stimulating overall illegal trade in wildlife products in southern Africa. Moreover, many southern African countries do prohibit or strictly regulate hunting and hence seem to be able to manage their wildlife. Hunting is already going on in Africa, and any increase caused by the participation of U.S. residents should not have significant adverse effects.

Comment: Leopard populations have been reduced to mere remnant numbers in at least 20 African countries, and substantial numbers remain in less than 10, notably Zaire, Gabon, Congo, Zambia, and Botswana.

Response: Partly because of such comments, and supporting data, the Service has modified the final rule to cover only southern Africa, rather than all of Sub-Saharan Africa as was proposed. The Service contends that there are substantial leopard populations in southern Africa, and that Tanzania, Kenya, Angola, Zimbabwe, and Mozambique could be added to the list of countries with substantial numbers.

Comment: Reclassification would violate the Endangered Species Act, because an Endangered species is defined as one in danger of extinction throughout all or a significant portion of its range, and because the purposes of the Act are to reverse trends toward extinction, conserve endangered species, and increase their numbers.

Response: Although the leopard remains classified as Endangered in some portions of its range, this classification does not have to apply throughout the entire range. The Act specifically allows different populations of a biological species to be given different classifications, and the Service has applied this provision in a number of instances. The regulations that now pertain to the leopard in the region where it is classified as Threatened, are fully in keeping with the requirements of the Act for conservation.

Comment: Recent biological studies in East Africa have demonstrated dramatic increases in the populations of both wildebeest and buffalo. Considering the vital role that predators play in helping regulate the prey, it would be short-sighted and bad wildlife management to begin to crop leopards now.

Response: The limited amount of trophy hunting that would be permitted under the CITES of Appendix I species can hardly be termed "cropping." In addition, by providing an economic incentive to protect leopards, illegal poaching might be reduced and hence leopard populations could actually increase and be more able to fulfill their proper role in prey-predator relations overall in East Africa and elsewhere.

Comment: The Service should make an attempt to ascertain more precise areas where the leopard could sustain limited sport hunting and confine the rulemaking to such areas.

Response: By modifying its final rulemaking to include only southern Africa, rather than all of sub-Saharan Africa as in the proposal, the Service believes that it is complying with the recommendation on this point. Further subclassification of specific areas by regulation would be difficult to adminster, confusing, and inflexible. The rule instead adopts the CITES system, which is more manageable and widely recognized.

Comment: The Service is acting under pressure from the gun lobby.

Response: This is not the case. The Service has been closely monitoring the leopard situation for many years, and in fact contracted for the survey by Teer and Swank as long ago as 1976. The reclassification action is being taken solely because the Service believes that available data do not support the leopard's classification as Endangered in southern Africa.

Summary of Comments on the Hamilton Report

As explained earlier in this rulemaking, P.H. Hamilton, a recognized Kenyan authority on the leopard, was

commissioned by the Service to conduct a survey of the status of the leopard in Kenya and to submit his views as to the status of the species in sub-Saharan Africa as a whole. Mr. Hamilton's report was received by the Service in August of 1981, nearly a year after the official comment period on the proposal to reclassify the species was published. Therefore, in order to make the public aware of the latest information on the status of the leopard, and to allow for maximum public participation in the rulemaking process, the Service decided to publish a summary of the Hamilton report in the **Federal Register**, and to reopen the comment period between September 8 and October 8, 1981, for a public discussion of the Hamilton report. This comment period has now passed, and all comments received have been analyzed. A summary of those comments that pertain only to the Hamilton report, and the Service's responses to them, is given below.

Comment: Hamilton is wrong in concluding that the leopard will benefit from easing of restrictions by the United States on the import of legally taken sport hunting trophies.

Response: This view reflects a difference of opinion. The Service accepts Hamilton's position. As stated above, the leopard is widely regarded as vermin in Africa, and most experts agree that the economic value provided by sport hunting would encourage management and conservation programs.

Comment: Why did the Hamilton survey focus almost entirely on Kenya, when Botswana would have been a better subject?

Response: The Service funded a survey of leopards in Kenya because of a number of factors such as: (a) Available expertise; (b) considerable work had already been completed by the time the Service's funding assistance was requested; (c) the country seemed to exhibit, on a small scale, what is happening to wildlife in Africa continent-wide, etc. By supporting this survey in Kenya, however, the Service in no way attempting to force a resumption of hunting in Kenya or a change in the status quo in that country.

Comment: The evidence presented by Hamilton does not support his conclusion that legitimate sport hunting in sub-Saharan Africa is appropriate at this time. Hamilton states, for example, that leopard population figures have been grossly overestimated in the past. While he argues that sport hunting could produce protection for the species, he admits deficiencies in the regulatory mechanisms.

Response: The Service again emphasizes that the United States is not relinquishing its authority to control leopard trophy imports by this regulation. The leopard will remain on Appendix I of CITES, and U.S. import permits under CITES can be restricted to trophies taken only in countries which have effective management programs. Hopefully, a policy such as this will encourage African countries to develop management programs that will become increasingly effective for leopard conservation.

Comment: Hamilton's survey in Kenya indicates that leopards "are no longer abundant and in many, often extensive, areas they seem to be rare." Hamilton also shows that the leopard's decline has been faster than expected and that the past massive decline of Kenya's leopard population has been far greater than sustainable yield. In the rest of Africa the situation should be worse than in Kenya since Kenya has an effective national park and reserve system (lacking in most other countries), and has had a total ban on hunting for some years.

Response: The Service feels the present regulation will have a positive effect in relation to the above points. No country can be expected to take any steps to conserve a species of wildlife which has been destructive to livestock and human life if there is no economic or other incentive to protect and preserve that animal. Only if the governments and local people receive some benefit from the species will serious measures be undertaken to conserve it. The present regulation could encourage the establishment of parks and preserves by making the leopard a valuable resource. It could discourage poaching and smuggling in that legally taken animals would now have value; governments and local agencies and individuals would have more funds and incentive to check and control harmful illegal practices.

Comment: Hamilton's report thoroughly discredited the earlier work by Eaton.

Response: The Service understands this position, but, as stated earlier in this rulemaking, it does place some credence in Eaton's minimum estimates. However, the key issue is not whether Hamilton discredits or accepts Eaton's data, but rather that Hamilton himself does not find the leopard Endangered in Kenya or indeed in sub-Saharan Africa.

Comment: The strict conditions that Hamilton recommends for the reinstitution of sport-hunting (females should not be taken, hunting should be initially allowed in only two areas, and hunting pressure should be focused on leopards preying on livestock) are not included in the Service's proposal.

Response: The specific recommendations for controls contained in the Hamilton report were addressed to the Government of Kenya as factors which Hamilton deemed advisable for that Government to consider if and when it removed the hunting ban in its country.

Comment: The monetary value of the leopard as a photographic subject is far greater than any value that the species could achieve as a hunting trophy.

Response: The Service recognizes the immense value of the leopard as a photographic subject and feels that the present regulation may benefit the leopard to the extent that it becomes better protected from illegal take, and more abundant, and hence more readily available for persons interested in the species as a viable part of Africa's fauna.

In summary, the Service has carefully examined the data contained in the Hamilton report and finds that they support a reclassification of the leopard in southern Africa from Endangered to Threatened status. In addition, the Hamilton report supports controlled sport hunting as a conservation measure. None of the comments received during the comment period on the Hamilton report provide any new data that change the Service's interpretation of the Hamilton report, or offer any substantive reason for not proceeding with a final rulemaking.

Effect of Rule

The only effect of this rule will be that, beginning with the effective date, legally taken sport-hunting trophies of the leopard (*Panthera pardus*) taken in accordance with the laws of appropriate countries in southern Africa will be permitted to be imported into the United States without a permit issued pursuant to the Endangered Species Act of 1973, *provided*, the importer has obtained an import permit for the trophy from the U.S. Management Authority of the Convention under the terms and conditions of the CITES. Requests for this permit must be filed on an application for Federal Fish and Wildlife Permit Form 3–200 (OMB Approval No. 1018–0022). In addition, permits for Threatened species may be issued for scientific purposes to enhance the survival or propagation of the species for educational or zoological purposes, or for other purposes consistent with the purposes of the Act. The rule will not affect any other prohibitions currently established under the Act for the protection of leopards in southern

Africa, such as the prohibition on sales or commercial activities in interstate or foreign commerce. Nor will it change in any way the prohibitions currently in effect for leopard populations outside of the delineated southern African countries.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal Action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, implemented at 40 CFR 1500–1508. Because this rule is not such a major Federal action, the rule is exempt from Executive Order 12114 concerning consideration of the impacts of domestic activities on the environment of foreign countries.

This rulemaking was written by John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291.

Further, the Department of the Interior, has determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This determination is based upon the fact that very few leopard trophies will be imported into the United States, and that those imported will have been taken as a result of safaris designed to take trophies of a number of other species as well. The number is expected to be considerably less than the high of two hundred leopard trophy imports recorded in 1969.

These determinations are discussed in more detail in a Determination of Effects of Rules which has been prepared by the U.S. Fish and Wildlife Service.

Sources Cited

Eaton, R. L. 1977. The status and conservation of the leopard in sub-Saharan Africa. Safari Club International.

Hamilton, P. 1981. The Leopard *Panthera pardus*, and cheetah *Acinonyx jubatus* in Kenya (U.S. Fish and Wildlife Service, unpublished report).

Myers, N. 1976. The leopard *Panthera pardus* in Africa. I.U.C.N. Monograph No. 5.

Teer, J. G. and Swank, W. G. 1978. Status of the leopard in Africa south of the Sahara (U.S. Fish and Wildlife Service, unpublished report).

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Notice of Rule

Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations is hereby amended as set forth below:

§ 17.11 [Amended]

1. Amend the table in § 17.11 as follows:

Species		Historic range	Vertebrate population where Endangered or Threatened	Status	When listed	Critical habitat	Special Rules
Common name	Scientific name						
•	•	•	•	•	•	•	•
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, China, Malaysia, Indonesia.	Wherever found except where it is listed as Threatened as set forth below.	E		N/A	N/A.
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, China, Malaysia, Indonesia.	In Africa, in the wild, south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia.	T		N/A	17.40(f).
•	•	•	•	•	•	•	•

2. Section 17.40 is amended by adding the following paragraph (f):

§ 17.40 Special rules—Mammals.

* * * * *

(f) Leopard.

(1) Except as noted in paragraph (f)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 shall apply to the leopard populations occurring in southern Africa to the south of a line running along the borders of the following countries: Gabon/Rio Muni; Gabon/Cameroon; Congo/Cameroon; Congo/Central African Republic; Zaire/Central African Republic; Zaire/Sudan; Uganda/Sudan; Kenya/Sudan; Kenya/Ethiopia; Kenya/Somalia.

(2) A sport-hunted leopard trophy legally taken after the effective date of this rulemaking, from the area south of the line delineated above, may be imported into the United States without a Threatened Species permit pursuant to 50 CFR 17.32, provided that the applicable provisions of 50 CFR Part 23 have been met.

Dated: December 8, 1981.

G. Ray Arnett,

Assistant Secretary, for Fish and Wildlife and Parks.

[FR Doc. 82-2052 Filed 1-27-82; 8:45 am]

BILLING CODE 4310-55-M

federal register

Thursday
January 28, 1982

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Availability of Saltonstall-Kennedy Funds for Research and Development Projects to Strengthen and Develop United States Fishing Industry

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Financial Assistance for Research and Development Projects To Strengthen and Develop the U.S. Fishing Industry

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Saltonstall-Kennedy Funds Notice of Availability/Instruction to the Public.

SUMMARY: For fiscal year 1982, Saltonstall-Kennedy funds will be available to assist persons in carrying out research and development projects addressed to any aspect of United States fishery (as herein defined) involving the United States fishing industry (recreational or commercial) including, but not limited to, harvesting, processing, marketing, and associated infrastructures. Projects will be funded through grants and cooperative agreements. Any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands, any fishery development foundation or other private non-profit corporation located in Alaska, or any corporation, partnership, association or other entity, non-profit or otherwise, if a citizen of the United States (as defined by Section 2 of the Shipping Act of 1916 (46 U.S.C. 802)), is eligible to apply for funding under this solicitation. The National Marine Fisheries Service (NMFS), NMFS employees and their immediate relatives are not eligible to apply hereunder.

This notice sets forth conditions under which applications will be received and evaluated to determine appropriateness for funding. This notice of availability of financial assistance for fisheries research and development projects will also appear in the Commerce Business Daily. Information collection requirements contained in this notice have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0648–0086.

FOR FURTHER INFORMATION CONTACT: Mr. Preston Smith, Office of Utilization and Development, National Marine Fisheries Service, Washington, D.C. 20235, phone: 202–634–7252.

I. Introduction

The Saltonstall-Kennedy (S–K) Act (15 U.S.C. 713c–2–713c–3) makes thirty percent of the gross receipts collected under the customs laws from duties on fishery products available to the Secretary of Commerce. The American Fisheries Promotion Act amended the S–K Act and provides that at least 50 percent of these funds are to be used by the Secretary each year to make grants to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing and associated infrastructures. United States fisheries [1] include any fishery that is or may be engaged in by U.S. citizens or nationals or citizens of the Northern Mariana Islands. For fiscal year 1982, about $8 million of Saltonstall-Kennedy monies are available to fund fisheries research and development projects which promote the goals and priorities of the NMFS fisheries development and utilization program. The phrase "fishing industry" is intended to include both the commercial and recreational sectors of U.S. fisheries.

II. NMFS Fisheries Development and Utilization Program

A. Fisheries Development and Utilization Goals

In 1979, the Department of Commerce announced a broad based fisheries development policy designed to strengthen the U.S. fishing industry and increase the supply of domestically produced wholesome and nutritious fish and fish products. NMFS, in 1981, adopted a marine recreational fisheries policy which has been incorporated into the fisheries development policy. The goals of the fisheries development policy are to be met by identifying and resolving economic and technological impediments to the development and strengthening of the U.S. fishing industry. More specifically, the aim of the NMFS fisheries development policy is to:

1. Encourage development and growth of the domestic fishing industry in order to provide increased employment opportunities, improve the economic well-being of fisheries-dependent communities, and increase the supply of economically priced fish and fish products to U.S. consumers.

2. Increase productivity and promote efficiency in the harvesting, processing, distributing, and marketing of fish and fish products.

3. Lower the foreign trade deficit in fishery products through increased exports of U.S. fish and fish products and displacement of imports.

4. Provide consumers with a good quality and wide variety of wholesome, nutritious fish and fish products.

5. Encourage the development of non-traditional fish resources, strengthen the long-term viability of the industry, and reduce reliance on traditional fish resources already harvested at optimum yield.

6. Improve domestic and foreign market efficiency, through the transfer of information and the elimination of any market practices that restrict competition.

B. Saltonstall-Kennedy Activities

The Saltonstall-Kennedy grant program constitutes an important part of the NMFS fisheries development and utilization program; Saltonstall-Kennedy grant program monies will be used to fund projects which are directed to the attainment of the American Fisheries Promotion Act (AFPA) goals. The National Marine Fisheries Service will consider funding projects which relate to the development of one specific fishery, projects which relate to more than one fishery, or projects which are national in scope. However, all applications for project funding should be comprehensive in dealing with the impediments to development and utilization. Thus, applications which relate to one specific fishery should discuss all phases of the fishery, from harvesting to processing, distribution, and marketing. Applications addressed to the needs of a particular region in one or more fisheries should show how it relates to existing regional plans where such plans exist. Further information on regional plans may be obtained from the NMFS Regional Offices listed in Section IV E. All projects within an application which address regional needs will be considered, but will be considered more favorably if they complement existing regional plans where such plans exist. For example, a project to demonstrate a squid cleaning machine, or a project to demonstrate advanced technology for artificial reefs would be considered to be comprehensive only if the individual projects are identified as part of a comprehensive plan or program to develop fisheries within the region. Projects which address national concerns should be responsive to the priorities of the NMFS fisheries utilization and development program as described herein.

[1] For purposes of this notice, a fishery is defined as one or more stocks of fish, including tuna, which are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of fisheries are: Alaskan groundfish, Pacific whiting, New England whiting, Gulf of Mexico groundfish, etc. The term "United States fishery" is defined by the AFPA as any fishery, including any tuna fishery, which is or may be engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

III. Areas for Grants and Cooperative Agreements

For fiscal year 1982, NMFS seeks to fund fisheries research and development projects which relate to regional and national concerns developed in consultation with members of the fishing industry. The areas of concern include:

A. *Harvesting acitivities* to demonstrate the economic feasibility of commercial or recreational harvesting of fisheries resources and to provide fishermen with information that documents the potential profitability of commercial or recreational harvesting activities and identifies abundance, location, and seasonal characteristics of stocks of fish.

B. *Quality enhancement and control* to develop, evaluate or demonstrate handling, sorting, grading, storage, and processing or distribution methods or techniques that will enable fishermen and processors and those in the distribution chain to maintain or improve the quality of fish and fish products marketed domestically or in foreign countries or used by recreational fishermen;

C. *Domestic market development* to increase domestic consumption of underutilized fish by increasing the use of non-traditional fisheries products in traditional markets or expanding the use of all fish in non-traditional markets; identification and solution of safety and public health problems impeding domestic market expansion would be included; for recreational fisheries, this would include increased use of non-traditional species, awareness of sport-fishing opportunities, and activities increasing the opportunities and value of recreational fishing;

D. *Foreign market development* to increase U.S. exports of fish and fish products with particular emphasis on the underutilized species and domestic recreational fishing opportunities for foreign visitors;

E. *Improvement in efficiency and productivity* to lower the costs of supplying domestic fish and fish products to consumers or to increase the output or value of existing or new methods of techniques for harvesting, processing, distributing or marketing domestic fisheries products; and

F. *Economic and investment studies* to document the costs and profitability of any activity that would enable the fishing industry to increase use of underutilized fisheries resources or increase the value of fisheries products or to refine or improve upon methodologies for ascertaining the economic and social value of recreational fisheries.

Projects within the areas of concern having the highest priority for funding are described below. NMFS has, because of the limited funds available to support projects, identified, after consultation with the fishing industry, specific species of fish and activities which will receive the highest priority for funding. Fisheries research, development, and utilization applications should relate to one or more of the areas of concern. Other projects within the areas of concern will also be considered, although funding will be available only for exceptionally good projects and only if projects of adequate quality and quantity addressing the specific needs are not received. Endorsement and support from broad-based interest groups concerned with the development and strengthening of the U.S. fishing industry will be taken into account as a positive factor during the review process. There is no guarantee that sufficient funds will be available to make awards for all approved projects.

A. Regional Priorities

NMFS is seeking to encourage a regional approach to developing and strengthening U.S. fisheries. "Region" refers to a geographic area in which fishing for a species or group of species would likely take place. A region generally corresponds to the range over which the species of fish can be harvested and/or the area encompassed by the NMFS Regions. Regional priorities have been identified and established by NMFS in conjunction with fishing industry groups, other organizations and local governmental units having an interest in the development and utilization of fisheries in the region. NMFS is specifically soliciting projects which provide a regional approach to (1) development or expansion of a specific fishery or group of fisheries capable of supporting further development; (2) removal of impediments to the development, expansion, or utilization of such fisheries; or (3) further involvement of small and minority business in those fisheries.

Specific fish resources within each region which have the greatest potential for development have been identified. These fish resources, and the major needs to accelerate their development or improve their utilization which will be given priority for funding are:

1. *Northeast Region.* Development projects in any of the areas of concern which address impediments to utilization of squid and mackerel and which can demonstrate short term benefits will receive the highest priority. Projects addressing other species will be considered, but with reservation. Priority will also be given to demonstrating methods of achieving and encouraging product quality improvement and penetration of export markets and new domestic markets.

Innovative ideas pertaining to the needs of the recreational fishing industry will be considered.

The Northeast Region is not expected to support the use of S–K funds in projects primarily involved with (a) port development; (b) environmental considerations; (c) aquaculture research and development; and (d) marine extension—i.e., newsletters, training, technology transfer unless the objectives can be directed to fulfillment of the targets identified above.

2. *Southeast Region.* Resources which have the greatest potential for commercial development in the Southeast Region are (a) sardines, herring and similar small pelagic species; (b) groundfish; and (c) crevalles, bonitos, tunas, ladyfish and other large pelagic species. Projects directed to harvesting activities, quality enhancement and control (including product and process development), export market development on a country by country basis, and economic and investment studies will be given high priority for funding. In addition, high priority will be given for projects to (a) improve existing information on characteristics of several underutilized species for food processing purposes and (b) transfer knowledge regarding the adaptability of harvesting techniques which are new or commonly employed elsewhere in the U.S. or abroad.

Resources targeted by recreational users are all eligible for consideration. Priority will be given to development projects in any of the areas of concern which address: (a) Impediments to increased use of non-traditional sport-caught species; and (b) research and/or demonstration leading to improvements in efficiency or productivity that will improve access to, or otherwise make recreational fishing more satisfying or will demonstrate and/or evaluate new vessel design and propulsion systems for improving the operating efficiency and effectiveness of charter and head boats.

3. *Southwest Region.* In the Southwest Region, development projects that will be given high priority for funding include (a) harvesting activities for tuna in the Central and Western Pacific; (b) domestic market development for all underutilized species including squid, anchovy, jack mackerel, and shortbelly

rockfish; and (c) improvements in processing and harvesting efficiency and productivity for all underutilized species.

In addition, priority will be given for projects involving: (a) Feasibility studies and demonstration projects to accelerate the shift to more cost efficient utilization of fish and shellfish waste; (b) the development of artisanal fishing industries in the Pacific Islands which could include fishing technology, processing, marketing and infrastructure; (c) economic evaluation of baitfish production to support tuna harvesting; and (d) population enhancement of commercially and recreationally important species, excluding salmon, in their natural environment.

4. *Northwest Region.* In the Northwest Region, high priority will be given for projects involving: (a) Harvesting activities for squid and other potentially significant species; (b) improvements in processing efficiency for finfish and shellfish; (c) domestic market development involving (1) the production and distribution of promotional material; (2) media exposure; (3) workshops, and seminars; (4) public school systems; and (5) institutional users; and (d) export market development.

High priority will also be given to projects for: (a) Inventory and operational analysis of seafood processing waste facilities on the Pacific Coast (current practices, problems, future needs, and potential remedies); (b) developing non-salmonid recreational fisheries; (c) design and implementation of an emergency marketing system to allow for a rapid response to short term fluctuations of supply and demand; and (d) planning and feasibility evaluations for artificial reefs in high-energy oceanic environments off Washington and Oregon. Product quality and safety projects, while also high priority are in most instances more appropriately considered at the national level. Areas of low priority in the Northwest Region are port and harbor development and aquaculture research and development.

5. *Alaska Region.* Species to be given the highest priority for development and utilization in Alaska include Alaska pollock, Pacific cod, Atka mackerel, and the various flounder species. Priority will be given to projects which address the complete use and final distribution of products in order to obtain the highest value for landed species and involve the following areas of concern: (a) quality enhancement and control; (b) improving efficiency and productivity; (c) domestic and export market development; and (d) economic and investment studies to document costs and methods of adapting existing fishing fleets to the groundfish fishery off Alaska.

High priority will also be given to projects involving special problems unique to remote geographical areas of Alaska, and unique industry problems in development of trained fisheries and processing labor forces.

The private sector in Alaska has been responding to industry needs in the area of energy efficiency and applications in this area will not be funded.

B. National Priorities

Projects addressing national concerns are generally those which require the coordinated participation of members of the fishing industry from more than one Region or involve activities such as fishing vessel safety or seafood quality research where results directly impact the fishing industry or consumers on a national scale. Applications will be determined to be Regional or national for the purpose of evaluating the proposed work on the basis of the scope of work, the required participation of members of the fishing industry to conduct the proposed work, and the direct application of the project results for resolving problems faced by the fishing industry or consumers. If it is determined that an application can best be evaluated at the Regional level, it will be referred to the appropriate Region and will be evaluated in accordance with the Regional priorities described previously. NMFS intends to support a strong Regional program with fisheries development and utilization projects and will consider for evaluation as a national project only those projects providing clear evidence of the necessary participation of members of the fishing industry in more than one Region or of broad national impacts.

The national areas of concern follow:

1. *Application of New and Improved Technology.* NMFS intends to fund projects that demonstrate the feasibility and use of new or improving technologies in fisheries and associated infrastructures that have not had the opportunity to examine or test such state-of-the-art technologies. Low priority will generally be given to proposals involving construction or extensive design or development of new technology.

Projects to be given the highest priority for funding include those to (a) investigate methods to use seafood processing wastes most efficiently; (b) design and implement a comprehensive program to improve safety aboard fishing vessels; and (c) assist retailers and processors in improving techniques for tray packaging, merchandizing, labeling, and increasing product shelf life.

2. *Expanding Access to Domestic and Foreign Markets.* NMFS is seeking projects designed to enhance the opportunities for the marketing of U.S. fish and shellfish in foreign and domestic markets. Projects to be given high priority for funding include the following:

(A) Expanding Access to Foreign Markets

(1) Design and construct a "U.S. Seafood Exhibit" at ANUGA'83 in Cologne, West Germany in October 1983;

(2) Develop species identification sheets for selected U.S. fish and shellfish, for distribution to potential foreign seafood buyers and incorporating English, French, Spanish, German, and Japanese explanations;

(3) Develop and print a brochure explaining how to export U.S. seafood products for distribution to potential exporters at seminars, trade shows, or upon request;

(4) Conduct a study on the impact of foreign freight and regulation rates on U.S. seafood exports.

(5) Conduct a study to determine whether there are countervailable factors in nations where seafood products compete with U.S. products at home and abroad; and

(6) Conduct a study on the ultimate markets for foreign harvested and processed seafood products from the U.S. Fishery Conservation Zone and on what factors impede the U.S. industry from competing effectively in those markets.

(B) Expanding Access to Domestic Markets

(1) Conduct acceptability tests for products from underutilized species of fish and shellfish for potential use in the USDA National School Lunch program;

(2) Develop educational kits for use by teachers stressing nutrition, handling, and preparation of seafood products;

(3) Design and costruct a U.S. seafood exhibit portraying the functions and services of the NMFS for display at the Food Marketing Institute and National Restaurant Shows and/or other domestic shows;

(4) Develop and publish educational and informational material appropriate for placement in the marketplace for consumers.

(5) Develop and publish a buying guide using available data and information to assist consumers and retail buyers in their seafood purchases;

(6) Develop educational materials targeted for food retailers and/or food service institutions to assist them in all aspects of seafood merchandizing; and

(7) Consolidate, organize, and analyze seafood consumption data collected in four separate and different surveys conducted in 1969, 1973, 1977, and 1981.

3. *Improving Safety, Quality, and Labeling of Fish and Fish Products.*[2] NMFS is soliciting projects which support its goal of providing consumers with a good quality and wide variety of wholesome, nutritious fish and fish products. The research priorities for 1982 follow:

(A) Safety

(1) Research to describe the extent and economic impacts of paralytic shellfish poisoning (PSP) in the U.S., the likelihood of eliminating or otherwise reducing the adverse impacts of PSP, and develop a comprehensive plan describing actions which can be taken to lessen the impacts of PSP and the economic benefits of initiating these actions;

(2) Development of rapid analytical methods to detect and measure quality loss and hazardous conditions in seafood products;

(3) Research on the epidemiology of cholera risk associated with seafood;

(4) Collaborative projects to identify the ciguatoxin of dinoflagellate origin with either purified ciguatoxin or with extracts from fish implicated in ciguatera seafood poisoning of either Caribbean or Pacific origin;

(5) Evaluation, in terms of the safety of fisheries products, of the use of controlled atmospheres to extend the shelflife of fresh (unfrozen) high and low fat fishery products at the wholesale and/or retail level;

(6) Demonstration of the application of retortable pouch technology to fishery products, the preparation of 2–4 meal ready-to-eat (MRE) seafood items, including the development of appropriate processing protocols;

(7) Research to determine the toxicological profile of partially hydrogenated menhaden oil when administered at high levels in the food of dogs over a period of 12 months.

(B) Quality and Labeling

(1) Comprehensive study of seafood distribution channels to assess the quality of U.S. seafood produced for domestic and foreign consumption, document where problems occur, and suggest remedies to overcome the problems;

(2) Studies to investigate and determine the feasibility of a dockside quality grading program for landed fish together with a system of price differentials for high quality products. The studies are to include development of an experimental model dockside grading system for trial use in the seafood industry;

(3) Development of modern product quality standards for underutilized species, in accordance with established guidelines and procedures, to accelerate consumer acceptance;

(4) Authentic pack studies permitting objective and subjective measurements at various intervals of storage for the training of industry and Government inspectors on quality loss in traditional and underutilized seafood;

(5) Collect and translate importing regulations and technical and quality requirements for 10–15 foreign countries which are applicable to seafoods from the United States and develop summary reports in accordance with an established model format;

(6) Determination of the edibility characteristics of selected U.S. commercial and recreational species in accordance with NMFS standardized instrumental and sensory laboratory test methods and procedures (mechanical texture measurements, sensory evaluation using trained sensory panels and consumers) to contribute toward the development of a national edibility data bank.

4. *Recreational Fisheries Development.* The NMFS intends to fund projects which will resolve problems encountered in the increased use of underutilized fisheries resources for recreational purposes and the productive use of fisheries resources by recreational users. Highest priority will be given to projects that would: (a) Identify the opportunities for development of fisheries resources for recreational uses, the impediments to the use of these resources, and actions which would resolve the impediments; (b) identify, test, and evaluate artificial reef technology or fish aggregation devices; (c) identify and evaluate methods for the proper handling of fish caught by recreational users; and (d) inform domestic and international consumers of recreational fishing opportunities near major U.S. urban areas and more remote areas.

[2] All planned research in the area of product quality and safety should be conducted in general accordance with the Good Laboratory Practice Regulations as promulgated by the Food and Drug Administration (FDA) appearing in the Federal Register, vol. 43, Friday, December 22, 1981, page 60013–60019.

IV. Applications

A. Eligible Applicants

Applications for grants or cooperative agreements for fisheries development projects can be made, in accordance with the procedures set forth in this notice, by:

1. Any individual who is a citizen or national of the United States;

2. Any individual who is a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under Section 8 of the Schedule on Transitional Matters attached to the Constitution of the NMI;

3. Any fishery development foundation or other private non-profit corporation located in Alaska;

4. Any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private non-profit corporation not located in Alaska), non-profit or otherwise, if such entity is a citizen of the United States within the meaning of Section 2 of the Shipping Act, 1916 as amended (46 U.S.C. 802).[3] NMFS encourages women and minority individuals and groups to submit applications. NMFS employees (or their immediate families, including full, part-time, and intermittent personnel) and NMFS offices or centers are not eligible to submit an application

[3] To qualify as a citizen of the United States within the meaning of this statute, citizens or nationals of the United States or citizens of the NMI must own not less than 75 percent of the interest in the entity or, in the case of a non-profit entity, exercise control of the entity that is determined by the Secretary to be equivalent to such ownership; and, in the case of a corporation, the president or other chief executive officer and the chairman of the board of directors must be citizens of the United States, no more of its board of directors than a minority of the number necessary to constitute a quorum may be non-citizens, and the corporation itself must be organized under the laws of the United States, or of a State, including the District of Columbia, Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the NMI or any other Commonwealth, territory, or possession of the United States. Seventy-five percent of the interest in a corporation shall not be deemed to be owned by citizens or nationals of the United States or citizens of the NMI, if: (i) The title to 75 percent of its stock is not vested in such citizens or nationals of the United States or citizens of the NMI free from any trust or fiduciary obligation in favor of any person not a citizen or national of the United States or citizen of the NMI; (ii) 75 percent of the voting power in such corporation is not vested in citizens or nationals of the United States or citizens of the NMI; (iii) through any contract or understanding it is arranged that more than 25 percent of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen or national of the United States or a citizen of the NMI; or (iv) by any means whatsoever, control of any interest in the corporation is conferred upon or permitted to be exercised by any person who is not a citizen or national of the United States or a citizen of the NMI.

under this solicitation, or aid in the preparation of an application, except to provide necessary information or guidance about the fisheries development and utilization program and the priorities and procedures included in this solicitation.

B. Amount and Duration of Funding

For fiscal year 1982, NMFS will have about $8 million available to fund the fishery research and devlopment projects solicited herein. Grants or cooperative agreements will generally be awarded for a period of 1 year. Applications will be considered for projects which extend for up to 3 years; however, continuing projects will have to be submitted each year, and continued funding will be contingent upon the availability of funds, the extent to which project objectives are met during the prior year, and the continued priority of the project as established in subsequent years. Any project submitted for multiyear funding shall completely describe activities to be undertaken in the first year for which funding is requested, and shall outline planned activities and expected costs for each succeeding year. Publication of this announcement shall not obligate NMFS to award any specific grant or to obligate the entire amount of funds available or any part thereof.

C. Cost-Sharing Requirements

In accordance with the AFPA, the amount of a grant will be at least 50 percent of the estimated cost of the project. Thus, up to 50 percent of the total cost of each project may be required to be provided from non-Federal sources. The non-Federal share may include funds received from private sources or from State or local Governments, or the value of in-kind contributions. In-kind contributions are noncash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project.

The percentage of the total project costs provided from non-Federal sources, not to exceed 50 percent of the cost of the project, will be an important factor in the selection of projects to be funded. Applicants who receive all or nearly all of their funding from Federal sources may be exempted from non-Federal cost-sharing requirements. Complete exemption from cost-sharing requirements may be granted in unusual circumstances only to non-profit public interest organizations which demonstrate no financial ability to meet cost-sharing requirements. The total project costs and the percentage of cost sharing required will be determined as described below.

1. *Determining Total Project Cost.* The total costs of a project consist of all costs incurred in the performance of project tasks, including the value of the in-kind contributions, which are necessary to accomplish the objectives of the project during the period in which the project is to be conducted. A project begins on the date that a formal grant or other agreement between the applicant and an authorized representative of the United States takes effect, and ends when a final report is submitted and accepted by such authorized representative. Accordingly, the time expended and costs incurred in either development of a project or the financial assistance application, or in any subsequent discussions or negotiations up to the point of formal award, are neither reimbursable nor recognizable as part of the recipient's cost share.

NMFS will determine appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, on the basis of guidance provided in Office of Management and Budget (OMB) Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations." In general, the value of in-kind services or property used to fulfill the cost-sharing requirements will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Cost sharing to be provided may include:

(a) Expenses incurred as project costs. (Not all charges require cash outlays by the grantee during the project period; examples are depreciation and use charges for building and equipment.)

(b) Project costs paid with cash contributed or donated to the grantee by other non-Federal public agencies and institutions, or private organizations or individuals.

(c) The value of in-kind contributions.

2. *Determining the Level of Cost Sharing Required.* As previously stated, the amount of a grant must be at least 50 percent of the estimated cost of the project. The percentage of the total costs required to be provided from non-Federal sources will be as follows:

(a) *20 percent.* For projects in which direct fishing industry participation may be limited, the non-Federal cost share shall be no less than 20 percent of the total project cost. Projects in this category benefit many interest groups and, therefore, offer no unique advantage to members of the fishing industry. Projects in this category might relate to: Fishing vessel safety, economic or food technology research, seafood product safety, or consumer attitudes toward seafoods. Because of their nature, these projects would ordinarily be conducted by or for State or local Government entities or by non-profit organizations.

(b) *30 percent.* For projects in which direct fishing industry participation can be significant, the non-Federal cost share shall be no less than 30 percent of the total project cost. These projects contain significant or indeterminate risks which prevent an individual or group within the fishing industry from undertaking them without assistance. Projects in this category would ordinarily deal with the non-traditional species, demonstration of new harvesting gear or processing methods, the development of new fish product concepts or forms, or the enhanced use of domestically harvested fish in institutional markets or for personal consumption.

(c) *40 percent.* For projects which involve significant fishing industry participation, entail a limited risk, and in which the prospects for immediate future gain from the project are significant, the non-Federal cost share shall be no less than 40 percent of the total project cost. These projects would involve established fisheries or markets as, for example, expanding the markets for fish or parts of fish normally discarded during harvesting or processing. Such projects require significant participation by individuals or groups within the fishing industry to ensure their success.

In determining the category of cost sharing in which the project belongs, NMFS will consider:

(a) The project's direct benefits to the fishing and seafood industry;

(b) The financial risk that would be assumed by members of the fishing industry in undertaking the project;

(c) The potential of the project to generate revenues that would allow members of the fishing industry to recover costs incurred through participation in the project; and

(d) The compatibility of the project with national fisheries development and utilization policy and its potential for national economic benefit.

A project which will benefit the general public, such as a research project dealing with the safety of fish and fish products or demonstrating advanced technologies to benefit

recreational fisheries, will have a lower cost-sharing requirement than one which directly benefits only a specific segment of the fishing industry or an identifiable number of firms. Similarly, industry demonstration projects in high-risk ventures, such as those which involve the harvesting, processing, or marketing of non-traditional U.S. species, will be expected to provide lesser amounts of cost sharing than would industry projects related to species for which strong domestic or foreign markets already exist. Projects which have a high potential for fulfilling national fisheries development and utilization policy or making significant contributions to the national economy might also have a lower cost-sharing requirement than projects with a lesser potential for doing so.

D. Format

Applications for project funding must be complete. They must identify the principal participants and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Project applications should give a clear presentation of the proposed work, the methods for carrying out the project, and its relevance to developing and strengthening the U.S. fishing industry. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application. The applicant is advised to contact the appropriate regional office for guidance in preparing project descriptions. Such consultations with NMFS staff will not result in more favorable consideration of any project. Applications shall be submitted in the following format:

1. *Cover Sheet.* A Federal Government standard form 424 shall be used as the cover sheet for each project within an application. Standard form 424 may be obtained from the NMFS Regional Offices or NMFS Washington Office listed below in Section E.

2. *Project Summary.* A summary of not more than one page shall be provided for each project within the application and shall contain the following information:

(a) Project title.

(b) Name of applicant.

(c) Principal investigator for the project and affiliation.

(d) Primary objective of project.

(e) Summary of work to be performed.

(f) Direct benefits and beneficiaries of project results.

(g) Principal geographic impact of project (local, statewide, regional, national).

(h) Project duration.

(i) Total project costs (identify first year separately for multiyear projects).

(j) Project costs to be provided from non-Federal Government sources; total amount and percentage of total project costs. Identify first year costs separately for multiyear projects.

(k) Total Federal funds requested; total amount and percentage of total project costs (first year funding for multiyear projects).

(l) Principal uses for Federal funds and amounts requested for each use (salaries, travel, vessel charter, subcontracts, equipment rental, etc.).

3. *Project Description.* Each project within the application shall be completely and accurately described. Each project description may be up to fifteen pages in length. The applicant must describe conditions affecting the fishing industry and the significance of the problem(s) that are to be addressed by the project. This information should be brief and specific as it will provide the basis for the evaluation of the project in terms of the need for the proposed work, the effectiveness of methods to be used, and the likelihood of success in solving the problems addressed. All portions of the project description will be made availabe to the public and members of the fishing industry for review comment; therefore, NMFS will *not* guarantee the confidentiality of any information submitted as part of any project nor will NMFS accept for consideration any project requesting confidentiality of any part of the project. Each project shall be described as follows:

(a) *Identification of Problem(s).* Describe how existing conditions prevent or impede the U.S. fishing industry from developing the fishery or using existing fisheries. In this description, identify (i) the species of fish involved, (ii) the specific problem(s) that the fishing industry has encountered, (iii) the sectors of the fishing industry that are affected, (iv) the fishing industry reaction to the problem(s), and (v) the extent of the impact of the problem(s) at the local, the regional, and national level.

(b) *Project Goals and Objectives.* Clearly state how the project would eliminate or reduce the problem(s) described above. In addition, the impact of the proposed work should be described in terms of anticipated increased landings, production, sales, exports, product quality, safety, or any other measurable factor

(c) *Appropriateness and Need for Government Financial Assistance.* Clearly describe why members of the fishing industry have been prevented from obtaining funds from other public or private sources. Factors which inhibit private industry from undertaking the project are of particular importance. The applicant should list all other sources of funding which are or have been sought for the project.

(d) *Participation by Persons or Groups Other Than the Applicant.* Describe (i) the level of participation by NMFS, Sea Grant, or other Government and non-Government entities, particularly members of the fishing industry, required to ensure the success of the project(s); (ii) the form of such participation; and (iii) if such participation is voluntary, describe the conditions required for participation in the project. In addition, list names and addresses of the principal persons or groups consulted during the preparation of the project description.

(e) *Federal, State, and Local Government Activities.* List any exisitng Federal, State, or local Government plans or activities, including State Coastal Zone Management Plans, which would be affected by this project, and describe the relationship between the project and these plans or activities. List names and addresses of persons contacted to provide this information.

(f) *Project Outline.* Set out all tasks to be performed, and the key events in the task schedule; where applicable, indicate any task(s) which might be adversely affected by factors beyond the control of the applicant.

(g) *Project Management.* Describe how the project will be organized and managed. List all persons or groups who will be involved in the project, their qualifications, and their level of involvement in the project. Provide copies of any agreements between the participants and the applicant which describe the specific tasks that will be performed.

(h) *Monitoring of Project Performance.* Describe how the progress of the project would be monitored and who will participate in the monitoring. Specify what actions would be taken in the event specific project tasks become unattainable. This is particularly important in demonstration projects that can be affected by factors beyond the control of the applicant.

(i) *Evaluation of Project Results.* The applicant is required to provide an evaluation of the project when it is completed. Describe how the completed project will be evaluated to determine the success of the project in overcoming the impediment(s) that was addressed in the project and the impact of the project in promoting increased landings, production, sales, exports, product

quality, safety, or other measurable factors.

(j) *Project Benefits.* Describe all the benefits anticipated from conducting the project and identify in detail the sectors of the fishing industry which will receive the benefits, either directly or indirectly, from the project. These benefits should be described in quantitative terms to the extent possible and practical.

(k) *Dissemination of Project Results.* Describe (i) how the project results will be conveyed to the members of the fishing industry or others who could directly benefit from the project and (ii) any special conditions or requirements that might have to be met before project results could be used.

(l) *Project Costs.* Provide a detailed schedule of project costs, identifying in particular: (i) Sub-contracts, (ii) slaries, (iii) travel cost, and (iv) all other administrative and technical costs of the project. Funds will ordinarily not be granted for the purchase of capital equipment. Fee or profit will not be paid by NMFS under any funding award.

Any applicant submitting a project may request funds to cover administrative costs associated with the management of the project and the performance of functions required by the Federal Government as part of the grant award if the project is funded. These functions are identified in Section VIII, A, "Obligations of the Applicant." These costs are to be identified for each project submitted. In applications containing two or more projects, administrative costs are not to be combined for all projects but must be identified separately for each individual project. The amount of administrative funds provided will be based on the actual number of duration of projects and specific activities funded.

(m) *Cost Sharing for the Project.* Specify all activities which will be undertaken directly or indirectly by the applicant or by other project participants which will be funded from non-Federal sources, including in-kind contributions. State the total amount of non-Federal funds, including in-kind contributions, to be committed to the project, and specify the time at which such contributions will be available. The Federal share of the total project cost must be 50 percent or higher.

4. *Supporting Documentation.* This section shall include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project(s) proposed. The applicant should present any information which would emphasize the value of the project in terms of the significance of the impediments addressed, or the efficacy of methods used to calculate the costs and benefits of the project. Without such information, the merits of the project may not be fully understood, or the value of the project to fisheries development may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in a lower ranking of the project. Information presented in this section should be referenced in the project description, where appropriate.

E. Application Submission and Deadline

1. *Deadline.* Applications for funding under this program shall be accepted between February 1, 1982 and April 1, 1982. An application will be considered to be timely filed if (a) the application is in any of the offices listed below on or before April 1, 1982, or (b) the applicaion is postmarked no later than March 26, 1982.

2. *Submission of Applications to NMFS*

One signed original and two (2) copies of the complete application must be submitted.

(a) Applications relating to a specific fishery or a particular region should be submitted to the appropriate NMFS Regional Office as specified below:

Northeast Region (Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota): Regional Director, National Marine Fisheries Service, 7 Pleasant Street, Gloucester, MA 01930, Phone: (617) 281–3600

Southeast Region (North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Tennessee, Kentucky, Missouri, Kansas, Nebraska, Iowa, Puerto Rico, Virgin Islands): Regional Director, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702, Phone: (813) 893–3142

Southwest Region (California, Hawaii, Nevada, Arizona, American Samoa, Guam, Trust Territory of Pacific Islands): Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Phone: (213) 548–2575

Northwest Region (Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, North Dakota, South Dakota): Regional Director, National Marine Fisheries Service, 7600 Sand Point Way, NE., Bin C15700, Seattle, Washington 98115, Phone: (206) 527–6150

Alaska Region (Alaska): Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, Phone: (907) 586–7221

(b) Applications that do not directly address the development of a particular fishery or region of the country but do address broad national concerns, such as impediments to increased use of fish and fish products both domestically and abroad, industry productivity or efficiency, product quality and safety, or consumer welfare identified in Section III B. National Priorities should be sent to: Director, Office of Utilization and Development, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

NMFS shall review all applications to determine the appropriate reviewing office. NMFS determination of this matter shall be final.

V. Review Process and Criteria

A. Initial Screening

Upon receipt by the appropriate regional or national office, as determined by NMFS, each application will be subject to an initial screening to determine whether it includes all required information specified in Section V. D. (Format) of this solicitation. If it is determined that the application is incomplete, applicants will be so notified, and may be given additional time as determined appropriate by NMFS to complete such application; the application will not be considered further unless modifications are made within the time allowed by NMFS.

B. Initial Review

All applications which have been determined to be complete will then be subject to an initial review by the receiving office, to determine whether the applicant has the requisite technical and financial capability to carry out the project, and to determine whether the application meets the minimum requirements specified below. Applications will be evaluated as a whole; if an application contains two or more projects, such projects will not be considered separately. To meet minimum requirements, applications must:

1. Address an identified impediment to the development or strengthening of the fishing industry; meet the needs of the fishing industry and/or consumers;

be consistent with regional and/or national priorities; and contribute to established fisheries development and utilization goals;

2. Meet the minimum level of cost sharing; and

3. Include a procedure for evaluating the success of the project(s) in overcoming the impediment(s) specified and in furthering national fisheries development and utilization goals.

The decisions of NMFS as to whether applications meet these minimum requirements will be final.

C. Formal Evaluation and Ranking of Proposed Projects

Applications which satisfy the minimum requirements will then be evaluated by the NMFS office determined by NMFS to be the most appropriate to evaluate the proposed work. This will normally be the office where the application is filed. The project(s) contained in the application will be evaluated in consultation with representatives from other Federal Government agencies with programs affecting the U.S. fishing industry, members of the fishing industry, and consumer groups, on the basis of technical merit. The regional and Washington offices of NMFS will make project descriptions available for review as follows:

1. Public review and comment. Regional projects may be inspected at the office to which they are submitted. All projects will be available for inspection at the NMFS Washington Office from April 12, 1982 to April 30, 1982. Written comments will be accepted at the regional or Washington offices until April 30, 1982.

2. Consultation with members of the fishing industry. NMFS shall, in its discretion, request comment from members of the fishing industry who have knowledge in the area of a project or who would be affected by a project.

3. Consultation with Government agencies. Projects will be reviewed in consultation with NMFS Research Centers and Utilization Laboratories, Regional Fisheries Management Councils, and the appropriate NOAA Grants/Contracts Offices. The appropriate Regional Fisheries Management Council may be asked to review projects and advise of any real or potential conflicts with Council activities.

Receiving offices will formally evaluate each of the projects which meet minimum requirements. If an application contains two or more projects, the projects will be evaluated separately. All comments submitted to NMFS will be taken into consideration in the evaluation of projects. As part of the evaluation, projects will be given point scores based on the following criteria:

(a) Significance of the impediment described in the project (20 points).

(b) Adequacy of research/development/demonstration for resolving an impediment and possibilities of securing productive results (20 points).

(c) Soundness of design/technical approach for resolving an impediment (20 points).

(d) Organization and management of the project, including qualifications and previous related experience of the management team and the personnel involved (20 points).

(e) Effectiveness of proposed methods for monitoring and evaluating the success or failure of the project in resolving and impediment (10 points).

(f) Appropriateness of the budget in terms of the work to be performed (10 points).

A panel of NMFS, fishing industry, and consumer representatives, as appropriate, will be convened by each reviewing office to evaluate the projects filed with the office. The panel will make recommendations on the level of funding to be awarded for each project and the merits and benefits of funding each project.

D. Funding Awards

After projects have been evaluated by the reviewing offices, recommendations for project funding will be developed by the Regional Directors for regional projects and the Director, Office of Utilization and Development for national projects. The recommendations will be submitted to the Assistant Administrator for Fisheries for review. Recommendations for funding will be developed on the basis of the technical review scores, the amount of cost sharing to be provided by the applicant, and the overall benefits and merit to conducting the project. The Assistant Administrator for Fisheries will determine the number of projects to be funded based on the recommendations provided to him, consistency of projects with national fisheries policy, and the amount of funds available for the program.

The exact amount of funds to be awarded for a project will be determined in preaward discussions between the applicant and NOAA/NMFS Program and Grants representative. The form of the financial assistance agreement and the award will be determined by NOAA Grants Officers. In accordance with the requirements of the AFPA, all Applications will be approved or disapproved before July 30, 1982. Projects approved and recommended for funding will be subject to review by the Secretary of Commerce before funding is authorized.

VI. Administrative Requirements

A. Obligations of the Applicant

An Applicant shall:

1. Meet all application requirements and provide all information necessary for the evaluation of the project.

2. Be available, upon request, in person or by designated representative, to respond to questions during the review and evaluation of the project(s).

3. If a project is funded, manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by NMFS.

4. If a project is funded, keep records sufficient to disclose the use made of grant funds, provide an audit of the use of funds, and allow access to records for audit and examination by the Secretary, the Comptroller of the United States, or their authorized representative.

5. If a project is funded, submit quarterly project status reports to NMFS within thirty days after the end of each calendar quarter, on the use of funds and progress of the project. These reports shall specify, for each project funded:

(a) Whether goals or objectives are being achieved within projected time periods;

(b) Where necessary, state reasons why goals or objectives are not being met;

(c) Any change in plans or redirection of resources or activities and the reason therefor;

(d) Such report shall be submitted within the time and to the individual specified in the funding agreement.

6. If a project is funded, submit a final report within 90 days after the end of each project. This report shall describe the project and include an evaluation of the work performed and the results and benefits of the work in sufficient detail to enable NMFS to assess the completed project for its annual report to Congress as specified in subsection B (6) of this section. Results should be described in relation to the project objectives of resolving specific impediments, and should be quantified to the extent possible. Potential uses of project results in private industry should be specified. Any conditions or requirements

necessary to make productive use of project results should be identified.

7. Submit such additional reports as may be required by NMFS.

B. Obligations of the National Marine Fisheries Service

NMFS shall:

1. Provide all forms and explanatory information necessary for the proper submission of applications for fisheries development and utilization projects;

2. Provide advice, through NMFS Office servicing the applicant's area, to inform applicants of NMFS fisheries development policies and goals;

3. When projects submitted to regional offices are approved for funding, the NMFS Regional Director of such regional office shall inform the applicant of all requirements and conditions for the use of such funds;

4. Monitor all projects to ascertain their effectveness in achieving project objectives and in producing measurable results. Actual accomplishments of a project will be compared with intended or anticipated accomplishments. Conclusions drawn by NMFS in monitoring projects will be used to support funding decisions on multiyear projects and on succeeding or similar projects;

5. Make project results and reports available upon request to Congress, public agencies or the public.

6. Include in the annual report to Congress, as required by the AFPA, a description of all funded projects, a list of applications approved and disapproved, the total amount of grants made during the current fiscal year and the extent to which available funds were not obligated or expended for such fiscal year. The report shall also include an assessment of each funded project that was completed in the preceding year in terms of the extent to which project objectives were attained and the extent to which it contributed to fishery development.

C. Legal Requirements

The applicant shall be required to satisfy the requirements of applicable local, State and Federal Laws.

(Federal Domestic Assistance Catalogue No. 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements)

Signed at Washington, D.C., this 25th day of January 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-2258 Filed 1-27-82; 8:45 am]

BILLING CODE 3510-22-M

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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
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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