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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 215, and 220

[Amdts. 52, 25, and 43 respectively]

State Plan of Child Nutrition Operations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule eliminates the state plan requirements for the National School Lunch Program, the Special Milk Program for Children, and the School Breakfast Program. Section 812 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) enacted August 13, 1981 required the elimination of all school nutrition program state plan requirements. This rule reduces the reporting burden currently placed on State agencies.

EFFECTIVE DATE: As of October 1, 1981, State agencies are no longer required to submit the above mentioned State Plans to FNS for review and approval. In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting reductions contained in §§ 210.4a, 210.5a, 210.14(a)(1), 210.17(a)(1), 215.11(a), 215.13(a)(1), 220.13(f)(1), 220.13(f)(2), 220.15(a)(1), and 220.15(b) of this regulation will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, USDA, Alexandria, Va. 22302 (703-756-3620).

SUPPLEMENTARY INFORMATION:

Classification

This final rule has been reviewed under Executive Order 12291 and has not been classified as major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more nor will it have a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This action will not 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.

The rule has also been reviewed with regard to the requirements of Pub. L. 96-354. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

Samuel J. Cornelius has determined pursuant to 5 U.S.C. 553 (b) and (d) that good cause exists for making this rule effective earlier than 30 days after publication because section 812 of Pub. L. 97-35 became effective on October 1, 1981. Solicitation of public comments is unnecessary and contrary to the public interest because the provisions of this rule are nondiscriminatory.

Background

Section 812 of Pub. L. 97-35 amended section 11 of the National School Lunch Act by eliminating the requirement for state plans in the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), and the Special Milk Program for Children (7 CFR Part 215).

The requirement for the submission of state plans has been eliminated to reduce the reporting burden on the States. However, the elimination of the state plans does not alter each State's responsibility to ensure compliance with program regulations. States should be aware that information necessary to demonstrate the sufficiency of State operations should be maintained on file to allow the Department to fulfill its responsibility of monitoring State level program administration.

Since state plans have been submitted for School Year 1982, this final rule will affect submission of the 1983 state plan.

List of Subjects

7 CFR Part 210

Food assistance programs, National school lunch program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Special milk program, Grant programs—Social programs, Nutrition, Children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Food assistance programs, School breakfast program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements.

Accordingly, Parts 210, 215, and 220 of Chapter II of Title 7, Code of Federal Regulations are amended as set forth below.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

§ 210.4a [Removed]

1. 7 CFR Part 210 is amended by removing § 210.4a, *State Plan of Child Nutrition Operations.*

§ 210.5a [Amended]

2. 7 CFR Part 210 is amended by removing the third sentence of § 210.5a, *Transfer of funds.*

3. 7 CFR Part 210 is amended by revising § 210.14(a)(1) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(1) Each State agency or FNSRO where applicable, shall provide consultative, technical, and managerial personnel to administer programs and monitor performance and to measure progress towards achieving program goals.

* * * * *

4. 7 CFR Part 210 is amended by revising the first sentence of § 210.17(a)(1) to read as follows:

§ 210.17 Management evaluation and audits.

(a)(1) The State agency shall ensure that all organizations within the State that administer or participate in the Program covered by this Part obtain audits as required by Office of Management and Budget Circulars A-102 or A-110, as applicable.

* * * * *

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

1. 7 CFR Part 215 is amended by removing and reserving § 215.11(a) to read as follows:

§ 215.11 Special responsibilities of State agencies.

(a) [Reserved]

* * * * *

2. 7 CFR Part 215 is amended by revising the first sentence of § 215.13(a)(1) to read as follows:

§ 215.13 Management evaluations and audits.

(a)(1) The State agency shall ensure that all organizations within the State that administer or participate in the Program covered by this Part obtain audits as required by Office of Management and Budget Circulars A-102 or A-110, as applicable.

* * * * *

PART 220—SCHOOL BREAKFAST PROGRAM

1. 7 CFR Part 220 is amended by revising § 220.13(f)(1) and removing and reserving § 220.13(f)(2) to read as follows:

§ 220.13 Special responsibilities of State agencies.

* * * * *

(f) * * *

(1) Each State agency or FNSRO where applicable shall provide consultative, technical, and managerial personnel to administer programs, monitor performance, and measure progress toward achieving program goals.

(2) [Reserved]

2. 7 CFR Part 220 is amended by revising the first sentence of § 220.15(a)(1) to read as follows:

§ 220.15 Management evaluations and audits.

(a)(1) The State agency shall ensure that all organizations within the State that administer or participate in the Program covered by this Part obtain audits as required by Office of Management and Budget Circulars A-102 or A-110, as applicable.

* * * * *

3. 7 CFR Part 220 is amended by removing and reserving § 220.15(b) as follows:

§ 220.15 Managemant evaluations and audits.

* * * * *

(b) [Reserved]

* * * * *

(Sec. 812, Pub. L. 97-35; 95 Stat. 521-535; (42 U.S.C. 1759a))

(Catalog of Federal Domestic Assistance numbers 10.553, 10.555, and 10.556)

Signed on April 23, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82-11674 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Parts 210, 215, 220, and 235

[Amdts. 53, 26, 44 and 8 respectively]

Private School Tuition Limitations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule excludes private schools with an average yearly tuition exceeding $1,500 per child from participating in programs authorized by the Child Nutrition Act (CNA) and the National School Lunch Act (NSLA). These amendments are required by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) and are intended to reduce Federal expenditures.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and has not been classified as major because it does not meet any of the three criteria of the Executive Order. This rule will not have an annual effect on the economy of $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. This action will not 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.

The rule has also been reviewed with regard to the requirements of Pub. L. 96-354. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

This final rule does not contain any reporting or recordkeeping provisions which are subject to approval by the Office of Management and Budget (OMB).

Comments Regarding Limits to Private School Participation

On October 20, 1981 the Department published an interim rule (46 FR 51363) regarding the exclusion of private schools with an average yearly tuition exceeding $1,500 per child. For purposes of consistent nationwide application of this rule, the Department defined "average yearly tuition." Seven written comments concerning the private school tuition limitation were received.

Five out of the seven comments received recommended changes to the "Tuition" definition. Three of the five commentors opposed the proposed tuition definition because it encompassed a number of expenses they believed should not be considered a part of tuition, such as books, fees and supplies. The Department agrees that the part of the tuition definition regarding other educational expenses should be changed as the commentors indicated. Tuition is an educational expense, but not all educational expenses are necessarily part of tuition. The final tuition definition does not include books, laboratory fees, school supplies, transportation fees for school related trips, or fees for equipment or consumable goods used as part of a class or shop instruction.

Three commentors stated that the average yearly tuition should not eliminate those private schools which operate a program on a system-wide basis. Two of the three commentors suggested that the average tuition should be calculated by determining the total tuition received on a system-wide basis divided by the number of students enrolled in the system. The Department does not agree that the average yearly tuition should be averaged on a system-wide basis instead of a school basis. It is the intent of Congress (Pub. L. 97-35, Section 808) that individual private schools with an average yearly tuition exceeding $1,500 per child be excluded from the Programs. Averaging tuition charged by private schools on a system-wide basis to reach a lower average

tuition cost (below $1,500 per child) is defeating the intent of Congress.

List of Subjects

7 CFR Part 210
Food assistance programs, National school lunch program, Grant programs–Social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 215
Food assistance programs, Special milk program, Grant programs–Social programs, Nutrition, Children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220
Food assistance programs, School breakfast program, Grant programs–Social programs, Nutrition, Children, Reporting and recordkeeping requirements.

7 CFR Part 235
Food assistance programs, National school lunch program, School breakfast program, Special milk program, Grants administration, Intergovernmental relations, Reporting and recordkeeping requirements, Administrative practice and procedure.

Accordingly, Parts 210, 215, 220, and 235 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

§ 210.2 [Amended]

1. In § 210.2, *Definitions,* the first sentence in paragraph (o) is revised to read as follows:

* * * * *

(o) "School" means: (1) An educational unit of high school grade or under (except for a private school with an average yearly tuition exceeding $1,500 per child) operating under public or nonprofit private ownership in a single building or complex of buildings.

* * * * *

2. In § 210.2, *Definitions,* new paragraphs (v) and (w) are added to read as follows:

* * * * *

(v) "Tuition" means the basic charge required for a student to matriculate at a school, excluding any amount paid for the cost of room and board, transportation, books, supplies, equipment, and fees. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) Academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided to schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In schools which vary tuition, to determine if the average yearly tuition exceeds $1,500 per child, add the total tuition receipts for the period of time in which the majority of children are in attendance, and divide by the total number of students enrolled during that period.

(w) "Special needs children" means children who are emotionally, mentally or physically handicapped.

PART 215—SPECIAL MILK PROGRAM

§ 215.2 [Amended]

1. In § 215.2, *Definitions,* the first sentence in paragraph (v) is revised as follows:

* * * * *

(v) "School" means: (1) An educational unit of high school grade or under (except for a private school with an average yearly tuition exceeding $1,500 per child) operating under public or nonprofit private ownership in a single building or complex of buildings.

* * * * *

2. In § 215.2, *Definitions,* new paragraphs (bb) and (cc) are added to read as follows:

* * * * *

(bb) "Tuition" means the basic charge required for a student to matriculate at a school, excluding any amount paid for the cost of room and board, transportation, books, supplies, equipment, and fees. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) Academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided for schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In schools which vary tuition, to determine if the average yearly tuition exceeds $1,500 per child, add the total tuition receipts for the period of time in which the majority of children are in attendance, and divide by the total number of students enrolled during that period.

(cc) "Special needs children" means children who are emotionally, mentally or physically handicapped.

PART 220—SCHOOL BREAKFAST PROGRAM

§ 220.2 [Amended]

1. In § 220.2 the first sentence in paragraph (u) is revised, as follows:

* * * * *

(u) "School" means: (1) An educational unit of high school grade or under (except for a private school with an average yearly tuition exceeding $1,500 per child) operating under public or nonprofit private ownership in a single building or complex of buildings.

* * * * *

2. In § 220.2, *Definitions,* paragraph (z–1) is redesignated as paragraph (aa). New paragraphs (bb) and (cc) are added to follow paragraph (aa) to read as follows:

* * * * *

(bb) "Tuition" means the basic charge required for a student to matriculate at a school, excluding any amount paid for the cost of room and board, transportation, books, supplies, equipment, and fees. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) Academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided to schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In schools which vary tuition, to determine if the average yearly tuition exceeds $1,500 per child, add the total tuition receipts for the period of time in which the majority of children are in attendance, and divide by the total number of students enrolled during that period.

(cc) "Special needs children" means children who are emotionally, mentally or physically handicapped.

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

§ 235.2 [Amended]

1. In § 235.2, *Definitions,* the first sentence in paragraph (o) is revised as follows:

* * * * *

(o) "School" means: (1) An educational unit of high school grade or under (except for a private school with an average yearly tuition exceeding $1,500 per child) operating under public or nonprofit private ownership in a single building or complex of buildings.

* * * * *

2. In § 235.2, *Definitions*, new paragraphs (u) and (v) are added to read as follows:

* * * * *

(u) "Tuition" means the basic charge required for a student to matriculate at a school, excluding any amount paid for the cost of room and board, transportation, books, supplies, equipment, and fees. The following monies shall not be included when calculating a school's average yearly tuition per child: (1) Academic scholarship aid from public or private organizations or entities given to students, or to schools for students, and (2) State, county or local funds provided to schools operating principally for the purpose of educating handicapped or other special needs children for whose education the State, county or local government is primarily or solely responsible. In schools which vary tuition, to determine if the average yearly tuition exceeds $1,500 per child, add the total tuition receipts for the period of time in which the majority of children are in attendance, and divide by the total number of students enrolled during that period.

(v) "Special needs children" means children who are emotionally, mentally or physically handicapped.

(Sec. 808, Pub. L. 97-35, 95 Stat. 521-535 (42 U.S.C. 1772, 1784, 1760))

(Catalog of Federal Domestic Assistance Nos. 10.555, 10.556, 10.553, 10.560)

Dated: April 23, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82-11673 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Part 235

[Amdt. No. 7]

State Administrative Expense Funds; Carryover Authority and Revised Minimum Funding Levels

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) is amending the regulations concerning State administrative expense funds (SAE) to allow State agencies to carry over unused SAE funds from one fiscal year to the following fiscal year and to revise the minimum SAE allocations for the National School Lunch Program, School Breakfast Program and Special Milk Program. Additionally, this amendment removes Food Service Equipment Assistance Program (FSEAP) funds from consideration in the allocation of SAE funds and makes minor conforming revisions in the annual SAE plan requirements. These changes are required under Pub. L. 97-35, the Omnibus Reconciliation Act of 1981. The carryover authority will provide State agencies with added flexibility in the programming and use of SAE funds. Under the new minimum allocation level beginning with fiscal year 1982, all States will be allocated at least $100,000 or the amount allocated in fiscal year 1981, whichever is greater. For a State exceeding these minimums, the removal of FSEAP funds from consideration in the allocation formula will mean a slight reduction in the amount of SAE funds allocated.

EFFECTIVE DATE: October 1, 1981 except § 235.4 paragraphs (d) and (e) which contains information collection requirements which are under review at OMB.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and has not been classified major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more, nor will it result in major increases in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of Pub. L. 96-354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service, has certified that this emergency final rule does not have a significant economic impact on a substantial number of small entities.

The Administrator has determined pursuant to 5 U.S.C. 8553 (b) and (d) that good cause exists for making this rule effective earlier than 30 days after publication because under Pub. L. 97-35, the effective date of the provisions contained in this rule is October 1, 1981. Solicitation of public comments is unnecessary and contrary to the public interest because the provisions of this rule are nondiscretionary.

Background

Under section 7(a) of the Child Nutrition Act (CNA) of 1966, as amended, each State is allocated an amount of SAE funds each fiscal year for the administration of the National School Lunch, School Breakfast and Special Milk Programs (school nutrition programs) that is equal to 1) not less than one percent of the school nutrition program funds expended in that State in the second preceding fiscal year, or 2) a specified minimum amount, whichever is greater. Section 814 of Pub. L. 97-35 which amends section 7(a)(1) of the CNA establishes the minimum amount at the larger of $100,000 or the amount allocated under section 7(a)(1) of the CNA in Fiscal Year 1981. Prior to enactment of Pub. L. 97-35, the minimum was the larger of $100,000 or the amount allocated in Fiscal Year 1978. The Department has determined that only one State will be affected by this particular change and that State will receive the same amount that it received in Fiscal Year 1981.

Sections 805 and 819 of Pub. L. 97-35 terminate the FSEAP and remove the reference to the FSEAP from the allocation formula of section 7(a)(1) of the CNA. Since the allocation of SAE funds under section 7(a)(1) of the CNA is based on school nutrition program funds expended in the second preceding fiscal year, the elimination of the FSEA will cause a reduction in SAE allocations for those States who exceeded the minimum allocation. No State will receive, for Fiscal Year 1982 and thereafter, less than it received in Fiscal Year 1981. This will provide State agencies with a guaranteed funding level (subject to the availability of appropriations) with which to maintain their administrative support of the school nutrition programs.

Section 814 of Pub. L. 97-35 amended section 7(e) of the CNA to provide for the carryover, by States, of unexpected SAE funds from one fiscal year to the following fiscal year. This carryover authority is limited to SAE funds which are allocated under Section 7 of the CNA for administration of the school nutrition programs, the Child Care Food Program and the Food Distribution Program in schools. The carryover authority does not apply to State administrative funds which are allocated under Section 13 of the National School Lunch Act (NSLA) for administration of the Summer Food Service Program for Children. Unexpected SAE funds carried over from one fiscal year must be obligated

and expended during the following fiscal year. Any carryover funds which remain unexpended at the end of that year must be returned to the Department. The carryover authority will provide State agencies with added flexibility in the programming and use of SAE funds and, therefore, should promote more orderly and effective use of these funds.

The State Plan of Child Nutrition Operations for school nutrition programs has been eliminated under Pub. L. 97-35. However, annual SAE plan requirements under section 7(g) of the CNA remain in place. Since the SAE regulations now require the SAE plan to be submitted as a part of the State Plan of Child Nutrition Operations, revision of Part 235 is necessary to remove all references to the State Plan of Child Nutrition Operations and to establish a separate SAE plan requirement. Also, the Department is establishing the submission date of the SAE plan as August 15 since the SAE plan is on a fiscal year basis. The August 15 SAE plan submission date will place State agencies in a good position to accurately present their upcoming fiscal year plans. The Department is also amending the SAE regulations to specify that SAE plans are to cover the use of carryover funds as well as those SAE funds that are to be allocated for the plan year.

Finally, the Department is also amending Part 235 to include carryover funds in the March 1 and June 1 data submissions that are made by State agencies on the usage of SAE funds during the fiscal year covered by the SAE plan. This information is necessary in order for FNS to recall and reallocate SAE funds that cannot or will not be used.

List of Subjects in 7 CFR Part 235

Food assistance programs, National School Lunch Program, School Breakfast Program, Special Milk Program, Grants administration, Intergovernmental relations, Reporting and recordkeeping requirements, Administrative practice and procedure.

Accordingly, Part 235 is amended as follows:

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

1. In § 235.4, paragraphs (a), (c), (d) and (e) are revised as follows:

§ 235.4 Allocation of funds to States.

(a) For each fiscal year, FNS shall allocate to each State agency an amount equal to one percent of the funds expended, during the second preceding fiscal year, within the State under sections 4 and 11 of the National School Lunch Act, as amended, and sections 3 and 4 of the Child Nutrition Act of 1966, as amended. However, the amount of the allocation to any State shall not be less than $100,000 or the amount allocated to the State in the fiscal year ending September 30, 1981, whichever is greater.

* * * * *

(c) Funds allocated under this Part and 7 CFR 225 shall be used by the State agency for administrative costs incurred by it in connection with the programs governed by 7 CFR Parts 210, 215, 220, 225, 226 and 250 of this title. Funds allocated under paragraphs (a) and (b) of this section and 7 CFR Part 225 shall be used by the State agency for the program(s) for which allocated, except that the State agency may transfer up to ten percent of the funds allocated for any such program(s) to other such program(s). For the fiscal year ending September 30, 1981, and for each succeeding fiscal year, funds made available to a State agency under this Part remain available for obligation and expenditure by such State agency during the fiscal year immediately following the fiscal year for which the funds were made available.

(d) By August 15 of each year, each State agency except for distributing agencies, shall submit to FNS a plan for the use of State administrative expense funds in the school nutrition programs and in the Child Care Food Program for the following fiscal year in a format prescribed by FNS. This plan shall include a staff formula for State personnel, system level supervisory personnel and operating personnel, and school level personnel. Each distributing agency receiving funds under this Part shall also submit to FNS, by August 15 of each year, a plan for the use of State administrative expense funds for the following fiscal year in a format prescribed by FNS. As required under Attachment A, Part III of OMB Circular A-95, the State agency or distributing agency shall give the Governor, or the Governor's delegated agency, the opportunity to comment on the relationship of the SAE plan to other State plans and programs. A period of 45 days from the date of receipt of the SAE plan shall be afforded to make such comments.

(e) By March 1 and June 1 of each fiscal year, each State agency shall submit to FNS, in a format prescribed by FNS, data on the use of State administrative expense funds carried over from the previous fiscal year and provided under this Part for the current fiscal year. Based on this data, FNS shall recall and reallocate any carried over funds which it determines cannot or will not be expended in the current fiscal year by the State agency to which they were allocated. FNS shall also recall and reallocate any funds allocated for the current fiscal year which it determines cannot or will not be expended in the following fiscal year by the State agency to which they were allocated. Funds reallocated under this provision shall be distributed on the basis of State agency needs. Notwithstanding the above, each State shall release to FNS any funds made available to it under this Part which are unexpended at the end of the fiscal year following the year for which such funds were allocated. Release of funds by the State agency shall be made as soon as practicable, but in any event not later than 30 days following demand by FNS, and shall be reflected in a related adjustment in the State agency's letter of credit or Treasury check payment.

2. Section 235.5 is revised as follows:

§ 235.5 Payments to states.

State administrative expense funds allocated to any State shall be made available by means of letters of credit or, if unavailable, Treasury checks issued in favor of the State agency. Funds shall not be made available before approval of the plan required under § 235.4(d) of this part.

§ 235.8 [Amended]

3. In § 235.8, paragraph (b) is amended by removing the second sentence.

(Catalog of Federal Domestic Assistance No. 10.560)

(Secs. 805, 812, 814 and 819, Pub. L. 97-35, 95 Stat. 521-535 (42 U.S.C. 1754, 1759a, 1774 and 1776))

Signed on: April 23, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

[FR Doc. 82-11873 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Parts 271, 273, and 285

[Amdt. No. 214]

Termination of the Food Stamp Program in the Commonwealth of Puerto Rico

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim final rule.

SUMMARY: The 1981 Omnibus Budget Reconciliation Act implements a nutrition assistance grant to replace the Food Stamp Program in the Commonwealth of Puerto Rico effective July 1, 1982. This rule implements those

technical provisions resulting from both the termination of the Federal Food Stamp Program in the Commonwealth of Puerto Rico and the implementation of the Nutrition Assistance Grant Program in the Commonwealth of Puerto Rico.

DATES: This action is effective April 30, 1982, except for the requirement to delete reference to Puerto Rico in 7 CFR 273.9 and 273.10. Such reference deletions become effective July 1, 1982. Comments must be received by June 1, 1982.

ADDRESS: Comments should be submitted to the Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday), at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed under Executive Order 12291 and the Secretary's Memorandum No. 1512-1. The Department has determined that this rule does not constitute a major rule. This rule solely implements the technical aspects of the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a Nutrition Assistance Grant Program. The provisions of the nutrition assistance grant itself were implemented through a rule published by this Department on March 12, 1982 at 47 FR 10767.

In addition, this rule will not result in a major increase in costs to State (Commonwealth) or local government agencies in Puerto Rico. This rule will also not result in a major increase in costs or prices for consumers or individuals and will not have a significant effect on competition, employment, productivity, investment, or foreign trade. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. Moreover, pursuant to section 4(a) of the E.O. 12291, the Department has determined that the rule is within the authority delegated by law and consistent with Congressional intent.

The Department of Agriculture has also determined, in accordance with 5 U.S.C. 553(b)(1)(B), that there is good cause that notice of proposed rulemaking and public comment procedures prior to the effective date of this rule are impracticable. The grant legislation requires, effective July 1, 1982, the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant. The regulatory review and publication timeframes for both a proposed and final rule in accordance with Executive Order 12291 would not allow a final publication date that would be early enough to allow the Commonwealth of Puerto Rico ample time to prepare for the closedown of the Food Stamp Program and the start-up of the nutrition assistance grant program.

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. The Administrator of the Food and Nutrition Service has certified that this action will have a broad but minor economic impact on a substantial number of small entities. The action will implement those provisions that result from the conversion of the Federal Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant program. The State and local welfare agencies are affected to the extent that they administer the current program. The Department has determined that the potential impact on retail food sales will depend on the manner in which the Commonwealth of Puerto Rico chooses to administer the block grant.

Information collection requirements contained in this regulation (285.11(c)) have been approved by the Office of Management and Budget under the provision of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 40-R4067.

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 357, August 13, 1981) provides for the conversion of the Food Stamp Program in the Commonwealth of Puerto Rico to a nutrition assistance grant program effective July 1, 1982. The Department has divided the implementation of the grant legislation and related matters into two rulemakings. The Department published an interim rule on March 12, 1982 at 47 FR 10767 which implemented the provisions of the nutrition assistance grant legislation.

This second rulemaking establishes those provisions that, although not mandated by the grant legislation, are necessary to ensure a smooth and orderly transition from a Food Stamp Program to a nutrition assistance grant program. These Food Stamp Program closedown activities and the start-up of nutrition assistance grant activities are described in this preamble. A thorough understanding of the nutrition assistance grant provisions will require reference to the rulemaking which implemented the provisions of the grant legislation.

In addition, this rule provides that, effective July 1, 1982 (grant implementation date), all references to Puerto Rico in Part 273 of the Food Stamp Program Federal regulations will be deleted.

ATP/Coupon Issuance and Transaction

The document issued by the Commonwealth of Puerto Rico to a certified household to show the coupon allotment the household is authorized to receive upon its presentation is an authorization to participate card (ATP). The rule provides that June 30, 1982, is the last date for the Commonwealth of Puerto Rico to issue ATP's and for food stamp households to transact ATP's.

Additionally, this rule establishes July 31, 1982, as the last day for households to use their coupons in retail stores. In this regard, no claims for refunds of unused coupons may be made by households after July 31, 1982.

Retailers-Wholesalers and Banks

The most efficient way of handling the final coupon redemption by authorized retailers, authorized wholesalers and banks is to allow coupons to go through the normal redemption process. Therefore, this rule provides that, in order to provide for an orderly shutdown of program operations in the Commonwealth of Puerto Rico, the following cutoff dates be established:

—July 31, 1982, as the final day for authorized retail food stores to accept coupons from recipients;

—August 27, 1982, as the final day for authorized retail food stores to redeem coupons through authorized wholesalers or banks, and for authorized wholesale food concerns to redeem coupons through banks; and

—September 10, 1982, as the final day for the Federal Reserve to accept coupons from banks.

It is important that FNS allow sufficient time for food stamp recipients, authorized retailers, authorized wholesalers and the banks to pass their coupons through normal channels. A cutoff date of July 31, 1982, for stores to accept coupons will allow recipients a

full month or more to exchange all their coupons for eligible food.

This rule allows until August 27, 1982, for authorized retailers and wholesalers to redeem their coupons at a bank. This will be sufficient time for retailers and wholesalers to redeem their stamps through normal channels.

In order to allow banks sufficient time to cancel and account for the coupons redeemed for authorized retailers and wholesalers, this rule allows nine banking days, until September 10, 1982, for the banks to submit coupons to the Federal Reserve.

The Department believes that the use of these dates will allow sufficient time for an orderly shutdown of program operations, yet will provide firm cutoff dates which will help minimize the potential for program abuse. As the dates for the closedown approach, FNS will be responsible for notifying authorized retailers, wholesalers, and banks of these dates and of their responsibility to abide by the dates for the closedown of Food Stamp Program operations in the Commonwealth of Puerto Rico.

Retention of Funds Collected From Claims

State agencies are currently allowed to retain 50 percent of the value of claims collected from persons who have committed fraud, and are required to return to the Federal government all of the funds collected from nonfraud claims. The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), in part, allows State agencies to retain 50 percent of the value of fraud claim collection and 25 percent of the value of those nonfraud claims which did not result from error on the part of the State agency. This rulemaking incorporates these statutory changes but applies them solely to the Commonwealth of Puerto Rico. The proposed rulemaking incorporating these changes into the regulations for the remaining 53 State agencies will be published in the near future.

It is essential that the Commonwealth of Puerto Rico vigorously pursue claims collections so as to resolve as many claims as possible by the June 30, 1982, closedown date. The ability of the State agency to retain these additional funds should provide it an additional incentive to pursue the collection of these claims. This provision will also apply after the June 30, 1982, closedown date if the Commonwealth of Puerto Rico continues claim collections.

Client Notification

This rule provides that, prior to June 1, 1982, the Commonwealth of Puerto Rico shall, at a minimum, provide written notification to households participating in the Food Stamp Program regarding the termination of the Food Stamp Program. This written notification shall also inform households of the June 30, 1982, cut-off date for ATP transaction and the July 31, 1982 cut-off date for coupon redemption.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food stamps, Grant programs-social programs.

7 CFR Part 273

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 285

Accounting, Food assistance programs, Grant programs—Agriculture, Grant programs—Social programs, Intergovernmental relations, Puerto Rico, Reporting requirements, Technical assistance.

For the reasons set forth in the preamble, 7 CFR Parts 271, 273, and 285 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

§ 271.1 [Amended]

1. In § 271.1(b) the following sentence is added at the end of the paragraph:

* * * * *

(b) * * * Part 285 describes the general terms and conditions under which grant funds are provided to the Commonwealth of Puerto Rico.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.9, Appendices A, B, C, D and 273.10 Appendix A [Amended]

2. Effective July 1, 1982, the words "Puerto Rico" are removed from the following paragraphs: §§ 273.9(a)(1)(i), 273.9(a)(2)(i), 273.9(a)(4), 273.9(d)(1), 273.9(d)(5), 273.9 Appendices A, B, C (and its corresponding numerical figures), D (and its corresponding numerical figures), 273.10(e)(4)(i), and 273.10 Appendix A (and its corresponding numerical figures).

PART 285—PROVISION OF A NUTRITION ASSISTANCE GRANT FOR THE COMMONWEALTH OF PUERTO RICO

3. Section 285.11 is added as follows:

§ 285.11 Termination of the Food Stamp Program in the Commonwealth of Puerto Rico.

(a) *ATP/Coupon issuance and transaction.* The Commonwealth of Puerto Rico shall not issue any authorization to purchase cards (ATP's) after June 30, 1982. No ATP's shall be transacted after June 30, 1982. All ATP's issued prior to June 30, 1982, shall have an expiration date of June 30, 1982, or earlier.

(b) *Termination of participation of retail food stores, wholesale food concerns and banks*—(1) *Termination of participation—Retail food stores and wholesale food concerns*—(i) *Accepting coupons.* Coupons may be accepted from recipients by authorized retail food stores in the Commonwealth of Puerto Rico only in exchange for eligible food until midnight, July 31, 1982. No authorized retail food store may accept coupons from recipients after July 31, 1982.

(ii) *Redeeming coupons.* Any authorized retail food store or wholesale food concern in the Commonwealth of Puerto Rico may exchange coupons for face value through the banking system or through a wholesale food concern authorized to serve that participating retailer until midnight, August 27, 1982.

(iii) *Termination of authorization.* All current authorizations for participating retail food stores and wholesale food concerns in the Commonwealth of Puerto Rico shall terminate at midnight, August 27, 1982.

(2) *Termination of participation—Banks*—(i) *Accepting coupons from retail food stores.* Banks in the Commonwealth of Puerto Rico may accept coupons from authorized retail food stores presenting a properly completed and signed redemption certificate until midnight, August 27, 1982. No bank may accept coupons for redemption from retail food stores after August 27, 1982.

(ii) *Accepting coupons from wholesale food concerns.* Banks in the Commonwealth of Puerto Rico may accept coupons from authorized wholesale food concerns presenting properly completed and signed retailer and wholesaler redemption certificates until midnight, August 27, 1982. No bank may accept coupons for redemption from wholesale food concerns after August 27, 1982.

(iii) *Forwarding coupons to the Federal Reserve.* Banks in the Commonwealth of Puerto Rico shall forward all cancelled coupons accepted from retail food stores or wholesale food concerns to the Federal Reserve Bank through ordinary collection channels by

September 10, 1982. FNS shall be liable for losses of shipments of cancelled coupons while in transit to the Federal Reserve Bank or correspondent banks in accordance with 7 CFR 278.5(c).

(c) *Retention of funds collected from claims.* (1) The Commonwealth of Puerto Rico shall retain the value of funds collected for both fraud and nonfraud claims. This amount includes the total value of allotment reductions to collect fraud claims but does not include the value of the reduction of allotments resulting from a disqualification. The Commonwealth of Puerto Rico's letter of credit will be amended on a quarterly basis to reflect the Commonwealth of Puerto Rico's retention of 25 percent of the value of those nonfraud claims which did not result from error on the part of the State agency and 50 percent of the value of fraud claims collected, as well as full retention by FNS of all administrative error overissuance recoveries.

(2) The Commonwealth of Puerto Rico shall submit monthly a Form FNS-209, Status of Claims Against Households, to detail its activities relating to claims against households. This report is due no later than 30 days after the end of each calendar month in which the Commonwealth of Puerto Rico undertakes claims-related activities. In addition to reporting the amount of funds recovered from fraud claims each month on Form FNS-209, the Commonwealth of Puerto Rico shall also report these amounts on other letter of credit documents as required. In accounting for fraud claims collections, the Commonwealth of Puerto Rico shall include cash repayments and the value of allotments recovered or offset against restoration of lost benefits. However, the value of allotments reduced during periods of disqualification shall not be considered recovered allotments and shall not be used to offset a fraud claim. In addition, the Commonwealth of Puerto Rico shall establish controls to ensure that officials responsible for fraud determinations will not benefit from the Commonwealth of Puerto Rico's share of recoveries.

(3) In cases where FNS has billed the Commonwealth of Puerto Rico for negligence, any amounts collected from households for overissuances which were caused by the Commonwealth of Puerto Rico's negligence will be credited by FNS. When submitting these payments, Puerto Rico shall include a note in the remarks section of the Form FNS-209 which shows the amount that should be credited against the Commonwealth of Puerto Rico's bill.

(d) *Client notification.* Prior to June 1, 1982, the Commonwealth of Puerto Rico shall send written notification regarding the June 30, 1982, termination of the Federal Food Stamp Program to all households participating in the Federal Food Stamp Program. At a minimum, this notification shall inform households of the June 30, 1982 cut-off date for ATP transaction, and the July 31, 1982, cut-off date for coupon redemption in retail stores.

(91 Stat. (7 U.S.C. 2011-2027))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: April 23, 1982.

Samuel J. Cornelius,

Administrator.

[FR Doc. 82-11930 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 356, Amdt. 1; Lemon Reg. 357]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 2-8, 1982, and increases the quantity of lemons that may be shipped during the period April 25-May 1, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective May 2, 1982, and the amendment is effective for the period April 25-May 1, 1982.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated as "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. 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 recommendations and information submitted by the Lemon 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 July 7, 1981. The committee met again publicly on April 27, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is very active.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.657 is added as follows:

§ 910.657 Lemon Regulation 357.

The quantity of lemons grown in California and Arizona which may be handled during the period May 2, 1982, through May 8, 1982, is established at 300,000 cartons.

2. Section 910.656 Lemon Regulation 356 (47 FR 17467) is revised to read as follows:

§ 910.656 Lemon Regulation 356.

The quantity of lemons grown in California and Arizona which may be handled during the period April 25, 1982, through May 1, 1982, is established at 315,000 cartons.

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

Dated: April 29, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-12028 Filed 4-29-82; 11:30 am]

BILLING CODE 3410-02-M

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7 CFR Part 918

[Peach Reg. 1]

Fresh Peaches Grown in Georgia; Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This regulation establishes minimum grade and size requirements for fresh peaches grown in Georgia. These requirements are necessary to promote orderly marketing in the interests of producers and consumers.

DATES: Interim rule effective May 3, 1982, through July 5, 1982; comments which are received by June 1, 1982, will be considered prior to issuance of a final rule to become effective July 6, 1982, and continued in effect until modified, suspended, or terminated.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

This interim rule is issued under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based on information submitted by the Industry Committee, established under the order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on April 8, 1982, to consider supply and market conditions and other factors affecting the need for regulation. It recommended minimum grade and size requirements for shipments of fresh peaches grown in Georgia, except for those shipped in bulk to adjacent markets, which it deemed advisable. The exception of peaches shipped in bulk to adjacent markets from regulation requirements follows the practice of prior years. It is designed to permit shipment of peaches which are of a quality and size acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

The committee reports that it expects 2,049 carlots of inspected peaches to be shipped this season, compared with 2,132 carlots in 1981. It also reports that the developing crop is of good quality. Shipment of this season's Georgia peach crop is expected to begin about May 3, 1982, and ample supplies of peaches meeting the following requirements are expected to be available to satisfy the demand. Peaches failing to meet these requirements may be marketed in Georgia, shipped to adjacent markets, or utilized in processing.

It is proposed that the regulation contained in the interim rule, effective for the period May 3, 1982, through July 5, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through June 1, 1982 with regard to the interim rule and proposed final regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them only for a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Georgia peaches would tend to effectuate the declared policy of the act.

To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, and specialty crop marketing orders, issued January 25, 1982, this regulation is being issued with the understanding that the Georgia Peach Industry Committee will initiate certain actions during 1982. These actions are necessary so that operations under the program will conform with the guidelines. The guidelines state that orders containing quality provisions, like the Georgia peach order, should not be used as a form of supply control. In evaluating quality control programs, emphasis is placed on (1) whether quality controls have varied significantly from season to season or within seasons, (2) whether the precentage of product meeting minimum quality standards has been declining, or (3) whether the standards have been tightened over the years. In addition, to conform with the guidelines, marketing orders should contain limitation on committee tenure and provide for periodic referenda.

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

List of Subjects in 7 CFR Part 918

Marketing agreements and orders, Peaches, Georgia.

PART 918—FRESH PEACHES GROWN IN GEORGIA

Therefore, a new § 918.324 is added to read as follows: (§ 918.324 expires July 5, 1982, and will not be published in the annual Code of Federal Regulations).

§ 918.324 Peach Regulation 1.

(a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period May 3, 1982, through July 5, 1982, do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 3, 1982, through July 5, 1982, are smaller than 1⅝ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅝ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in closed containers, during the period May 3, 1982, through July 5, 1982.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period May 3, 1982, through July 5, 1982.

(d) "U.S. No. 1" and "diameter" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210–2851.1223).

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

Dated: April 27, 1982, to become effective May 3, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-11856 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 925

[California Desert Grape Reg. 2]

Grapes Grown in a Designated Area of Southeastern California; Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes quality, container, inspection and packing holiday regulations for grapes grown in Southeastern California during the period May 1–July 31, 1982. Such action is necessary to assure shipment of ample supplies of grapes of acceptable quality and to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 1, 1982.

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

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

This regulation is issued under marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of grapes grown in a designated area of Southeastern California. This marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the California Desert Grape Administrative Committee, established under the marketing agreement and order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The regulation would establish minimum grade and size requirements specified in the U.S. No. 1 Table grade of the U.S. Standards for Grades of Table Grapes (European or Vinifera type), and minimum maturity requirements specified in the California Administrative Code. These requirements are necessary to assure shipment of ample supplies of acceptable quality grapes. The regulation would require standard pack, container, and container marking requirements to provide standardized packing practices and informative labeling that will facilitate more orderly marketing of such grapes. Packing holidays on Saturdays and Sundays are designed to prevent an accumulation of excessive supples of grapes at distribution points during periods of reduced demand. Exemptions for "organically-grown" grapes, and grapes for processing are provided if certain conditions and safeguards are met. Regulations require mandatory inspection and certification to assure compliance with these requirements.

These requirements reflect the Department's appraisal of the need for regulating 1982 season shipments of California desert grapes, based on available supply and current and prospective market demand conditions. The committee estimates 1982 shipments of grapes at 4,000,000 lugs (22 pounds net weight) compared with shipments of 3,121,830 in 1981, 4,380,554 in 1980, and 4,120,324 in 1979.

To minimize disruption as much as possible and still bring this marketing order into compliance with the Secretary's guidelines for fruit, vegetable, an specialty crop marketing orders, issued January 25, 1982, this regulation is being issued with the understanding that the California Desert Grape Administrative Committee will initiate certain actions during 1982. These actions are necessary so that operations under the program will conform with the guidelines. The guidelines state that orders containing quality provisions, like the Desert grape order, should not be used as a form of supply control. In evaluating quality control programs, emphasis is placed on (1) whether quality controls have varied significantly from season to season or within seasons, (2) whether the percentage of product meeting minimum quality standards has been declining, or (3) whether the standards have been tightened over the years. In addition, to conform with the guidelines, marketing orders should contain limitation on committee tenure and provide for periodic referenda.

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

List of Subjects in 7 CFR Part 925

Marketing agreements and orders, Grapes, California.

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

Therefore new § 925.301 is added to read as follows: (§ 925.301 expires July 31, 1982, and will not be published in the annual Code of Federal Regulations).

§ 925.301 California Desert Grape Regulation 2.

During the period May 1, 1982, through July 31, 1982, no person shall handle any variety of grapes unless such grapes are handled in accordance with the requirements of this section, and no person shall pack any such grapes on any Saturday or Sunday, unless approved in accordance with paragraph (f). Certain maturity, container, and pack requirements cited in this section are specified in the Administrative Code of California (Title 3), and are incorporated by reference. Copies of such requirements are available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

(a) *Grade, size, and maturity.* Such grapes shall meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (7 CFR §§ 51.880-51.912), and minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3-1436.17 of the Administrative Code of California (Title 3).

(b) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of § 1380.19, including §§ 1436.35, 1436.37, 1436.38 and 1436.40 of the Administrative Code of California (Title 3):

(i) Sawdust pack with inside dimensions of 7¾ x 14 15/16 x 18⅝ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¾ x 12½ x 15⅜ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) x 13½ to 14½ (outside) x 16⅝ to 17½ (outside), specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¼ or 8¼ x 11½ x 18⅛ inches, specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 (inside) x 15¾ (outside) x 19 1/16 (outside), specified as container 38R;

(vi) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, and experimental containers, shall be 22 pounds based on the average net weight of grapes in a representative sample of containers.

(3) Such containers of grapes shall be plainly marked with the minimum net weight (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the distributor.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and the variety of grapes, and such other information as may be needed by the committee to carry out these provisions. (2) Each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *Inspection.* (1) No handler shall handle any grapes unless such grapes have been inspected at shipping point by the Federal-State Inspection Service, and an appropriate inspection certificate has been issued certifying that such grapes meet the minimum requirements specified in this section. (2) All containers of such grapes shall be lot stamped with the lot stamp number by an authorized inspector, except only 90 percent of the containers in a 3' x 3' pallet need be stamped, if the containers not stamped are in the center tier of the pallet.

(e) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), (c), and (d) if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(f) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing grapes on any Saturday or Sunday may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

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

Dated: April 27, 1982, to become effective May 1, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-11855 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1435

Price Support Purchase Program for 1982 Crop Sugar Beets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Amendment to interim rule.

SUMMARY: The purpose of this rule is to amend an interim rule, published at 47 FR 8000 on February 24, 1982, which set forth regulations with respect to a price support purchase program for the 1982 crops of sugar beets and sugarcane. This amendment to the interim rule would extend, from April 30, 1982, to May 31, 1982, the date by which eligible processors must execute a purchase agreement in order to obtain price support on eligible sugar. The extension of the final availability date is needed to provide adequate time for review of comments received regarding the interim rule.

EFFECTIVE DATE: April 29, 1982.

ADDRESS: Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447-8480.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in accordance with provisions of Secretary's

Memorandum 1512-1 and Executive Order 12291 and has been classified "not major." It has been determined that this action will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

The title and number of the Federal Assistance Program to which this final action applies are: Title—Commodity Loans and Purchases, Number—10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

The emergency nature of this action warrants publication of this interim amendment without completion of a preliminary impact analysis. A final impact statement will be developed and available when the final rule governing the purchase program is published.

The interim rule governing the Price Support Purchase Program for 1982 Crop Sugar Beets and Sugarcane, which was published in the Federal Register on February 24, 1982, requires processors to file purchase agreements with CCC by April 30, 1982. At the present time, the Department is reviewing several significant comments which were submitted with respect to the interim rule. Consequently, it is unlikely that a final rule can be published prior to the final availability date of April 30, 1982.

The Department believes that it is important that processors have an opportunity to review the final regulations governing the Price Support Purchase Program prior to the final availability date. Therefore, this final action extends the final availability date from April 30, 1982, to May 31, 1982, in order to allow adequate time for the publication of a final rule prior to the final availability date. Processors that have filed purchase agreements prior to the publication of the final rule will be given an opportunity to withdraw or amend their purchase agreement after the final rule is published.

Since this amendment gives processors of sugar beets and sugarcane an extended period of time to enter into purchase agreements with CCC, it has been determined that no further public rulemaking is required.

List of Subjects in 7 CFR Part 1435

Loan programs–Agriculture, Price support programs, Sugar.

Amendment

PART 1435—SUGAR

Accordingly, 7 CFR 1435.81(a), as published at 47 FR 8000, is revised to read as follows:

§ 1435.81 Availability, disbursement, and maturity of purchase agreements.

(a) *Obtaining price support.* To obtain price support on eligible sugar, an eligible processor: (1) Must file a request for price support with the State committee of the State where such processor is headquartered or a county committee designated by the State committee; and (2) must execute a purchase agreement as prescribed by CCC. The request for price support must be filed no later than May 31, 1982, and must state the quantity of sugar to be covered by the purchase agreement.

* * * * *

Signed at Washington, D.C., on April 23, 1982.

John R. Block,

Secretary.

[FR Doc. 82-11669 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

Review of Regulations

AGENCY: Energy Department.

ACTION: Review of regulations; plan for periodic review of regulations.

SUMMARY: The Department of Energy (DOE) is publishing the results of its review of existing and proposed DOE regulations. This review was conducted as part of DOE's effort to improve its regulations and to comply with the Regulatory Flexibility Act requirement to review regulations that have or will have a significant economic impact on a substantial number of small entities. DOE has tentatively determined that some regulations should be retained without change, while others should be modified, or rescinded or withdrawn. DOE is also publishing its plan for the review of DOE regulations pursuant to the Regulatory Flexibility Act.

DATE: Comments should be sent no later than July 29, 1982.

ADDRESSES: Send comments to: William Funk, Assistant General Counsel Regulatory Oversight, U.S. Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: William Funk, Assistant General Counsel, Regulatory Oversight (202) 252-6736.

SUPPLEMENTARY INFORMATION: Soon after assuming office in January 1981, the Secretary of Energy appointed two task forces to conduct a comprehensive review of existing and proposed DOE regulations.

The first task force was directed to review the petroleum price and allocation regulations and to revoke those made unnecessary by E.O. 12287 (46 FR 9909, January 30, 1981), which exempted crude oil and refined petroleum products from the price and allocation regulations. This review resulted in the revocation of nearly all of these regulations, effective, for the most part, on March 31, 1981. (See 46 FR 20506, April 3, 1981.)

The second task force was directed to identify and review all DOE regulations, existing and proposed, except those related to the decontrol of petroleum. A total of 155 existing and proposed regulations were identified and reviewed by this task force. This review was aimed at reducing any regulatory burdens, maximizing the net benefits of the regulations to society, minimizing any negative economic impact of the regulations on small entities, minimizing regulatory interference with the free market, and ensuring well-reasoned regulations. Consistent with these aims, the task force was directed to identify those regulations that should be rescinded, withdrawn or modified, as well as to identify those regulations that should be retained without change. In making these determinations, the task force considered such factors as the continued need for each regulation, public comments, changing economic and technological trends, possible duplication or conflict with other regulations, and the extent to which the regulations could be simplified.

As a result of this review, DOE determined to propose rescission of 24 existing regulations, and to withdraw 17 proposed regulations. Action has already been completed to rescind 8 of the existing regulations, and to

withdraw 12 of the proposed regulations. DOE has also determined to modify 29 existing or proposed regulations, of which 8 have already been modified. DOE has tentatively decided to retain without change 55 existing regulations and to retain without reproposal 4 proposed regulations. In addition, DOE identified 10 existing regulations that it would like to rescind and 5 proposed regulations that it would like to withdraw but which are required by statute. Authority for the other 9 existing regulations and 2 proposed regulations was transferred to the Department of Interior, effective December 23, 1981, pursuant to the Department of Interior and Related Agencies Appropriations Act of 1982 (Pub. L. 97-100).

Each of the regulations identified by the second task force and reviewed or under review is listed in Appendix A below. Existing rules include a citation to the Code of Federal Regulations (CFR). Proposed rules include a citation to the **Federal Register** if a notice of proposed rulemaking has been issued (NOPR); if a NOPR has not been issued, the notation "internally proposed" is used.

Plan for Periodic Review of Existing Rules

The Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 601 *et seq.*, ("RFA"), requires each agency to consider the effect on small entities of the rules it promulgates and attempt to tailor regulatory requirements to the scale of the small businesses, organizations, and governmental jurisdictions affected. Section 610 of the RFA provides that, within 180 days after the effective date of the RFA, each agency shall publish in the **Federal Register** a plan for the periodic review of the rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities. The purpose of the review is to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of small entities. The plan shall provide for the review of all such existing rules within ten years of the effective date of the RFA.

The RFA provides that the following factors are to be considered in the course of the review:

(1) The continued need for the rule;

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

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and to the extent feasible, with State and local governmental rules; and

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

The comprehensive review of DOE rules initiated by the two task forces has incorporated, to a large extent, the review of DOE rules required under section 610 of the RFA. Because the President is proposing to Congress that the energy functions of the Government be reorganized and that DOE's remaining functions, including DOE regulatory responsibilities, be transferred to other Federal agencies, DOE plans to complete its review under section 610 in 1982, rather than schedule reviews over a ten year period. This plan divides the rules into four groups. The first group, "Review Initiated: Retain Without Change," contains each rule, in existence on January 1, 1981 (the effective date of the RFA), the review of which has been initiated and that DOE has tentatively determined to retain without change. This group is listed in Appendix B. With the publication of this notice, comments are invited as to whether these rules have any negative impacts on small entities, and if so, whether any modification is practicable to mitigate such impact. The second group, "Review Initiated: Modify or Rescind," includes each rule, in existence on January 1, 1981, the review of which has been initiated and that DOE has tentatively determined to modify or rescind in a rulemaking proceeding. The rulemaking proceeding will constitute DOE's review under section 610 for rules in this group. Appendix B contains a list of rules in this group.[1] The third group, "Authority Transferred to Department of the Interior," includes those rules, in existence on January 1, 1981, that DOE no longer has the authority to modify or rescind. The authority for these rules, which are listed in Appendix B, was transferred to the Department of the Interior, effective December 23, 1981, pursuant to the Department of the Interior and Related Agencies Appropriations Act of 1982 (Pub. L. 97-100). Consequently, that Department will have to make the section 610 review of these rules. The fourth group includes those rules, in existence on January 1, 1981, that are not in the first three groups as well as those rules that have been or will be adopted by DOE after January 1, 1981. Because of the proposed energy reorganization and the transfer of DOE's functions to other Federal agencies, these recently promulgated rules are best left for inclusion in the ten year review plans of the transferee agencies.

The RFA also requires that agencies publish in the **Federal Register** each year a list of the rules which have a significant economic impact on a substantial number of small entities which are to be reviewed during the succeeding twelve months. The list must include a brief description of each rule, the need for and legal basis of each rule, and must invite public comment. As noted above, those regulations in lists I and II of Appendix B are being reviewed this year and, therefore, constitute the list required by the RFA. It should be noted, however, that by publishing this list DOE is not making any determination as to the impact these rules may have on small entities. This comprehensive list is intended to afford small entities an opportunity to comment on whether a rule does have a significant impact on a substantial number of small entities. Comments are invited on the rules that are under review. Comments should be sent to the person listed above under the heading, "Addresses", no later than July 29, 1982.

Issued in Washington, D.C., April 26, 1982.

R. Tenney Johnson,

General Counsel.

APPENDIX A: RESULTS OF REVIEW OF EXISTING AND PROPOSED REGULATIONS UNRELATED TO DECONTROL OF PETROLEUM

I. Existing Regulations—Rescission Completed

Conservation and Renewable Energy

Federal Energy Management and Planning Programs; Federal Photovoltaic Utilization Program. 10 CFR Part 436, Subpart E. Rescinded effective October 1, 1981 (46 FR 40678, August 11, 1981).

Economic Regulatory Administration

1. Powerplant and Industrial Fuel Use Act of 1978—Electric Utility System Compliance Option. 10 CFR 504.4. Rescinded effective February 8, 1982 (47 FR 749, January 7, 1982).

2. Powerplant and Industrial Fuel Use Act of 1978—Exemption for Use of Natural Gas by Existing Powerplants; Special Rule for Temporary Public Interest Exemption. 10 CFR Part 508.

[1] This list does not include any rule for which by April 1, 1982, a modification or rescission had been proposed in the **Federal Register** in which DOE certified that the proposed rule would not have a significant impact on a substantial number of small entities.

Rescinded effective February 8, 1982 (47 FR 749, January 7, 1982).

Environmental Protection, Safety, and Emergency Preparedness

Standby Gasoline Rationing Plan. 10 CFR Part 570. Rescinded effective October 27, 1981 (46 FR 52326).

Management and Administration

1. Advisory Committees. 10 CFR Part 707. Rescinded effective November 10, 1981 (46 FR 55507).
2. Production or Disclosure of Material or Information. 10 CFR Part 202. Subpart A rescinded effective February 4, 1982 (46 FR 63210, December 31, 1981); Subpart B to be retained without change.
3. Public Records. 10 CFR Part 709. Rescinded effective February 4, 1982 (46 FR 63210, December 31, 1981).
4. Hearing Rules for Sanction Proceedings Under Executive Order 11246 (Nondiscrimination in Employment by Government Contractors). 10 CFR Part 705. Rescinded effective March 22, 1982 (47 FR 12135).

II. Existing Regulations—Rescission Recommended but not yet Completed

Conservation and Renewable Energy

1. Residential Conservation Service Program; Interim Final Standards for Urea-Formaldehyde Foamed-in-Place Insulation. 10 CFR 456.810, 456.909. Rescission proposed November 12, 1981 (46 FR 55836).
2. Urban Waste Demonstration Facilities Guarantee Program. 10 CFR Part 798.

Economic Regulatory Administration

1. Grants for Offices of Consumer Services. 10 CFR Part 460.
2. Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities. 10 CFR Part 461.
3. Powerplant and Industrial Fuel Use Act of 1978—Rules Applicable to Existing Powerplants and Major Fuel Burning Installations. 10 CFR Parts 501 and 504. Rescission of a major portion of these rules will be proposed.

Environmental Protection, Safety, and Emergency Preparedness

1. Emergency Building Temperature Restrictions. 10 CFR Part 490.
2. Priority Delivery of Coal Under Department of Defense Contracts. 10 CFR Part 317. Rescission proposed January 11, 1982 (47 FR 1137).

Fossil Energy

University Coal Research Laboratories Program. 10 CFR Part 320.

General Counsel

1. Records of Oral Communications with Persons Outside DOE. 10 CFR Part 204.
2. Mandatory Petroleum Regulations—Puerto Rico. 10 CFR Part 660.
3. Administrative Procedures and Sanctions. 10 CFR Part 661.
4. Statement of Organization and General Information. 10 CFR Part 701.
5. Rules of Practice. 10 CFR Part 702.

International Affairs

Collection of Foreign Oil Supply Agreement Information. 10 CFR Part 215.

Management and Administration

1. Nondiscrimination in Federally Assisted Commission Programs—Effectuation of Title VI of the Civil Rights Act of 1964. 10 CFR Part 704.
2. Financial Protection Requirements and Indemnity Agreements. 10 CFR Part 840, except § 840.3 and Subpart E.

III. Existing Regulations—Modification Completed

Defense Programs

Increase in Price for Plutonium-238. Modified effective September 17, 1981 (46 FR 46155, September 17, 1981).

Economic Regulatory Administration

1. Powerplant and Industrial Fuel Use Act of 1978—Calculations for the Cost of Using Alternate Fuels. 10 CFR Part 503 and 504. Amendments relating to new and existing facilities published December 7, 1981 (46 FR 59872).
2. Powerplant and Industrial Fuel Use Act of 1978—Electric Powerplants and Major Fuel-Burning Installations Use of Petroleum and Natural Gas. 10 CFR Parts 500, 501, 503, 504, and 505. Amendments relating principally to new facilities published December 7, 1981 (46 FR 59872).
3. Sale and Direct Industrial Use of Natural Gas for Outdoor Lighting (Decorative Gas Lighting Prohibitions). 10 CFR Part 516. Amendments published February 1, 1982 (47 FR 4493).
4. Powerplant and Industrial Fuel Use Act of 1978—Existing Facilities. 10 CFR Parts 500, 501, and 504. Some amendments published December 7, 1981 (46 FR 59872). Other modifications, relating to the Omnibus Budget Reconciliation Act amendments, published April 9, 1982 (47 FR 15311).

Environmental Protection, Safety, and Emergency Preparedness

1. Distribution of Strategic Petroleum Reserve Crude Oil by Regulatory Means. 10 CFR Part 220. Modifications published April 3, 1981 (46 FR 20508).
2. Standby Federal Emergency Energy Conservation Plan. 10 CFR Part 477. Modifications published February 5, 1982 (47 FR 5688).

IV. Existing Regulations—Modification Recommended but not yet Completed

Conservation and Renewable Energy

1. Residential Conservation Service Program. 10 CFR Part 456. Amendments proposed November 12, 1981 (46 FR 55836).
2. Grant Program for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions. 10 CFR Part 455. Amendments proposed January 20, 1982 (47 FR 2880).
3. Automotive Propulsion Research and Development. 10 CFR Part 473.
4. Inclusion of Electric Vehicles in Calculation of Average Fuel Economy Standards. 10 CFR Part 474. (46 FR 22747, April 21, 1981).
5. Federal Energy Management and Planning Programs; Guidelines for General Operations Plans, 10 CFR Part 436, Subpart F.
6. Federal Energy Management and Planning Programs; Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans. 10 CFR Part 436, Subparts B and C.
7. Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses. 10 CFR Part 436, Subpart A.
8. Energy Conservation Program for Consumer Products; Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation. 10 CFR Part 430, Subpart D. Amendments proposed April 2, 1982 (47 FR 14424).
9. Energy Measures and Energy Audits. 10 CFR Part 450.

Defense Programs

1. Criteria and Procedures for Determining Eligibility for Access to Classified Matter of Significant Quantities of Special Nuclear Material. 10 CFR Part 710. Amendments proposed January 20, 1982 (47 FR 2874).
2. Unclassified Activities in Foreign Atomic Energy Programs. 10 CFR Part 810.

Economic Regulatory Administration

1. Annual Reports From States and Nonregulated Utilities on Progress in Considering the Ratemaking and Other Regulatory Standards Under PURPA. 10 CFR Part 463. Modifications proposed March 15, 1982 (47 FR 11178).
2. Off-the-Record Communications Rule With Respect to Natural Gas Import and Export Authorization. 10

CFR Part 205, Subpart U. To be superseded by 10 CFR Part 590, proposed on September 4, 1981 (46 FR 44696).

3. Natural Gas; Curtailment Priorities for Essential Agricultural Uses. 10 CFR Part 580. Modifications proposed July 2, 1980 (45 FR 45098).

Fossil Energy

Coal Loan Guarantee Program. 10 CFR Part 300.

Management and Administration

1. Assistance Regulations. 10 CFR Part 600. Modifications proposed March 19, 1982 (47 FR 12038).

2. Financial Protection Requirements and Indemnity Agreements; Definitions and Extraordinary Occurrences. 10 CFR Part 840, Subpart E and § 840.3.

V. Existing Regulations—Retain Without Change

Board of Contract Appeals

1. Contract Appeals. 10 CFR Parts 703 and 1023.

2. Procedures for Financial Assistance Appeals. 10 CFR Part 1024.

Conservation and Renewable Energy

1. Power and Transmission Rates. 10 CFR Part 903.

2. Energy Conservation Program for Consumer Products; Test Procedures. 10 CFR Part 430, Subparts A and B.

3. Electric and Hybrid Vehicle Research, Development, Demonstration, and Production Loan Guaranties. 10 CFR Part 791.

4. Loan Guarantees for Alcohol Fuels, Biomass Energy and Municipal Waste Projects. 10 CFR Part 799.

5. Geothermal Loan Guaranty Program. 10 CFR Part 790.

6. Loans for Small Hydroelectric Power Project Feasibility Studies and Related Licensing. 10 CFR Part 797.

Defense Programs

1. National Security Information, Classification and Declassification, Systematic Review Guideline. 10 CFR part 1045 (46 FR 23916, April 29, 1981).

2. Californium-252 Prices, Standard Forms, and Handling Charges. 37 FR 24055, November 11, 1972; 38 FR 2489, January 26, 1973.

3. Air Transportation of Plutonium. 10 CFR Part 871.

4. Trespassing on Administration Property. 10 CFR Part 860.

5. Safeguarding of Restricted Data. 10 CFR Part 795.

6. Permits for Access to Restricted Data. 10 CFR Part 725.

7. Processing Services for Fuels from Research Reactors. 33 FR 30, January 3, 1968; 35 FR 8715, June 4, 1970; 35 FR 18302, December 1, 1970; 40 FR 3031, January 17, 1975; 40 FR 59774, December 30, 1975; 41 FR 36244, August 27, 1976.

8. Transportation and Traffic Management. 41 CFR Chapter 109–40.

9. Control of Traffic at Nevada Test Site. 10 CFR Part 861.

Economic Regulatory Administration

1. Administrative Procedures and Sanctions; Coal Utilization. 10 CFR Parts 303 and 305.

2. Powerplant and Industrial Fuel Use Act of 1978—Transitional Facilities. 10 CFR Part 515.

3. Oil Import Regulations. 10 CFR Part 213.

4. Separation of Regulatory and Enforcement Functions Within the Economic Regulatory Administration. 10 CFR Part 1001.

5. Certification of the Use of Natural Gas to Displace Fuel Oil. 10 CFR Part 595.

Energy Research

Protection of Human Subjects. 10 CFR Part 745.

Environmental Protection, Safety, and Emergency Preparedness

1. Compliance with the National Environmental Policy Act. 10 CFR Part 1021.

2. Compliance with Floodplain/Wetlands Environmental Review Requirements. 10 CFR Part 1022.

3. Grand Junction Remedial Action Criteria. 10 CFR Part 1020.

4. Standby Mandatory International Oil Allocation. 10 CFR Part 218.

5. Priority Supply of Crude Oil and Petroleum Products to the Department of Defense. 10 CFR Part 221.

6. Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions. 10 CFR Part 205, Subpart W.

7. Reports on Major Electric Utility System Emergencies 10 CFR 205.350–205.355. (46 FR 2956, January 12, 1981).

8. Emergency Interconnection of Electric Facilities and the Transfer of Electricity to Alleviate an Emergency Shortage of Electric Power. 10 CFR 205.370–205.379 (46 FR 39984, August 6, 1981).

Energy Information Administration

Collection of Information. 10 CFR Part 207.

Fossil Energy

Federal Loan Guarantees for Alternative Fuel Demonstration Facilities. 10 CFR Part 796.

General Counsel

1. Claims for Patent and Copyright Infringement. 10 CFR Part 782.

2. Administrative Claims Under Federal Tort Claims Act. 10 CFR Part 1014.

3. Waiver of Patent Rights. 10 CFR Part 783.

4. Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission. 10 CFR Part 1000.

5. Patent Compensation Board Regulations. 10 CFR Part 780 (46 FR 39581, August 4, 1981).

6. Conduct of Employees. 10 CFR Part 1010.

7. DOE Patent Licensing Regulations. 10 CFR Part 781.

8. International Voluntary Agreements. 10 CFR Part 209.

9. Payment of Travel Expenses of Persons Who Are Not Government Employees. 10 CFR Part 1060 (46 FR 35630, July 10, 1981).

Hearing and Appeals

Special Procedures for Distribution of Refunds. 10 CFR Part 205, Subpart V.

Management and Administration

1. Loans for Bid or Proposal Preparation by Minority Business Enterprises Seeking DOE Contracts and Assistance. 10 CFR Part 800 (46 FR 44686, September 4, 1981).

2. Materials Allocation and Priority Performance Under Contracts or Orders to Maximize Domestic Energy Supplies. 10 CFR Part 216.

3. Nondiscrimination in Federally Assisted Programs. 10 CFR Part 1040, Subparts A–D, G, and H.

4. Foreign Gifts and Decorations. 10 CFR Part 1050.

5. Freedom of Information. 10 CFR Part 1004.

6. DOE Property Management Regulations. 41 CFR Chapter 109.

7. DOE Procurement Regulations. 41 CFR Chapter 9.

8. Privacy Act; Records Maintained on Individuals. 10 CFR Part 1008.

9. Security Policies and Practices Relating to Labor-Management Relations. 10 CFR Part 706.

10. Official Seal and Distinguishing Flag. 10 CFR Part 1002.

11. General Policy for Pricing and Charging for Material and Services Sold by DOE. 10 CFR Part 1009.

Nuclear Energy

Domestic Uranium Program. 10 CFR Part 760.

VI. Existing Regulations—DOE Would Like To Repeal but Which Are Required by Statute

Conservation and Renewable Energy

1. Appropriate Technology Small Grants Program. 10 CFR Part 470.
2. Energy Extension Service. 10 CFR Part 465.
3. State Energy Conservation Plans. 10 CFR Part 420.
4. Weatherization Assistance for Low-Income Persons. 10 CFR Part 440.
5. Industrial Energy Conservation Program. 10 CFR Part 445.
6. Federal Energy Management and Planning Program; Solar in Federal Buildings Demonstration Program. 10 CFR Part 436, Subpart D.
7. Electric and Hybrid Vehicle Research, Development, and Demonstration Project. 10 CFR Part 475.
8. Electric and Hybrid Vehicle Research, Development, and Demonstration Program Small Business Planning Grants. 10 CFR Part 476.
9. Methane Transportation Research and Development; Review and Certification of Contracts, Grants, Cooperative Agreements, and Projects. 10 CFR Part 478 (47 FR 13704, March 31, 1982).

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act of 1978—Prohibition Against Increased Use of Petroleum. 10 CFR 504.1

VII. Existing Regulations—Authority Transferred to Department of the Interior (Effective December 23, 1981, Pursuant to Public Law 97-100)

Fossil Energy

1. Fixed Net Profit Share Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases. 10 CFR Part 376.
2. Bidding Systems for OCS Oil and Gas Leases—Cash Bonus, Royalty Bid, Sliding Scale Royalty. 10 CFR Part 376.
3. OCS Oil and Gas Joint Bidding Regulations. 10 CFR Part 376.
4. Variable Work Commitment Bidding System for OCS Oil and Gas Leases. 10 CFR Part 376 (46 FR 35614, July 9, 1981).
5. Variable Net Profit Share Bidding System for OCS Oil and Gas Leases. 10 CFR Parts 376 and 390 (46 FR 20968, June 2, 1981).
6. Acquisition and Disposition of Federal Royalty Interests Taken in Kind, Disposition of OCS Royalty Oil. 10 CFR Part 391.
7. Bidding Systems for Coal Leasing. 10 CFR Part 378.
8. Mineral Leasing: General. 10 CFR Part 375.
9. Accounting Procedures for Determining Net Profit Share Payment for OCS Oil and Gas Leases. 10 CFR Part 390.

VIII. Proposed Regulations—Withdrawal Completed

Conservation and Renewable Energy

1. Industrial Waste Loan Guarantee Program. (internally proposed and withdrawn).
2. Federal Price Support Program for Municipal Waste Reprocessing Demonstration Facilities. Proposed 10 CFR Part 486. Advance notice of proposed rulemaking withdrawn effective October 1, 1981 (46 FR 46589, September 21, 1981).
3. Labeling Rules for Selected Classes of Industrial Equipment. (internally proposed and withdrawn).
4. Energy Auditor Training and Certification Grants. Proposed 10 CFR Part 457. Notice of proposed rulemaking withdrawn January 12, 1982 (47 FR 1301).
5. Residential Energy Conservation Program; Federal Standby Plan. Proposed 10 CFR 456 (46 FR 2522, January 9, 1981). Notice of proposed rulemaking withdrawn November 12, 1981 (46 FR 55836).
6. Geothermal Loan Guaranty Program; Federal Financing for Community Impact Assistance. (internally proposed and withdrawn).
7. Geothermal Feasibility Studies and Related Licensing Loan Program. (internally proposed and withdrawn).
8. Municipal Waste Reprocessing Demonstration Facilities Program; Evaluation, Assessment and Reporting Guidelines. Proposed 10 CFR Part 486. Notice of proposed rulemaking withdrawn January 22, 1982 (47 FR 3127).

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act of 1978—Proposed Guidelines for the Use of Alternate Fuels and Technologies. (internally proposed and withdrawn).

Management and Administration

Financial Assistance Regulations; Loan Guarantees. (internally proposed and withdrawn).

Fossil Energy

1. Exchange Agreements for Oil Shale. (internally proposed and withdrawn).
2. Proposed Sequential Bidding for Outer Continental Shelf Oil and Gas Leases. Decision made not to finalize original NOPR, 44 FR 52842, September 11, 1979.

IX. Proposed Regulations—Withdrawal Recommended but not yet Completed

Conservation and Renewable Energy

1. State and Local Grant Program Coordination Effort. Proposed amendments to 10 CFR Parts 420, 440, 455, 465 and 477 (45 FR 71498, October 28, 1980).
2. Municipal Waste Energy Price Support Loan Program. Proposed 10 CFR Part 485 (45 FR 71746, October 29, 1980).
3. Residential Energy Conservation Program; Amendments to Interim Final Standards for Urea-Formaldehyde Foamed-in-Place Insulation. Proposed amendments to 10 CFR 456.105, 456.810, and 456.909 (46 FR 8996, January 27, 1981). Notice of proposed rulemaking proposed to be withdrawn November 12, 1981 (46 FR 55836).

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act—Federal Facilities and Conversion Plans Under E.O. 12217 (internally proposed). DOE plans to recommend the rescission of E.O. 12217, and to withdraw this internal proposal.

Environmental Protection, Safety, and Emergency Preparedness

Emergency Energy Conservation Grant Program. Proposed 10 CFR Part 477, Subpart G (46 FR 8252, January 26, 1981).

X. Proposed Regulations—Modification Completed

Management and Administration

Nondiscrimination in Federally Assisted Programs; Nondiscrimination on the Basis of Age. Proposed 10 CFR Part 1040, Subpart E (46 FR 49546, October 6, 1981). Modifications are reflected in the NOPR.

XI. Proposed Regulations—Modification Recommended but not yet Completed

Conservation and Renewable Energy

1. Commercial and Apartment Conservation Service Program. Proposed 10 CFR Part 458. A portion of the outstanding notice of proposed rulemaking (46 FR 4482, January 16, 1981) was withdrawn November 12, 1981 (46 FR 55836). The remaining portions will be modified and reproposed in a new NOPR.
2. Energy Conservation Program for Consumer Products; Energy Efficiency Standards for Nine Types of Consumer Products. Proposed amendment to 10 CFR Part 430, Subpart C. The existing NOPR (45 FR 43976, June 30, 1980) was modified and reproposed in a new NOPR (47 FR 14424, April 2, 1982).

3. Building Energy Performance Standards. Proposed 10 CFR Part 435. The existing NOPR (44 FR 68120, November 28, 1979) will be revised.

Economic Regulatory Administration

Powerplant and Industrial Fuel Use Act of 1978—Cogeneration Exemption. Proposed 10 CFR 503.37. The existing NOPR (45 FR 53368, August 11, 1980) may be adopted in part.

XII. Proposed Regulations—Retain Without Reproposal

Economic Regulatory Administration

1. Import and Export of Natural Gas; New Administrative Procedures. Proposed 10 CFR Part 590 (46 FR 44696, September 4, 1981).

2. Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations. Proposed 10 CFR Part 585 (44 FR 27676, May 11, 1979).

Environmental Protection, Safety, and Emergency Preparedness

Standby Procedures for Emergency Purchase and Emergency Allocation of Natural Gas During a Declared Emergency. Proposed 10 CFR Part 599 (45 FR 81012, December 8, 1980).

General Counsel

Administrative enforcement proceedings under Title V of the Ethics in Government Act (internally proposed).

XIII. Proposed Regulations—DOE Would Like To Withdraw but Which Are Required by Statute

Conservation and Renewable Energy

1. Wind Energy Technology Application Program. Proposed 10 CFR Part 217 (46 FR 25468, July 8, 1981).

2. Loans for Development of Wind Energy Systems and Small Hydroelectric Power Projects. Proposed 10 CFR Part 794 (47 FR 6776, February 16, 1982).

3. Standards for Construction and Operation of Submarine Cables (internally proposed).

4. Residential Energy Efficiency Program; Energy Conservation Demonstrations. Proposed 10 CFR Part 459 (46 FR 8016, January 26, 1981).

5. Loans for Geothermal Reservoir Confirmation Projects. Proposed 10 CFR Part 795 (47 FR 12740, March 9, 1982).

XIV. Proposed Regulations—Authority Transferred to Department of the Interior (Effective December 23, 1981, Pursuant to Public Law 97-100)

Fossil Energy

1. Acquisition and Disposition of Federal Royalty Interests Taken in Kind, Disposition of Onshore Royalty Oil. Proposed 10 CFR Part 391 (44 FR 45900, August 3, 1979).

2. Diligence Requirements for Federal Coal Leases. Proposed 10 CFR Part 378, Subpart D (46 FR 62226, December 22, 1981).

APPENDIX B: PLAN FOR PERIODIC REVIEW OF EXISTING RULES PURSUANT TO THE REGULATORY FLEXIBILITY ACT

I. Review Initiated: Retain Without Change

Board of Contract Appeals

1. Contract Appeals (10 CFR Parts 703 and 1023). These rules are needed to establish procedures for the prompt, fair, and inexpensive resolution of DOE contract disputes. The rules that appear in Part 703 were adopted March 24, 1976 (41 FR 12215), and generally apply to appeals relating to DOE contracts that are *not* subject to the Contract Disputes Act of 1978 and that were entered into prior to March 1, 1979. The rules that appear in Part 1023 were adopted November 6, 1979 (44 FR 64270), and generally govern appeals relating to DOE contracts that are subject to the Contract Disputes Act of 1978, and that are entered into after February 28, 1979. At the contractor's election, Part 1023 also applies to appeals relating to earlier contracts, if such contracts are subject to the Contract Disputes Act of 1978, and the appeal relates to claims pending before the contracting officer on March 1, 1979.

Legal Basis: Part 703: section 105, Pub. L. 93-438 (42 U.S.C. 5815); section 161, Pub. L. 83-703 (42 U.S.C. 2201); section 3, Pub. L. 85-804 (50 U.S.C. 1433). *Part 1023:* DOE Organization Act, Pub. L. 95-91; Contract Disputes Act of 1978, Pub. L. 95-563.

2. Procedures for Financial Assistance Appeals (10 CFR Part 1024). These rules establish procedures to allow recipients of DOE financial assistance to appeal adverse final decisions made by financial assistance officers or contracting officers. The rules are needed to provide a timely, just, and inexpensive resolution of disputes involving grants, cooperative agreements, loan guarantees, loan agreements, or other financial assistance instruments.

Legal Basis: DOE Organization Act, Pub. L. 95-91; Pub. L. 95-224; E.O. 10789.

Conservation and Renewable Energy

1. Power and Transmission Rates (10 CFR Part 903). These rules facilitate the conduct of power and transmission rate adjustment proceedings for the four power administrations of DOE. The rules are needed to establish procedures for the development of power and transmission rates, including provisions for public participation in the development of such rates.

Legal Basis: Numerous statutes, including these principal Acts: DOE Organization Act, Pub. L. 95-91; Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s); Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485 h(c)); Pacific Northwest Electric Power Planning and Conservation Act of 1980, Pub. L. 96-501.

2. Energy Conservation Program for Consumer Products; Test Procedures (10 CFR Part 430, Subparts A and B). Part B of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163 (42 U.S.C. 6291-6309), as amended by the Energy Conservation and Production Act, Pub. L. 94-385, requires DOE to develop and publish test procedures, for various consumer products, as part of an energy conservation program. These regulations, which set forth the required test procedures and definitions of terms, are needed to comply with this statutory mandate.

Legal Basis: Pub. L. 94-163 as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; DOE Organization Act, Pub. L. 95-91; E.O. 11730; E.O. 12009.

3. Electric and Hybrid Vehicle Research, Development, Demonstration, and Production Loan Guaranties (10 CFR Part 791). This rule is needed to set forth policies and procedures for obtaining Federal guaranties on loans to qualified borrowers for purposes related to the research, development, demonstration, and commercial production of electric or hybrid vehicles in an environmentally acceptable manner and for the administration of such guaranties.

Legal Basis: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, as amended by the Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; DOE Organization Act, Pub. L. 95-91; E.O. 12009.

4. Loan Guaranties for Alcohol Fuels, Biomass, Energy and Municipal Waste Projects (10 CFR Part 799). This rule is needed to set forth policies and procedures utilized by DOE to receive, evaluate, and approve applications seeking Federal loan guaranties for the financing of biomass energy projects (which includes alcohol fuels, biomass, and municipal waste energy projects). The rule also identifies those requirements and conditions that will be

imposed by DOE under loan guaranties issued for the purpose of providing financial assistance for the construction of biomass energy projects.

Legal Basis: Title II of the Energy Security Act, Pub. L. 96-294; DOE Organization Act, Pub. L. 95-91.

5. Geothermal Loan Guaranty Program (10 CFR Part 790). This rule sets forth policies and procedures under which DOE may issue Federal guaranties on loans related to the development of practicable means to produce or utilize energy from geothermal resources. The rule is currently needed for the administration of existing loan guaranties.

Legal Basis: Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-410 (30 U.S.C. 1141 *et seq.*); DOE Organization Act, Pub. L. 95-91; Title V of the DOE Act of 1978—Civilian Applications, Pub. L. 95-238; Title VI of the Energy Security Act, Pub. L. 96-294.

6. Loans for Small Hydroelectric Power Project Feasibility Studies and Related Licensing (10 CFR Part 797). This rule establishes procedures for two kinds of loans. One type of loan is granted to defray a percentage of the costs of studying the feasibility of developing a small hydroelectric power project in connection with an existing dam that is not being used to generate electric power. The other type of loan is granted to defray a percentage of the costs of applying for a necessary license or other Federal, State, regional, or local approval respecting such a project and of participating in any administrative proceeding regarding such application. This rule is needed to monitor and administer those loans currently outstanding under this program.

Legal Basis: Title IV of the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617 (16 U.S.C. 2701 *et seq.*); DOE Organization Act, Pub. L. 95-91; Section 408 of the Energy Security Act, Pub. L. 96-294.

7. Appropriate Technology Small Grants Program (10 CFR Part 470). This rule, which is required by statute, provides guidelines for the implementation of the appropriate technology small grants program. The program provides grants for energy-related systems and supporting technologies to individuals, local non-profit organizations, State and local agencies, Indian tribes, and small businesses.

Legal Basis: Energy Research and Development Administration Appropriation Authorization Act of 1977, Pub. L. 95-39; Energy Reorganization Act of 1974, Pub. L. 93-438; DOE Organization Act, Pub. L. 95-91.

8. Energy Extension Service (10 CFR Part 465). This rule is required by statute to carry out DOE responsibilities under the Energy Extension Service, established by Pub. L. 95-39, Title V. The rule provides for a National Advisory Board, financial assistance to be allocated among the States, procedures for the submission of State applications and plans, and report and recordkeeping requirements.

Legal Basis: Title V, Energy Research and Development Administration Authorization Act of 1977, Pub. L. 95-39 (42 U.S.C. 7001 *et seq.*); DOE Organization Act, Pub. L. 95-91; Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224.

9. State Energy Conservation Plans (10 CFR Part 420). This rule prescribes, as required by 5 U.S.C. 6322(b), guidelines with respect to measures required to be included in, and guidelines for the development, modification, and funding of, State energy conservation plans.

Legal Basis: Title III, Part D, Energy Policy and Conservation Act (42 U.S.C. 6321 *et seq.*); DOE Organization Act, Pub. L. 95-91.

10. Weatherization Assistance for Low-Income Persons (10 CFR Part 440). These regulations, required by statute, set forth the procedures and requirements for the administration of the Weatherization Assistance for Low-Income Persons Program.

Legal Basis: Energy Conservation in Existing Buildings Act of 1976, as amended (42 U.S.C. 6851 *et seq.*); DOE Organization Act, Pub. L. 95-91.

11. Industrial Energy Conservation Program (10 CFR Part 445). These regulations are required by Title III, Part E of the Energy Policy and Conservation Act, as amended. The regulations prescribe criteria and procedures for the identification of reporting corporations, reporting requirements, criteria and procedures for exemption from filing reports with DOE, voluntary industrial energy efficiency improvement targets and voluntary recovered materials utilization targets.

Legal Basis: Pub. L. 94-163, as amended by Pub. L. 95-619 (42 U.S.C. 6341-6346); Pub. L. 93-275; Pub. L. 95-91.

12. Federal Energy Management and Planning Program; Solar in Federal Buildings Demonstration Program (10 CFR Part 436, Subpart D). These regulations, which are required by 42 U.S.C. 8241-8244, set forth the procedures and requirements for the content and submission of proposals by Federal agencies, for the criteria for evaluation and selection of projects to be funded, and for the periodic reporting of data regarding maintenance and operation of solar energy systems funded under this program. The purpose of the program is to demonstrate the application to Federal buildings of solar heating and cooling systems.

Legal Basis: Energy Policy and Conservation Act (42 U.S.C. 361); E.O. 11912, as amended; National Energy Conservation Policy Act, Title V, Part 2 (42 U.S.C. 8241-8244).

13. Electric and Hybrid Vehicle Research, Development, and Demonstration Project (10 CFR Part 475). This rule contains performance standards for electric and hybrid vehicles required to be prescribed by DOE pursuant to section 7(b)(1) of the Electric Hybrid Vehicle Research, Development, and Demonstration Act of 1976, as amended.

Legal Basis: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, as amended by DOE Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; DOE Organization Act, Pub. L. 95-91.

14. Electric and Hybrid Vehicle Research, Development, and Demonstration Program Small Business Planning Grants (10 CFR Part 476). These rules are needed to carry out the statutory requirement that DOE make planning grants available to qualified small business concerns that require assistance in developing, submitting and entering into any available DOE contracts for research, development, or demonstration of electric or hybrid vehicles. The rules set forth the eligibility requirements, method of solicitation for applications, evaluation and selection procedures, and other requirements for the grant program.

Legal Basis: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94-413, as amended by Pub. L. 95-238 (15 U.S.C. 2501 *et seq.*); DOE Organization Act, Pub. L. 95-91.

Defense Programs

1. Californium-252 Prices, Standard Forms, and Handling Charges. A predecessor agency of DOE, the U.S. Atomic Energy Commission, published a notice in the **Federal Register** on November 11, 1972 (37 FR 24055), establishing certain policies governing its program for the sale and distribution of the neutron emitting isotope Californium-252. This notice, as amended on January 26, 1973 (38 FR 2489), sets out the prices at which Californium-252 will be sold, the

standard forms in which it will be available, and the handling charges such sales may be subject to.

Legal Basis: §§ 81 and 161 of the Atomic Energy Act of 1954, as amended.

2. Air Transportation of Plutonium (10 CFR Part 871). Title V of Public Law, 94–187, "Air Transportation of Plutonium" prohibited DOE from shipping plutonium by aircraft, except those shipments defined as exempt in section 502 of Title V. The definition of exempt shipments in section 502 includes those determined to be made for purposes of national security, public health and safety, or emergency maintenance. This rule implements Title V by establishing the circumstances under which air shipments of plutonium will be determined to be for purposes of national security, public health and safety, or emergency maintenance operations.

Legal Basis: Title V of Public Law 94–187; Public Law 93–438; §§ 2, 3, 91, 123 and 161 of the Atomic Energy Act of 1954, as amended.

3. Trespassing on Administration Property (10 CFR Part 860). This rule is needed to ensure the protection and security of facilities, installations and real property subject to the jurisdiction or administration, or in the custody of, the Department of Energy. The rule prohibits unauthorized entry, or unauthorized introduction of weapons or dangerous materials, upon such facilities, installations or real property. The rule also provides for penalties for violations and the posting of notices of the prohibitions at the designated facilities, installations or parcels of real property.

Legal Basis: Sec. 161, 68 Stat. 948; sec. 229, 70 Stat. 1070 (42 U.S.C. 2201, 2278a); sec. 104, 88 Stat. 1237; sec. 105, 88 Stat. 1238 (42 U.S.C. 5814, 5815).

4. Safeguarding of Restricted Data (10 CFR Part 795). The regulations in this part are needed to safeguard Secret and Confidential Restricted Data received or developed under an Access Permit issued by DOE under the regulations in 10 CFR Part 725. The regulations specify procedures and requirements for physical security and control of restricted data and national security information.

Legal Basis: Sec. 1611, 68 Stat. 948 (42 U.S.C. 2201).

5. Permits for Access to Restricted Data (10 CFR Part 725). The regulations in this part are needed to allow access to persons who require access to restricted data applicable to civil uses of atomic energy in a business, trade or profession, without undue risk to the common defense and security. The regulations establish procedures and requirements for permitting such access to restricted data.

Legal Basis: Sec. 161, 68 Stat. 943; 42 U.S.C. 2201.

6. Processing Services for Fuels from Research Reactors. DOE's policy with respect to the receipt and pricing of irradiated reactor fuels is set out in a **Federal Register** notice published January 3, 1968 (33 FR 30), and amended in notice published June 4, 1970 (35 FR 8715), December 1, 1970 (35 FR 18302), January 17, 1975 (40 FR 3031), December 30, 1975 (40 FR 59774), and August 27, 1976 (41 FR 36044).

Legal Basis: §§ 53, 63, 103 and 104 of the Atomic Energy Act of 1954, as amended.

7. Control of Traffic at Nevada Test Site (10 CFR Part 861). This rule is needed to facilitate the orderly movement of vehicular and pedestrian traffic at the "Nevada Test Site," a 858,764 acre tract under DOE control in Nye County, Nevada. The rule sets forth prohibitions regarding the use of site streets, penalties for violations, and notice provisions.

Legal Basis: 62 Stat. 281, as amended; sec. 103, 63 Stat. 380, as amended; sec. 205, 63 Stat. 389; sec. 161, 68 Stat. 948, as amended; sec. 1, 81 Stat. 54 (40 U.S.C. 318, 42 U.S.C. 2201, 5 U.S.C. 552); Federal Property Management Regulations T.R.D–11, 34 FR 1997, and Delegation of Authority to Manager, Nevada Operations Office.

8. Transportation and Traffic Management (41 CFR Chapter 109–40). This rule is needed to ensure that all transportation and traffic management activities of DOE will be carried out in the manner most advantageous to the Government in terms of economy, efficiency, service, environment, safety, and security. The rule sets out procedures governing DOE transportation and traffic management activities, and DOE arrangements for transportation and related services by bill of lading.

Legal Basis: Sec. 161, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, as amended, 63 Stat. 390 (40 U.S.C. 486); sec. 644, 91 Stat. 585 (42 U.S.C. 7254).

Economic Regulatory Administration

1. Energy Supply and Environmental Coordination Act of 1974: Administrative Procedures and Sanctions; Coal Utilization (10 CFR Parts 303 and 305). These regulations are needed to establish the criteria and procedures by which DOE will exercise its remaining responsibilities under section 2 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 792), to finalize outstanding orders prohibiting certain powerplants or major fuel burning installations from burning natural gas or petroleum as a primary energy source.

Legal Basis: Pub. L. 93–319 (15 U.S.C. 791 *et seq.*), as amended by Pub. L. 94–163, Pub. L. 95–70, and Pub. L. 95–91; Pub. L. 93–275 (15 U.S.C. 761 *et seq.*), as amended by Pub. L. 94–385 and Pub. L. 95–91; Pub. L. 95–620 (42 U.S.C. 8301 *et seq.*); E.O. 11790; E.O. 12009.

2. Powerplant and Industrial Fuel Use Act of 1978: Transitional Facilities (10 CFR Part 515). These regulations are needed to set out requirements and procedures in regard to the classification of "transitional" facilities under the Powerplant and Industrial Fuel Use Act of 1978 ("FUA," Pub. L. 95–620). A transitional facility may be classified as an "existing" facility, subject to Title III of FUA, or as a "new" facility, subject to Title II of FUA.

Legal Basis: Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*); Pub. L. 95–620 (42 U.S.C. 8301 *et seq.*); E.O. 12009.

3. Oil Import Regulations (10 CFR Part 213). These regulations are needed to implement Presidential Proclamation 3279, "Adjusting Imports of Petroleum and Petroleum Products," as amended. The regulations set out the procedures for obtaining licenses for the import of petroleum and petroleum products.

Legal Basis: Pub. L. 93–275; Pub. L. 87–794; E.O. 11790; Proclamation No. 3279, as amended.

4. Separation of Regulatory and Enforcement Functions Within the Economic Regulatory Administration (10 CFR Part 1001). This rule, which is required by law, separates the regulatory and enforcement functions of DOE's Economic Regulatory Administration.

Legal Basis: DOE Act, Pub. L. 95–91; E.O. 12009.

5. Curtailment Priorities For Essential Agricultural Uses (10 CFR Part 580). This rule is required by section 401 of the Natural Gas Policy Act of 1978 (Pub. L. 95–621). The rule provides the extent to which the curtailment plan of an interstate pipeline may provide for curtailment of deliveries of natural gas for any essential agricultural use.

Legal Basis: Pub. L. 95–621; Pub. L. 95–91; E.O. 12009.

6. Certification of Use of Natural Gas to Displace Fuel Oil (10 CFR Part 595). This rule allows end users of natural gas to obtain interstate transportation of fuel oil displacement gas in accordance with rules of the Federal Energy Regulatory Commission ("FERC"). Until FERC modifies its rules, this DOE rule is needed to provide a procedure whereby the Economic Regulatory Administration of DOE may certify to FERC that use of

natural gas, purchased by an end-user for its own consumption, will displace fuel oil. DOE has asked FERC to modify its rules so that DOE may eliminate this certification burden.

Legal Basis: Pub. L. 95–91; E.O. 12009.

7. Powerplant and Industrial Fuel Use Act of 1978: Prohibition Against the Increased Use of Petroleum (10 CFR Section 504.1). This rule is required by section 405 of the Powerplant and Industrial Fuel Use Act of 1978, which directs DOE to restrain, by rule, the use of petroleum by powerplants that burned an alternate fuel in 1977. Section 405 also directs DOE to establish, by rule, a procedure whereby powerplants may be permitted increased use of petroleum.

Legal Basis: Section 405 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 *et seq.*); DOE Organization Act, Pub. L. 95–91; E.O. 12009.

Energy Information Administration

1. Collection of Information (10 CFR Part 207). This rule is required by section 11(a) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA). The rule sets forth the methods by which DOE may collect energy information, under ESECA, from persons engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than retail) of energy resources.

Legal Basis: Federal Energy Administration Act of 1974, Pub. L. 93–275; Energy Supply and Environmental Coordination Act of 1974, Pub. L. 93–319; E.O. 11790.

Energy Research

1. Protection of Human Subjects (10 CFR Part 745). These regulations are needed to safeguard the rights and welfare of individuals who may be exposed to the possibility of injury as a consequence of participation as a subject in any research, development or other activity supported under DOE agreements. The regulations set out DOE policy in this regard, including procedures to be followed by institutions which receive or are accountable to DOE for the funds awarded for the support of such activities.

Legal Basis: Section 105(a), Energy Reorganization Act of 1974, Pub. L. 93–438.

Environmental Protection, Safety, and Emergency Preparedness

1. Compliance with the National Environmental Policy Act (10 CFR Part 1021). The National Environmental Policy Act of 1969 ("NEPA") requires all Federal agencies to give appropriate consideration to the environmental effects of their proposed actions in the decisionmaking and to prepare environmental statements on major Federal actions significantly affecting the quality of the human environment. These rules are needed to ensure DOE compliance with NEPA.

Legal Basis: NEPA (42 U.S.C. 4321 *et seq.*).

2. Compliance with Floodplain/Wetlands Environmental Review Requirements (10 CFR Part 1022). Each Federal agency is required to issue or amend regulations and procedures to ensure consideration of wetlands protection, flood hazards and floodplain management. *See* E.O. 11988, E.O. 11990. These regulations are needed to ensure DOE compliance with these requirements.

Legal Basis: E.O. 11988 (May 24, 1977); E.O. 11990 (May 24, 1977).

3. Grand Junction Remedial Action Criteria (10 CFR Part 1020). These regulations are needed to protect individuals from radiation exposure resulting from DOE's uranium procurement program in the area of Grand Junction, Colorado. The regulations establish criteria for determination by DOE of the need for, the priority of, and the selection of appropriate remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailing that have been used as construction-related material.

Legal Basis: Section 203 of Pub. L. 92–314 (86 Stat. 226, June 16, 1972).

4. Standby Mandatory International Oil Allocation (10 CFR Part 218). This standby rule is needed to ensure that the obligations of the United States under the Agreement on an International Energy Program are satisfied during an international oil supply disruption by providing for the allocation of crude oil and petroleum products upon determination by the President that an international energy supply emergency exists.

Legal Basis: Section 251 of the Energy Policy and Conservation Act, Pub. L. 94–163, as amended (42 U.S.C. 6201 *et seq.*); DOE Organization Act, Pub. L. 95–91; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended; E.O. 11790; E.O. 12009.

5. Priority Supply of Crude Oil and Petroleum Products to the Department of Defense (10 CFR Part 221). This rule ensures that the Department of Defense (DOD) will have adequate supplies of crude oil and petroleum products in the event of a fuel shortage that would have a substantial negative impact on the national defense. The rule sets out procedures that woulld be used, in the event of such a shortage, to supply crude oil or petroleum products to DOD.

Legal Basis: Defense Production Act (50 U.S.C. App. 2061 *et seq.*); E.O. 10480 as amended by E.O. 12038 and E.O. 11790.

6. Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions (10 CFR Part 205, Subpart W). These regulations are needed to enable electric utilities and other persons to obtain permits, required by law, to (1) transmit electric energy to a foreign country, or (2) construct electric power lines crossing international boundaries. The regulations establish application and administrative procedures and sanctions.

Legal Basis: DOE Organization Act, Pub. L. 95–91; Federal Power Act, Pub. L. 66–280; E.O. 10485 as amended by E.O. 12038.

Fossil Energy

1. Federal Loan Guarantees for Alternative Fuel Demonstration Facilities (10 CFR Part 796). This rule sets forth policies and procedures under which qualified applicants may obtain Federal financial assistance for financing the construction, start up, and related costs for demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels. The rule is needed for the purpose of administering the Federal loan guaranty recently issued to the Great Plains Gasification Associates.

Legal Basis: Section 19(i), Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577 (42 U.S.C. 5919); DOE Organization Act, Pub. L. 95–91.

General Counsel

1. Claims for Patent and Copyright Infringement (10 CFR Part 782). This rule is needed to set forth the policies and procedures for the filing and disposition of claims asserted against DOE of infringement of privately owned rights in patented inventions or copyrighted works.

Legal Basis: DOE Organization Act, Pub. L. 95–91; Atomic Energy Act of 1954, as amended; Foreign Assistance Act of 1961; Patents, Invention Secrecy Act; Judiciary and Judicial Procedure Act.

2. Administrative Claims Under Federal Tort Claims Act (10 CFR Part 1014). These regulations are needed to establish procedures for processing claims asserted under the Federal Tort Claims Act for money damages against

the United States for injury to or loss of personal property or for personal injury or death caused by the negligent or wrongful act or omission of any DOE employee acting within the scope of employment.

Legal Basis: Federal Tort Claims Act, as amended (28 U.S.C. 2671 *et seq.*); section 644, DOE Organization Act (42 U.S.C. 7254).

3. Waiver of Patent Rights (10 CFR Part 783). In this rule DOE waives its rights to inventions and discoveries resulting from the use of certain materials and services.

Legal Basis: Sections 152 and 161 of the Atomic Energy Act of 1954, as amended.

4. Transfer of Proceedings to the Secretary of Energy and the Federal Energy Regulatory Commission (10 CFR Part 1000). This rule establishes the transfer of proceedings pending with regard to those functions of various agencies that have been consolidated in DOE. The rule also identifies those proceedings that are transferred into the jurisdiction of the Secretary of Energy and those that are transferred into the jurisdiction of the Federal Energy Regulatory Commission.

Legal Basis: DOE Organization Act, Pub. L. 95-91; E.O. 12009.

5. Conduct of Employees (10 CFR Part 1010). These regulations are needed to comply with E.O. 11222 and various statutory provisions, and are designed to assure that DOE business is conducted effectively, objectively and without improper influence or the appearance thereof. The regulations set out standards of conduct for DOE employees, restrictions on financial interests and outside employment of DOE employees, and certain employee reporting requirements.

Legal Basis: DOE Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163; Energy Research and Development Administration Appropriation Authorization Act, Pub. L. 95-39; Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87; 18 U.S.C. 201-209; E.O. 11222; OPM Regulations at 5 CFR Part 735.

6. DOE Patent Licensing Regulations (10 CFR Part 781). These regulations are needed to establish the procedures, terms, and conditions upon which licenses may be granted in inventions covered by patents or patent applications, vested in the United States Government, as represented by or in the custody of DOE.

Legal Basis: DOE Organization Act, Pub. L. 95-91; Pub. L. 96-517, Atomic Energy Act of 1954, Pub. L. 83-703 as amended (42 U.S.C. 2201 *et seq.*).

7. International Voluntary Agreements (10 CFR Part 209). This rule is needed to carry out DOE responsibilities under the Energy Policy and Conservation Act and the Agreement on an International Energy Program. The rule prescribes standards and procedures by which persons in the business of producing, transporting, refining, distributing or storing petroleum may develop and carry out voluntary agreements and plans of action.

Legal Basis: Federal Energy Administration Act of 1974, Pub. L. (93-275; E.O. 11790; Energy Policy and Conservation Act, Pub. L. 94-163.

Hearings and Appeals

1. Special Procedures for Distribution of Refunds (10 CFR Part 205, Subpart V). This rule establishes special procedures under which refunds may be made to injured persons to remedy the effects of a violation of DOE regulations. The rule is needed to provide a means of distributing such refunds in those situations in which DOE is unable to readily identify persons who are entitled to refunds specified in a Remedial Order, a Remedial Order for Immediate Compliance, an Order of Disallowance, or a Consent Order, or to readily ascertain the amounts that such persons are entitled to receive.

Legal Basis: Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; Energy Policy and Conservation Act, Pub. L. 94-163, as amended; DOE Organization Act, Pub. L. 95-91.

Management and Administration

1. Materials Allocation and Priority Performance Under Contracts or Orders to Maximize Domestic Energy Supplies (10 CFR Part 216). These regulations are needed to establish the procedures and the criteria to be used by DOE in determining whether programs or projects maximize domestic energy supplies and finding whether or not supplies of material and equipment are critical and essential, as required by section 101(c)(3) of the Defense Production Act of 1950, as amended.

Legal Basis: Energy Policy and Conservation Act, Pub. L. 94-163; Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(c)); E.O. 11912.

2. Nondiscrimination in Federally Assisted Programs (10 CFR Part 1040). This rule is needed to implement various statutory civil rights provisions so that no person shall be subject to discrimination on the ground of race, color, national origin, sex, handicap or age, in connection with any program or activity receiving Federal financial assistance from DOE. The rule sets forth prohibitions and procedures designed to promote nondiscrimination.

Legal Basis: Title VI, Civil Rights Act of 1964, Pub. L. 88-352; section 16, Federal Energy Administration Act of 1974, Pub. L. 93-275; section 401, Energy Reorganization Act of 1974, Pub. L. 93-438; section 504, Rehabilitation Act of 1973, Pub. L. 93-112; Age Discrimination Act of 1975, Pub. L. 94-135; Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284; DOE Organization Act, Pub. L. 95-91; Energy Conservation and Production Act of 1976, as amended, Pub. L. 94-385; Title IX of the Education Amendments of 1972, as amended, Pub. L. 93-568.

3. Foreign Gifts and Decorations (10 CFR Part 1050). These regulations are needed to implement the provisions of the Foreign Gifts and Decorations Act (5 U.S.C. 7342), which establishes policies and procedures pertaining to the acceptance, use, and disposition of gifts or decorations from foreign governments. DOE employees who meet the requirements of these regulations are deemed to be in compliance with the DOE Conduct of Employees regulations (10 CFR Part 1010).

Legal Basis: The Constitution of the United States, Article I, Section 9; Foreign Gifts and Decorations Act (5 U.S.C. 7342); DOE Organization Act, Pub. L. 95-91 (42 U.S.C. 7254 and 7262).

4. Freedom of Information (10 CFR Part 1004). These regulations are needed to carry out DOE responsibilities under the Freedom of Information Act (5 U.S.C. 552). The regulations provide procedures by which persons may obtain records from DOE offices.

Legal Basis: 5 U.S.C. 552.

5. DOE Property Management Regulations (41 CFR Chapter 109). These regulations are needed to implement and supplement the Federal Property Management Regulations System, 41 CFR Chapter 101, as established by the General Services Administration. The regulations govern DOE's acquisition, utilization, management, and disposition of personal property.

Legal Basis: Title V, DOE Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 *et seq.*); Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

6. DOE Procurement Regulations (41 CFR Chapter 9). These regulations are needed to implement and supplement the Federal Procurement Regulations. The regulations apply to DOE purchases and contracts for the procurement of property or services, except real

property, which obligate appropriated funds.

Legal Basis: Section 644, DOE Organization Act (Pub. L. 95–91); Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

7. Privacy Act; Records Maintained on Individuals (10 CFR Part 1008). These regulations are needed to establish procedures for the administration of the Privacy Act of 1974 by DOE. Included are standards of conduct for DOE employees under the Privacy Act, procedures by which individuals may exercise their rights with regard to DOE systems of records, conditions of disclosure for DOE records subject to the Privacy Act, and provisions for establishment and maintenance of DOE systems of records.

Legal Basis: Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a).

8. Security Policies and Practices Relating to Labor Management Relations (10 CFR Part 706). These regulations are needed to protect against breaches of security, to assure continuity of production at vital DOE installations, to minimize Governmental interference with the efficient managment expected from DOE contractors, and to minimize interference with the traditional rights and privileges of American labor. The regulations set forth DOE security policies and procedures in National Labor Relations Board proceedings, and in union contract negotiation and administration.

Legal Basis: Section 161, 68 Stat. 948 as amended (42 U.S.C. 2201).

9. Official Seal and Distinguishing Flag (10 CFR Part 1002). This rule describes the official seal and distinguishing flag of the Department of Energy, and prescribes guidelines for their custody and use.

Legal Basis: Sections 644 and 654 of DOE Organization Act, Pub. L. 95–91 (42 U.S.C. 7254, 7264).

10. General Policy for Pricing and Charging for Material and Services Sold by DOE (10 CFR Part 1009). This regulation is needed to set forth DOE's pricing policy for materials and services sold to persons outside the Federal Government, where a pricing policy is not otherwise established by statute, regulation, or executive order.

Legal Basis: Section 644 of DOE Organization Act, Pub. L. 95–91 (42 U.S.C. 7254); Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

Nuclear Energy

1. Domestic Uranium Program (10 CFR Part 760). This rule governs the issuance of leases to permit the exploration for and mining of deposits containing uranium in public lands withdrawn from entry and location under the general mining laws for use of DOE, and in certain other lands under DOE control. The rule is needed to establish guidelines and procedures for issuance of uranium leases on lands controlled by DOE.

Legal Basis: Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

II. Review Initiated: Modify or Rescind

Conservation and Renewable Energy

1. Automotive Propulsion Research and Development (10 CFR Part 473). This rule, required by 15 U.S.C. 2703(f)(2), specifies procedures, standards, and criteria for the review and certification of DOE grants, cooperative agreements, contracts, and projects funded under the DOE Act of 1978—Civilian Applications, Pub. L. 95–238. The purpose of this review and certification process is to ensure that DOE sponsored automotive propulsion system research and development activities do not supplant, displace, lessen or duplicate private industry research and development efforts, but rather supplement private industry research and development. DOE has tentatively determined to modify this rule.

Legal Basis: DOE Act of 1978—Civilian Applications, Pub. L. 95–238 (15 U.S.C. 2701 *et seq.*); DOE Organization Act, Pub. L. 95–91.

2. Federal Energy Management and Planning Programs; Guidelines for General Operations Plans (10 CFR Part 436, Subpart F). This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10-year energy management plans to conserve energy in the general operations of the agencies. DOE plans to initiate the steps needed to issue a notice of proposed rulemaking to make the development of 10-year energy management plans voluntary.

Legal Basis: Section 381, Energy Policy and Conservation Act, as amended (42 U.S.C. 6301); E.O. 11912, as amended by E.O. 12003; National Energy Conservation Policy Act, Pub. L. 95–619; DOE Organization Act, Pub. L. 95–91.

3. Federal Energy Management and Planning Programs; Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans (10 CFR Part 436, Subpart B and C). The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of E.O. 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of E.O. 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended (EPCA), and NECPA. DOE plans to initiate the steps needed to issue a notice of proposed rulemaking to modify these regulations by making their requirements voluntary.

Legal Basis: EPCA, 42 U.S.C. 6361; NECPA, Title V, Pub. L. 95–619; DOE Organization Act, Pub. L. 95–91; E.O. 11912, as amended.

4. Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses (10 CFR Part 436, Subpart A). These regulations are needed to establish a methodology for estimating and comparing the life cycle costs of Federal Buildings and for determining life cycle cost-effectiveness. The methodology evaluates the economic consequences of investments in energy conservation measures for existing Federal buildings, and in alternative energy-conserving designs for new Federal buildings. DOE plans to initiate the steps needed to issue a notice of proposed rulemaking to modify these regulations by making their requirements voluntary.

Legal Basis: Energy Policy and Conservation Act, as amended (42 U.S.C. 6361); National Energy Conservation Policy Act, Pub. L. 95–619; DOE Organization Act, Pub. L. 95–91; E.O. 11912, as amended.

5. Energy Conservation Program for Consumer Products; Energy Efficiency Improvement Targets (10 CFR Part 430, Subpart C). Section 325(a) of the Energy Policy and Conservation Act ("EPCA") required DOE to prescribe energy efficiency improvement targets for various consumer products. DOE promulgated these regulations to carry out this statutory requirement. Section 325(a) has since been amended, by the National Energy Conservation Policy Act ("NECPA"), to remove the requirement that DOE prescribe these energy efficiency improvement targets. Accordingly, DOE will issue a revised notice of proposed rulemaking to modify these regulations in conformance with the statutory amendment.

Legal Basis: EPCA, Pub. L. 94–163; NECPA, Pub. L. 95–619; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Energy Conservation and Production Act, Pub.

L. 94–385; DOE Organization Act, Pub. L. 95–91; E.O. 11730.

6. Energy Conservation Program for Consumer Products; Petitions for Prescription of a Rule to Supersede a State Appliance Energy Use or Efficiency Regulation (10 CFR Part 430, Subpart D). Section 327(b)(1) of the Energy Policy and Conservation Act ("EPCA") requires DOE to establish procedures for the submission and disposition of petitions for prescription of a rule to supersede a consumer appliance energy efficiency or energy use State regulation. This rule is needed to fulfill this statutory requirement. DOE will issue a notice of proposed rulemaking to amend this rule to reduce the burden of submitting petitions and information, and to allow States to petition DOE in the same manner as manufacturers now are allowed to do under this rule.

Legal Basis: EPCA, Pub. L. 94–163; National Energy Conservation Policy Act, Pub. L. 95–619; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; DOE Organization Act, Pub. L. 95–91; E.O. 11730.

7. Urban Waste Demonstration Facilities Guarantee Program (10 CFR Part 798). This rule sets forth policies and procedures for a discretionary financial assistance program under which DOE could issue loan guarantees for financing the construction, startup, and related costs for facilities demonstrating the conversion of urban wastes into synthetic fuels, and the generation of desirable forms of energy, including synthetic fuels, from urban wastes. The rule is no longer needed because no funds have been requested or appropriated for the program, and the program is being discontinued. Therefore, DOE plans to rescind the rule.

Legal Basis: Section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577 (42 U.S.C. 5918, 5919), as amended by Pub. L. 95–238; DOE Organization Act, Pub. L. 95–91.

8. Energy Measures and Energy Audits (10 CFR Part 450). Under 42 U.S.C. § 6325(e) (1) and (2), DOE is required to (1) develop and publish by rule (after consultation with the Secretary of Housing and Urban Development) a list of energy conservation measures and renewable-resource energy measures which are eligible for financial assistance, and (2) designate by rule the types of and requirements for energy audits. A portion of this rule is needed to meet this statutory requirement. DOE has tentatively determined to modify another portion of this rule by removing the provisions concerning grants for preliminary energy audits for schools and hospitals, and for units of local government and public care institutions, because all such preliminary audits have been completed and all grants for such preliminary audits have been awarded.

Legal Basis: Part C of Title III, Energy Policy and Conservation Act, Pub. L. 94–163 (42 U.S.C. 6321 *et seq.*), as amended by Part B of Title IV, Energy Conservation and Production Act, Pub. L. 94–385; Parts G and H of Title III, Energy Policy and Conservation Act, Pub. L. 94–163, as added by Title III, National Energy Conservation Policy Act, Pub. L. 95–619; DOE Organization Act, Pub. L. 95–91.

Defense Programs

1. Unclassified Activities in Foreign Atomic Energy Programs (10 CFR Part 810). This rule is needed to implement DOE responsibilities under the Atomic Energy Act of 1954, as amended, to authorize the production of special nuclear material outside the United States, after a determination that such activity will not be inimical to the interest of the United States. The rule establishes reporting requirements applicable to persons who engage in certain unclassified activities in foreign atomic energy programs, and procedures governing applications for specific authorizations to engage in the production of special nuclear material outside the United States. DOE will issue a notice of proposed rulemaking proposing to simplify the procedures and recordkeeping requirements.

Legal Basis: Section 57 and 161, 68 Stat. 932, 948, as amended; 42 U.S.C. 2077, 2201; section 104 of Pub. L. 93–438; section 223, 68 Stat. 950, as amended; 42 U.S.C. 2273.

Economic Regulatory Administration

1. Grants for Offices of Consumer Services (10 CFR Part 460). These regulations govern the operation of a discretionary DOE grant program that would provide Federal financial assistance to States to establish or operate State Offices of consumer services to assist the representation of consumer interests in proceedings before a utility regulatory commission. DOE has determined that these regulations are no longer needed because this grant program is being discontinued. DOE will soon issue a notice of proposed rulemaking proposing to rescind these regulations.

Legal Basis: Energy Conservation and Production Act, Pub. L. 94–385, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617; DOE Organization Act, Pub. L. 95–91.

2. Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities (10 CFR Part 461). These regulations govern the awarding of financial assistance, in the form of two discretionary programs, to State utility regulatory commissions and certain nonregulated electric utilities. DOE has determined that these regulations are no longer needed because these financial assistance programs are being discontinued. DOE will soon issue a notice of proposed rulemaking proposing to rescind these regulations.

Legal Basis: Energy Conservation and Production Act, Pub. L. 94–385, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617; DOE Organization Act, Pub. L. 95–91.

Environmental Protection, Safety, and Emergency Preparedness

1. Emergency Building Temperature Restrictions (10 CFR Part 490). These regulations placed restrictions on space temperatures for heating and cooling, and on hot water temperatures in commercial, industrial, and other nonresidential buildings to reduce energy consumption. On February 17, 1981 the President revoked the effectiveness of these regulations (Proclamation No. 4820, 46 FR 12941, February 19, 1981), citing their excessive regulatory burden. Accordingly, DOE will soon issue a notice to remove these regulations from the Code of Federal Regulations.

Legal Basis: Energy Policy and Conservation Act, Pub. L. 94–163, as amended, (42 U.S.C. 6201 *et seq.*); DOE Organization Act, Pub. L. 95–91; E.O. 11790; E.O. 12009; Standby Conservation Plan No. 2, 44 FR 12906 (March 8, 1979).

Fossil Energy

1. Coal Loan Guarantee Program (10 CFR Part 300). These regulations provide the necessary information to apply for and obtain Federal loan guarantees to develop new underground coal mines, to expand existing underground coal mines, and to reopen underground coal mines which have previousy been closed. The regulations are needed to implement the coal loan guarantee program, which is designed to encourage and assist small—and medium-sized coal producers to increase the Nation's coal production from low-sulfur underground mines. DOE plans to issue a notice of proposed rulemaking to

modify the regulations to include loan guarantees for coal cleaning plants.

Legal Basis: Section 102, Energy Policy and Conservation Act, Pub. L. 94-163; Section 164, Energy Conservation and Production Act, Pub. L. 94-385.

2. University Coal Research Laboratories Program (10 CFR Part 320). This rule contains the requirements for the selection of thirteen institutions of higher education at which coal research laboratories are to be located and grant awards to establish the laboratories. This program is no longer in operation, and therefore this rule is no longer needed. DOE will issue a notice of proposed rulemaking to rescind the rule.

Legal Basis: Title VIII of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; DOE Organization Act, Pub. L. 95-91.

General Counsel

1. Records of Oral Communication with Persons Outside DOE (10 CFR Part 204). These regulations established procedures for the preparation and maintenance, by specified DOE employees, of written reports regarding certain types of oral communications received from and meetings held with persons outside DOE. Procedures were also established for the preparation and distribution to the public of a list of meetings that have occurred between certain DOE officials and persons from outside the agency. DOE has determined that these regulations are burdensome, impose an inordinate and unproductive workload on DOE employees, and therefore, are no longer needed. Therefore, DOE plans to rescind these rules.

Legal Basis: Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790.

2. Mandatory Petroleum Regulations—Puerto Rico (10 CFR Part 660). These rules were applicable to the mandatory allocation of motor gasoline, middle distillates, propane and butane in the Commonwealth of Puerto Rico. The rules are no longer needed in view of the issuance of E.O. 12287 on January 28, 1981, which exempted all crude oil and refined petroleum products from these regulations. Therefore, DOE plans to rescind these rules.

Legal Basis: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 12287 (46 FR 9909, January 30, 1981).

3. Administrative Procedures and Sanctions (10 CFR Part 661). These rules established the procedures that were utilized and identified the sanctions that were available in proceedings under 10 CFR Part 660, dealing with the mandatory allocation of petroleum products in the Commonwealth of Puerto Rico. The rules are no longer needed in view of the issuance, on January 28, 1981, of E.O. 12287, which exempted all crude oil and petroleum products from such regulations. DOE plans to rescind these rules.

Legal Basis: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 12287 (46 FR 9909, January 30, 1981).

4. Statement of Organization and General Information (10 CFR Part 701). This rule was promulgated by the Atomic Energy Commission (AEC) and transferred to the Energy Research and Development Administration (ERDA) on March 3, 1975 (40 FR 8795). The rule was thereafter transferred to DOE when ERDA was abolished, pursuant to the DOE Organization Act. The rule describes the organization and functions of the former AEC, and therefore is obsolete and no longer needed. Accordingly, DOE plans to rescind the rule.

Legal Basis: 5 U.S.C. 552.

5. Rules of Practice (10 CFR Part 702). These rules were promulgated by the Atomic Energy Commission (AEC) and transferred to the Energy Research and Development Administration (ERDA) on March 3, 1975 (40 FR 8795). The rules were thereafter transferred to DOE when ERDA was abolished, pursuant to the DOE Organization Act. The rules set forth the procedures to be followed in various AEC proceedings, including those dealing with licenses, construction permits, public rulemaking, and certain patent matters. The rules are generally obsolete and have, in many cases, been superseded by new DOE regulations. Therefore, the rules are no longer needed and DOE plans to rescind them.

Legal Basis: Section 161, 68 Stat. 948, as amended (42 U.S. 2201); 81 Stat. 54 (5 U.S.C. 552).

International Affairs

Collection of Foreign Oil Supply Agreement Information (10 CFR Part 215). This rule sets forth requirements for certain persons doing business or domiciled in the U.S. to furnish DOE with information concerning foreign crude oil supply arrangements. The form (ERA-27, "Foreign Oil Supply Agreements Reports") used for reporting this information has been eliminated and this information is no longer required to be reported. See 46 FR 20482, April 3, 1981. Therefore, this rule is no longer needed, and DOE plans to rescind it.

Legal Basis: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-519, as amended; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; Energy Policy and Conservation Act, Pub. L. 94-163, as amended.

Management and Administration

1. Nondiscrimination in Federally Assisted Commission Programs—Effectuation of Title VI of the Civil Rights Act of 1964 (10 CFR Part 704). This rule was promulgated by the Atomic Energy Commission (AEC) and transferred to the Energy Research and Development Administration (ERDA) on March 3, 1975 (40 FR 9895). The rule was thereafter transferred to DOE when ERDA was abolished, pursuant to the DOE Organization Act. The rule has been superseded by 10 CFR Part 1040, Subpart B, and therefore is obsolete and no longer needed. Accordingly, DOE plans to rescind the rule.

Legal Basis: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352 (42 U.S.C. 200d).

2. Financial Protection Requirements and Indemnity Agreements (10 CFR Part 840). These rules were promulgated by the Atomic Energy Commission (AEC) and transferrred to the Energy Research and Development Administration (ERDA) on March 3, 1975 (40 FR 8795). The rules were thereafter transferred to DOE when ERDA was abolished, pursuant to the DOE Organization Act. Except for Subpart E, "Extraordinary Nuclear Occurrences," and § 840.3, "Definitions," these rules deal with functions that are the responsibility of the Nuclear Regulatory Commission, not DOE, and therefore are no longer needed. Subpart E and § 840.3 are still applicable to certain DOE procurement contracts, and therefore should be retained, albeit in a modified form. DOE plans to revise and recodify the rules in § 840.3 and Subpart E in a procurement regulations.

Legal Basis: Sections 161 and 170, 68 Stat. 948, 71 Stat. 576, as amended (42 U.S.C. 2201, 2210).

III. Authority Transferrred to Department of Interior

Fossil Energy

1. Mineral Leasing: General (10 CFR Part 375).

2. Outer Continental Shelf Oil and Gas Leasing (10 CFR Part 376).

3. Coal Leasing (10 CFR Part 378).

4. Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases (10 CFR Part 390).

5. Acquisition and Disposition of Federal Royalty Interests Taken in Kind (10 CFR Part 391).

[FR Doc. 82-11804 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Reg. ER-1293; Amdt. No. 9 to Part 291]

Domestic Cargo Transportation; Editorial Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule; editorial amendment.

SUMMARY: This rule amends a recent change in the CAB's rules for domestic cargo transportation made as part of its accident liability insurance rulemaking. The rule eliminates the requirement to file an insurance certificate with a carrier's application for operating authority and adds back the requirement to file information about its projected operations.

DATES: Effective: April 29, 1982. Adopted: April 23, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: When the Board adopted a new 14 CFR Part 205, setting requirements for minimum accident liability insurance requirements for airlines (ER-1253, 46 FR 52572, October 27, 1981), it made conforming changes in Part 291 for domestic cargo carriers (ER-1255, 46 FR 52583, October 27, 1981). As stated in ER-1253, it was the Board's intent to make only those changes in Part 291 necessary to implement the insurance requirements in Part 205.

Among other things, ER-1255 removed § 291.11(c), *projected operations.* The amendment should have read instead to remove § 291.11(e), *insurance.* Section 291.11(c) required an applicant to provide detailed information about its planned operations, including geographic area, projected balance sheets, and names of officers and directors. In contrast, § 291.11(e) required the filing of an insurance certificate with the application. Part 205, however, requires the filing of such certificates only prior to operation. It was the Board's intent to remove paragraph (e) not paragraph (c) of § 291.11.

For that reason, § 291.11(c) is put back in Part 291, and § 291.11(e) is removed.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting requirements.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, Domestic Cargo Transportation, as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, 418, Pub. L. 85-726, as amended; 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, 1388.

§ 291.11 [Amended]

2. Paragraph (e) of § 291.11 is removed and reserved.

3. A new paragraph (c) is added to § 291.11 to read:

§ 291.11 Form and content of applications.

* * * * *

(c) *Projected operations.* (1) The general geographic scope, the aircraft type, and the revenue hours anticipated for the first year of operations.

(2) Provide for the first year of operations, an illustrative profit and loss statement, pro-forma balance sheet (as at the end of the period), and cash flow statement.

(3) For applicants not now providing air service, an organization plan of the proposed company, identify the directors, partners, trustees, officers, and principal management personnel, and briefly state the relevant qualifications.

(4) A detailed description of all provisions for the payment of cargo losses or damage claims, including insurance, claims reserves, etc.

(5) A statement of whether applicant's projected operations will require additional authority from the FAA, and if so, the status of any application for that authority, with the name, address, and telephone number of the FAA personnel responsible for processing the application.

* * * * *

By the Civil Aeronautics Board.

Ivars V. Mellups,

Acting General Counsel.

[FR Doc. 82-11672 Filed 4-29-82; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 373

[Regulation SPR-187; Docket No. 40120; Amdt. No. 2]

Implementation of the Equal Access to Justice Act; Reporting Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the filing requirements contained in Part 373 concerning information required from applicants for an award of fees and expenses under the Equal Access to Justice Act are not subject to OMB approval under the Paperwork Reduction Act of 1980 since the CAB anticipates nine or fewer persons to file applications.

DATES: Adopted: April 26, 1982; Effective: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Bernard Davis, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

PART 373—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT

Accordingly, the Civil Aeronautics Board amends Part 373 of its Special Regulations (14 CFR 373) by adding a note at the end of Part 373 to read:

Note.—The filing requirements contained in §§ 373.10, 373.11 and 373.12 are not subject to the requirements of 44 U.S.C. 3507.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-11831 Filed 4-29-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Termination of Cobalt Reporting Requirement

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: A mandatory export reporting program for cobalt and certain related commodities containing ten percent or more cobalt was initiated by regulation on January 10, 1979. The Department has determined that the reporting requirements are no longer necessary due to present cobalt market conditions. This final rule removes the Cobalt

reporting requirement from the Export Administration regulations.

DATE: This rule is effective on April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Pat Huber, Resource Assessment Division, Office of Industrial Resource Administration, Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-3984.

SUPPLEMENTARY INFORMATION: At present, exporters are required to submit a copy of each Shipper's Export Declaration filed on the export of cobalt and certain related commodities containing 10 percent or more cobalt directly to the Department of Commerce, with the cobalt content of each shipment specified in pounds. This reporting system was initiated in January, 1979 after the Department had reviewed the then current and prospective supply and export situation for cobalt; it was established in lieu of a licensing or monitoring program as contemplated under the Export Administration act to minimize the reporting burden on industry, while still providing the Department with timely and detailed data on exports of these commodities.

The data acquired from the reporting program is not necessary, given current cobalt market conditions. Thus, the Department has determined that continuation of the reporting requirement is no longer warranted.

Rulemaking Requirements

The Office of Industrial Resource Administration has determined that:

1. Because this rule does not impose controls on exports, under Section 13(a) of the Export Administration Act of 1979 (50 U.S.C. app. 2401 *et seq.*) it is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.
2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* In fact, the rule relieves exporters from an existing reporting requirement.
3. This rule does not affect a substantial number of small businesses; therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 3501 *et seq.* are not applicable.
4. This is not a "major rule" as defined in Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Savings Provision

This rulemaking shall not affect any violation of rules, regulations, orders, licenses or other forms of administrative action during the period that the cobalt reporting requirement was in effect.

List of Subjects in 15 CFR Part 377

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

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

Accordingly, the Export Administration Regulations are amended as follows:

§ 377.5 [Removed and Reserved] Supplement No. 1 to Part 377 [Removed]

1. Section 377.5 is removed and reserved, and Supplement No. 1 to Part 377 is removed.

(Secs. 7, 12, 13 and 15, Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, January 30, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: February 24, 1982.

John A. Richards,

Acting Director, Office of Industrial Resource Administration.

[FR Doc. 82-11803 Filed 4-29-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries: Hydrocarbon Prohibition Effective

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Confirmation of effective date.

SUMMARY: NOAA has completed its review of a Regulatory Impact Analysis (RIA) on the provisions of the regulations at 15 CFR Parts 935 and 936 that would prohibit new hydrocarbon development within the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries and has found no compelling reasons to further suspend or alter the regulations. As a result, the regulations became effective on March 30, 1982.

A NOAA-prepared synopsis of the RIA is available at the address listed below. Copies of the RIA will be available from the National Technical Information Service in mid-June.

DATES: 15 CFR 935.6 and 935.7 (published at 45 FR 65198, Oct. 2, 1980), and 936.6 (published at 46 FR 7936, Jan. 26, 1981), became effective on March 30, 1982.

FOR FURTHER INFORMATION CONTACT: John Epting, (202) 634-4236.

ADDRESS: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective in 1981 (46 FR 23924, April 29, 1981).

In response to Executive Order 12291, NOAA suspended the regulations at §§ 935.6, 935.7, and 936.6 on March 30, 1981 (46 FR 19227) that prohibited or had the effect of prohibiting hydrocarbon development within either sanctuary. The regulations remained suspended until March 30, 1982 while NOAA prepared an RIA and solicited comments on substantive issues pertaining to the regulation of hydrocarbon activities. After reconsidering the entire four-year record including the recent comments on the suspension and the extensive written regulatory analysis, NOAA has found no compelling reasons to further suspend or alter the regulations. As a result, the regulations became effective, as originally promulgated, on March 30, 1982.

Due to the length of the RIA, it will not be available from the Sanctuary Programs Office. The document, "Regulatory Impact Analysis on Hydrocarbon Operations Within the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries," will be available through NTIS in mid-June. A NOAA-prepared synopsis is, however, available upon request from the above address.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: April 26, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-11741 Filed 4-29-82; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Amitraz Liquid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by The Upjohn Co. providing for use of amitraz liquid to prepare a canine dip solution to treat dogs for generalized demodicosis.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed an NADA (120-299) providing for safe and effective use of Mitaban (amitraz) Liquid Concentrate to prepare a canine dip solution for topical treatment of dogs for generalized demodicosis caused by *Demodex canis*. The firm submitted results of controlled experimental and clinical studies to support effectiveness of the drug to treat generalized demodicosis, and acute and subchronic toxicity studies to support safety. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*), (ii)(*b*), and (ii)(*e*)(*2*), may be seen in the Dockets Management Branch (address above).

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

List of Subjects in 21 CFR Part 524

Animal drugs, Topical.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended by adding new § 524.86 to read as follows:

§ 524.86 Amitraz liquid.

(a) *Specifications.* Amitraz liquid contains 19.9 percent amitraz in an organic solvent.

(b) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) *Indications for use.* For dogs for the treatment of generalized demodicosis (*Demodex canis*).

(2) *Amount.* One 10.6 milliliter bottle per 2 gallons of warm water (250 parts per million) for each treatment, for a total of 3 to 6 treatments, 14 days apart.

(3) *Limitations.* Continue treatment until no viable mites are found in skin scrapings at 2 successive treatments, or until 6 treatments have been applied. Do not use for treatment of localized demodicosis or scabies. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall become effective April 30, 1982.

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

Dated: April 22, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-11482 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Nitrofurazone Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by International Multifoods Corp. providing for use of nitrofurazone ointment as a topical antibacterial on dogs, cats, and horses. The application provides labeling that reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) review of such products.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: International Multifoods Corp., 8th & Marquette Sts., Minneapolis, MN 55402, is the sponsor of an NADA (126-504) providing for use of an ointment containing 0.2 percent nitrofurazone (2 milligrams per gram) as a topical antibacterial on dogs, cats, and horses. This product is the generic equivalent of one codified for animal use in § 524.1580b (21 CFR 524.1580b). The section provides that because the conditions of use are NAS/NRC reviewed and found effective, applications for these uses need not include certain effectiveness data as specified by 21 CFR 514.111. Evidence of in vivo bioavailability is not required because the product is an ointment intended for local therapeutic effect (21 CFR 320.22(b)(2)). Therefore, NADA 126-504 is approved on the basis of generic equivalence and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 524

Animal drugs, Topical.

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.1580b by revising paragraph (b) to read as follows:

§ 524.1580b Nitrofurazone ointment.

* * * * *

(b) *Sponsor.* For use in dogs, cats, and horses see Nos. 000149, 000864, 012518, 023851, and 015579 in § 510.600(c) of this chapter. For use in dogs and horses see No. 017135 in § 510.600(c) of this chapter.

* * * * *

Effective date.. This amendment is effective April 30, 1982.

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

Dated: April 23, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-11757 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Novobiocin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulation that specifies tolerances for novobiocin residues in milk from dairy animals and edible tissue of chickens, turkeys, and ducks. The Upjohn Co. filed a supplemental new animal drug application (NADA) providing for the establishment of finite tolerances.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (55-072) providing for amending the new animal drug regulation (21 CFR 556.460) that specifies tolerances for novobiocin residues in milk from dairy animals, eggs, and uncooked edible tissues of chickens, turkeys, and ducks. The original NADA provides for intramammary infusion of a procaine penicillin G/novobiocin oil suspension for treating lactating mastitic cows. NADA 102-511 and NADA 100-808 provide for intramammary infusion of novobiocin in oil for treating dry and lactating cows. Upjohn's NADA 12-375 provides for use of complete feeds containing novobiocin as the sole drug for treating or controlling certain infections in chickens, turkeys, and ducks.

A tolerance of zero is currently established for novobiocin residues (21 CFR 556.460) in milk and in the uncooked edible tissues of chickens, turkeys, and ducks. The firm's supplemental NADA contains data and information from several toxicity studies (1-year tolerance study in the dog, 25-month tolerance study in rats, three-generation reproductive study in rats, and a rat teratology study) that support establishing finite tolerances of 0.1 part per million (ppm) in milk and 1 ppm in tissues.

The supplement does not propose alteration of currently approved conditions of use in the subject species. Previously submitted data concerning edible tissue and milk residue depletion were used to set the currently approved 72-hour (6 milkings) milk discard time and 15-day slaughter withdrawal time for lactating cows (21 CFR 540.874f), the 30-day slaughter withdrawal time for dry cows (21 CFR 526.1590), and also the slaughter withdrawal times for chickens, turkeys, and ducks (21 CFR 558.415). The assay methodology used for the depletion studies was sensitive to 0.1 ppm novobiocin in milk and tissues. Therefore, the current withdrawal times are more than adequate to assure food safety at the revised residue limits. Accordingly, the supplement is approved and § 556.460 is amended to establish new tolerances for novobiocin residues in milk and edible tissue of food-producing animals.

Additionally, the "tolerance" of zero in eggs is removed because it is considered superfluous and possibly misleading. Novobiocin is not permitted to be used in laying chickens, turkeys, or ducks.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Standards prescribed in the agency's proposal of March 20, 1979 (44 FR 17070), on chemical compounds in food-producing animals were not applied to the approval of this supplemental NADA. The approval is based on alternative criteria which assure that the products are safe and on factors which justify the equitable treatment of this sponsor who completed drug development testing adequately according to scientific standards extant shortly before March 20, 1979.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 556

Animal drugs, Foods, Residues.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 556 is amended by revising § 556.460 to read as follows:

§ 556.460 Novobiocin.

Tolerances for residues of novobiocin are established at 0.1 part per million in milk from dairy animals and 1 part per million in the uncooked edible tissues of cattle, chickens, turkeys, and ducks.

Effective date. This amendment is effective April 30, 1982.

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

Dated: April 23, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-11759 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by A.L. Laboratories, Inc., providing for use of bacitracin premixes to manufacture complete swine feeds containing 250 grams of bacitracin per ton for control of swine dysentery associated with *Treponema hyodysenteriae*.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: A.L. Laboratories, Inc., 452 Hudson Terrace, Englewood Cliffs, NJ 07632, filed a supplemental NADA (46-592) providing for use of premixes containing 10, 25, 40 or 50 grams of bacitracin (as bacitracin methylene disalicylate) per pound to manufacture a complete swine feed containing 250 grams of bacitracin per ton for use in swine for control of swine dysentery on premises with a history of swine dysentery but where signs of the disease have not yet occurred, or following an approved treatment of the disease condition. Bacitracin methylene disalicylate was the subject of two National Academy of Sciences/National Research Council (NAS/NRC) notices published in the **Federal Register** of July 17, 1970 (DESI 0061 NV; 35 FR 11531) and October 2, 1970 (DESI 0061 NV; 35 FR 15408). The NAS/NRC notices concluded, and FDA concurred, that the product is probably not effective for therapeutic claims in swine. The product is currently marketed for the claim, treatment of bacterial swine enteritis.

A.L. Laboratories, Inc., submitted adequate and well-controlled experiments and field trials which indicate that the product is safe to animals and effective for the control of swine dysentery associated with *Treponema hyodysenteriae* when used in complete swine feeds at 250 grams of bacitracin per ton of feed. Because the drug is currently marketed for the prevention and treatment of bacterial swine enteritis, the revised claim represents a restricted use of the drug within previously approved uses. Therefore, this approval poses no increase in the frequency of human exposure to residues of bacitracin. Because residues of bacitracin have been shown to be below the regulated tolerance for the drug under conditions of use prescribed, recommended, or suggested in the proposed labeling, approval of this supplement poses no increased risk to people exposed to residues of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64376; December 23, 1977), this supplemental NADA has been treated as a category II supplement, which does not require a reevaluation of the human safety data supporting the parent application. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Docket Management Branch (address above) between 9 a.m. and 4 p.m. Monday through Friday.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052, May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.76(e)(1) in the table by adding new subparagraph (xi), to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

* * * * *

(e) * * *

(1) * * *

Bacitracin methylene disalicylate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * * * * * *				
(xi) 250		Swine: For control of swine dysentery associated with *Treponema hyodysenteriae* on premises with a history of swine dysentery but where signs of the disease have not yet occurred; or following an approved treatment of the disease condition.	As the sole ration. Not for use in swine weighing more than 250 pounds. Diagnosis should be confirmed by a veterinarian when results are not satisfactory.	046573

* * * * * * *

Effective date. This amendment is effective April 30, 1982.

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

Dated: April 21, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-11484 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Music City Supplement Co. providing for use of a 0.6 gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections, and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Music City Supplement Co., Nashville, TN 37202, is sponsor of NADA 127-825 providing for use of a 0.6 gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor Music City Supplement Co.

Approval of this NADA is based on safety and effectiveness data contained in Elanco's approved NADA's 10-918 and 11-948. Elanco has authorized use of the data in NADA's 10-918 and 11-948 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 127-825 does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 127-825 is approved, and the regulations are amended to reflect the approval. Satisfactory chemistry, manufacturing, and control information were also submitted.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 by revising paragraph (a)(4), and by revising the "Sponsor" column in paragraph (e)(1)(i) and (ii), to read as follows:

§ 558.274 Hygromycin B.

(a) * * *

(4) Premix level of 0.6 gram per pound granted to sponsors 016968, 017519, and 022422 in § 510.600(c) of this chapter for use in chickens as in paragraph (e)(1)(i) of this section and in swine as in paragraph (e)(1)(ii) of this section.

* * * * *

(e) * * *

(1) * * *

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 8 to 12				000986, 016968, 017519, 022422, 026186
* * * * * * *				
(ii) 12				000986, 011490, 016968, 017519, 022422, 026188, 043733
* * * * * * *				

Effective date. April 30, 1982.

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

Dated: April 23, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-11751 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Micro Blenders, Inc., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections; and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Micro Blenders, Inc. Highway 210 E. at 291, P.O. Box 357, Liberty, MO 64068, is the sponsor of NADA 128-618 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor Micro Blenders, Inc. Approval of this NADA is based on safety and effectiveness data contained in Elanco's approved NADA's 10-918 and 11-948. Elanco has authorized use of the data in NADA's 10-918 and 11-948 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 128-618 has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 128-618 is approved, and the regulations are amended to reflect the approval. Satisfactory chemistry, manufacturing, and control information was also submitted.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 by numerically adding No. "50782" to the list of sponsors in paragraph (a)(4) and to the "sponsor" column in paragraph (e)(1)(i) and (ii).

Effective date: April 30, 1982.

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

Dated: April 23, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-11758 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new supplemental animal drug application (NADA) filed for United Suppliers, Inc., providing for safe and effective use of a 10 gram-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: United Suppliers, Inc., P.O. Box 538, Eldora, IA 50627, is sponsor of supplemental NADA 102-590 submitted on its behalf by Elanco Products Co. The supplemental NADA provides for use of premixes containing 10 grams of tylosin (as tylosin phosphate) per pound for making complete swine feeds. The swine feeds are used for increased rate of weight gain and improved feed efficiency.

Approval of this supplemental NADA relies on safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12-491. Elanco has authorized use of the data in NADA 12-491 to support approval of this NADA. This approval does not change the approved use of the drug. Consequently, approval of this supplemental NADA poses no increased human risk from exposure to residues of the animal drug nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12-491.

The supplement is approved and the regulations are amended accordingly. This approval is in addition to the firm's existing approval for use of 0.8 gram-per-pound tylosin premixes for making swine feeds.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or

cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(46) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(46) To 017475: 0.8 and 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. April 30, 1982.

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

Dated: April 22, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-11481 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) sponsored by Feed Fortifiers, Inc., providing for use of a tylosin and sulfamethazine premix to make complete swine feeds.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Feed Fortifiers, Inc., Manson, IA 50563, is sponsor of a supplement to NADA 98-639 for Tylan 5 Sulfa Premix, a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine. The supplement provides for safe and effective use of the premix for subsequent manufacture of complete swine feed to be used for (1) maintaining weight gain and feed efficiency in the presence of atrophic rhinitis, (2) lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, (3) prevention of swine dysentery (vibrionic), and (4) control of swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*). The firm currently holds an approval for such use using a premix containing 10 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine.

Approval of the application is based on safety and effectiveness data contained in Elanco Product Co.'s approved NADA's 12-491 and 41-275. Elanco has authorized FDA to refer to these applications to support approval of the application. Because this approval does not change the approved use of the drug, it poses no increased human risk from exposure to drug residues, and does not affect the conditions of safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this supplemental NADA is a Category II supplement which does not require reevaluation of the safety and effectiveness data contained in NADA's 12-491 and 41-275. The supplemental NADA is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.630 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 *Tylosin and sulfamethazine* in paragraph (b)(9) by adding in numerical sequence the sponsor code "017255".

Effective date. April 30, 1982.

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

Dated: April 22, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-11483 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1611

Privacy Act of 1974; Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule provides that pursuant to subsection (k)(2) of the Privacy Act, the Commission is exempting System EEOC-1, Age and Equal Pay Act Discrimination Case Files, from certain provisions of the Act. This regulation is published without change from the revision published at 46 FR 21784 (April 14, 1981). Privacy Act System EEOC-1 appears elsewhere in this issue of the **Federal Register**.

DATE: This regulation is effective April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony De Marco (202-634-6595) or Clement Hyland (202-653-5490), Legal Counsel Division, Office of General Counsel, EEOC, 2401 E Street, NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: On April 14, 1981, the Equal Employment Opportunity Commission published a proposed amendment to its Privacy Act regulations appearing at 29 CFR 1611.14. 46 FR 21784 (April 14, 1981). Comments were requested and received on the proposed amendment.

On July 1, 1979, functions related to the administration and enforcement of the Equal Pay Act (EPA), 29 U.S.C. 206(d) (section 6d of the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*) and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 *et seq.*, were transferred from the Department of Labor (DOL) to the Equal Employment Opportunity Commission (EEOC). Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978); Executive Order 12144, 44 FR 37193 (June 26, 1979). In order to carry out its responsibilities under these Acts, certain identifying information must be maintained on individuals who file charges or complaints of discrimination. The Commission has determined that these enforcement records be maintained in a system of records similar to EEOC's existing Title VII enforcement records, System EEOC-3 Charge of Discrimination Case Files (44 FR 54024) (September 17, 1979).

The Commission proposed to amend § 1611.14 of its Privacy Act regulations, 29 CFR Part 1611, to provide that this new system, EEOC-1, will be exempt from certain provisions of the Privacy Act. Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2), the Commission is exempting this system of records from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act. The files in this system contain information obtained by the Commission in the course of investigations of charges and complaints about violations of the ADEA and EPA. As part of its investigations, the Commission often obtains information regarding unlawful employment practices other than those complained of by the subject individual of the file. Therefore, it would impede the law enforcement activities of the Commission for it to be restricted to maintaining in an individual's case file only information which is relevant and necessary to the subject individual's allegations. Thus, the Commission has determined that the non-exemption of the System EEOC-1 from the above named subsections of the Privacy Act would impede the agency's law enforcement efforts.

The Commission received three comments on the proposed amendment. An organization representing employers supported the Commission's decision to exempt the proposed system because it protects from disclosure information which is maintained in an individual's case file concerning employment practices other than those challenged by the individual's charge or complaint, as well as facilities the efficient operation of the Commission's investigative activities by allowing it to incorporate helpful background information in individual case files.

The Commission received comments from a Research foundation and a private individual expressing concern that in exempting the Privacy system from certain provisions of the Privacy Act, the Commission will be allowed to engage in "fishing expeditions" and proceed with investigations based on charges not made by the complainant, but by the Commission. However, this Privacy Act System does not expand the Commission's investigative authority and does not effect its colllection of data on unlawful practices. As part of its normal investigation, the Commission often obtains information regarding unlawful employment practices other than those complained of by the subject individual of the file. By exempting this system from subsection (e)(1) of the Act, the Commission will be able to maintain this information in an individual's file. However, the Commission's investigative authority has not been broadened by the exemption of this system. The Privacy Act System merely allows EEOC to maintain casefiles by individual charging party names and controls access to those files.

After considering these comments, the Commission has determined not to make any revisions to the proposed amendment to the Privacy Act regulations which was previously published in the **Federal Register** at 46 FR 21784 (April 14, 1981). The only change to the proposed regulation is the correction of two typographical errors appearing in the first paragraph of the regulation. The citation to the Privacy Act has been changed from 5 U.S.C. 552(k)(2) to 5 U.S.C. 552a(k)(2) and a comma has been deleted after the citation to subsection (e)(4).

List of Subjects in 29 CFR Part 1611

Privacy.

PART 1611—PRIVACY ACT REGULATIONS

Section 1611.14 of the Commission's Privacy Act regulations, 29 CFR Part 1611, is revised as appears below.

Signed at Washington, D.C. this 9th day of March 1982.

For the Commission.

Cathie A. Shattuck,

Acting Chairman, Equal Employment Opportunity Commission.

§ 1611.14 Specific exemptions.

Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2) System EEOC-3, Charge of Discrimination Case Files is exempt from subsections (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f) of the Act. System EEOC-1, Age and Equal Pay Act Discrimination Case Files is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act. The Commission has determined to exempt these systems from the above named provisions of the Privacy Act for the following reasons:

(a) The files in these systems contain information obtained by the Commission in the course of investigations of charges and complaints that violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*, the Age Discrimination in Employment Act of 1967, as amended 29 U.S.C. 621, *et seq.*, and the Equal Pay Act of 1963, as amended, 29 U.S.C. 206(d), have occurred. As a part of its investigations, the Commission often obtains information regarding unlawful employment practices other than those complained of by the subject individual of the file. Therefore, it would impede the law enforcement activities of the Commission for it to be restricted to maintaining in an individual's case file only information which is relevant and necessary to the subject individual's allegations.

(b) The subject individuals of the case files in these systems know that the Commission is maintaining a file on their charges or complaints, and the general nature of the information contained therein.

(c) The subject individuals of the case files in systems EEOC-1 and EEOC-3, have been provided a means of access to their records by the Commission's Freedom of Information Act Regulations, 29 CFR Part 1610. Subject individuals of the case files in System EEOC-3 have also been provided a means of access to their records by section 83 of the Commission's Compliance Manual.

(d) The Commission has determined that the nonexemption of these systems from the above named subsections of the Privacy Act would impede the agency's law enforcement efforts.

[FR Doc. 82-11867 Filed 4-29-82; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 341

Regulations Governing United States Retirement Plan Bonds

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This seventh amendment to the regulations governing United States Retirement Plan Bonds is being issued to provide for the termination of the offering effective April 30, 1982.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt (202) 376-0636.

SUPPLEMENTARY INFORMATION: United States Retirement Plan bonds have been issued since 1963 as an investment option for individuals eligible to make tax-deductible contributions to a "Keogh" (H.R. 10) retirement account. This amendment to the offering of these bonds implements the announcement made by the Secretary of the Treasury on April 27, 1982, that this offering would be terminated effective April 30, 1982. Sales of these bonds have been negligible in recent months because of the availability of a wide range of private forms of investment at higher rates. Termination of the offering will reduce competition with these other private forms of Keogh investment.

This amendment is effected under authority of Sections 1 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 288, 48 Stat. 343, both as amended, 31 U.S.C. 752, 754b) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 341

Bonds, Government securities.

Dated: April 27, 1982.

Paul H. Taylor,

Fiscal Assistant Secretary.

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1-63, dated January 10, 1963, as amended, is hereby further amended by the revision of the last sentence of § 341.0 to read as follows:

§ 341.0 Offering of bonds.

* * * This offering of bonds will terminate on April 30, 1982.

[FR Doc. 82-11932 Filed 4-29-82; 8:45 am]

BILLING CODE 4810-40-M

31 CFR Part 346

Regulations Governing United States Individual Retirement Bonds; Termination of Offering

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This fourth amendment to the regulations governing United States Individual Retirement Bonds is being issued to provide for the termination of the offering effective April 30, 1982. Sales of these bonds has been negligible due to the availability of a wide range of private forms of investment at a higher rate of interest. Termination of the offering will reduce competition with private forms of IRA investment.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt (202) 376-0636.

SUPPLEMENTARY INFORMATION: United States Individual Retirement Bonds have been issued since 1975 as an investment option for individuals eligible to make tax-deductible contributions to an individual retirement account ("IRA"). This amendment to the offering of these bonds implements the announcement made by the Secretary of the Treasury on April 27, 1982, that this offering would be terminated effective April 30, 1982. Sales of these bonds have been negligible in recent months because of the availability of a wide range of private forms of investment at higher rates. Termination of the offering will reduce competition with other private forms of IRA investment.

This amendment is effected under authority of Sections 1 and 20 of the Second Liberty Bond Act, as amended (40 Stat. 288, 48 Stat 343, both as amended, 31 U.S.C. 752, 754b) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 346

Bonds, Government securities.

Dated: April 27, 1982.

Paul H. Taylor,

Fiscal Assistant Secretary.

PART 346—REGULATIONS GOVERNING UNITED STATES INDIVIDUAL RETIREMENT BONDS

Accordingly, Department of the Treasury Circular, Public Debt Series, No. 1-75, dated January 28, 1975, as amended, is hereby further amended by the revision of the last sentence of § 346.0 to read as follows:

§ 346.0 Offering of bonds.

* * * This offering of bonds will terminate on April 30, 1982.

[FR Doc. 82-11931 Filed 4-29-82; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 396

[ER 1105-2-111]

Internal Water Resources Planning Regulation; Cancellation of Regulation

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule; revocation.

SUMMARY: On March 27, 1981 the Civil Works Planning Division, Office of the Chief of Engineers, completed an audit of all of its internal water resources planning regulations as a first phase of a Regulation Reform Action Program (RRAP). The objectives of RRAP are to streamline and consolidate planning guidance. As a result of the work accomplished in Phase II, completed on September 30, 1981, and Phase III, underway, the U.S. Army Corps of Engineers, DOD hereby gives notice that its regulation covering Level of Flood Damage Protection for Urban Areas is revoked and removed.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Johnson, Planning Division, Directorate of Civil Works, US Army Corps of Engineers, HQ, USACE (DAEN-CWP), WASH DC 20314, telephone (202) 272-0146.

SUPPLEMENTARY INFORMATION: 33 CFR Part 396, Flood Damage Prevention: Level of Protection for Urban Areas provides guidance on the selection of the level of protection to be afforded by Corps of Engineers flood damage prevention projects in urban areas, particularly high levees, high floodwalls, and rapid flow channels, and provides

procedures for formulating plans and evaluating the residual effects from exceedence of design floods. The Corps policy on selecting the appropriate level of protection in urban areas remains in effect and is contained in Chapter 3 of ER 1105-2-20, dated January 29, 1982. The procedures for formulating plans and evaluating the residual effects from exceedence of design flows are adequately covered by the Water Resources Council's Principles and Standards (18 CFR Part 711) and the NED Benefit Evaluation Procedures (18 CFR Part 713), both the current version as well as the proposed new Principles and Guidelines.

PART 396 [REMOVED AND RESERVED]

Therefore, 33 CFR Part 396 is hereby removed and reserved.

Dated: April 8, 1982.

For the Chief of Engineers.

James W. Ray,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 82-11827 Filed 4-29-82; 8:45 am]

BILLING CODE 3710-92-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6288]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood loses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
California:					
Humboldt	Fortuna, city of	060063B	Jan. 3, 1980, emergency; May 3, 1982, regular; May 3, 1982, suspended.	July 19, 1977	May 3, 1982.
Do	Rio Dell, city of	060064B	Aug. 25, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	May 24, 1974 and Jan. 19, 1976.	Do.
Illinois:					
Sangamon	Pawnee, village of	170602C	July 10, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	May 19, 1974, June 4, 1976 and Jan. 26, 1979.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Do	Thayer, village of	170804C	Nov. 25, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Mar. 22, 1974, June 4, 1976 and July 13, 1979.	Do.
Indiana: Boone	Lebanon, city of	180013B	June 25, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	May 3, 1974 and Jan. 19, 1976.	Do.
Iowa: Polk	Johnston, city of	190745C	June 3, 1977, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Apr. 1, 1977 and Jan. 16, 1979.	Do.
Louisiana:					
St. Martin Parish	Henderson, town of	220189B	Apr. 30, 1973, emergency; May 3, 1982, regular; May 3, 1982, suspended.	June 7, 1974 and Aug. 22, 1975.	Do.
St. Landry Parish	Unincorporated areas	220165B	May 15, 1973, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Dec. 6, 1977	Do.
St. Martin Parish	....do	220178B	Apr. 26, 1973, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Dec. 27, 1974 and Oct. 25, 1977.	Do.
Maine: Cumberland	Bridgton, town of	230041B	Nov. 20, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 22, 1974 and Sept. 24, 1976.	Do.
Minnesota:					
Freeborn	Albert Lea, city of	270135B	Oct. 17, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	June 7, 1974 and Feb. 20, 1976.	Do.
Faribault	Blue Earth, city of	270116B	Apr. 22, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 9, 1974 and June 4, 1976.	Do.
Freeborn	Emmons, city of	270657A	Mar. 25, 1977, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Dec. 27, 1974	Do.
Freeborn	Unincorporated areas	270134A	Apr. 16, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Mar. 24, 1978	Do.
Do	Glenville, city of	270137B	May 2, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Mar. 8, 1974 and Apr. 16, 1976.	Do.
Watonwan	St. James, city of	270518A	July 2, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	July 30, 1976	Do.
Freeborn	Twin Lakes, city of	270139B	Sept. 22, 1977, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Aug. 2, 1974 and June 4, 1976.	Do.
New Hampshire: Grafton	Plymouth, town of	330072B	Apr. 9, 1976, emergency; May 3, 1982, regular; May 3, 1982, suspended.	March 3, 1974 and Apr. 9, 1976.	Do.
New York:					
Onondaga	Syracuse, city of	360595D	Aug. 2, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Apr. 12, 1974, Dec. 26, 1975, May 14, 1976 and July 15, 1977.	Do.
Broome	Windsor, town of	360059B	July 24, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	June 28, 1974 and Aug. 27, 1976.	Do.
Oregon: Jackson	Phoenix, city of	410097B	June 11, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	June 21, 1974 and Jan. 16, 1976.	Do.
Pennsylvania:					
Erie	LeBoeuf, township of	422415A	Oct. 15, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 10, 1975	Do.
Northampton	Northampton, borough of	420726B	Feb. 1, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Apr. 5, 1974 and June 4, 1976.	Do.
Delaware	Norwood, borough of	420425A	Aug. 18, 1972, emergency; May 3, 1982, regular; May 3, 1982, suspended.	July 30, 1976	Do.
Chester	South Coatesville, borough of	420288B	Dec. 10, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	May 31, 1974 and June 11, 1976.	Do.
Lawrence	Wayne, township of	422469B	June 27, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 17, 1975 and Apr. 18, 1980.	Do.
Virginia: Arlington	Unincorporated areas	515520B	July 24, 1970, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Oct. 1, 1969 and Dec. 31, 1976.	Do.
Washington: Yakima	Selah, city of	530226B	July 18, 1974, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 16, 1974 and Jan. 23, 1976.	Do.
Wisconsin:					
Calumet	Unincorporated areas	550035B	Nov. 26, 1976, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Jan. 21, 1977	Do.
Washington	Germantown, village of	550472B	July 15, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	June 28, 1974 and June 24, 1977.	Do.
Monroe	Unincorporated areas	550571B	Feb. 18, 1976, emergency; May 3, 1982, regular; May 3, 1982, suspended.	July 7, 1978	Do.
Calumet	Stockbridge, village of	550040B	Aug. 25, 1975, emergency; May 3, 1982, regular; May 3, 1982, suspended.	Aug. 9, 1974 and Sept. 12, 1975.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: April 19, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-11077 Filed 4-29-82; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Thirty-fifth Revised S.O. No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Thirty-fifth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., May 1, 1982, and continuing in effect until 11:59 p.m., May 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided April 27, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting Item 7., the authority for the Davenport, Rock Island and North Western Railway Company (DRI) to operate between Davenport, Iowa and Moline, Illinois as requested by the carrier. All succeeding items have been renumbered accordingly. Appendix A is further revised by adding at Items 18 D. and 18 E., the authority for the Iowa Railroad Company to provide service between Bureau, Illinois, and a point west of Rock Island, Illinois, sufficient to serve the Rock Island Arsenal; and the authority to operate between Rock Island and Milan, Illinois, sufficient to serve the Rock Island Industrial Complex. Appendix A is further revised, by adding at Item 23, the authority for Enid Central Railway, Inc. (ENIC), a subsidiary of Centrail Corporation, to operate between North Enid and Ponca City, Oklahoma, a distance of approximately 54.3 miles. This authority permits service where none is presently being provided, and allows implementation of ENIC's court approved lease with the Trustee. This authority was previously granted to the North Central Oklahoma Railway, and was relinquished by mutual agreement and deleted from Appendix A. Appendix A is further revised, by incorporating the authorities for Burlington Northern and Fort Worth and Denver into this order at Items 26 and 27. Those authorities were contained previously in Seventh Revised Service Order No. 1495; however, the limited extent of the present operations no longer justifies separate authority. Appendix A is further revised by adding, at Item 17 A., the authority for Iowa Northern Railroad to extend its operations between Waterloo and Shell Rock, Iowa, a distance of approximately 22 miles.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B to this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

List of Subjects in 49 CFR Part 1033

Railroads.

It is ordered:

§ 1033.1473 Service Order No. 1473.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a) of this section.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad in involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., May 1, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304, 10305, and Sec. 122, Pub. L. 96-254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (LA):*
   A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.
2. *Peoria and Pekin Union Railway Company (PPU):*
   A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.
   B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).
3. *Union Pacific Railroad Company (UP):*
   A. Beatrice, Nebraska.
   B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.
4. *Toledo, Peoria and Western Railroad Company (TPW):*
   A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.
5. *Chicago and North Western Transportation Company (CNW):*
   A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.
   B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).
   C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.
   D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).
   E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).
   F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).
   G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).
   H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).
   I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).
   J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).
   K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).
   L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).
   M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).
   N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.
   O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).
   P. Sibley, Iowa.
   Q. Worthington, Minnesota.
   R. Altoona to Pella, Iowa.
   S. Carlisle to Indianola, Iowa.
   T. Omaha, Nebraska, (between milepost 502 to milepost 504).
   U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).
   V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).
6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*
   A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.
   B. Washington, Iowa.
   C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.
   D. From Davenport to Iowa City, Iowa.
   E. At Davenport, Iowa.
7. *St. Louis Southwestern Railway Company (SSW):*
   A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.
   B. At North Topeka and Topeka, Kansas.
8. *Little Rock & Western Railway Company (LRWN):*
   A. From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).
   B. From Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).
9. *Missouri Pacific Railroad Company (MP):*
   A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).
   B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).
   C. From Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.
   D. From Wichita, Kansas (milepost 243.7) to Kechi, Kansas (milepost 235.9).
10. *Norfolk and Western Railway Company (NW):*
   Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

11. *Cadillac and Lake City Railway Company (CLK):*
A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.
B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.
C. From Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.
D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.
12. *Baltimore and Ohio Railroad Company (BO):*
A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.
B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.
13. *Keota Washington Transportation Company (KWTR):*
A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.
B. At Vinton, Iowa (milepost 120.0 to 123.0).
C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).
14. *The La Salle and Bureau County Railroad Company (LSBC):*
A. From Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois. Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.
B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.
C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.
D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.
15. *The Atchison, Topeka and Sante Fe Railway Company (ATSF):*
A. At Alva, Oklahoma.
B. At St. Joseph, Missouri.
16. *The Brandon Corporation (BRAN):*
A. From Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.
17. *Iowa Northern Railroad Company (IANR):*
*A. From Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1).
B. At Vinton, Iowa, and west on the Iowa Fall Line to milepost 24.3.
18. *Iowa Railroad Company (IRRC):*
A. From Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.
B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.
C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.
+D. From Bureau, Illinois (milepost 114.2) to a point west of Rock Island, Illinois sufficient to provide service to the Rock Island Arsenal.
+E. From Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.
+F. At Rock Island, Illinois including 26th Street Yard.
19. *Missouri-Kansas-Texas Railroad Company (MKT):*
A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.
20. *Chicago Short Line Railway Company (CSL):*
A. From Pullman Junction easterly for approximately 1,000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.
B. From Rock Island Junction westerly for approximately 3,000 feet to Irondale Wye.
21. *Kyle Railroad Company (Kyle):*
A. From Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.
22. *North Central Texas Railway, Inc. (NCTR):*
A. From Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).
B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).
23. *Enid Central Railway, Inc. (ENIC):*
A. From Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City Branch line from milepost 0.02 to milepost 0.30.
+B. From North Enid, Oklahoma (milepost 0.30) to Ponca City, Oklahoma (milepost 54.8).
24. *North Central Oklahoma Railway, Inc. (NCOR):*
A. From Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).
B. From Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).
C. From Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).
*D. From El Reno, Oklahoma (milepost 513.31) to Council, Oklahoma (milepost 494.5).
25. *South Central Arkansas Railway, Inc. (SCAR):*
A. From El Dorado, Arkansas (milepost 99) to Lillie, Louisiana (milepost 125.2).
=26. *Burlington Northern Railroad Company (BN):*
A. Burlington, Iowa (milepost 0 to milepost 2.06).
B. At Okeene, Oklahoma.
C. At Lawton, Oklahoma.
=27. *Fort Worth and Denver Railway Company (FWD):*
A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.
B. North Fort Worth, Texas (milepost 603.0 to 611.4).

+Added.
*Changed.
=Authority previously contained in 7th Revised S.O. 1495.

[FR Doc. 82-11929 Filed 4-29-82; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 84
Friday, April 30, 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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1251

Investigative Authority of the Special Counsel

AGENCY: Office of the Special Counsel, Merit Systems Protection Board.

ACTION: Notice of proposed amendment for rules.

SUMMARY: During the past three years, Special Counsel investigators have, from time to time, experienced what appeared to be deliberate interference with their investigation. Because of the office's central role in defending the merit system, the Special Counsel must restrict interference with his investigations in order to assure their integrity. These amendments clarify the rights of witnesses and the responsibilities of agency employees during investigations and describe the remedy available when an agency employee refuses to answer questions or improperly interferes with an investigation.

DATE: Comments must be received by June 1, 1982.

ADDRESS: Send comments to John R. Erck, Office of the Special Counsel, Room 818, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: John R. Erck, Office of the Special Counsel, (202) 653-7143.

SUPPLEMENTARY INFORMATION:

Classification: The Special Counsel has determined that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small government jurisdictions.

Authority: The Special Counsel is required to investigate prohibited personnel practices. 5 U.S.C. 1206(a). He has investigative authority under the Hatch Act and the Freedom of Information Act. He also conducts investigations of activities prohibited by civil service laws, rules or regulations, and of employee involvement in any prohibited discrimination. 5 U.S.C. 1206(e). The Special Counsel is authorized to issue regulations relating to the receipt and investigation of matters under his jurisdiction. 5 U.S.C. 1206(k).

List of Subjects in 5 CFR Part 1251

Authority delegations, (Government Agencies), Government employees, Investigations.

PART 1251—INVESTIGATIVE AUTHORITY OF THE SPECIAL COUNSEL

Accordingly, it is proposed that Part 1251, Subchapter B, Chapter II of Title 5 of the Code of Federal Regulations be amended as follows:

1. The authority citation for Part 1251 reads as follows:

Authority: 5 U.S.C. 1206(k); sec. 204(g) of Reorganization Plan No. 2 of 1978.

2. Part 1251 is amended by adding new §§ 1251.6, 1251.7, 1251.8, 1251.9 and 1251.10 to read as follows:

* * * * *

1251.6 Rights of witnesses.
1251.7 Responsibilities of witnesses.
1251.8 Delegation of authority.
1251.9 Improper interference.
1251.10 Remedy for improper interference.

§ 1251.6 Rights of witnesses.

(a) An agency employee who is required to produce documentary evidence or give oral testimony to an employee of the Office of the Special Counsel may be accompanied by his attorney or personal representative.

(b) Except as permitted in paragraph (c) of this section, the attorney or personal representative of the witness may not be an agency employee who:

(1) Is an actual or potential witness in the same investigation;

(2) Is the attorney or personal representative of another witness in the same investigation; or

(3) Provides legal counsel as part of his duties to the agency head or his representative.

(c) An agency employee described in paragraph (b)(2) or (b)(3) of this section may act as the attorney or personal representative of a witness if:

(1) The agency employee affirms in writing to the witness and the Office of the Special Counsel investigator that the representation does not involve an actual or potential conflict of interest and the Special Counsel or his designee determines that there is no conflict; or

(2) The agency employee fully discloses an actual or potential conflict of interest in writing to the witness and the Office of the Special Counsel investigator, and the Special Counsel or his designee determines that the conflict will not jeopardize the integrity of the investigation.

§ 1251.7 Responsibilities of witnesses.

(a) During an investigation, a witness may confer in confidence with his attorney or personal representative concerning any questions posed to the witness. If the witness or his representative objects to a question, the objection and the basis for it shall be noted. The question shall then be answered. If the witness asserts a privilege and refuses to answer a question, he must state the basis for the privilege in writing. The Special Counsel or his designee will review the claim of privilege. If the privilege does not apply or the witness fails to establish that it applies to the requested testimony or documents, the Special Counsel or his designee will order the witness to answer the question. At the conclusion of questioning, the witness can add information pertinent to the investigation and clarify any answers on the record.

(b) Witnesses shall not discuss their testimony with other actual or potential witnesses until the investigation has been completed.

§ 1251.8 Delegation of authority.

The Special Counsel designates the Deputy Special Counsel and any Associate Special Counsel, Deputy Associate Special Counsel or Assistant Special Counsel as persons authorized to make determinations under §§ 1251.6(c) and 1251.7. This authority may be further delegated.

§ 1251.9 Improper interference.

An agency employee may not impose restrictions or conditions on other agency employees or former employees concerning their participation in an Office of the Special Counsel investigation. An employee may not interfere in the investigation by:

(a) Questioning employees who are actual or potential witnesses concerning the scope of the investigation or their participation in the investigation;

(b) Influencing or attempting to influence employees who are actual or potential witnesses concerning the subject matter of their testimony in the investigation; or

(c) Influencing or attempting to influence employees who are actual or potential witnesses to ask for or to accept agency representation; or

(d) Refusing to withdraw as an employee's representative after the Special Counsel or his designee has determined that his representation would be inappropriate under § 1251.6(b).

§ 1251.10 Remedy for improper interference.

When an agency employee refuses to answer questions under § 1251.7 or improperly interferes with an investigation under § 1251.9, the Special Counsel may file a complaint for disciplinary action with the Merit Systems Protection Board under Part 1254 of this title.

Alex Kozinski,

Special Counsel,

April 23, 1982.

[FR Doc. 82-11623 Filed 4-29-82; 8:45 am]

BILLING CODE 7400-02-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A and Chs. I-VII, IX-XII, XIV-XVIII, XXI, and XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semi-Annual Regulatory Agenda; Major Regulations Pending and Planned for April 1982 Through October 1982

Correction

The above captioned document appeared at page 18096 in the **Federal Register** for Tuesday, April 27, 1982. The **Federal Register** document file line was inadvertently left off. Please insert the following at the end of the document on page 18108:

"[FR Doc. 82-11358 Filed 4-26-82; 8:45 am]

BILLING CODE 3410-01-M"

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of May through August 1982. The action was requested by four cooperative associations to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due on or before May 7, 1982.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

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

It also has been determine that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1982 in the suspension period if this is found necessary. The request for the action was received April 12, 1982.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

§ 1124.11 [Amended]

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Oregon-Washington marketing area is being considered for May through August 1982:

In the third sentence of paragraphs (a) and (b) of § 1124.11, the word "not".

All persons who want to comment on the proposed suspension should sent two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 7, 1982. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include May 1982 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of May through August 1982. The order now provides that during any month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by four cooperative associations who represent a substantial number of producers on the market. The basis for the request is that because of current marketing conditions the four associations expect their reserve milk supplies during May through August 1982 to exceed the quantity of producer milk that may be

diverted to nonpool manufacturing plants under the order's present diversion limitations. The cooperatives indicate that without the suspension, some of the milk of their member producers who have regularly been associated with the fluid market would have to be moved uneconomically first to pool plants and then to nonpool manufacturing plants in order to still maintain producer status for such milk during May through August 1982.

Market data indicate that so far this year Class I sales have been down while milk production has increased. Under this supply-demand situation, more reserve milk supplies would have to move to nonpool manufacturing plants. Accordingly, it may be appropriate to remove the limit on such milk movements during the months of May through August 1982 so as to prevent uneconomic movements of producer milk merely for purposes of maintaining producer status for such milk.

List of Subjects in 7 CFR Part 1124

Milk marketing orders, Milk, Dairy products.

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

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-11839 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Chs. I, III, and V

Regulatory Flexibility; Nonpublication Notice

AGENCY: Depatment of Justice.

ACTION: Determination pursuant to the Regulatory Flexibility Act.

SUMMARY: The Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, September 19, 1980, requires that each agency with any rule under development for which a general notice of proposed rulemaking will be published pursuant to 5 U.S.C. 553(b) also publish in the **Federal Register** during April and October of each year a regulatory flexibility agenda listing certain certain information about each such regulation that is likely to have a significant economic impact on a substantial number of small entities. The Department of Justice has no such regulation under development at the present time.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530 (202-633-3452).

Dated: April 26, 1982.

William J. Snider,

Administrative Counsel, Justice Management Division.

[FR Doc. 82-11753 Filed 4-29-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

Review of Regulations; Plan for Periodic Review of Regulations

Cross Reference: For a document relating to a review of regulations and a plan for periodic review of regulations published by the Department of Energy, see FR Doc. 82-11804 appearing in the rules section of this issue. For the page number of this document, see the table of contents under the Department of Energy.

BILLING CODE 6450-01-M

Economic Regulatory Administration

10 CFR Part 460

[Docket No. ERA-R-79-13]

Grants for Offices of Consumer Services

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed repeal of rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to repeal the regulations set forth at 10 CFR Part 460 which govern a discretionary financial assistance program authorized by section 205 of the Energy Conservation and Production Act (ECPA). The program has provided for grants to State Offices of Consumer Services to assist the representation of consumer interests in proceedings involving electric utility matters. Because DOE has determined that the program is no longer necessary nor desirable and no appropriation has been made for its continuation, DOE proposes to repeal the regulations under which it has been administered.

ERA will receive written comments with respect to this proposal.

DATE: Comments by June 1, 1982.

ADDRESS: Send comments to Public Hearing Management, Department of Energy, Room 7146, 12th and Pennsylvania Avenue, NW., Washington, D.C 20461.

FOR FURTHER INFORMATION CONTACT: Ron D. White, Division of Fuels Conversion, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA-093, RG-621, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9759.

Arthur Perry Bruder, Office of General Counsel, Department of Energy, Room 6B-144, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9516.

SUPPLEMENTARY INFORMATION:

I. Background

On June 30, 1977, the Federal Energy Administration, a predecessor agency of the Department of Energy (DOE), issued final regulations establishing a program of Grants for Offices of Consumers Services, as Part 460, Chapter II, Title 10 of the Code of Federal Regulations (42 FR 35163, July 8, 1977). These regulations were amended by DOE on June 29, 1979 (44 FR 40044, July 6, 1979), based on DOE's experience gained while operating the program and changes in its financial assistance procedures.

The regulations established a program of discretionary grants to States, pursuant to section 205 of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.* .). Section 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA) Pub. L. 95-617, 92 Stat. 3117 *et seq.*, (16 U.S.C. 2601 *et seq.)* authorized to be appropriated amounts not to exceed $10 million for fiscal years 1979 and 1980, to carry out this program. The purpose of this program was to provide financial assistance to establish or operate State Offices of Consumer Services to support consumer representation in State utility commission proceedings involving electric regulatory matters. All States, the District of Columbia, Puerto Rico, any territory or possession of the United States and the Tennessee Valley Authority were eligible to apply for grants under this program, and grants were awarded to a limited number of applicants selected annually on a competitive basis. The program has, since its inception, made 46 awards totalling $8 million to 18 States.

II. Proposed Repeal

DOE has determined, for several reasons, that continuing the Grants for Offices of Consumer Services program is

no longer warranted and that the administrative regulations governing the program should be repealed.

First, the objective of the program, provision for establishment or operation of State Offices of Consumer Services, has been accomplished. Although the program funded only 10 to 12 States offices each year, approximately 40 States now operate consumer services offices. This reflects a marked increase in the number of such offices. States which desire to establish or continue to operate consumer services offices can, of course, do so without further Federal involvement and with whatever funds and administrative requirements they deem necessary.

Another factor in DOE's determination to terminate this program is the fact that State regulatory authorities, under the mandate of Title I of PURPA, have given very extensive consideration to a number of electric utility ratemaking and regulatory policy standards. These included standards concerning provision of information to utility ratepayers, establishment of fair procedures for termination of utility service, and prohibition of certain types of utility advertising, as well as standards concerning rate structure. In considering these standards, the State regulatory authorities examined the major issues of concern to consumers and, therefore, consumer services offices, and they often adopted a number of these standards. DOE believes, therefore, that the States' activities which have taken place under PURPA make unnecessary any further Federal funding of State Offices of Consumer Services.

Moreover, section 122 of PURPA provides for the adoption of procedures under which the States, or the public utilities themselves, provide compensation to consumer representatives for the cost of participation in regulatory proceedings. More than 14 State regulatory authorities and 31 nonregulated utilities have adopted such procedures. Thus, the need for Federal sponsorship of consumer offices, whose concerns and activities would very likely duplicate those of consumer offices which are otherwise funded, is further reduced.

For these reasons, and based on the strong conviction that these are areas best left to the States, DOE has determined that the discretionary program of Grants for Offices of Consumer Services is no longer necessary or desirable. In addition, DOE has not received an appropriation for the continuation of the program. Moreover, while DOE does not plan or foresee resumption of the program in future years, should this be the case DOE would likely implement it in a manner different from that pursued in the current regulations. Accordingly, DOE sees no merit in retaining the existing regulations and proposes that the termination of the program be accompanied by repeal of the regulations under which it has been administered.

III. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, views, or arguments with respect to the proposed repeal of 10 CFR Part 460. Comments should be submitted no later than June 1, 1982, to the address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on the document with the docket number and the designation: "Grants for Offices of Consumer Services Program, Docket No. ERA-R-79-13". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room IE-093, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

DOE believes that the repeal proposed in this Notice presents no substantial issue of fact or law and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, DOE is not scheduling a public hearing as provided by section 501(c) of the Department of Energy Organization Act, Pub. L. 95-91, and the Administrative Procedure Act (5 U.S.C. 553). If a significant number of persons should request an opportunity for oral presentation of views, data, and arguments, a public hearing could be held after public notice.

IV. Other Matters

A. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule," as defined by section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. Since the program which the rule proposed for repeal governs is not currently funded and the program has awarded less than $10,000,000 total over previous years, DOE has determined that the proposed repeal does not meet the E.O. 12291, definition of a major rule as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96-354, (5 U.S.C. 601-612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. In fact, only a small number of "small entities", e.g. consumer groups, benefitted from funding provided under the Offices of Consumer Services Grants Program, through the receipt of financial and technical assistance from those offices. Accordingly, as required by section 605(b), DOE certifies that the repeal of Part 460 will not have a significant economic impact on a substantial number of small entities.

C. Environmental Review

DOE has determined that the proposed repeal of the regulations which are essentially administrative in nature clearly is not a major federal action with significant environmental impact. Consequently, the proposed repeal does not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275 88 Stat. 110, (15 U.S.C. 776), a copy of this proposed repeal has been submitted to the Administrator of the Environmental Protection Agency (EPA) for comments concerning the impact of this proposal on the quality of the environment. No comments have been received from the EPA Administrator.

List of Subjects in 10 CFR Part 460

Consumer protection, electric utilities, energy conservation, grant programs—energy.

(Energy Conservation and Production Act of 1976, Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*); Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7101 *et seq.*))

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C., April 23, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 460—GRANTS FOR OFFICES OF CONSUMER SERVICES [REMOVED]

Authority: Energy Conservation and Production Act, Pub. L. 94–385, 90 Stat. 1125 *et seq.*, (42 U.S.C. 6801 *et seq.*); as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.*, (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7101 *et seq.*).

Chapter II of Title 10 is amended by removing Part 460 in its entirety.

[FR Doc. 82–11858 Filed 4–29–82; 8:45 am]

BILLING CODE 6450–01–M

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10 CFR Part 461

[Docket Nos. ERA-R-79-12 and ERA-R-79-12A]

Financial Assistance Programs for State Utility Regulatory Commissions and Eligible Nonregulated Electric Utilities

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed repeal of rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to repeal the regulation set forth at 10 CFR Part 461 which governs two discretionary programs for financial assistance to State utility regulatory commissions and certain nonregulated electric utilities. The first program, the PURPA Grant Program, provided grants for carrying out certain statutory duties and responsibilities under Titles I and III, and section 210, of the Public Utility Regulatory Policies Act of 1978 (PURPA). The second program, the Innovative Rates Program, implemented sections 204 and 207 of the Energy Conservation and Production Act (ECPA) by providing financial assistance for electric utility rate reform initiatives relating to innovative rate structures. Because DOE has determined that these programs are no longer necessary or desirable and because no appropriation has been made for their continuance, DOE proposes to repeal the regulations under which these programs have been administered.

ERA will receive written comments with respect to this proposal.

DATE: Comments by June 1, 1982.

ADDRESS: Send comments to Public Hearing Management, Department of Energy, Room 7146, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Ron D. White, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room GA–093, RG–621, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9759.

Arthur Perry Bruder, Office of General Counsel, Department of Energy, Room 6B–144, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9516.

SUPPLEMENTARY INFORMATION:

I. Background

On June 29, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued final regulations establishing two discretionary financial assistance programs for State utility regulatory commissions and nonregulated electric utilities (44 FR 40262, July 9, 1979) as Part 461 of Chapter II of Title 10 of the Code of Federal Regulations.

These two programs, the PURPA Grant Program and the Innovative Rates Program, were implemented pursuant to sections 204 and 207 of the Energy Conservation and Production Act (ECPA), Pub. L. 94–385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*), as added to and amended by sections 141 and 142 of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*). The portion of the regulations which established the Innovative Rates Program was amended on July 1, 1980 (45 FR 47391, July 14, 1980), based on ERA's experience gained while operating the program.

The purpose of the PURPA Grant Program was to provide financial assistance through grants for carrying out duties and responsibilities under Titles I and III, and section 210, of PURPA. The purpose of the Innovative Rates Program was to provide financial assistance through cooperative agreements for planning and carrying out electric utility rate reform initiatives relating to innovative rate structures.

In Fiscal Year 1979, the PURPA Grant Program awarded a total of $9.6 million to 44 state utility regulatory commissions and 26 nonregulated electric utilities. The Innovative Rates Program in Fiscal Year 1979 awarded a total of $3.9 million to 15 state utility regulatory commissions and 6 nonregulated electric utilities. In Fiscal Year 1980, grants totalling $9.0 million were awarded to 46 state utility regulatory commissions and 37 nonregulated electric utilities under the PURPA Grant Program. In Fiscal Year 1980 under the Innovative Rates Program, new awards totalling $3.0 million were made to 13 state utility regulatory commissions and 4 nonregulated electric utilities and a total of $2.0 million was awarded for continuation of 16 existing projects.

II. Proposed Repeal

DOE has determined that continuing the PURPA Grant and Innovative Rates programs is no longer warranted and that the administrative regulations governing them should be repealed.

DOE believes further grants to assist in carrying out PURPA duties and responsibilities are no longer necessary or appropriate because these obligations were generally required by PURPA to be carried out by no later than November 9, 1981. Section 208(1) of ECPA authorized funds to be appropriated for this purpose only for fiscal years 1979 and 1980 and, with the assistance of grants made during these years, the mandates of PURPA, for the most part, have been carried out.

Likewise, DOE believes further assistance for innovative rates projects is no longer necessary or appropriate. Section 208(3) of ECPA authorized funds to be appropriated for this program only for fiscal years 1979 and 1980, and a significant number of projects have been funded during that time, many for two years. A primary requirement for these projects was that they could be replicated, and DOE believes that replication of successful projects under State auspices, not continuation of Federal assistance, is the appropriate way for activities of this kind to proceed.

Because the programs have accomplished their purpose, DOE does not believe that further involvement in these areas is warranted. With respect to both programs, DOE believes it appropriate that States and utilities now consider and carry out rate and

regulatory reform measures and initiatives as their individual circumstances dictate, free from administrative restrictions which accompany Federal financial assistance.

Moreover, section 122 of PURPA provides for the adoption of procedures under which States or public utilities provide compensation to consumer representatives for the cost of participation in regulatory proceedings. Many State regulatory authorities and nonregulated utilities have adopted such procedures.

For these reasons, and based on the strong conviction that these are areas best left to the States, DOE has determined that these two discretionary programs are no longer necessary or desirable. This also recognizes that funds were authorized for these programs under PURPA only for Fiscal Years 1979 and 1980 and that no funds have been appropriated for the continuation of either program. In addition while DOE does not plan or foresee resumption of either of the programs in future years, should this be the case, DOE's implementation would likely be in a manner different from that pursued in the current regulations. Accordingly, DOE sees no merit in retaining the existing regulations and proposes that the termination of these programs be accompanied by repeal of the regulations under which they have been administered.

III. Comment Procedures

A. Written Comments

Your are invited to participate in this proceeding by submitting information, views, or arguments with respect to the proposed repeal of 10 CFR Part 461. Comments should be submitted no later than June 1, 1982, to the address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on the document with the designation and the appropriate docket number as follows: "PURPA Grant Program—Docket No. ERA-R-79-12" and/or "Innovative Rates Program—ERA-R-79-12A". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E-093, James Forrestal Building, 100 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information and data and to treat it according to our determination.

B. Public Hearing

DOE believes that the repeal proposed in this Notice presents no substantial issue of fact or law and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, DOE is not scheduling a public hearing as provided by section 501(c) of the Department of Energy Organization Act, Pub. L. 95-91, and the Administrative Procedure Act (5 U.S.C. 553). If a significant number of persons should request an opportunity for oral presentation of views, data, and arguments, a public hearing could be held after public notice.

IV. Other Matters

A. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule," as defined by section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. Since the two financial assistance programs covered by Part 461 are not currently funded and have awarded less than $25 million total in two years of operation, DOE has determined that the proposed repeal does not meet the E.O. 12291 definition of a major rule as one likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significiant 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. Accordingly, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96-354, 94 Stat. 1165 *et seq.*, (5 U.S.C. 601-612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. The major recipients of financial assistance under the two programs affected by the proposed repeal have been state public utility commissions and large nonregulated utilities. Accordingly, as required by section 605(b), DOE certifies that the repeal of Part 461 will not have a significant economic impact on a substantial number of small entities.

C. Environmental Review

DOE has determined that the proposed repeal of the regulations which are essentially administrative in nature clearly is not a major Federal action with significant environmental impact. Consequently, the proposed repeal does not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, Pub. L. 91-190, 83 Stat. 852 *et seq.*, 42 U.S.C. 4321 *et seq.*

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275, 88 Stat. 110, (15 U.S.C. 776), a copy of this proposed repeal has been submitted to the Administrator of the Environmental Protection Agency (EPA) for comments concerning the impact of this proposal on the quality of the environment. No comments have been received from the EPA Administrator.

List of Subjects in 10 CFR Part 461

Energy conservation, Electric power rates, Electric utilities, Grant programs—energy, Natural gas.

(Energy Conservation and Production Act of 1976, Pub. L. 94-385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*); Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7107 *et seq.*)).

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C., April 23, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 461—FINANCIAL ASSISTANCE PROGRAMS FOR STATE UTILITY REGULATORY COMMISSIONS AND ELIGIBLE NONREGULATED ELECTRIC UTILITIES [REMOVED]

Authority: Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 *et seq.*, (42 U.S.C. 6801 *et seq.*) as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.*, (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 *et seq.*, (42 U.S.C. 7107 *et seq.*)

Chapter II of Title 10 is amended by removing Part 461 in its entirety.

[FR Doc. 82-11857 Filed 4-29-82; 8:45 am]
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FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Reg. T]

Credit by Brokers and Dealers; Chart Comparing Section Numbers of Present and Proposed Regulation T

AGENCY: Federal Reserve System.

ACTION: Proposed rule related notice.

SUMMARY: On March 24, 1982, the Board proposed for public comment a completely revised and simplified Regulation T, Credit by Brokers and Dealers, (see 47 FR 13376, March 30, 1982). Comments on the revised Regulation T should be received by June 25, 1982. To facilitate an understanding of the proposed regulation, the Board is publishing a supplemental chart which provides a cross-reference of section numbers in present Regulation T to their corresponding section numbers in the proposed regulation. The chart also cross-references section numbers from the proposed regulation to the present regulation. The supplemental chart will be an aid to persons tracing regulated areas in present Regulation T to the proposed regulation.

FOR FURTHER INFORMATION CONTACT: For further information at the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, contact: John Kelly, Attorney, Division of Banking Supervision and Regulation, (202) 452-2781. At the Federal Reserve Bank of New York, contact: Mindy Silverman, Assistant Counsel, (212) 791-5032.

The following supplemental chart is being published as an aid to understanding the proposed completely revised Regulation T:

BILLING CODE 6210-01-M

Regulation T

Credit by Brokers and Dealers

SUPPLEMENTAL CHART

Section Comparison

Present with Proposed

Present	Proposed
220.1	220.1(a)
220.2	220.2
(a)	first sentence
(b)	(b)
(c)	(c)
(d)	(v)
(e)	(s); 220.16(c),(d) & (e)
(f)	(n)
(g)	removed
(h)	(o)
(i)	(r)
220.3	
(a)	220.1(b)(1) & 220.4(a)
(b)(1)(i)	220.4(b), 220.4(c)(1) & (2). See also 220.2(a) 220.2(d) 220.2(f) 220.2(g) 220.2(h) 220.2(m)
(b)(1)(ii)	removed
(b)(2)	220.4(e)
(b)(3)	removed
(c)(1)	220.4(c)(1) & (2)
(c)(2)	220.4(b)
(c)(3)	removed
(c)(4)	220.3(g)
(d)	220.4(b), 220.4 (c)(1)&(2)

Section Comparison

Proposed with Present

Proposed	Present
220.1(a)	220.1
220.1(b)(1)	220.3(a)
220.1(b)(2)	220.7(e)
220.2	
first sentence	220.2(a)
(a)	added
(b)	220.2(b)
(c)	220.2(c)
(d)	added
(e)	added
(f)	added
(g)	added
(h)	added
(i)	added
(j)	added
(k)	220.4(g)(2)(iv)
(l)	220.4(g)(2)(v)
(m)	added
(n)	220.2(f)
(o)	added
(p)	added
(q)	added
(r)	220.2(i)
(s)	220.2(e)
(t)	220.4(g)(2)(iii)
(u)(1)	added
(u)(2)	220.6(k)
(v)	220.2(d)
(w)	added
(x)	220.4(g)(2)(i)
(y)	220.4(g)(2)(ii)
220.3	
(a)	220.4(a)(2) & 220.3(a)
(b)	220.3(a) & 220.4(a)(3)

Present with Proposed

(e)	220.4(d)
(f)	220.4(c)(2)
(g)(1)	220.4(c)(1)
(g)(2)	removed
(g)(3)	220.4(c)(3)
(g)(4)	220.4(c)(4)
(g)(5)	220.4(c)(5)
(h)(1)	220.5(a)
(h)(2)	removed
(i)(1)	220.5(b)(2)
(i)(1)(i) to (vi)	220.5(b)(3)(i) to (vi)
(i)(2)	220.5(b)(4)(ii)
(i)(3)	220.5(b)(4)(i)
(i)(4)	220.5(b)(5)
(i)(5)	220.5(b)(6)
(i)(6)	220.5(b)(6)
220.4	
(a)(1)	220.1(b)(1)
(a)(2)	220.3(a)
(a)(3)	220.3(b)
(a)(4)	removed
(b)	220.9
(c)(1)(i) & (ii)	220.7(a)(1) & (2)
(c)(2)	220.7(b)(1) & (b)(4)
(c)(3)	220.7(b)(1)(ii), (iii) & (iv)
(c)(4)	220.7(b)(3)
(c)(5)	220.7(b)(2)
(c)(6)	220.7(d)
(c)(7)	Partially removed; 220.7(b) & (c)
(c)(8)	220.7(c),(d)

Proposed with Present

(c)	220.7(b)
(d)	220.6(c)
(e)	220.6(f)
(f)	220.6(e)
(g)	220.3(c)(4)
(h)	220.6(j)
(i)	220.7(f)
220.4	
(a)	220.3(a)
(b)	added (covers old 220.3(b),(c),(d))
(c)(1) & (2)	added (covers old 220.3(b),(c),(d)
(d)	220.3(e)
(e)(1)	220.3(b)(2)
(e)(2)	220.6(g)(2)
(e)(3)	added
(f)	220.6(g)
220.5	
(a)	220.3(h)
(b)(1)	220.4(i)
(b)(2)	220.3(i)(1)
(b)(3) (i) to (vi)	220.3(i)(1)(i) to (vi)
(b)(4)(i)	220.3(i)(3)
(b)(4)(ii)	220.3(i)(2)
(b)(5)	220.3(i)(4)
(b)(6)	220.3(i)(6) & 220.3(i)(5)
(c)	220.6(a)
(d)	220.6(b)
(e)	220.6(d)
220.6	220.4(f)(6)

Present with Proposed

(d)	220.11(c)
(e)	220.8(a)(1)
(f)(1)	220.10(a)(4)(i)
(f)(2)(i)	220.10(a)(3)
(f)(2)(ii)	220.10(a)(4)(ii)
(f)(2)(iii)	220.10(b)
(f)(3)	220.10(a)(1)
(f)(4)	220.11(f)
(f)(5)	220.11(d)
(f)(6)	220.6
(f)(7)	220.8(a)(2)
(f)(8)	220.8(a)(3) & (b)
(g)(1)	220.11(b)(1)
(g)(2)(i)	220.2(x)
(g)(2)(ii)	220.2(y)
(g)(2)(iii)	220.2(t)
(g)(2)(iv)	220.2(i)
(g)(2)(v)	220.2(j)
(g)(3)	220.11(b)(3)*
(g)(4)	220.11(b)(4)
(g)(4)(i)	220.11(b)(4)(i)
(g)(4)(ii)	220.11(b)(4)(ii)
(g)(4)(iii)	220.11(b)(4)(iii)
(g)(5)(i)	220.11(b)(4)(iv)
(g)(5)(ii)	220.11(b)(4)(v)
(g)(5)(iii)	220.11(b)(4)(vi)
(g)(6)	220.11(b)(5)
(g)(7)	220.11(b)(7)
(g)(8)	220.11(b)(6)
(h)	removed
(i)	removed; see 220.4, 220.5(b)(1)
(j)	removed, see 220.4,
(k)	removed

Proposed with present

220.7	
(a)(1)	220.4(c)(1)(i)
(a)(2)	220.4(c)(1)(ii)
(a)(3)	added
(b)(1)(i)	220.4(c)(2)
(b)(1)(ii)	220.4(c)(3)
(b)(1)(iii)	220.4(c)(3)
(b)(1)(iv)	220.4(c)(3)
(b)(2)	220.4(c)(5)
(b)(3)	220.4(c)(4)
(b)(4)	220.4(c)(2) & 220.4(c)(7)
(c)	220.4(c)(8)
(d)	220.4(c)(6),(8)
220.8	
(a)(1)	220.4(e)
(a)(2)	220.4(f)(7)
(a)(3)	220.4(f)(8)
(b)	220.7(c)
220.9	220.4(b)
220.10	
(a)(1)	220.4(f)(3)
(a)(2)	added
(a)(3)	220.4(f)(2)(i)
(a)(4)(i)	220.4(f)(1)
(a)(4)(ii)	220.4(f)(2)(ii)
(b)	220.4(f)(2)(iii)
220.11	
(a)	added
(b)(1)	220.4(g)(1)
*(b)(3)	220.4(g)(3)
(b)(4)(i), (ii),(iii)	220.4(g)(4) (i)(ii),(iii)

*/ Note: Number 220.11(b)(2) was omitted - to be corrected. 220.11(b)(3) should be 220.11(b)(2); 220.11(b)(4) should be 220.11(b)(3) etc.

Present with Proposed

220.5	
(a)	220.14(a)
(b)	220.14(b)
(c)	220.14(a)(3)
220.6	
(a)	220.5(c)
(b)	220.5(d)
(c)	220.3(d)
(d)	220.5(e)
(e)	220.3(f)
(f)	220.3(e)
(g)(1)	220.4(f)(1)
(g)(2)	220.4(f)(2), 220.4(e)(2)
(h)	220.15
(i)	220.13(a)
(j)	220.3(h)
(k)	220.2(u)(2)
220.7	
(a)	220.12
(b)	220.3(c)
(c)	220.8(b)
(d)	removed
(e)	220.1(b)(2)
(f)	220.3(i)
220.8	220.17
(a)	220.17(a) & (c)
(b)	220.17(c)
(c)	220.17(b)
(d)	220.17(e)
(e)	removed
(f)	removed
(g)	removed
(h)	220.16(a)
(i)	220.16(b)
(j)	220.17(d) & (h)

Proposed with Present

(b)(4)(iv), (v),(vi)	220.4(g)(5)(i) (ii),(iii)
(b)(5)	220.4(g)(6)
(b)(6)	220.4(g)(8)
(b)(7)	220.4(g)(7)
(c)	220.4(d)
(d)	220.4(f)(5)
(e)	added
(f)	220.4(f)(4)
220.12(a)	220.7(a)
220.13	
(a)	220.6(i)
(b)	added
220.14	
(a)	220.5(a)
(b)	220.5(b)
220.15	220.6(h)
220.16	
(a)	220.8(h)
(b)	220.8(i)
(c)	220.2(e)(3)
(d)	220.2(e)(4)
(e)	220.2(e)(5)
220.17	
(a)	220.8(a)
(b)	220.8(c)
(c)	220.3(a) & (b)
(d)	220.8(j)
(e)	220.8(d)
(f)	added
(g)	added
(h)	220.8(j)

BILLING CODE 6210-01-C

Board of Governors of the Federal Reserve System, April 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-11488 Filed 4-29-82; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans; Proposed Rulemaking

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This proposed amendment will clarify that SBA must determine whether funds are "otherwise available" before approving a loan guarantee to a qualified employee trust. The effect of this amendment is to treat these loan guarantees the same as any other 7(a) loan guarantee to the degree permitted by law. The purpose of this amendment is to ensure that an SBA loan guarantee for a qualified employee trust is not sought in order to circumvent the regulations governing regular business loans. This is accomplished by maintaining consistent criteria for all loan programs.

DATE: Comments must be received or postmarked on or before June 29, 1982.

ADDRESS: Written comments, in duplicate, may be sent to the Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Questions about these proposed changes may be directed to: Robert H. Bartlett, Chief, Program Operations Branch (202) 653-6470.

SUPPLEMENTARY INFORMATION: The legislation authorizing this assistance stated that these loans should be treated as a loan to the employer concern. Therefore, these loans should be subject to the same criteria as all other 7(a) loans within the limits of the statute.

As written, § 122.308(c) does not appear to conform to this statutory requirement in that the personal resources and credit of these principals who are not participating in the employee organization are not mentioned. As amended this paragraph clearly states that SBA must have evidence that the funds are not otherwise available by utilizing the personal assets and credit of those principals who are not participating in the employee organization or the resources and credit of the employer business. These loans, therefore, will be subject to the same criteria as other 7(a) loans to the degree permitted by law.

Regulatory Flexibility Analysis

This action is being considered to remove the apparent inconsistency in program criteria present in the existing regulation.

The objective of these changes is to close an apparent loophole in the regulation that creates inconsistencies and still support the primary objective of providing a means for employees to acquire an interest in the operation of the employer concern through the purchase of qualifying securities. Both the Small Business Act and the statute authorizing these loans (Pub. L. 96-302) give SBA the authority to issue and amend regulations.

The SBA has no experience in this type of lending and has received conflicting indications, in conversations with sources outside the Agency, on the possible number of such loan applications that it may receive. Some sources have said that the Agency's statutory limit of $500,000 means there will be few, if any, situations where these loans can be of benefit to an employee trust while other sources believe there will be a relatively large number of situations where SBA assistance will be sought. Therefore, it is not possible to estimate the number of small entities that will be subject to these changes.

There are no Federal regulations relating to these loans other than SBA's regulations. This proposed change does not impose any recordkeeping requirements on any party. SBA did not consider any significant alternative to these changes, other than the unacceptable choice of allowing the unwarranted inconsistencies to continue.

SBA has determined that this change does not constitute a major rule. Also, SBA has considered the possibility of an economic impact resulting from these changes and has determined that no identifiable impact exists.

List of Subjects in 13 CFR Part 122

Employee benefit plans, Loan programs—businesses, Small businesses, Trusts and trustees.

PART 122—BUSINESS LOANS

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 631 et seq.) and amendment to § 122.308, Part 122, Chapter 1, Title 13 of the Code of Federal Regulations, is proposed to revise paragraph (c) as follows:

Subpart C—Loans to Qualified Employee Trusts

§ 122.308 Credit requirements.

* * * * *

(c) *Personal resources.* In determining whether to guarantee any loan under this authority, SBA shall not consider the personal assets of the employee-owners who are members of the employee organization. However, SBA must have evidence that financial assistance is not otherwise available by utilizing the personal resources and credit of the principals of the employer concern who are not participating in the employee organization, the resources and credit of the employer concern or the sale of those employer assets that are not essential to the operation of the business or its healthy growth.

* * * * *

(Catalog of Federal Domestic Assistance No. 59.012 Small Business Loans)

Dated: February 24, 1982.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 11859 Filed 4-29-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 368-399

Export Administration Regulations; Agency Review under Executive Order

AGENCY: International Trade Administration, Commerce.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Department of Commerce is reviewing the Export Administration Regulations as a regulatory relief effort in compliance with Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." The primary focus of the review is on simplification of language and reduction of documentation. Public comment is invited.

DATE: Comments regarding this proposal must be received by August 30, 1982.

ADDRESS: Submit comments to: Richard J. Isadore, Director, Operations Division, Office of Export Administration, P.O. Box 273, Washington, D.C. 20044.

A current version of these regulations may be inspected at: Exporters' Service Staff, Office of Export Administration, Room 1099, U.S. Department of Commerce, Washington, D.C. 20230;

or

Any Department of Commerce District Office.

FOR FURTHER INFORMATION CONTACT: Richard J. Isadore, (202) 377-4188.

SUPPLEMENTARY INFORMATION:

Public Comments

The period for submission of comments will close August 30, 1982. All comments received before the close of the comment period will be considered by the Department in the review of the Regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the agency review of the Regulations.

All public comments on the review of the Regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning this notice of agency review of the Regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

Purpose of the Review

The Department is reviewing the Export Administration Regulations (15 CFR Parts 368-399).

This review will exclude the following Parts:

Part 369—Restrictive Trade Practices or Boycotts—was revised completely, effective in January, 1978.

Part 377—Short Supply Controls and Monitoring—will be considered separately.

Parts 387, 388 and 389—Forcement; Administrative Proceedings; and Appeals—have recently been revised completely.

The objectives of the review are:

- Make it easier for users to understand and comply with the Regulations.
- Eliminate unnecessary administrative requirements and obsolete provisions.
- Achieve program objectives in the least burdensome manner.

The ultimate end-product of this review will be a set of regulations that are presented in more readable format, and that reduce documentation requirements, wherever possible. This review will not include the substance of the Regulations, that is, the commodities and technical data subject to controls and the countries to which such controls apply.

Organization

The Department intends to review the overall organization of the Regulations, as well as the organization of individual parts of the Regulations. Comments concerning the organization of the Export Administration Regulations might address:

One Part or the entire structure.
Chronological vs. functional approach.
Defense of present structure.
Strong and weak points of the present structure.
Specific organizational changes.

Documentation Requirements

Throughout the Export Administration Regulations, there are requirements for submission of documentation, reports and records, and for maintenance of records. The Department intends to review these requirements for necessity, complexity and frequency. Comments concerning these requirements might address:

Specific reports or documents or a group of reports relating to a class of exports.
Complexity of forms.
Duplication of information required.
Overly burdensome requirements.
Easier ways to submit the required information.

Economic Impact

The Department intends to address the economic impact of these regulations in broad terms only. However, commenters who have specific statistics concerning this impact are encouraged to submit them. This type of data would be particularly useful in supporting recommendations for changes in the regulations.

Dated: April 14, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82-11811 Filed 4-29-82; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-5716).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601, et seq., ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain—

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1) 5 U.S.C. 602(a).

Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

These matters include the following:

1. Regulation of Foreign Brokers and Traders

The Commission has proposed rules which would require domestic futures commission merchants who carry accounts for foreign market participants to obtain certain information on behalf of the Commission. If the information were not provided to the Commission on request, the FCM would be required to liquidate its customer's account. Public comments have been received on this proposal and on the question to whether information which FCMs must make available should be maintained by the FCMs on a routine basis or obtained by the FCMs only when specifically requested by the Commission. The Commission expects to decide whether to adopt these rules in final form in the spring/summer of 1982.

Legislative Authority: Sections 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7, 7a and 12a (1976 and Supp. IV 1980).

Agency Contact: Maureen Donley, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202-254-5984).

Outstanding Federal Register Notice: Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders, Proposed Rule, 45 FR 31731 (May 14, 1980).

2. Bankruptcy and Related Regulations

The Bankruptcy Code permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Bankruptcy Code which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission has proposed regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. The proposed bankruptcy rules will affect certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, since the commodity broker subchapter of the Bankruptcy Code pertains to such businesses, as well as other commodity firms.

The proposed rules were published for comment on November 24, 1981. The comment period expires on May 15, 1982. As technical amendments to Subchapter IV are now pending in Congress, the Commission expects to review the comments and take appropriate action in late 1982 or early 1983.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1967 and Supp. IV 1980).

Agency Contact: Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notice: Bankruptcy Proposed Rules, 46 FR 57535 (Nov. 24, 1981); Extension of Comment Period, 47 FR 8789 (Mar. 2, 1982) and 47 FR 16187 (Apr. 15, 1982).

3. Proficiency Examinations for Applicants for Registration as Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposal, however, a currently registered AP would not be subject to the examination requirement unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. If adopted, however, the program would be one of the functions that a futures association registered under Section 17 of the Commodity Exchange Act could assume, under Commission oversight.[3]

The Commission intends that an independent testing organization would be utilized to develop and administer the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association.

The comment period on the proposed rules expired on June 8, 1981. Action has been deferred temporarily pending the expected assumption by the National Futures Association (see note 3, *supra*) of regulatory responsibilities in this area.

Legislative Authority: Sections 4k, 4p and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. IV 1980).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

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[1] The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides:

Nothing in (section 602) precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

In addition to publishing the regulatory flexibility agenda required by Section 602 of the RFA, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that will be considered by the Commission during that month.

[2] The Commission simultaneously is publishing its definitions of small entity which will be used by the Commission in connection with future rulemaking proceedings. Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. See 5 U.S.C. 602(a)(1). For example, since the Commission has defined small entity not to include contract markets, proposed rulemaking concerning economic and public interest tests for contract market designation (Agenda Item 7), dormant and low volume contracts (Agenda Item 8) and large trader reporting to exchanges (Agenda Item 13) need not be included in the agenda. Moreover, the Commission has previously certified, pursuant to Section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of entities. See, *e.g.*, 46 FR 20684 (Apr. 7, 1981) (Agenda Item 3), 46 FR 23477 (Apr. 27, 1981) (Agenda Item 5), and 46 FR 60837 (Dec. 14, 1981) (Agenda Item 12). Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[3] On September 22, 1981, the Commission registered the National Futures Association under section 17 of the Act. The rules of the National Futures Association, however, presently do not include provisions for the assumption of the Commission's associated person registration function.

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (Apr. 7, 1981).

4. Registration of Non-Clerical Employees and Agents of Commodity Pool Operations ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has issued a **Federal Register** release reproposing to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The comment period expired March 16, 1982. The Commission has also made a similar proposal in the form of an amendment to the Commodity Exchange Act in connection with reauthorization. The Commission has deferred action pending Congressional consideration of its statutory proposal.

Legislative Authority: Sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisory Regulations; Proposed Rules, 45 FR 51600 (Aug. 4, 1980); Revisions of Commodity Pool Operators and Commodity Trading Advisory Regulations, Delegation of Authority, 46 FR 26004 (May 8, 1981); Registration of Employees of Commodity Trading Advisors and Commodity Pool Operators, 47 FR 2325 (Jan. 15, 1982).

5. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission expects to decide whether to adopt these rules during the latter part of 1982.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, 2033 K Street, NW, Washington, D.C. 20581 (202-254-7360).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469 (Apr. 27, 1981).

6. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. The Commission considered certain staff proposals on various policy issues relating to leverage transactions in April 1981. These policy issues included the registration of leverage transaction merchants, minimum financial requirements, and requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting.

A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission has previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act, but has delayed implementation of this approach until October 1982.

The Commission, in connection with reauthorization, has submitted a proposal to Congress regarding the appropriate regulatory scheme for leverage transactions. The Commission's regulatory efforts with regard to leverage transactions have been deferred pending Congressional consideration of the Commission's proposal.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: David R. Merrill, Office of the General Counsel, 2033 K Street, NW., Washington, D.C. 20581 (202-254-7119).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery, Postponement of Effective Date, 44 FR 69304 (Dec. 3, 1979).

7. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity to show that futures trading in the commodity would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirements with which boards of trade must comply for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November 1980, and the Commission expects to decide whether to adopt these rules in final form in the spring/summer of 1982.

Legislative Authority: Sections 2(a), 5, 5a, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 7, 7a, 8 and 12a (1976 and Supp. IV 1980).

Agency Contact: Paul M. Architzel, Acting Chief Counsel, Division of Economics and Education, 2033 K Street, NW., Washington, D.C. 20581 (202-254-6990).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (Jan. 30, 1981).

8. Dormant and Low Volume Contracts

The Commission has proposed two rules concerning dormant and low volume contracts. Rule 5.2 would provide that additional delivery months may be listed for dormant contracts only pursuant to passage by a contract market of an implementing bylaw, rule, regulation or resolution and approval by the Commission under Section 5a(12) of the Act and Rule 1.41(b). Rule 5.3 would establish contract reporting requirements for low volume contracts. This would include data concerning the contract's daily trading volume and number of open contracts during the low volume trading period, summary data concerning the nature of trading by floor brokers or traders during that period,

indications that the contract is being used by commercial participants and surveillance procedures instituted by the contract market to monitor trade practices in the low volume contract. The Commission expects to determine whether to adopt the proposal in the spring of 1982.

Legislative Authority: Sections 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Paul M. Architzel, Acting Chief Counsel, Division of Economic and Education, 2033 K Street, NW., Washington, D.C. 20581 (202-254-6990).

Outstanding Federal Register Notices: Dormant and Low Volume Contracts; Proposed Rule, 45 FR 73499 (November 5, 1980); Extension of Comment Period, 46 FR 9958 (January 30, 1981).

9. Regulations to Govern Trading in Options on Physical Commodities

The Commission recently had adopted regulations to govern a pilot program for trading of commodity options on domestic commodity exchanges. Those regulations permit the trading of options on futures contracts under specified conditions. On November 3, 1981, the Commission issued a **Federal Register** release requesting comment as to the manner in which to amend or supplement the regulations establishing the pilot program which will permit exchange trading on options on physical commodities. The comment period expired December 3, 1981. The Commission will, in reviewing comments received, decide whether revisions to these options regulations are needed.

Legislative Authority: Sections 4c(c) and 8a of the Commodity Exchange Act, 7 U.S.C. 6c(c) and 12a (1976 and Supp. IV 1980).

Agency Contacts: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202-254-8955); Eugene Moriarty, Division of Economics and Education, 2033 K Street, NW., Washington, D.C. 20581 (202-254-3310).

Outstanding Federal Register Notices: Domestic Exchange-Traded Commodity Options, Notice of Proposed Rulemaking, 46 FR 54570 (Nov. 3, 1981).

10. Gross Margining of Omnibus Accounts

The Commission discussed the issue of gross margining of omnibus accounts at its open policy meeting on September 17, 1981. The Commission expressed the view that a rule requiring gross margining of omnibus accounts may serve as an important additional protection for customer funds, especially those funds which are entrusted to futures commission merchants which are not members of any contract market. On December 29, 1981, the Commission issued a **Federal Register** release announcing a proposed rule requiring gross margining of omnibus accounts. The Commission expects to determine in mid-1982 whether to adopt this proposal.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. IV 1980).

Agency Contact: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Gross Margining of Omnibus Accounts, 46 FR 62864 (Dec. 29, 1981).

11. Definition of "rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1), to state explicitly that the definition includes actions by a contract market, its governing borad, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to review its procedures for reviewing rule submissions under Section 5a(12) of the Act in late 1982 and, within the context of that review, determine whether to adopt the proposed rule amendment.

Legislative Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a and 12a (1976 and Suppp. IV 1980).

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Contract Market Rules, 45 FR 84082 (Dec. 22, 1980).

12. Arbitration and Reparations Proceedings

The Commission has proposed amendments to its rules governing arbitration and reparations proceedings which would (1) authorize the use of binding pre-dispute arbitration agreements, thereby effectively eliminating the right of a customer who voluntarily enters into such an agreement to seek reparations with respect to a dispute arising under the agreement; (2) provide the customer with a choice of arbitration forums; and (3) require contract markets to provide that their members will bear the costs of the proceedings. The proposed rules are intended to promote the use of arbitration as a dispute-resolution alternative to reparations proceedings. The Commission expects to decide whether to adopt this proposal in the fall of 1982.

Legislative Authority: Sections 2a(11), 5a(11), 8a(5) and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 7a(11), 12a(5) and 18 (1976 and Supp. IV 1980).

Agency Contact: Wendy E. Robinson, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202) 254-8955.

Outstanding Federal Register Notices: Regulations Pertaining to Reparations and Arbitration, Proposed Rules, 46 FR 60834 (Dec. 14, 1981).

13. Large Trader Reporting to Exchanges

The Commission has proposed a rule which would require exchanges to collect, process and forward to the Commission, in machine readable form, information which the Commission currently collects from futures commission merchants and foreign brokers on series '01 reports and form 102. The rule is intended to enhance effective market surveillance programs by the exchanges and to alleviate, to some extent, the duplicative reporting burden currently imposed on some exchange member firms. The comment period expired November 25, 1981. The Commission expects to determine whether to adopt the proposal in mid-1983.

Legislative Authority: Sections 4g, 4i, 5(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7(d) and 12a(5) (1976 and Supp. iV 1980).

Agency Contact: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Stret, NW., Washington, D.C. 20581 (202) 254-3310.

Outstanding Federal Register Notices: Large Trader Reporting to Exchanges and Reporting Open Positions, 45 FR 57141 (Aug. 27, 1980).

14. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1-FR. One proposed amendment

would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals during the latter part of 1982.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. IV 1980).

Agency Contact: Daniel A. Driscoll, Deputy Director, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (Mar. 13, 1981).

Issued in Washington, D.C., on April 26, 1982, by the Commission.

Jean A. Webb,

Deputy Secretary of the Commission.

(FR Doc. 11664 Filed 4–29–82; 8:45 am)

BILLING CODE 6351-01-M

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17 CFR Part 1

Policy Statement and Establishment of Definitions of "Small Entities" for Purposes of the Regulatory Flexibility Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Policy statement and final establishment of definitions.

SUMMARY: The Commodity Futures Trading Commission has issued a policy statement and established certain final definitions of small entities which the Commission will use in connection with future rulemaking proceedings. The definitions will be used in accordance with the provisions of the Regulatory Flexibility Act, which requires that agencies, in proposing rules, consider their impact on small business. These definitions concern the following categories of entities regulated by the Commission: Contract markets, futures commission merchants (FCMs), commodity pool operators (CPOs), commodity trading advisors (CTAs), floor brokers and large traders. Pursuant to the definitions, designated contract markets and registered futures commission merchants and commodity pool operators will not be considered small entities. Consideration as to which commodity trading advisors, floor brokers and non-registered futures commission merchants are small entities will be addressed in the context of specific rule proposals affecting those entities. In adddition, those business concerns which are large traders in commodity futures would not be considered small entities for purposes of the Commission's large trader requirements.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–5716.

SUPPLEMENTARY INFORMATION: On April 29, 1981, the Commission proposed definitions of "small entities" for purposes of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, *et seq.* ("RFA"). See 46 FR 23940 (Apr. 29, 1981). The RFA requires each Federal agency to consider in the course of proposing and promulgating substantive rules, the effect of those rules on small entities. A small entity is defined to include, *inter alia,* a "small business" and a "small organization." 5 U.S.C. 601(6).[1]

The Commission's proposal relating to the definitions of small entity was premised on the limited usefulness, for Commission purposes, of the size standards for small business currently in use by the Small Business Administration ("SBA"). After consultation with the Office of Advocacy of the SBA [2] and consideration of the comments received from the public on the proposed definitions, the Commission is now establishing final definitions of small entities.

1. Contract Markets

In its proposal, the Commission stated that it did not consider any contract market designated under the Commodity Exchange Act ("Act") to be a "small entity" for purposes of the RFA. The Commission's views were based on considerations relating to the central role played by contract markets in the regulatory scheme concerning futures trading.[3] The Commission also considered the high volume of transactions on boards of trade which have been designated by the Commission as one or more contract markets and the large number of employees employed by the boards of trade.

There are currently eleven boards of trade which have been designated by the Commission as contract markets to trade specific commodities. Two of those submitted comments to the Commission. The first one, which is one of the nation's smaller exchanges, did

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[1] Generally, "small businesses" are for-profit organizations and "small organizations" are not-for-profit organizations. See 5 U.S.C. 601 (3) and (4). Almost all of the entities regulated by the Commission are organized and operated as for-profit organizations. Accordingly, the Commission's definitions primarily relate to defining "small business." Nonetheless, a few of the entities regulated by the Commission, *e.g.,* certain commodity exchanges that have been designated as contract markets to conduct futures trading, are organized as not-for-profit organizations. Where appropriate, the Commission's definitions of "small entity" include "small organizations," as well as "small businesses."

[2] Section 601(3) of the RFA, 5 U.S.C. 601(3), requires agencies to consult with the Office of Advocacy of the SBA prior to establishing definitions of "small business." In its comment letter to the Commission, the Office of Advocacy did not object to the Commission's proposed definitions. Rather, recognizing that regulation of commodity futures trading is still relatively new, it chose not to comment specifically on the Commission's proposed definitions. The Office of Advocacy recommended, however, that the Commission review the definitions upon the anniversary date of the Commission's regulations governing each category of regulated entity. In this regard, the Commission intends to review these definitions in conjunction with its periodic review of rules relating to these entities. See 5 U.S.C. 610 and the Commission's Plan for Periodic Review of Rules, 46 FR 29952 (June 4, 1981).

[3] Congress, in requiring regulation of the futures industry, found, *Inter alia,* that futures transactions, "as commonly conducted on boards of trade * * * are carried on in large volume by the public generally," that prices involved in such transactions on boards of trade are disseminated nationally and internationally for purposes of price determination and that futures transactions are used by enterprises in interstate commerce for hedging purposes. Section 3 of the Act, 7 U.S.C. § 5 (1976). Because of the inportance of futures trading to the national economy, a board of trade, which is defined in section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. IV 1980), as "any exchange or association * * * of persons who shall be engaged in the business of buying or selling any commodity * * *," may be designated as a contract market only if it meets the stringent requirements set forth in Section 5 of the Act, 7 U.S.C. § 7 (1976). Once designated, it must comply with additional requirements set forth in Section 5a of the Act, 7 U.S.C. 7a (1976 and Supp. IV 1980). No futures contracts may be executed except through contract market members, on or subject to the rules of a contract market. Sections 4 and 4h of the Act, 7 U.S.C. 6 and 6h (1976).

See Report of the committee on Agriculture and Forestry, United States Senate, 93d Cong., 2d Sess., on the Commodity Futures Trading Commission Act of 1974, p. 126 (Nov. 15, 1974):

"A fundamental purpose of the Commodity Exchange Act is to insure fair practice and honest dealing on the commodity exchanges and to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers and the exchanges themselves."

not disagree with the Commission's rationale for excluding contract markets from the definition of small business. Rather, it stated, and we agree, that the Commission "should continue to consider the effect of any proposed substantive rules on the 'effective functioning of designated contract markets' * * *" Of course, as more fully explained in note 4 below, that is an essential task of the Commission with respect to every contract market, regardless of relative size. In contrast, one of the nation's larger exchanges objected to the Commission's proposal on the ground that it would deprive contract markets of the RFA's protections. Similarly, another commentator suggested that the Commission's proposal would discourage new contract markets from entering the industry.

However, the Commission designates a board of trade as a contract market only when the exchange meets specific criteria, including expenditure of sufficient resources to maintain adequate self-regulatory programs. See Commission Guideline No. 1, concerning Economic and Public Interest Requirements for Contract Market Designation, and Commission Guideline No. 2, concerning Contract Market Rule Enforcement Programs, published at CCH Com. Fut. L. Rept. ¶6145 and ¶6430, respectivley. These criteria have not, however, presented a barrier to entry into the industry. Since these criteria were adopted in 1975, existing exchanges have received designation to trade approximately 100 new contracts. Moreover, the Commission recently designated two new boards of trade as contract markets, the New York Futures Exchange and the New Orleans Commodity Exchange, resulting in the establishment of the new futures exchanges.[4]

Therefore, the Commission believes that designated contract markets are not small entities for purposes of the RFA and is defining small entities not to include contract markets. Not only do contract markets play a vital role in the national economy, but they are required to operate as self-regulatory organizations, subject to Commission oversight, with statutory duties to enforce the rules adopted by their own governing bodies. Membership on the exchanges is expensive and includes the nation's largest brokerage houses. Accordingly, we do not believe that Congress intended contract markets to be covered by the RFA.[5]

2. Futures Commission Merchants

The Commission's proposal would also exclude registered FCMs from the definition of small entities.[6] The proposal to exclude registered FCMs is based on the fiduciary nature of FCM-customer relationships as well as the requirements that FCMs meet minimum financial requirements. See section 4f(2) of the Act, 7 U.S.C. 6f(2) (1976); 17 CFR 1.17 (1981). The minimum financial requirements established by the Commission serve to enhance the protection of customers' segregated funds and better protect the financial condition of FCMs.[7]

Two commentators have taken issue with the rationale behind the Commission's proposal, suggesting that the fiduciary nature of a registered FCM's business is not relevant to the definition of small entities. The Commission disagrees with these commentators. It is the Commission's opinion that different regulatory treatment of registered FCMs in accordance with their size would be inconsistent with the mandate of the Act. Congress has clearly mandated that only FCMs meeting minimum financial requirements should be permitted to solicit, and accept funds from, commodity customers. We believe that, for the basic purpose of protection of the financial integrity of futures trading, Commission regulations can make no size distinction among registered FCMs.[8] Accordingly, and notwithstanding the fact that some registered FCMs are smaller than others, it is the Commission's view that a registered FCM should not be considered a small business for purposes of the RFA.

3. Commodity Pool Operators

The Commission proposed, in establishing definitions of small entities for purposes of the RFA, to use its definition of CPOs exempt from registration. In this regard the Commission has recently revised Commission Rule 4.13(a), 17 CFR 4.13(a), which exempts certain commodity pool operators from the registration requirement of the Act. See 46 FR 26004 (May 8, 1981). Previously, CPOs whose pools' net assets did not exceed $50,000 and had no more than 15 participants were not required to register, although they still were obligated to comply with certain other regulations of the Commission; under the revised rule, effective July 1, 1981, the assets test for exemption has been raised to $200,000 of gross capital contributions. The revision increases the number of entities not required to register with the Commission.

Two commentators addressed the Commission's proposed definition. One commentator apparently supported the proposed definition; however, it suggested that the Commission

[4] Further, it is necessary, to accomplish the purpose of permitting new entrants into the industry, to include such boards of trade within the definition of small entity. Section 15 of the Act, 7 U.S.C. 19 (1976), requires the Commission, prior to adopting any rule or regulation, to "take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] Act, * * *" the Commission, therefore, must take into consideration differences in size through the mandate of section 15, regardless of whether any of the entities it regulates are defined as small entities.

[5] Similarly, the Securities and Exchange Commission ("SEC") has stated that "it is doubtful that the Congress intended for the RFA to apply to [stock] exchanges, * * *" 46 *FR.* 19260 (Mar. 30, 1981). Nonetheless, the SEC has defined "small business" and "small organization" to include the nation's two smallest stock exchanges, which the SEC had previously exempted from certain regulatory requirements. See 17 CFR 240.0–10(e). It should be noted that the Commodity Exchange Act and the Commission's regulations contain no similar regulatory exemptions for contract markets.

[6] In general, FCMs solicit and accept orders from the public for purposes of futures trading. Pursuant to Commission Rule 1.7, 17 CFR 1.7, an FCM which trades solely for proprietary accounts is not required to register with the Commission. Propriety accounts, include, *inter alia*, house accounts, accounts of the FCM's officers, directors, owners or partners, and accounts of certain relatives and business affiliates. Rule 1.3(y), 17 CFR 1.3(y). Those FCMs which are not required to register are exempt from many of the regulatory requirements which govern registered FCMs. See, *e.g.*, Sections 4f(2) and 4(g) of the Act, 7 U.S.C. 6f(2) and 6g (1976) (financial and reporting requirements).

The Commission's proposal did not address which non-registered FCMs should be considered small for purposes of the RFA. The Commission has determined, however, that it will consider which non-registered FCMs should be considered small entities in the context of any specific rule proposals which may affect such entities. Accordingly, non-registered FCMs would be treated in a manner similar to CTAs and floor brokers.

[7] See Report of the Senate Committee on Agriculture and Forestry on Commodity Exchange Act Amendments, S. Rep. No. 947, set forth at 2 U.S. Cong. & Admin. News 1673 (1968):

"The danger to the public from [FCM] fiscal irresponsibility is obvious. The underfinanced brokerage firms have been found to be most likely to dip into customer's funds or resort to sharp trading practices to bolster their money needs.

Under the proposed amendment [Section 4f(2) of the Act], applicants for registration will be required to demonstrate reasonable capital resources * * *"

[8] Insofar as the Commission's regulations do distinguish between registered FCMs, those distinctions are based on the degree of oversight deemed necessary to insure the integrity of the market and the funds of customers, rather than the size of the FCM. Thus, the Commission's regulations require a registered FCM which is not a member of a designated self-regulatory organization, such as a contract market, to maintain a higher adjusted net capital requirement than a registered FCM which is a member of a designated self-regulatory organization. See Commission Rule 1.17(a)(1), 17 CFR 1.17(a)(1). Similarly, an FCM who does not solicit or accept funds from members of the public for commodity futures trading is subject to a lesser degree of regulation. See note 6, *supra*.

periodically review the coverage of Commission Rule 4.13(a). This suggestion is consistent with the position taken by the Commission when it expanded the exemptions provided for in Rule 4.13(a):

> * * * the Commission intends to reevaluate the dollar amount of the exemption from time to time to assure that it remains realistic.

46 FR 26006 (May 8, 1981).

The other commentator, the National Association of Futures Trading Advisors ("NAFTA"), suggested three alternatives to the Commission proposed definition: It would define as small entities either those with (1) $2 million in annual revenues (the existing SBA definition for certain service industries); or (2) $50 million in money under management (the standard proposed by the Securities and Exchange Commission to determine whether certain investment advisers are small entities); or (3) less than 25 employees (the proposed SBA definition for certain service industries). NAFTA's suggestions are derived from proposed or existing definitions of small business in the context of other industries.

It is the Commission's belief that the alternative definitions suggested by NAFTA are not appropriate for CPOs. The commodities industry is a high liquidity and low margin industry, which is not labor intensive. Further, any measure of size of a CPO should take into account the number of its customers, as well as the assets under control. As NAFTA itself points out, a revenues test would be subject to annual "flip-flops" without any "increase or decrease in the number of customers." Its proposed money under management test is set very high, even though smaller-sized pools may have a large number of participants. NAFTA's preferred test, the number of persons employed by the entity, "would appropriately deem a three person operation to be a small entity even though it manages $5,000,000 or operates a $5,000,000 pool."

The Commission believes, therefore, that the appropriate test of whether a CPO is a small entity remains that most recently considered by the Commission with respect to its registration requirements. This test takes into account the number of participants in a pool and the amount of money contributed to the pool by these participants. Moreover, by utilizing an existing Commission standard which is familiar to the industry, and for which data is currently available, the Commission will be able to minimize any doubt concerning which CPO's are small for purposes of the RFA.

4. Large Traders

The Commission proposed that traders who hold or control positions in a significant number of futures contracts, and therefore are required to report their positions and released information to the Commission, not be considered small entities within the meaning of the RFA. The Commission considered the size of a trader's position to be the only appropriate test for purposes of large trader reporting. One commentator pointed out that while some large traders "may be in a position to report * * * positions continuously throughout the year" other traders "may only become 'large' for purposes of reporting positions once a year." This is, of course, correct, but this we consider an effective size distinction, *per se*, since the reporting burden on the occasional large trader is by definition smaller than the reporting burden on the continuous large trader. Moreover, the Commission has recently revised its regulations to require large trader reports only on special call from the Commission. 46 FR 59960 (Dec. 8, 1981).[9]

5. Commodity Trading Advisors and Floor Brokers

The Commission did not propose definitions of small entities with respect to CTAs and floor brokers, but requested comment as to suitable definitions for these categories. One commentator agreed with the Commission that CTAs encompass a broad category of business enterprises and supported the Commission's view that analysis of what constitutes small entities should depend on the nature of the proposed rule and its impact on any specific type of CTA. NAFTA, however, believes that failure to adopt a general definition of small entities for CTAs "evade[s] the issue" and suggests that one of the alternative tests it offers for CPOs be adopted for CTAs as well. For the reasons discussed above with respect to CPOs, the Commission does not believe that any of the tests propounded by NAFTA are suitable. The Commission continues to believe that adequate consideration of a CTA's size should directly relate to the nature of any rule proposal which affects CTAs. For example, a proposed rule may concern only those CTAs who publish commodities advice for clients or, on the other hand, may affect only those CTAs who manage specific accounts for clients. Since this category remains too broad for general definition, the Commission believes that it is more appropriate to consider on a case-by-case basis which CTAs should be deemd small under the RFA.

With respect to floor brokers, one commentator stated some floor brokers, including those who conduct their brokerage business as individuals, should be considered small businesses within the meaning of the RFA.[10] That commentator, however, offered no definition of small entities with respect to floor brokers, and as in the case of CTAs, the Commission believes that definitions for this category should be in the context of any rule proposals specifically affecting them.[11]

List of Subjects in 17 CFR Part 1

Commodity exchanges, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

§ 1.3 [Amended]

Accordingly, pursuant to section 601(3) and (4) of the Regulatory Flexibility Act, 5 U.S.C. 601(3) and (4), the Commission hereby amended § 1.3 of Part 1 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding the following Note to follow the text of that section:

Note.—Concerning Policy Statement and Establishment of Definitions of "Small Entity" for Purposes of the Regualtory Flexibility Act: The Commission has issued a policy statement and established certain definitions of "small entity" for purpose of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The policy statement and definitions, which will be used by the Commission in rulemaking proceedings, appear at 47 FR—— (April 30, 1982).

[9] The large trader reporting requirements are set forth at 17 CFR Parts 15 and 18 (1981). The Commission further notes, in this connection, that it has recently substantially raised reporting levels, thus significantly reducing regulatory burdens on large traders. 46 FR 15132 (Mar. 4, 1981).

[10] The Office of Advocacy of the SBA similarly commented that floor brokers who act as individuals, as opposed to business entities, should be included in any definition of small floor broker which the Commission may adopt in the future. In light of the fact that the RFA, as adopted, does not apply to "individuals," *compare* S. 299, 96th Cong., 1st Sess. (Jan. 31, 1979), the Commission questions whether Congress intended the RFA to apply to floor brokers who act as individuals. Nonetheless, in any future rule proposal affecting floor brokers, the Commission will consider which floor brokers, whether they act as individuals or have established a formal business entity, should be deemed small.

[11] At present, the Commission has very few rules specifically concerning floor brokers. See, *e.g.*, Commission Rules 1.35(c)–(d), 1.38, 1.39, 20.00, and 155.2, 17 CFR 1.35(c)–(d), 1.38, 1.39, 20.00, and 155.2.

Issued in Washington, D.C. on April 23, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-11663 Filed 4-29-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 141 and 142

Proposed Amendments to the Customs Regulations Relating to Importations of Certain Large Machines

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the importation of large machines. The proposal would allow an importer to request in writing that certain machines, which because of their immense size and other factors are imported in separate shipments, be classified and dutiable as a complete machine under its particular item number in the Tariff Schedules of the United States. The importer's request would be subject to approval by the Commissioner of Customs. Presently, parts or components of a complete machine which are imported in separate shipments are classifiable and dutiable as parts or components rather than as a complete machine. The action is necessary to give full effect to the specific provision in the Tariff Schedules for the named machine.

DATES: Comments must be received on or before June 29, 1982.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: James A. Seal, Classification and Value Division (202-566-8181). Operational Aspects: Herbert H. Geller, Duty Assessment Division (202-566-5307). U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

The Administrative Procedure Act provides that each agency shall give an interested person the right to petition for the issuance of a rule (5 U.S.C. 553(e)). The Customs Service has received a petition from a member of the public regarding the tariff classification of Fourdrinier papermaking machines. After due consideration, Customs has determined that a notice of proposed rulemaking is appropriate in this instance and the document which follows was prepared in response to that request.

All merchandise imported into the customs territory of the United States is subject to duty or duty-free entry in accordance with its classification under the applicable item in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). The TSUS is divided into various schedules, parts, and subparts, separately dealing with merchandise in broad categories.

The present Customs Service practice is to treat large machines imported in several shipments as a series of separate articles for the purpose of tariff classification. This practice is in accord with the present limitation on the longstanding judicial "doctrine of entireties," that merchandise imported in more than one shipment cannot be classified as an entirety, but rather that each shipment is classified separately. Tariff classification and duty rate are determined shipment by shipment. As a result, in some cases a very large machine imported in several shipments will not be classified under a named provision in the TSUS for the machine. Rather, each part or component will be classified under the TSUS item that most specifically describes the particular part or component.

For example, Schedule 6, Part 4, Subpart D, TSUS sets forth the item numbers and rates of duty for pulp and paper machinery, bookbinding machinery, and printing machinery. TSUS item number 668.00 specifically pertains to machines for making cellulosic pulp, paper, or paperboard, *e.g.*, Fourdrinier papermaking machines which are within the scope of this proposal.

The modern Fourdrinier papermaking machine is actually a composite of numerous interrelated machines, each performing a specialized operation in the process of producing a finished paper or board product from pulp. The typical Fourdrinier papermaking machine as installed, and independent of the building housing it, weighs as much as 10,000,000 pounds and occupies as much as 2,310,000 cubic feet. While many of the subsections are assembled by the manufacturer, industry practice is that larger components are assembled after delivery to the site and not prior to shipment.

According to an importer of those machines, the primary reasons for assembly at the site are:

1. A customer could not, in a short period of time, erect an entire machine at a site even if the machine was delivered in a single shipment. Great care must be exercised in erecting a papermaking machine to ensure that each of the components interfaces properly. The first machine component erected is normally the first dryer cylinder which is positioned at about the center of the machine. The other components are installed progressively "upstream" and "downstream" from the first dryer cylinder.

2. The size of many components prevents shipment as a unit. A single dryer cylinder six feet in diameter, having walls four inches thick and a length of 420 inches with journals and housings attached, will weigh about 56,000 pounds. A typical dryer section will consist of as many as 100 such cylinders. An assembled dryer section occupies a space 50 to 60 feet in width, 20 feet high and hundreds of feet long. Thus, it has been represented to Customs that "it is impossible to transport an assembled dryer section." This demonstrates the practical difficulty of assembling or even gathering the components of an entire machine in one place and finding a vessel large enough and with sufficient available space to transport it.

3. Manufacture of the machine can only be accomplished over an extended period of time. Even the largest manufacturers have facilities capable of casting only two cylinders per day. Thus, the dryer section of a typical machine (100 cylinders) requires ten weeks for casting alone. More complex components, such as drilled suction rolls, require greater time.

4. Erection of a papermaking machine is a time consuming process. The time span between erection of the first dryer cylinder and the initial production run is at least eight months and frequently as long as two years.

5. The significant periods of time necessary to manufacture and later to erect papermaking machines prohibit the usual commercial sequence, *i.e.*, manufacture, delivery, erection. In the papermaking machine industry, components are manufactured, delivered, and erected in a specific order. Some components have yet to be manufactured while others are being erected at the site.

As a matter of practice, Fourdrinier papermaking machines purchased under a single contract but imported in many shipments because of their immense size

and manufacturing schedule have not been classified for tariff duty purposes under the single TSUS item number, 668.00, that describes the entire machine with greatest specificity.

Accordingly, to correct this and similar situations and to give full meaning to item 668.00, and other named items in the TSUS, it is proposed to amend Parts 141 and 142, Customs Regulations (19 CFR Parts 141, 142), relating to the entry and classification of very large machine components to allow an importer to request in writing that the entire (assembled) machine be classified under the specific TSUS item. The importer's request would be subject to approval by the Commissioner of Customs. If an importer of a large machine imported in separate shipments chooses to request Customs to classify the machine as an entirety, the importer must deposit estimated duties covering the appraised value of the entirety at the time of filing the entry summary for the initial shipment (19 U.S.C. 1484, 1505). This proposal would constitute an extension of the judicial "doctrine of entireties" which Customs believes justified by the unique nature of Fourdrinier papermaking machines, and other large machines, as described above.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, sections 315, 448, 484, 505, 624, 46 Stat. 695, as amended, 714, as amended, 722, as amended, 759, 77A Stat. 14 (19 U.S.C. 66, 1202 (Gen. Hdnote 11, Tariff Schedules of the United States), 1315, 1448, 1484, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

The document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Secretary of the Treasury certifies that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

In particular, Customs Office of Economic Analysis has determined that the Fourdrinier papermaking machinery in question is not manufactured by a substantial number of small entities, and that the proposal will not have a significant economic impact on those that do. In addition, the proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 141

Explosives, imports, Lawyers.

19 CFR Part 142

Canada, Imports, Mexico.

Proposed Amendments

It is proposed to amend Parts 141 and 142, Customs Regulations (19 CFR Parts 141, 142), in the following manner:

PART 141—ENTRY OF MERCHANDISE

1. Section 141.69 would be amended by adding a new paragraph (d) to read as follows:

§ 141.69 Applicable rates of duty.

* * * * *

(d) *Large machines.* (1) At the written request of the importer, successive shipments of components of a large machine which, after assembly in the United States at the site of proposed use, constitute a complete machine, may be dutiable as an entire machine at the rate in effect at the time of entry of the initial shipment. The importer's request for such treatment must be approved by the Commissioner of Customs before the initial shipment of the merchandise.

(2) This provision shall be limited to a large machine which is:

(i) Sold as a unit pursuant to a single contract of sale;

(ii) Entered at one port;

(iii) Entered in its entirety within three years of the date of entry of the initial shipment;

(iv) Comprised of three or more shipments, and the combined shipments weighing at least 1,000 tons; and

(v) Commercially infeasible to import in a single shipment because of size and method of manufacture, and which will be assembled at the domestic site of permanent use.

(3) If an importer of a large machine requests appraisement and classification of that machine as an entirety, the importer shall:

(i) File an entry summary in accord with § 142.17(a)(5) of this chapter; and

(ii) Deposit estimated duties on the appraised value of the entire machine at the time of filing the entry summary for the initial shipment in accord with § 141.101(f) of this chapter.

2. The heading of § 141.82 and paragraph (a) of that section would be revised to read as follows:

§ 141.82 Invoice for installment shipment.

(a) *One invoice sufficient.* Installments of a shipment covered by a single order or contract and shipped from one consignor to one consignee may be included in one invoice if the installments arrive at the port of entry by any means of transportation within a period not to exceed 10 consecutive days. The foregoing 10-day limitation does not apply to the entry of shipments of a large machine in accordance with section 141.69(d).

* * * * *

3. Section 141.101 would be amended by adding a new paragraph (f) to read as follows:

§ 141.101 Time of deposit.

* * * * *

(f) *Entry of large machines.* In the case of a large machine entered in accordance with § 141.69(d) of this part, the importer shall deposit estimated duties on the appraised value of the entire machine at the time the entry summary for the initial shipment is filed with the appropriate Customs officer.

PART 142—ENTRY PROCESS

1. Paragraphs (a)(4) and (b)(4) of § 142.17 would be revised to read as follows:

§ 142.17 One entry summary for multiple entries.

(a) *Requirements.*

* * * * *

(4) The time between the date of the first entry and the date of the last entry does not exceed one week (but see paragraph (d) of this section),

* * * * *

(b) *Merchandise not eligible.*

* * * * *

(4) Merchandise for which liquidation has been withheld (but see paragraph (d) of this section), and

* * * * *

2. A new paragraph (d) would be added to § 142.17 to read as follows:

§ 142.17 One entry summary for multiple entries.

* * * * *

(d) *Large machines.* The limitations expressed in paragraphs (a)(4) and (b)(4) of this section do not apply to entries of the components of a large machine made in accordance with the provisions of § 141.69(d) of this part.

William von Raab.

Commissioner of Customs.

Approved: April 21, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-11838 Filed 4-29-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 660

[Docket No. 81N-0417]

Additional Standards for Anti-Human Globulin Serum

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to establish additional standards for Anti-Human Globulin Serum. The proposed additional standards include the provisions of the existing minimum requirements as well as changes and additions that reflect more recent experience and scientific knowledge in the use of Anti-Human Globulin Serum.

DATES: Written comments by June 29, 1982. The proposed effective date of the final rule is 180 days after the date of its publication in the **Federal Register.**

ADDRESS: Comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Anti-Human Globulin Sera consist of sterile preparations of sera or protein-rich fluids containing one or more antiglobulin antibodies. The preparations are usually produced by injecting rabbits or other animals with human proteins, or from immunoglobulin-secreting cell lines. The preparations are used as reagents in antiglobulin tests to demonstrate that red blood cells have been coated with immunoglobulin molecules or complement components.

Antiglobulin tests may be direct or indirect. The direct antiglobulin test detects in vivo coating of red blood cells. Direct antiglobulin testing is used, for example, in the diagnosis of hemolytic disease of the newborn, investigation of transfusion reactions, detection of drug-induced red cell sensitization, and detection of antibodies in autoimmune hemolytic anemia. The indirect antiglobulin test detects antibodies that are present in the individual's serum or plasma. Indirect antiglobulin testing is used, for example, in compatibility testing, donor and patient screening for unexpected antibodies, and in the detection of antigens.

Under section 351 of the Public Health Service Act (42 U.S.C. 262), biological products, including Anti-Human Globulin Sera, offered for sale in interstate commerce must be licensed and meet certain standards that ensure their continued safety, purity, efficacy, and potency. Product licenses for Anti-Human Globulin Sera were first issued based on compliance with "Minimum Requirements: Anti-Human Serum for the Anti-Human Globulin Test" published in 1949 by the Division of Biologic Standards of the National Institutes of Health (precusor of FDA's Bureau of Biologics). These requirements were amended in 1960 and supplemented by guidelines published in 1977 by FDA.

The agency now proposes to publish additional standards for Anti-Human Globulin Sea based on a review of existing product licenses, minimum requirements, and guidelines to reflect current scientific knowledge. These proposed additional standards would amend Part 660 (21 CFR Part 660) by adding a new Subpart F to include the provisions of the existing minimum requirements and guidelines for Anti-Human Globulin Sera. The proposed additional standards also contain changes and additions that reflect more recent experience and scientific knowledge in the field.

1. In proposed § 660.50 (21 CFR 660.50), the proper name of the product is changed from Anti-Human Serum to Anti-Human Globulin Serum to describe the product more accurately.

2. In proposed § 660.51(a)(3) and (4) (21 CFR 660.51(a)(3) and (4)), a lot and sublot of Anti-Human Globulin Serum are defined. The current guidelines do not contain these definitions.

3. The Bureau of Biologics will supply reference Anti-Human Globulin Sera to licensed manufacturers, as stated in proposed § 660.52 (21 CFR 660.52). Anti-IgG and anti-C3d reference sera shall be used to determine the potency of Anti-Human Globulin Sera. The reference sera are not mentioned in the current guidelines or in the current minimum requirements for Anti-Human Serum labeling and lot release requirements because the reference sera were not available when these documents were published. However, the anti-IgG reference serum has been used by all manufacturers since November 1977, and the anti-C3d reference serum has been used by all manufacturers for testing all lots manufactured since October 1980.

4. In proposed § 660.54 (21 CFR 660.54), the tests for anti-IgG activity in the existing minimum requirements have been expanded and modified to include reference to detailed potency test procedures. However, the procedures proposed are the same as those currently used by all manufacturers for potency evaluation with anti-IgG reference serum.

5. In proposed § 660.54, additional tests are required for nonspecific properties to detect unwanted antiglobulin activity such as excessively high titers of anti-C3d or anti-C4d which may cause agglutination of normal cells which have been refrigerated in their own serum.

6. The 1977 guidelines noted that the anti-C3d component of Anti-Human Serum might be less stable than the anti-IgG component. Consequently, the Bureau of Biologics required stability testing of anti-C3d every 3 months throughout the dating period of the sera. This requirement has been omitted from the proposed rule since recent scientific data show that anti-C3d activity is not less stable than the anti-IgG component.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it

does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, the proposal would establish additional standards for Anti-Human Globulin Serum. Based on a thorough review of current minimum requirements, existing guidelines, and product license provisions, the agency believes that the publication of codified additional standards is warranted. The proposed regulations (additional standards) do not impose new or different requirements on industry as they reflect requirements derived from current product license provisions, minimum requirements, provisions in existing gudelines, and current experience and scientific knowledge concerning these products. Currently, licensed manufacturers of Anti-Human Globulin Serum are essentially in compliance with the proposed additional standards. Consequently, any economic impact on these manufacturers, resulting from this proposal, would be minimal. Therefore, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 660

Biologics, Labeling.

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Part 660 be amended by adding new Subpart F, to read as follows:

* * * * *

Subpart F—Anti-Human Globulin Serum

Sec.
660.50 Anti-Human Globulin Serum.
660.51 Processing.
660.52 Reference preparations.
660.53 Controls for serological procedures.
660.54 Potency tests, specificity testing, test for heterospecific antibodies, and additional tests for nonspecific properties.
660.55 Labeling.
660.56 Samples; protocols; official release.

Authority: Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).

Subpart F—Anti-Human Globulin Serum

§ 660.50 Anti-Human Globulin Serum.

(a) *Proper name and definition.* The proper name of this product shall be Anti-Human Globulin Serum which shall consist of a sterile preparation of serum containing one or more antiglobulin antibodies identified in § 660.55(d).

(b) *Source.* The source of this product shall be either serum from animals immunized with one or more human serum globulins, or protein-rich fluids derived from stable immunoglobulin-secreting cell lines maintained either in tissue culture or in secondary hosts.

§ 660.51 Processing.

(a) *Processing method.* (1) The processing method shall be one that has been shown consistently to yield a specific, potent final product, free of properties which would adversely affect the product for its intended use throughout the dating period.

(2) Polyspecific (anti-IgG, anti-C3d) reagents and anti-IgG products may be colored green.

(3) Only that material which has been fully processed, sterile filtered into a single vessel, and thoroughly mixed in that vessel shall constitute a lot. Each lot shall be identified by a lot number.

(4) A lot may be subdivided into clean, sterile vessels. Each subdivision shall constitute a sublot which shall be identified by the lot number to which has been added a distinctive prefix or suffix. If lots are to be subdivided, the manufacturer shall include this information in the license application and on the protocol. The manufacturer shall describe the test specifications to verify that each sublot is identical to other sublots of the lot and that sublot is sterile as specified in § 610.12 of this chapter.

(b) *Final containers and dropper assemblies.* (1) Final containers and dropper assemblies shall be sterile.

(2) Final containers and dropper pipettes shall be colorless and sufficiently transparent to permit observation of the contents for presence of particulate matter or increased turbidity.

(3) Dropper bulbs may be colored white.

(c) *Volume of product in final container.* A final container of Anti-Human Globulin Serum shall not contain more than 50 milliliters of the product.

(d) *Date of manufacture.* The date of manufacture shall be the date of initiation by the manufacturer of the last valid group of potency tests reported on a protocol submitted to the Director, Bureau of Biologics.

§ 660.52 Reference preparations.

The following reference Anti-Human Globulin Sera shall be obtained from the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, and shall be used as described in the accompanying package insert for determining the potency of Anti-Human Globulin Sera:

Anti-IgG

Anti-C3d

§ 660.53 Controls for serological procedures.

Red blood cells sensitized with complement shall be tested with appropriate positive and negative control antisera. Unlicensed positive and negative control antisera shall be approved by the Director, Bureau of Biologics, before use. All tests shall be performed in accordance with serological testing procedures available upon request from the Director, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

§ 660.54 Potency tests, specificity testing, tests for heterospecific antibodies, and additional tests for nonspecific properties.

(a) The following tests for determining anti-IgG and anti-complement activity shall be performed. These test procedures are available upon request from the Director, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205:

(1) Determination of anti-IgG activity using anti-D.

(2) Determination of anti-IgG activity using anti-Fy^a.

(3) Determination of anti-C3d activity.

(4) Determination of anti-C4d activity.

(5) Determination of anti-C3b activity.

(6) Determination of anti-C4b activity.

(b) Specificity testing, testing for heterospecific antibodies, and testing for nonspecific properties shall be performed. These test procedures are available from the Director, Bureau of Biologics, at the address given in paragraph (a) of this section.

§ 660.55 Labeling.

In addition to the applicable labeling requirements of §§ 610.62 through 610.65 and 809.10 of this chapter, and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following requirements shall be met:

(a) *Final container label.*—(1) *Color coding.* The final container label of all polyspecific (anti-IgG, anti-C3d) reagents shall be white or colorless, and printing shall be solid black lettering. The final container label of all other Anti-Human Globulin Serum reagents shall be black with solid white lettering.

(2) *Required information.* The proper name "Anti-Human Globulin Serum" need not appear on the final container label provided the final container is distributed in a package and the package label bear the proper name. The final container label shall bear the following information:

(i) Name of the antibody or antibodies present as set forth in paragraph (d) of this section. Anti-Human Globulin Sera may contain one or more antibodies to either immunoglobulins or complement components but the name of each antibody must appear on the final container label (e.g., anti-C3d, anti-(4d, or anti-IgG, anti-C3b). The final container labels of polyspecific Anti-Human Globulin Sera are not required to identify antibody specificities other than anti-IgG, anti-C3d, but the reactivity of the serum shall be accurately described in the package insert.

(ii) Name, address, and license number of the manufacturer.

(iii) Lot number, including sublot designations.

(iv) Expiration date.

(v) Source of the product.

(vi) Recommended storage temperature.

(vii) Volume of product.

(viii) Appropriate cautionary statement if the serum is not polyspecific. For example, "DOES NOT CONTAIN ANTIBODIES TO HUMAN IMMUNOGLOBULINS" or "DOES NOT CONTAIN ANTIBODIES TO COMPLEMENT COMPONENTS".

(ix) If the final container is not enclosed in a package, all items required for a package label shall appear on the container label.

(3) *Lettering size.* The type size for the designation of the antibody on the label of a final container shall be not less than 12 point.

(4) *Visual inspection.* When the label has been affixed to the final container, a sufficient area of the container shall remain uncovered for its full length or for no less than 5 millimeters of the lower circumference to permit inspection of the contents.

(b) *Package label.* The following items shall appear either on the package label or on the final container label if see-through packaging is used:

(1) Proper name of the product.

(2) Name, address (including zip code), and license number of the manufacturer.

(3) Lot number, including sublot designations.

(4) Expiration date.

(5) Preservative used and its concentration.

(6) Number of containers, if more than one.

(7) Recommended storage temperature.

(8) Source of the product.

(9) Reference to enclosed package insert.

(10) The statement: "For In Vitro Diagnostic Use."

(11) The statement: "Meets FDA Potency Requirements."

(12) Indication of any alteration to the product.

(13) Appropriate cautions.

(c) *Package insert.* Each final container of Anti-Human Globulin Serum shall be accompanied by a package insert meeting the requirements of §809.10 of this chapter. If two or more final containers requiring identical package inserts are placed in a single package, only one package insert per package is required

(d) *Names of antibodies.*

Antibody designation on container label	Definition
(1) Anti-IgG, Anti-C3d (Polyspecific).	Contains anti-IgG and anti-C3d (may contain other anticomplement and anti-immunoglobulin antibodies).
(2) Anti-IgG	Contains anti-IgG with no anticomplement activity (not necessarily gamma chain specific).
(3) Anti-IgG Heavy Chains.	Contains only antibodies reactive against human gamma chains.
(4) Anti-C3b	Contains only C3b antibodies with no antiimmunoglobulin activity. Note: The antibody produced in response to immunization is usually directed against the antigenic determinant A which is located in the C3c subunit; some workers have also called this antibody anti-C3c. In product labeling, this antibody should be designated as anti-C3b
(5) Anti-C3d	Contains only C3d antibodies with no antiimmunoglobulin activity.
(6) Anti-C4b	Contains only C4b antibodies with no antiimmunoglobulin activity.
(7) Anti-C4d	Contains only C4d antibodies with no antiimmunoglobulin activity.

§ 660.56 Samples; protocols; official release.

(a) After no less than 15 percent of each lot has been filled into final containers, the following material shall be submitted to the Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20205:

(1) *Samples.*—(i) Representative samples selected from final containers filled in one continuous operation. The samples shall be labeled and packaged, and shall be approved by the quality control section as if for distribution.

(ii) If a lot of fully processed material is subdivided into sublots, representative final container samples from one sublot that have been filled in one continuous operation shall be considered representative of the entire lot.

(iii) If a lot is to be totally exported in bulk containers, samples shall be withdrawn from a final bulk container and placed in sterile bottles with complete export labeling attached.

(iv) Samples of not less than the following quantities shall be submitted:

Final container size (in milliliters)	Number of final containers to be submitted
1	5
2	3
5	2
10	2
50	1
(1)	(2)

[1] Bulk containers more than 50 milliliters.
[2] Two 10-milliliter samples withdrawn from bulk container.

(2) *Protocol.* A protocol identifying the lot and showing dates and test results of all tests required by the Director, Bureau of Biologics.

(b) *Official release.* A lot of Anti-Human Globulin Serum shall not be issued by the manufacturer until written notification of official release of the lot is received from the Director, Bureau of Biologics, Food and Drug Administration.

Interested persons may, on or before June 29, 1982 submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 6, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-11485 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

Cancellation of Public Hearing on Proposed Bonding Amendment to State of Texas Permanent Regulatory Program

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

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing cancellation of a public hearing on the adequacy of a proposed bonding amendment to Texas' permanent regulatory program under the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA). Because no one expressed an interest in attending the hearing by April 23, 1982, the hearing has been cancelled.

This notice cancels the public hearing but does not alter the times and locations that the proposed bonding amendment is available for public inspection, or the comment period during which interested persons may submit written comments on the proposed amendment.

DATES: The public hearing scheduled for Thursday, May 6, 1982, is cancelled.

FOR FURTHER INFORMATION CONTACT: Robert L. Markey, Director, Oklahoma State Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth St., Tulsa, Oklahoma 74103, Telephone: (918) 581-7927.

SUPPLEMENTARY INFORMATION: On April 2, 1982, notice of opportunity for public hearing on Texas' proposed bonding amendment to its permanent regulatory program under SMCRA was published in the **Federal Register** (47 FR 14170-14172).

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Robert L. Markey by April 23, 1982, and that if no person contacted Mr. Markey to express an interest in participating in the hearings by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by April 23, 1982, the hearing has been cancelled.

Although there will not be a public hearing, interested persons may still submit written comments on the proposed bonding amendment. Written comments must be received on or before 4:30 p.m. on May 12, 1982, to be considered in the OSM Director's decision to approve or disapprove the proposed amendment.

Written comments should be mailed or hand-delivered to: Robert L. Markey, Director, Oklahoma State Office, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 West Fourth St., Tulsa, Oklahoma 74103.

Dated: April 22, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 82-11769 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-05-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Agenda of Proposed Regulatory Activity

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the 6-month period from May to October 1982. This agenda was developed under the guidelines in Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981). GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the early stages of the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Acting Chief, Directives, Reports, and Publications Branch (202-566-0666).

SUPPLEMENTARY INFORMATION: GSA publishes a semiannual agenda of proposed regulatory activity during April and October of each year. The agenda lists, for each of GSA's services and staff offices, final rules expected to be issued, proposed rules, and regulations to be reviewed.

Dated: April 27, 1982.

Ray Kline,

Acting Administrator of General Services.

OFFICE OF ACQUISITION POLICY

1. Final rules expected to be issued.

a. Licensing of federally owned inventions (41 CFR 101-41.).

(1) *Description.* This regulation provides policies and procedures applicable to the licensing of inventions owned by the Federal Government. The regulation implements Pub. L. 96-517 which amends the patent and trademark laws. The regulation has been revised, on the basis of comments received, to provide a uniform basis for the licensing of federally owned inventions by agencies in the interest of achieving maximum practicable exploitation of inventions in the national interest.

(2) *Legal basis.* Pub. L. 96-517 and Federal Property and Administrative Services Act of 1979, as amended (40 U.S.C. 486(c)).

(3) *Contact point.* Philip G. Read (202-523-4755).

(4) *Major rule.* No.

(5) *Expected issue date.* May 31, 1982.

2. Proposed rules expected to be issued. None.

3. Regulations to be reviewed. None.

OFFICE OF ORGANIZATION AND PERSONNEL

1. Final rules expected to be issued.

a. Nondiscrimination in Federally Assisted Programs (41 CFR Part 101-8).

(1) *Description.* These regulations are being issued to implement rules forbidding discrimination against qualified handicapped person(s) in any program or activity receiving Federal assistance from GSA.

(2) *Legal basis.* Section 504 of the Rehabilitation Act of 1973, as amended.

(3) *Contact point.* Thomas E. Henderson (202-566-1368).

(4) *Major rule.* Yes.

(a) A proposed rule was published in the **Federal Register** (44 FR 62298) on October 30, 1979. A final 504 Regulation was not issued at that time because of a decision to issue a consolidated regulation.

(b) The objective of this regulation is to ensure that facilities are made accessible to handicapped recipients.

(5) *Expected issue date.* June 1982.

2. Proposed rules expected to be issued.

a. Nondiscrimination in Federally Assisted Programs (41 CFR Part 101-8).

(1) *Description.* These regulations are being issued to implement rules forbidding discrimination based on race, color, national origin, handicap, sex or age against any person(s) in any program or activity receiving Federal assistance from GSA.

(2) *Legal basis.*

(a) Title VI of the Civil Rights Act of 1964.

(b) Section 504, of the Rehabilitation Act of 1973, as amended.

(c) Title IX of the Education Amendments of 1972, as amended.

(d) The Age Discrimination Act of 1975, as amended.

(3) *Contact point.* Thomas E. Henderson (202) 523-4992.

(4) *Major rule.* No.

(5) *Expected issue date.* June 1982.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

1. Final rules expected to be issued.

a. Procurement and Contracting Government-wide for Automatic Data Processing Services and ADP Support Services by Federal Agencies (41 CFR 1–4.12).

(1) *Description.* This amendment to the Federal Procurement Regulations (FPR) adds a new Subpart 1–4.12 to the FPR that sets forth policies and procedures governing the procurement of ADP services and ADP support services by Federal agencies.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Phillip R. Patton (202–566–0194).

(4) *Major rule.* No.

b. Procurement and Contracting for Telecommunications (41 CFR 1–4.13).

(1) *Description.* This directive adds procurement and contracting policies and procedures to the FPR concerning the acquisition of telecommunications. The directive will replace FPR Temporary Regulation 51 and FPMR Subpart 101–37.4.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert R. Johnson (202–566–0194).

(4) *Major rule.* No.

c. Federal Information Processing Standard Languages and Procedures (41 CFR 101–36.13).

(1) *Description.* This regulation combines into a single section the three high level programing languages which have been adopted as Federal Information Processing Standards. FIPS PUB 21–1 COBOL is currently in effect; FIPS PUB 68, Minimal BASIC, and FIPS PUB 69, FORTRAN, became effective on March 4, 1982. This regulation provides standard terminology for use in requirements documents, including solicitations to ensure that compilers acquired by the Government and those used by Government contractors in the performance of ADP services have been validated and are in compliance with the applicable standard insofar as the language elements included in a FIPS PUB are tested. The intended effect is to increase portability of application programs, thereby increasing economy and efficiency.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Phillip R. Patton (202–566–0194).

(4) *Major rule.* No.

d. Automatic Data Processing Sharing Procedures and Reports (41 CFR Part 101–36) (Temporary regulation).

(1) *Description.* This temporary regulation changes the GSA role from acting as a broker between Federal agencies in sharing ADP resources among agencies. OMB Circular A–121 is implemented. The frequency of agency report on sharing is reduced from quarterly to annually.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Betty van Gelderen (202–566–0194).

(4) *Major rule.* No.

e. Federal Information Processing Standard Languages and Procedures (41 CFR 101–36.13).

(1) *Description.* This regulation provides standard terminology to be used in requirements documents, including solicitations, to ensure that OCR printers, readers, and printed forms provided to or developed by the Government conform to Federal Information Processing Standard 89.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Phillip R. Patton (202–566–0194).

(4) *Major rule.* No.

2. Proposed rules.

a. Contracts with the Small Business Administration (SBA) for Automated Data Processing (ADP) Requirements in accordance with Section 8(a) of the Small Business Act (41 CFR Part 1–4). Reference: GAO Report AFMD–82–9, October 16, 1981.

(1) *Description.* This proposed amendment to FPR Part 1–4 would amend sections 1–4.1103–5 and 1–4.1206–8 relative to contracts with the SBA for ADP requirements in accordance with section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* William R. Loy (202–566–0194).

(4) *Major rule.* No.

(5) *Expected issue date.* Mid 1982.

3. Regulations to be reviewed.

a. Automatic Data Processing (ADP) Resources Utilization and Reutilization of ADP equipment and supplies (41 CFR 1–4.11 and 101–36).

(1) *Description.* Federal Property Management Regulations 101–36.2 and 101–36.3 covering ADP sharing and reutilization of excess ADP equipment will be reviewed towards updating and revising procedures in order to reduce paperwork burdens and to encourage agencies to update their ADP capabilities.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Betty van Gelderen (202–566–0194).

(4) *Major rule.* No.

b. Modification of the Definition of ADPE in the Context of Information Resources Management (41 CFR 1–4.11 and 101–35.2).

(1) *Description.* Distinctions between office automation, automatic data processing, and telecommunications equipment within the context of the Paperwork Reduction Act's information resources coordinating policies are to be clarified.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* David R. Mullins (202–566–0194).

(4) *Major rule.* No.

c. Exemption of ADP procurement authority based on the Warner Amendment to the Defense Authorization Act of 1982 (41 CFR 1–4.11 and 1–4.12).

(1) *Description.* This directive will provide for certain DOD exemptions to GSA Government-wide ADP regulations.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202–566–0194).

(4) *Major rule.* No.

d. Update of the content and procedures for the Government-wide ADP Management Information System (41 CFR 101–36.5).

(1) *Description.* This directive will provide a revised ADP/MIS for common use by central management activities, compatible with individual agency use.

(2) *Legal basis.* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Betty van Gelderen (202–566–0194).

(4) *Major rule.* No.

e. Consolidation of ADP and telecommunications regulations for publication in the proposed Federal Acquisition Regulation (48 CFR Parts 1 and 39; 41 CFR Chapters 1 and 101).

(1) *Description.* This directive will reformat existing FPR and FPMR (41 CFR 1 and 101) provisions relating to automatic data processing and telecommunications into a new Part 39 of the proposed Federal Acquisition Regulation.

(2) *Legal basis.* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202–566–0194).

(4) *Major rule.* No.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE—OFFICE OF OFFICE INFORMATION SYSTEMS.

1. Final rules expected to be issued.

a. Federal Records; General (41 CFR 101-11.1).

(1) *Description.* This regulation establishes policies, standards, and procedures for economical and efficient management of agencies' records and information. A portion of the regulation will be changed to update legal citations and to clarify the meaning of records and information.

(2) *Legal basis.* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mary Cunningham (202-535-7462).

(4) *Major rule.* No.

b. Forms—agency program responsibilities (41 CFR 101-11.208).

(1) *Description.* This regulation establishes policies, procedures, and standards to increase the usefulness of forms through proper design and efficient usage procedures. It also helps agencies achieve savings in the design, printing, storage and distribution of forms.

(2) *Legal basis.* 44 U.S.C. Chapters 29 and 31.

(3) *Contact point.* Mary Cunningham (202-535-7462).

(4) *Major rule.* No.

c. Standard and Optional Forms (41 CFR 101-11.8).

(1) *Description.* This subpart prescribes procedures for agencies to follow in obtaining both the approval and cancellation of Government-wide Standard and Optional forms. This subpart also sets forth agencies responsibilities to develop, promulgate, and sponsor Government-wide forms through the Standard and Optional Forms Program. The regulations will be changed to provide improved standards and guidance for the development and clearance of Standard and Optional forms.

(2) *Legal Basis.* The Standard and Optional Forms Program was developed and operated by the Office of Management and Budget (OMB) consistent with the authorities prescribed by the Budget and Accounting Act of 1921. Responsibility for the program was assumed on May 29, 1976, by GSA/NARS through agreement with OMB.

(3) *Contact point.* R. Stewart Randall (202-535-7462).

(4) *Major rule.* No.

d. Interagency Reports (41 CFR 101-11.11).

(1) *Description.* These regulations prescribe procedures to be followed by agencies to obtain approval of proposed interagency reporting requirements. The regulations will be changed to provide improved standards and guidance for the development and clearance of interagency reporting requirements.

(2) *Legal Basis.* 44 U.S.C. Chapters 29 and 31; OMB Circular A-40, revised dated May 3, 1973.

(3) *Contact point.* R. Stewart Randall (202-535-7462).

(4) *Major rule.* No.

e. Copy Management (41 CFR 101-11.302).

(1) *Description.* These regulations establish policies, standards and procedures for economical and efficient use of copying equipment in Federal agencies.

(2) *Legal Basis.* Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

(3) *Contact point.* Donald Hansen (202-535-7443).

(4) *Major rule.* No.

FEDERAL SUPPLY SERVICE

1. Final rules expected to be issued.

a. Adjustments (Temporary regulation).

(1) *Description.* This regulation raises the minimum line item dollar values below which it is not required for agencies to report shipping-type discrepancies in GSA shipments and for GSA to make billing adjustments. This regulation will eliminate the costs of reporting and processing discrepancies when the dollar values of the discrepancies are low to the point of making such actions uneconomical.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James W. Jeremiah (703-557-0979).

(4) *Major rule.* No.

b. Justification to support negotiated procurement by GSA for other agencies (41 CFR 101-26.105).

(1) *Description.* This regulation clarifies that Federal agencies are to include a written justification with each requisition submitted to GSA for negotiated procurement of items because of public exigency. The regulation will help to ensure compliance with a ruling by the Comptroller General of the United States requiring written justification in support of negotiated procurements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

c. Development, management, and use of specifications, standards, and descriptions of products used by Federal agencies (41 CFR Part 101-29).

(1) *Description.* This regulation provides policies and procedures for the development, management, and use of specifications, standards, and other product descriptions. The regulation will incorporate into the FPMR the Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy, Office of Management and Budget.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Walter Eckbreth (703-557-0536).

(4) *Major rule.* No.

d. GSA material returns program (41 CFR 101-27.5).

(1) *Description.* This regulation contains revised policies, criteria, and procedures for returning to GSA for credit those items which are in long supply or for which no current or future requirements are anticipated. The regulation clarifies requirements relating to the GSA material returns program including instructions for offering material to GSA and actions to be taken by agencies when material is not acceptable for return to GSA.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert Weeks (703-557-5330).

(4) *Major rule.* No.

e. Substitution policy (41 CFR 101-26.304).

(1) *Description.* This regulation contains changes in the GSA policy on issuing substitute items for items ordered from GSA stock. The regulation will specify when prior approval will be obtained from ordering activities before substitute items are issued.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

f. Price comparisons (41 CFR 101-26.401(c)).

(1) *Description.* This regulation eliminates the mandatory requirement that agencies compare prices in Federal Supply Schedules with suitable products available from noncontract sources and advise GSA whenever they encounter lower prices from noncontract sources. The requirement has been in effect since May of 1980 and agencies report that because of limited staffing they are unable to comply. This regulation will provide that agencies notify GSA only when they encounter an instance in which the price of a Schedule product is higher than a suitable noncontract product.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

g. Priorities for sources of supply (41 CFR 101-26.107 and 101-26.605).

(1) *Description.* This regulation provides clarification between mandatory and nonmandatory supply sources that are available to Federal agencies. The regulation will enable agencies to better determine the appropriate source to use in obtaining supplies or services.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

h. Management of personal property (Temporary regulation).

(1) *Description.* This regulation provides general policy for the management of personal property and requires agencies to provide GSA with an agency contact for communications concerning management of personal property. The regulation is an initial step in establishing a personal property management program so as to achieve savings on a large scale.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

i. Suspension of reporting requirement for the Supply Activity Report (Temporary regulation).

(1) *Description.* This regulation temporarily suspends the requirement for agencies to submit the Supply Activity Report. This will allow time to establish an interagency task force to develop a revised Supply Activity Report that contains more relevant and useful data elements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* No.

2. Proposed rules—None.

3. Regulations to be reviewed.

a. Policy for personal property (41 CFR 101-26.103-1).

(1) *Description.* This regulation prescribes general policy to ensure that executive agencies obtain maximum benefit from funds available for the procurement of personal property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* To be determined.

b. Restriction on personal convenience items 941 CFR 101-26.103-2).

(1) *Description.* This regulation contains restrictions on the acquisition of personal convenience items.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert A. Renner (703-557-7990).

(4) *Major rule.* To be determined.

NATIONAL ARCHIVES AND RECORDS SERVICE

1. Final rules expected to be issued.

a. Microfilm processing (41 CFR 101-11.506-3(d)(1)).

(1) *Description.* This regulation deletes the procedure followed by agencies in obtaining methylene blue testing services provided by GSA. The reimbursable methylene blue testing service provided by GSA is no longer self-supporting. Commercial testing services are now available.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Alan Calmes (202-523-3159).

(4) *Major rule.* No.

b. Agency records centers (41 CFR 101-11.412).

(1) *Description.* The rules on agency records centers are being revised to update certain fire safety requirements, to reduce the time frame for agency submission of Standard Form 137, Agency Records Center Annual Report, from 60 to 30 calendar days after the close of each fiscal year, and to clarify coverage of the regulations.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George Scaboo (202-724-1614).

(4) *Major rule.* No.

c. Change in procedures for transfers of records to Federal Records Centers (41 CFR 101-11.410-2(a)(2)).

(1) *Description.* This regulation is being revised to indicate that records to be retained for less than 3 years will no longer be accepted for transfer to a records center.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George Scaboo (202-724-1614).

(4) *Major rule.* No.

2. Proposed rules expected to be issued. None.

3. Regulations to be reviewed. None.

PUBLIC BUILDINGS SERVICE

1. Final rules expected to be issued.

a. Vehicle parking facilities (41 CFR Part 101-20)

(1) *Description.* This regulation will codify the priorities for the assignment of parking spaces at federally controlled facilities contained in Temporary Regulation D-65. This regulation will be effective upon publication in the **Federal Register.**

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III, Director, Space Management Division, Office of Space Management (202-566-1875).

(4) *Major rule.* No.

(5) *Expected issue date.* June 30, 1982.

b. Federal Space Management (41 CFR Parts 101-17, 101-18).

(1) *Description.* This regulation revises those portions of Part 101-17, Assignment and Utilization of Space, and Part 101-18, Acquisition of Real Property, of the Federal Property Management Regulations, which require priority consideration for locating Federal agencies in central business areas. The revised regulation will place primary emphasis on cost effectiveness, including improved utilization of Government-owned facilities and concern for agency mission accomplishment.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III, Director, Space Management Division, Office of Space Management (202-566-1875).

(4) *Major rule.* No.

(5) *Expected issue date.* September 30, 1982.

2. Proposed rules expected to be issued.

a. Improved use of Federal space and facilities (41 CFR Part 101-17).

(1) This proposed rule will provide agencies with guidelines to be used in establishing programs to improve utilization of space. In addition, it reduces the office space allowances in § 101-17.34 by approximately 20 percent, and requires mandatory submission of GSA Form 1476. Space Requirements Worksheet, with each Standard Form 81, Request for Space. This regulation is intended to reduce the total space utilization rate, which will result in significant annual cost avoidance.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III, Director, Space Management Division, Office of Space Management (202-566-1875).

(4) *Major rule.* No.

(5) *Expected issue date.* June 30, 1982.

b. Physical Protection (41 CFR 101-20.5).

(1) *Description.* These regulations define the policies and procedures

governing the delivery of law enforcement and security services by the Federal Protective Service (FPS) to occupants and visitors on property under the charge and control of GSA.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James Boyd (202-566-1104).

(4) *Major rule.* No.

(5) *Expected issue date.* June 4, 1982.

c. Reimbursable Services (41 CFR Parts 101-20 and 21).

(1) *Description.* This regulation changes the billing procedure for reimbursable services from fixed-price billing in advance except recurring above-standard-level reimbursable work, to quarterly billing in an amount equal to obligations accumulated for the billing period. GSA also proposes to delegate greater authority to client agencies for accomplishing alterations that are not provided by PBS under the Standard Level User Charge (SLUC).

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Dominick Pastore, Special Assistant for program Coordination and Project Management (202-566-1954).

(4) *Major rule.* No.

(5) *Expected issue date.* June 30, 1982.

3. Regulations to be reviewed. None.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

1. Final rules expected to be issued.

a. Revision of U.S. Government bills of lading (41 CFR 101-41.4901).

(1) *Description.* These regulations will revise the format of the current editions of the U.S. Government Bills of Lading, Standard Forms (series) 1103, 1109, and 1131, making them more efficient and more responsive to data information systems.

(2) *Legal basis.* Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* John W. Sandfort (202-275-0664).

(4) *Major rule.* No.

b. Refunds from carriers for unused transportation services (41 CFR 101-4.210).

(1) *Description.* These regulations revise and improve the procedures regarding refunds from carriers for exchanged tickets and the redemption of unused tickets. Compliance will expedite recovery of outstanding refunds due the U.S. Government.

(2) *Legal basis.* Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* John W. Sandfort (202-275-0664).

(4) *Major rule.* No.

c. Payment of transportation claims (41 CFR 101-41.604).

(1) *Description.* These regulations will enable U.S. Government agencies to pay all supplemental bills (Claims) quickly and to remove some current restrictions. Compliance will simplify and reduce the workload at Federal agency finance offices.

(2) *Legal basis.* Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* John W. Sandfort (202-275-0664).

(4) *Major rule.* No.

d. Issuing office records; eliminate notification to paying office (41 CFR 101-41.307).

(1) *Description.* These regulations eliminate the requirement for the document issuing office to notify the paying office when a certified substitute document is received for payment. This change will reduce paperwork and the man-hours needed to perform the required tasks at both offices.

(2) *Legal basis.* Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* John W. Sandfort (202-275-0664).

(4) *Major rule.* No.

e. Motor Equipment Management (41 CFR Part 101-38)

(1) *Description.* These regulations contain the rules for management of the Federal motor vehicle fleet. A complete revision of Subchapter G is anticipated.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* Mr. Larry Frisbee (202-275-1021).

(4) *Major rule.* No.

f. Use of gasohol in federally owned and leased vehicles.

(1) *Description.* This regulation codifies GSA Bulletin FPMR G-147 announcing the President's decision to increase Federal fleet use of alcohol fuels where available.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Larry Frisbee (202-275-1021).

(4) *Major rule.* No.

g. Use of Self-Service Pumps (FPMR Temporary Regulation E-78).

(1) *Description.* This regulation establishes policy and prescribes procedures for use of self-service pumps for refueling Government motor vehicles.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Larry Frisbee (202-275-1021).

(4) *Major rule.* No.

h. Establishment of the Federal Facility Ridesharing Program (FPMR Temporary Regulation A-16).

(1) *Description.* This regulation implements Executive Order 12191, dated February 1, 1980, and prescribes policy and procedures to be followed by Federal agencies in promoting ridesharing among Federal employees and reporting program achievements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Larry Frisbee (202-275-1021).

(4) *Major rule.* No.

i. Use of contract airline service between selected city-pairs (Temporary regulation).

(1) *Description.* These regulations prescribe policies, procedures, and requirements applicable to Federal agencies when scheduled airline passenger transportation service is needed for official travel between selected city-pairs.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c.)

(3) *Contact point.* John B. Millington (202-275-0651).

(4) *Major rule.* No. (5) *Expected issue date.* July 1982.

j. Changes to the Federal Travel Regulations (41 CFR Part 101-7).

(1) *Description.* These regulations prescribe travel, transportation, and relocation allowances and entitlements for Federal employees. Changes are made periodically to add or revise allowances including those for mileage and subsistence in high rate geographical areas.

(2) *Legal basis.* 5 U.S.C. 5707 and E.O. 11609, July 22, 1971.

(3) *Contact point.* Audrey E. Rish (202-275-0651).

(4) *Major rule.* No.

(5) *Expected issue dates.* May and October 1982.

k. Purchase of New Motor Vehicles (FPMR 101-26.501).

(1) *Description.* This proposed amendment revises the number of consolidated volume procurements of standard sedans and station wagons made by GSA each year and revises the time schedules for consolidation of agency requirements for sedans, station wagons, and light trucks. This proposed amendment also sets forth

circumstances under which GSA will grant authority for purchase of motor vehicles to the ordering agency without a specific waiver request. In addition, the amendment provides information on GSA's Centralized Motor Vehicle Leasing Program. Finally, the amendment will clarify administrative requirements for the submission of motor vehicle requisitions, and updates from titles and organizational and Federal standard references.

(2) *Legal basis.* Section 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* William C. Hoffarth (202-275-1617).

(4) *Major rule.* No.

(5) *Expected issue dates.* May 28, 1982.

2. Proposed rules expected to be issued.

(a) U.S. Government Bill of Lading Correction Notice—Standard Form (41 CFR 101-41.3).

(1) *Description.* These regulations propose to combine two agency forms into one Standard form to be used to correct or amend U.S. Government bills of lading (GBL). The proposal is the result of an employee suggestion intended to eliminate duplication and effect economies by reducing the number of forms used by Government agencies.

(2) *Legal basis.* Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244) and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

(3) *Contact point.* John W. Sandfort (202-275-0664).

(4) *Major rule.* No.

(5) *Expected issue date.* May 15, 1982.

3. Regulations to be reviewed. None.

FEDERAL PROPERTY RESOURCES SERVICE

1. Final rules expected to be issued.

a. Contract Disputes Act of 1978 and Mistakes in Bid Disclosed After Award (41 CFR 101-45.8)

(1) *Description.* This policy directive sets forth an amendment to be made to the FPMR which implements the Contracts Disputes Act of 1978 and which revises the Mistakes in Bid procedures in 101-45.804 as it related to the sale of surplus personal property.

(2) *Legal basis.* Pub. L. 95-563, 41 U.S.C. 601-613.

(3) *Contact point.* Milton Herman (202-535-7239).

(4) *Major rule.* No.

b. Amendment to FPMR 101-45.105-3 and 101-45.304-3 (41 CFR 101-45).

(1) *Description.* This amendment will raise the dollar limitation from $250 to $1,000 whereby agencies may sell personal property upon notification to GSA.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Rebecca Worley (202-535-7010).

(4) *Major rule.* No.

c. Acquisition and use of excess personal property (Parts 101-43 and 101-48 of Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the procedures for the acquisition and use of excess personal property by Federal agencies and other authorized recipients. A number of miscellaneous changes will be made to the regulations to clarify these procedures.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division, (202-535-7048).

(4) *Major rule.* No.

d. Donations to Public Agencies and Eligible Nonprofit Tax-exempt Activities (41 CFR 101-44.2).

(1) *Description.* An FPMR amendment to correct legal citations and captions.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

e. Northern Mariana Islands is to be added to these subparts: 41 CFR 101-44.000, 41 CFR 101-44.001-11, CFR 101-44.001-13 and CFR 101-44.105(a)(3).

(1) *Description.* An FPMR amendment to add the Northern Mariana Islands.

(2) *Legal basis.* Sec. 502(a)(2) of Pub. L. 94-241, 90 Stat. 263, 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

f. Standard Form 123, Transfer Order Surplus Personal Property (41 CFR 101-4901-123).

(1) *Description.* An FPMR amendment to revise the SF 123 preparation instructions to include required special processing data and nondiscrimination certifications and agreements to include Title IX of the Education Amendments of 1972, add the word "conditional" in front of the word "title", add a "hold harmless" clause, and to update OMB's control number.

(2) *Legal basis.* 20 U.S.C. 1681 and 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

g. To include Title IX of the Education Amendments of 1972 in 41 CFR 101-44.118, Nondiscrimination.

(1) *Description.* An FPMR amendment to add Title IX of the Education Amendments of 1972 to the section.

(2) *Legal basis.* 20 U.S.C. 1681 and 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

h. To update the name of the Federal Disaster Assistance Administration. (41 CFR 101-44.105).

(1) *Description.* An FPMR amendment to change the name of the Federal Disaster Assistance Administration (FDAA), Department of Housing and Urban Development, to Federal Emergency Management Agency, pursuant to Executive Order 12148.

(2) *Legal basis.* Executive Order 12148 of July 20, 1979.

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

i. To update the Office of Management and Budget (OMB) control numbers on forms used for the donation program.

(1) *Description.* An FPMR amendment to make the following changes referencing OMB's control number:

101-44.106(d)(4).	SF 123	From 29-R0167.	To 3090-0014.
101-44.4901-123 (pages 1 & 2).			
101-48.4902-18.	GSA 18	From 29-R0012.	To 3090-0001.
101-48.201-2			
101-44.4902-3040.	GSA 3040	From 29-R0247.	To 3090-0034.
101-44.4701(e).			

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202-535-7015).

(4) *Major rule.* No.

j. Donation of Drugs, Biologicals, and Reagents (41 CFR 101-44.108-1).

(1) *Description.* An FPMR amendment to remove from FPMR 101-44.108-1 (a)(3) the authority to store and warehouse drugs, biologicals, and reagents and other similar items required to be distributed only to institutions licensed and authorized to administer and dispense such items. Special allowance may be granted by Central Office under special conditions. Donations will be aproved by GSA for only direct pickup by the eligible donee for this type of property. We will add after Food and Drug Administration (FDA) in 101-44.108(a)(1) "Medical Product Quality Assurance Staff."

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

k. Donation of aircraft (41 CFR 101–44.108–2).

(1) *Description.* An amendment to the FPMR to clarify the use of the Conditional Transfer Document, cannibalization of aircraft requirements, registering donated aircraft, and disposal of aircraft records will be explained more fully.

(2) *Legal basis.* 40 U.S.C. 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

l. Approval or disapproval of transfer orders (41 CFR 101–44.112).

(1) *Description.* An amendment to the FPMR to clarify cannibalization of donated personal property.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

m. Certification and agreement by a State agency (41 CFR 101–44.204).

(1) *Description.* An FPMR amendment to add § 101–44.204(b)(5) to include a "hold harmless clause" in the agreements made with the State agency and the donee.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

n. To change title to conditional title on donated property (41 CFR 101–44.204, 101–44.205, and 101–44.208).

(1) *Description.* An FPMR amendment to clarify that conditional title, not unrestricted title, passes to a donee at the time the donee executes the certifications and agreements required by the State agency and has taken possession of the property.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

o. Property in the possession of a State agency (41 CFR 101–44.205).

(1) *Description.* An FPMR amendment to remove reimbursement to State Agencies for Surplus Property for sale expenses. General Counsel ruled that these reimbursements were not permitted under the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 94–519 (101–44.205(j)(4)(ii)).

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

p. Cooperative agreements (41 CFR 101–44.206).

(1) *Description.* An FPMR amendment to remove the word "of" in the following sentence: "Require the donee to execute the distribution *of* documents of the State agency in which the donee is located." (101–44.206(d)(2).)

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

q. Property distributed to donees (41 CFR 101–44.208).

(1) *Description.* An FPMR amendment to add a "hold harmless clause" to (a)(7); to add to the regulation (a)(8) that from the date the donee receives Federal surplus property and through the period of Federal conditions and restrictions imposed by GSA, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber or otherwise dispose of such property or remove it permanently for use outside the State without the prior approval of GSA; to require State agency distribution documents to be prenumbered; and in (a) to clarify Federal/State restrictions on property $3,000 or over.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

r. Donation Reports (41 CFR 101–44.4701).

(1) *Description.* An FPMR amendment to delete the requirement in paragraph (b) for executive agencies to submit to Congress an annual report on the donation of foreign excess property, and in paragraph (e) change the monthly reporting requirement to a quarterly report and change the OMB control number of the report.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

s. Abandonment or destruction without notice (41 CFR 101–45.504).

(1) *Description.* An FPMR amendment to explain that the title refers to public notice as discussed in 101–45.503. The new title will now read "Abandonment or destruction without public notice."

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

t. Donation of abandoned and forfeited personal property (41 CFR 101–48.2).

(1) *Description.* An FPMR amendment stating that the donation of forfeited distilled spirits, wine, and malt beverages to eligible eleemosynary institutions is for their inpatients only and for medicinal purposes. Also to change Region 3 to WDP. The definition of State may also be changed (101–48.2 and 101–48.201–2).

(2) *Legal basis.* 40 U.S.C. 484, 203(j) and 260 U.S.C. 5688(a).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

u. To add to new subpart 101–44.120.

(1) *Description.* An FPMR amendment to establish for the donation program an informal appeal procedure concerning all phases of the donation program (101–44.120).

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

v. To remove FPMR Temporary Regulation H–22.

(1) *Description.* An FPMR amendment to remove Temporary Regulation H–22.

(2) *Legal basis.* 40 U.S.C. 484, 203(j).

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

w. Eligibility Criteria (41 CFR 101–44.207).

(1) *Description.* An FPMR amendment to provide that an educational activity which lacks evidence of formal approval or accreditation may be considered approved if its instructions and credits are accepted by three accredited or State-approved institutions (101–44.207(a)(2) and 101–44.207(i).

(2) *Legal basis.* 40 U.S.C. 484, 203(j)

(3) *Contact point.* George W. Kinney (202–535–7015).

(4) *Major rule.* No.

x. Disposal of Real Property for Airport Purposes (41 CFR 101–47.308–2).

(1) *Description.* This regulation is being amended in order to provide clarification as to the proper statute under which federally owned real property may be disposed for airport purposes.

(2) *Legal basis.*

Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (202–535–7067).

(4) *Major rule.* No.

y. Section 414 Transfers (41 CFR, Parts 101–47.203–5(b), (c), and (d); 101–47.204–1(a) and (b); and 101–47.308–6).

(1) *Description.* These regulations concerning procedures for transfers of surplus real property for low and moderate income housing under the authority of section 414 of the Housing and Urban Development Act of 1969 are being revised to implement Pub. L. 95–557 and 96–399. Public Law 95–557

expands the scope of eligible housing assistance programs under section 414 dispositions, provides exceptions to the "veto power" of local governing bodies over dispositions to non-public bodies, and reduces the period of use restrictions in the case of dispositions to non-public bodies from 40 to 30 years. Public Law 96-399 amends section 414 to permit transfers of surplus real property to the Secretary of Agriculture in addition to the Secretary of DHUD.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (202-535-7067).

(4) *Major rule.* No.

z. Disposal of excess materials from the National Defense Stockpile (41 CFR 101-14).

(1) *Description.* These regulations implement the Strategic and Critical Materials Stock Piling Act of 1979 covering substantive legal and procedural rules of contracting to promote competition for the sale of stockpile materials which have been determined to be excess, and have been authorized for disposal by Congress.

(2) *Legal basis.* Strategic and Critical Materials Stock Piling Act of 1979 (58 U.S.C. 98 et seq.) and Executive Order 12155, dated September 10, 1979.

(3) *Contact point.* John R. Babey (202-535-7115).

(4) *Major rule.* No.

2. Proposed rules.

a. Revise Standard Form 114C, General Sale Terms and Conditions (41 CFR 101-45.3).

(1) *Description.* This revision to the SF 114C incorporates changes to the General Sale Terms and Conditions to reflect current sales operating procedures.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James Pope (202-535-7006).

(4) *Major rule.* No.

(5) *Expected issue date.* May 1982.

b. Utilization, donation, sale, abandonment or destruction of hazardous materials (Chapter 101—Federal Property Managment Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the rules for the utilization, donation, sale, abandonment or destruction of hazardous personal property. The regulations will be changed to consolidate existing rules and establish new rules in FPMR Part 101-48

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda (202-535-7048.

(4) *Major rule.* No.

(5) *Expected issue date.* September 1982.

c. Miscellaneous changes to 41 CFR Part 101-49—Utilization, Donation, and Disposal of Foreign Gifts and Decorations.

(1) *Description.* These regulations promulgate instructions for the utilization, donation, and sale of foreign gifts and decorations. The regulations will be changed to enhance security, establish physical custody, and refine the formal disposal procedures for foreign gifts and decorations.

(2) *Legal basis.* 5 U.S.C. 7342, Pub. L. 95-105.

(3) *Contact point.* Mr. Stanley M. Duda (202-535-7048).

(4) *Major rule.* No.

(5) *Expected issue date.* July 1982.

d. Conveyance for Historic Monument Purposes (41 CFR 101-47.308-3(a)(3) and 101-47.308-2(e)).

(1) *Description.* These regulations are being amended to prevent the possibility of windfall profits to the grantee, sublessor, or developer when surplus real property is conveyed for historic monument purposes with revenue producing activities.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (202-535-7067).

(4) *Major rule.* No.

(5) *Expected issue date.* July 1982.

e. Reimbursement for excess real property transfers (41 CFR 101-47.203-7(f)).

(1) *Description.* This regulation is being amended to require Federal agencies be charged 100 percent of the estimated fair market value for excess property transferred to them.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (202-535-7067).

(4) *Major rule.* No.

(5) *Expected issue date.* June 1982.

f. Disposal authority delegated to holding agencies (41 CFR 101-47.302-2).

(1) *Description.* This regulation will avoid confusion that has been experienced in the past by clarifying that GSA and not the holding agency would have authority to dispose of federally owned machinery and equipment being used by a contractor-operator where the machinery and equipment will be sold to the contractor-operator.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c)

(3) *Contact point.* James H. Pitts (202-535-7067)

(4) *Major rule.* No.

(5) *Expected issue date.* June 1982.

3. Regulations to be reviewed.

a. Utilization and disposal of personal property pursuant to exchange/sale authority (41 CFR Part 101-46).

(1) *Description.* These regulations prescribe policies and methods governing the use by executive agencies of the exchange/sale authority of section 201(c) of the Federal Property and Administrative Services Act of 1949, 68 Stat. 384, as amended (40 U.S.C. 481(c)). With the advent that GAO is revising Title 7—Fiscal Procedures of its "Policy and Procedures Manual for Guidance of Federal Agencies," these regulations may have to be revised to conform with GAO's recommendations.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (202-535-7048).

(4) *Major rule.* To be determined.

b. Miscellaneous changes to reflect the GSA regional consolidation (Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations will provide details as to the new utilization and disposal procedures under the reorganization of regional personal property programs.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (202-535-7048).

(4) *Major rule.* No.

c. Review FPMR 101-45 Sale, Abandonment, or Destruction of Personal Property.

(1) *Description.* Identify areas in subject chapter needing revision.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Dona Gamble (202-535-7008).

(4) *Major rule.* No.

d. Delegation of mineral rights disposal authority to the Department of the Interior (41 CFR 101-47.603).

(1) *Description.* These regulations are being reviewed for a possible delegation of authority to the Department of the Interior to dispose of (a) mineral rights on excess and surplus Federal real property and (b) mineral rights reserved by the Government on formerly owned Federal real property.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James Kearns (202-535-7081).

(4) *Major rule.* To be determined.

e. Requirement that the Department of the Interior use Standard Form 118 and

appropriate schedules to notify GSA of reversions of title. (41 CFR 101-47.308-3 and 101-47.308-7).

(1) *Description.* The FPMR currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

(2) *Legal basis.* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (202-535-7067).

(4) *Major rule.* No.

OFFICE OF INSPECTOR GENERAL

No regulatory actions are planned.

GSA BOARD OF CONTRACT APPEALS

No regulatory actions are planned.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

No regulatory actions are planned.

OFFICE OF PUBLIC AFFAIRS

No regulatory acitons are planned.

OFFICE OF GENERAL COUNSEL

No regulatory actions are planned.

[FR Doc. 82-11868 Filed 4-29-82; 8:45 am]
BILLING CODE 6820-34-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Gail McHenry, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357-9520.

A. STATUS OF REGULATIONS PREVIOUSLY LISTED

1. Conflict of Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and special Government employees. Since publication of the last agenda, proposed regulations have been published for public comment. The final regulations may be published within the next two months.

Legal basis for issuance: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of Agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 357-7483.

Regulatory analysis: None required.

2. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS. The regulations will be published, but the time is uncertain.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et. seq.).

Name of Agency official: Perry Hooks, Office of Equal Opportunity, (202) 357-9867.

Regulatory analysis: None required.

3. Handicapped Regulations (45 CFR Proposed Part 615)

These regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published in the **Federal Register** on March 1, 1982.

Legal basis for issuance: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of Agency official: Perry Hooks, Office of Equal Opportunity, (202) 357-9867.

Regulatory analysis: None required.

4. Civil Rights—Title VI Regulations (45 CFR Part 611)

These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering technical changes recently suggested by the Department of Justice. If such changes are adopted, they will be proposed in the **Federal Register** for public comment. However, no decision has yet been made with respect to the changes and consequently any publication date.

Legal basis for issuance: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Name of Agency official: Perry Hooks, Office of Equal Opportunity, (202) 357-9867.

Regulatory analysis: None required.

B. EXISTING REGULATIONS UNDER REVIEW

None.

C. NEW REGULATIONS UNDER DEVELOPMENT

None.

D. EXISTING REGULATIONS SCHEDULED FOR REVIEW WITHIN THE NEXT SIX MONTHS

1. Conflict of Interest Regulations

See item A.1.

Dated: April 27, 1982.

John B. Slaughter,

Director.

[FR Doc. 82-11867 Filed 4-29-82; 8:45 am]
BILLING CODE 7555-01-M

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation; Semi-Annual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semi-annual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision and review during the 6 month period from April 30, 1982 through October 29, 1982. The purpose for publishing this agenda is to give notice of these upcoming regulations to allow the public the opportunity to participate in the rule-making process.

FOR FURTHER INFORMATION CONTACT: Ronald C. Owens, Associate General Counsel, ACTION, Room M-607, 806 Connecticut Avenue, NW., Washington, D.C. 20525, (202) 254-7963.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, a semi-annual agenda of regulations under development or review.

None of the regulations listed have been determined to be major and

requiring a Regulatory Impact Analysis under E. O. 12291. None of the regulations listed have been determined to impose compliance costs or reporting burdens on the public and they have been found not to affect small business or state and local governments thereby requiring a Regulatory Analysis to be performed under 5 U.S.C. 602.

At this time, ACTION does not have a major regulation published and none is anticipated in the coming six month period.

Dated: April 27, 1982.

Thomas W. Pauken,

Director, ACTION.

REGULATIONS UNDER DEVELOPMENT, REVISION OR REVIEW—APRIL 30–OCTOBER 29, 1982

Young Volunteers in Action (YVA) Guidelines

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed guidelines under which YVA will operate, including overall program philosophy; responsibilities of the YVA sponsor, staff, advisory council, volunteers and volunteer stations, and basic data on project administration.

Contact: Barbara Wyatt, (202) 254–8458.

Fixed Income Counseling Program (FICC) Guidelines

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed guidelines for FICC project grants, describing program authorization, history and purpose; applicant eligibility, criteria for sponsor-selection, sponsor responsibilities, application procedures and deadlines, and required reports and record keeping.

Contact: John Herbert, (202) 254–5205.

Retired Senior Volunteer Program (RSVP) Regulations

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed revisions to clarify and update existing RSVP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Contact: Betty Brake, (202) 254–7310.

Foster Grandparent Program (FGP) Regulations

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed revisions to clarify and update existing FGP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Contact: Betty Brake, (202) 254–7310.

Senior Companion Program (SCP)

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed revisions to clarify and update existing SCP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Contact: Betty Brake, (202) 254–7310.

Mini-Grants Guidelines

Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 42 U.S.C. 5060.

Description: Proposed revisions regarding the scope of grants, procedures for awarding grants, and reporting requirements for grantees. These proposed revisions will increase the maximum allowable federal share of grants; and will provide for mini-grants funded either through non-federal contributions or Federal Inter-Agency Agreements.

Contact: Joe Bass, (202) 254–7262.

[FR Doc. 82–11841 Filed 4–29–82; 8:45 am]

BILLING CODE 6050–01–M

Notices

Federal Register
Vol. 47, No. 84
Friday, April 30, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Grants, Benefits, and Contracts; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Grants, Benefits and Contracts of the Administrative Conference of the United States, to be held at 10:00 a.m., Tuesday, May 11, 1982, at the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

The Committee will meet primarily to discuss draft recommendations on procedures for resolution of disputes relating to federal grant programs, and comments that have been received concerning the draft recommendations.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
April 28, 1982.
[FR Doc. 82–11885 Filed 4–29–82; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Dickey Brook Watershed Project, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine, 04473, telephone (207) 866–2132.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Dickey Brook Watershed, Aroostook County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register** (June 1, 1982).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: April 22, 1982.

Billy R. Abercrombie,
State Conservationist.
[FR Doc. 82–11760 Filed 4–29–82; 8:45 am]
BILLING CODE 3410–16–M

Wolf Creek Watershed, Pilcher Creek Subwatershed, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 650): the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wolf Creek Watershed, Pilcher Creek Subwatershed, Union County, Oregon.

FOR FURTHER INFORMATION CONTACT: Jack P. Kanalz, State Conservationist, Soil Conservation Service, 1220 S.W. Third Ave., 16th Floor, Portland, Oregon 97204, telephone 503–221–2751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jack P. Kanalz, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for erosion reduction, irrigation water supply and recreation. The planned works of improvement include the installation of a multipurpose dam and reservoir, improved and new irrigation water conveyances, and basic recreation facilities.

The Notice of a Finding of No Significant Impact (FONSI) has been

forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jack P. Kanalz, State Conservationist.

No administrative action on implementation of the proposal will be taken until June 1, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Forest L. Miller,

Assistant State Conservationist.

[FR Doc. 82-11598 Filed 4-29-82; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et seq.)

Week Ended April 23, 1982.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Apr. 19, 1982	40625	Jeffrey D. Haddock and Ronald A. Watson, d/b/a Valdez Airlines, c/o Jeffrey D. Haddock, Box 6714, Anchorage, Alaska 99501. Application of Jeffrey D. Haddock and Ronald A. Watson, d/b/a Valdez Airlines, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Anchorage and the terminal point Valdez. Conforming Applications, motions to modify scope, and Answers may be filed by May 17, 1982.
Apr. 22, 1982	40630	Arrow Airways, Inc., c/o Lawrence D. Wasko, Seamon, Wasko & Ozment, 1211 Connecticut Avenue, N.W., Suite 300, Washington, D.C. 20036. Application of Arrow Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in: "the interstate and overseas air transportation of persons" and "the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions". subject to such terms, conditions and limitations as the Board may find required by the Public Convenience and Necessity. Conforming Applications, motions to modify scope, and Answers may be filed by May 20, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-11816 Filed 4-29-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Barley From France, Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on barley from France would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1168).

SUPPLEMENTARY INFORMATION: On May 5, 1971, a final countervailing duty determination on barley from France, T.D. 71-117, was published in the **Federal Register** (36 FR 8365).

On April 3, 1980 the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of barley from France entered, or withdrawn from warehouse, for consumption on or after that date.

On January 13, 1982, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (47 FR 1401). The Department determined that a net subsidy on barley from France of $0.04 per bushel of this merchandise was being conferred during the period of review and reported that rate to the ITC.

On March 31, 1982, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from France of barley covered by the countervailing duty order if the order were revoked (47 FR 13604). As a result, the Department is revoking the countervailing duty order

concerning barley from France (T.D. 71-117) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

This revocation is in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Judith Hippler Bello,

Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration.

April 27, 1982.

[FR Doc. 82-11810 Filed 4-29-82; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products from Sri Lanka, Effective May 1, 1982

April 28, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton gloves and mittens in Category 331, men's and boys' other cotton coats in Category 334, women's, girls' and infants' cotton coats in Category 335, woven shirts and blouses of cotton and man-made fibers in Categories 340/341/640/641, and women's, girls' and infants' cotton trousers in Category 348, produced or manufactured in Sri Lanka and exported to the United States during the twelve-month period which begins on May 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 7, 1980, between the Governments of the United States and Sri Lanka, as amended, establishes specific levels of restraint for Categories 331, 334, 335, 340/341/640/641 and 348, during the agreement year which begins on May 1, 1982 and extends through April 30, 1983. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Categories, 331, 334, 335, 340/341/640/641 and 348, produced or manufactured in Sri Lanka and exported during the twelve-month period which begins on May 1, 1982 and extends through April 30, 1983, in excess of the designated levels of restraint. Consultations to establish levels of restraint for the sub-limits under Category 340/341/640/641 are in progress. When new sub-levels are agreed, they will be published in the **Federal Register**.

EFFECTIVE DATE: May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 28, 1982.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 7, 1980, as amended, between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1982 and for the twelve-month period extending through April 30, 1983 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 331, 334, 335, 340/341/640/641 and 348, in excess of the following levels of restraint:

Category	12-month level of restraint
331	801,430 dozen pairs.
334	156,220 dozen.
335	114,490 dozen.
340/341/640/641	1,316,635 dozen.
348	228,980 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, which have been exported to the United States on and after May 1, 1981 and extending through April 30, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period began on May 1, 1981 and extended through April 30, 1982. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 7, 1980, as amended, between the Governments of the United States and Sri Lanka, which provide, in part, that: (1) Specific limits may be exceeded by not more than seven percent of their square yards equivalent total in any agreement period and sublimits of specific ceilings may be exceeded by not more than 10 percent within the overall specific limit; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton and man-made fiber textile products have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within

the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-11865 Filed 4-29-82; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982 Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1982 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 30, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 22, 1982, December 18, 1981, January 8, 1982, and January 29, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 7721, 46 FR 61694, 47 FR 999, 47 FR 4327, and FR 4328) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the relevant matter presented, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and services are hereby added to Procurement List 1982:

Class 7920

Towel, Machinery Wiping
7920-00-260-1279.

SIC 0782

Grounds Maintenance and Sprinkler System Maintenance
Areas 1440 and 3920
Edwards Air Force Base, California.

SIC 7349

Janitorial/Custodial
Denver Federal Center
Building 85
Denver, Colorado

Janitorial/Elevator Operator
Bureau of Engraving and Printing
Public Debt Building
Washington, D.C.

Janitorial/Custodial
Veterans Administration Medical Center
Building #32
Dublin, Georgia.

SIC 7369

Commissary Shelf Stocking and Custodial Service
Robins Air Force Base, Georgia.

SIC 7641

Furniture Rehabilitation
Wichita Falls, Texas (including Sheppard Air Force Base).

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 82-11814 Filed 4-29-82; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1982 a commodity to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 2, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1982, November 12, 1981 (46 FR 55740):

Class 7510

Sheath, Pen and Pencil, 7510-00-052-2664.

SIC 7349

Janitorial Service,
Federal Building,
Moultrie, Georgia

US Post Office and Courthouse,
Thomasville, Georgia.

SIC 7349

Janitorial Service,
U.S. Mission to the United Nations,
799 U.N. Plaza,
New York, New York

Janitorial Service
Federal Building
6th & State Streets
Erie, Pennsylvania

Janitorial Service
Federal Center Complex
Buildings 616, 617, 618
Walla Walla, Washington.

SIC 7369

Commissary Shelf Stocking and Custodial,
Maxwell Air Force Base, Alabama and Gunter Air Force Station, Alabama.

SIC 7641

Metal Furniture Rehabilitation,
Naval Ordnance Station,
Louisville, Kentucky.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 82-11815 Filed 4-29-82; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Exchange Proposals To Trade Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Availability and extension of comment period on the proposed terms and conditions for trading commodity options on domestic boards of trade.

SUMMARY: Eight domestic borads of trade submitted applications to trade options on commodity futures contracts under the three-year pilot program adopted by the Commodity Futures Trading Commission ("Commission"), 46 FR 62893 (December 29, 1981); correction, 47 FR 223 (January 5, 1982). Three boards of trade subsequently withdrew their original proposals and submitted new applications to trade options on a commodity futures contracts. The Commission believes that public comment on these proposals is in the public interest, and is consistent with its option regulations, 46 FR 54500 (November 3, 1981), and with the

purposes of the Commodity Exchange Act. In addition, the Commission has received a request to extend the comment period for one of the original options proposals to allow interested parties additional time to submit their comments. In order to ensure that all interested parties have an opportunity to submit their comments, the Commission is granting the request for an extension.

DATE: Comments must be received on or before May 28, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the particular application addressed in the comment.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Esquire, Division of Economics and Education, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-6990; or Linda Kurjan, Esquire, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: Three domestic boards of trade have withdrawn their original applications to trade options on commodity futures contracts submitted under the Commission's three year pilot program, 46 FR 62893 (December 28, 1981); correction, 47 FR 223 (January 5, 1982), and have submitted new proposals. The new options proposals are as follows: New York Mercantile Exchange has withdrawn its application to trade options on platinum futures contracts and has submitted an application to trade options on heating oil futures contracts; Kansas City Board of Trade has withdrawn its application to trade options on 90-day Treasury bill futures and has submitted an application to trade options on Value Line Stock Index futures contracts. New York Futures Exchange has withdrawn its application to trade options on 90-day Treasury bill futures contracts and has submitted an application to trade options on the New York Stock Exchange Equity Index futures contracts.

A copy of the terms and conditions of each of these proposals to trade options on a commodity futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Other materials submitted in support of these applications to trade options on futures contracts may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

In addition, the Commission has received a request to extend the comment period for the Chicago Board of Trade's application to trade options on Treasury bond futures contracts. This request was based upon the delay experienced by the commentator in obtaining documents subject to a petition for confidentiality.

In order to ensure that all interested parties have an opportunity to submit their comments, the Commission is extending the comment period on this proposal until May 28, 1982.

Any person interested in submitting written data, views or arguments on the terms and conditions of these applications to trade options on futures contracts or with respect to other materials submitted in support of these applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by May 28, 1982. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on April 27, 1982.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 82-11862 Filed 4-29-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Internal Water Resource Planning Guidance; Availability

AGENCY: Corps of Engineers, Army Department, DOD.

ACTION: Notice of availability.

SUMMARY: On March 27, 1981, the Civil Works Planning Division, Office of the Chief of Engineers, completed an audit of its internal water resources planning guidance. Since then, significant work has been accomplished to streamline and consolidate that body of guidance. This notice describes the process followed, lists the guidance rescinded and those elements of internal guidance that have been developed by Headquarters, United States Army Corps of Engineers for use by field office personnel, U.S. Army Corps of Engineers. This notice serves to inform any interested parties of these changes.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Johnson, Planning Division, Directorate of Civil Works, U.S. Army Corps of Engineers, HQ, USACE (DAEN-CWP) WASH DC 20314, telephone (202) 272-0146.

For copies of current internal water resources planning guidance (Planning Guidance Notebook), contact: HQ USACE (ATTN: DAEN-CWP-A) WASH DC 20314.

Background

As part of the Director of Civil Works' Planning Improvement Program, the Civil Works Planning Division (DAEN-CWP), Office of the Chief of Engineers, initiated the Regulation Reform Action Program (RRAP) to review, evaluate, and, as necessary, revise the publications that comprised the planning guidance system. The objectives of RRAP were to:

a. Provide minimum and timely directive guidance to field activities.

b. Provide guidance that is correct, complete, clear, concise, and consistent.

RRAP was divided into three phases. Phase I—Audit reviewed and evaluated all existing and draft planning guidance with a view to minimizing directive guidance and condensing and consolidating directive and informational guidance. The audit reviewed 102 publications.

Phase II of RRAP was initiated on April 1, 1981. Its objective was to rescind outdated or otherwise unnecessary guidance and to consolidate and condense the remaining guidance. The remaining publications were revised and recast into six engineer regulations and four engineer pamphlets. Taken together, they comprise the Planning Guidance Notebook.

As part of Phase II, all appropriate rescission notices and **Federal Register** cancellations were issued for existing publications.

Phase III was initiated on October 1, 1981. The first action was to finalize the new publications. Continuing Phase III will consist of maintenance of the guidance system.

The main accomplishments of the new guidance system are as follows:

(1) Places all planning guidance in one place rather than being scattered among 102 publications under various identification systems.

(2) Makes current all planning guidance.

(3) Separates directive from informational guidance.

(4) Reduces the volume of guidance.

(5) Increases flexibility of field activities to conduct their programs.

(6) Decreases upward reporting requirements.

(7) Eliminates many unnecessary restrictive procedural requirements and concentrates on performance standards.

Rescinded or Superseded Guidance

The following publications have been rescinded or superseded from the Corps' internal system of guidance. Where appropriate, the rule was also cancelled from the Code of Federal Regulations (CFR). Each rescission in the listing includes the title, number, date of rescission, and if appropriate, CFR number and date of cancellation. Each supersession includes the title, number, and superseding document.

(1) ER 18-2-2, "Intensive Management Milestone System." Rescinded: 15 October 1981.

(2) ER 360-2-103, "Release of Information on Civil Works Investigations and Reports." Rescinded: 3 May 1981.

(3) ER 1105-2-9, "Authorization of Projects of Under $10 Million Federal Cost." Rescinded: 1 June 1981.

(4) ER 1105-2-10, "Intensive Management," dated 25 January 1974. Superseded by ER 1105-2-10, dated 5 February 1981.

(5) ER 1105-2-14, "Framework and River Basin Study Program (Level A and Level B Studies)." Rescinded: 1 June 1981 (33 CRF 252 cancelled: 28 May 1981).

(6) ER 1105-2-22, "Urban Studies Program." Rescinded: 1 June 1981 (33 CFR 264 cancelled: 28 May 1981).

(7) ER 1105-2-32, "Approval of Phase I General Design Memoranda." Rescinded: 30 September 1981. (33 CFR Part 257 cancelled: 10 November 1981).

(8) ER 1105-2-40, "Flood Plain Management Services Program," dated 14 September 1979. Superseded by new ER 1105-2-40, dated 8 January 1982.

(9) ER 1105-2-50, "Planning: Continuing Authorities Program," dated 3 November 1975. Superseded by new ER 1105-2-50, dated 29 January 1982. (33 CFR Part 263 cancelled: 10 November 1981).

(10) ER 1105-2-81, "Planning Assistance to States." Rescinded: 30 September 1981. (33 CFR Part 265 cancelled: 10 November 1981).

(11) ER 1105-2-82, "Project Deauthorization Review Program," dated 12 September 1975. Superseded by ER 1105-2-10, dated 5 February 1981.

(12) ER 1105-2-111, "Flood Damage Prevention: Level of Protection for Urban Areas" (33 CFR Part 396).

(13) ER 1105-2-129, "Preservation and Enhancement of Fish and Wildlife Resources." Rescinded: 30 September 1981.

(14) ER 1105-2-141, "Water Supply Contracts," dated 7 November 1980. Superseded by ER 1105-2-40, dated 29 January 1982.

(15) ER 1105-2-166, "Separable Recreation Lands: Completed Lake Projects." Rescinded: 1 June 1981. (33 CFR Part 278 cancelled: 28 May 1981).

(16) ER 1105-2-180, "Wastewater Treatment and Collection Policy." Rescinded: 1 June 1981. (33 CFR Part 275 cancelled: 28 May 1981).

(17) ER 1105-2-200, "Planning Process: Multiobjective Planning Framework." Rescinded: 30 September 1981. (33 CFR Part 290 cancelled: 30 September 1981).

(18) ER 1105-2-210, "Planning Process: Plan Development Stages." Rescinded: 30 September 1981. (33 CFR Part 291 cancelled: 30 September 1981).

(19) ER 1105-2-220, "Planning Process: Problem Identification (Task 1)." Rescinded: 30 September 1981. (33 CFR Part 292 cancelled: 30 September 1981).

(20) ER 1105-2-230, "Planning Process: Formulation of Alternatives (Task 2)." Rescinded: 30 September 1981. (33 CFR Part 293 cancelled: 30 September 1981).

(21) ER 1105-2-240, "Planning Process: Impact Assessment (Task 3)." Rescinded: 30 September 1981. (33 CFR Part 294 cancelled: 30 September 1981).

(22) ER 1105-2-250, "Planning Process: Evaluation (Task 4)." Rescinded: 30 September 1981. (33 CFR Part 295 cancelled: 30 September 1981).

(23) ER 1105-2-300, "NED Benefit-Cost Analysis." Rescinded: 18 May 1981.

(24) ER 1105-2-351, "Evaluation of Beneficial Contributions to National Economic Development for Flood Plain Management Plans." Rescinded: 1 June 1981. (33 CFR Part 341 cancelled: 28 May 1981).

(25) ER 1105-2-353, "Evaluation of Nonstructural Measures." Rescinded: 11 May 1981.

(26) ER 1105-2-401, "Planning Reports." Rescinded: 1 May 1981.

(27) ER 1105-2-403, "Format and Appearance of Feasibility Reports." Rescinded: 30 September 1981.

(28) ER 1105-2-422, "Display Maps for Completed Feasibility Reports," Rescinded: 16 March 1981.

(29) ER 1105-2-460, "Identification and Administration of Cultural Resources." Rescinded: 30 September 1981. (33 CFR Part 305 cancelled: 10 November 1981).

(30) ER 1105-2-502, "Public Meetings." Rescinded: 30 September 1981. (33 CFR Part 209.405 cancelled: 30 September 1981).

(31) ER 1105-2-800, "Public Involvement: General Policies." Rescinded: 30 September 1981. (33 CFR Part 380 cancelled: 10 November 1981).

(32) ER 1105-2-811, "A-95 Clearinghouse Coordination." Rescinded: 30 September 1981. (33 CFR Part 384 cancelled: 10 November 1981).

(33) ER 1105-2-903, "Review and Processing of Authorization Reports Submitted to the Board of Engineers for Rivers and Harbors," dated 13 November 1977. Superseded by ER 1105-2-60, dated 25 January 1982.

(34) ER 1105-2-920, "Feasibility Reports: Organization and Content." Rescinded: 30 September 1981.

(35) ER 1105-2-921, "Feasibility Reports: System of Accounts." Rescinded: 30 September 1981. (33 CFR Part 393 cancelled: 30 September 1981).

(36) ER 1105-2-981, "Reference data on Power Projects." Rescinded: 8 May 1981.

(37) ER 1120-2-25, "Preparation of Drafts of Reports of Board of Engineers for Rivers and Harbors and Chief of Engineers." Rescinded: 30 September 1981.

(38) ER 1120-2-111, "Policy on Naming Civil Works Projects," dated 11 February 1971. Superseded by ER 1105-2-10, dated 5 February 1981.

(39) ER 1120-2-114, "Waterway Improvement Studies—Navigation Benefits." Rescinded: 11 May 1981.

(40) ER 1120-2-117, "Alternatives in Flood Related Planning." Rescinded: 1 May 1981.

(41) ER 1120-2-404, "Federal Participation in Recreational Development," dated 14 August 1970. Superseded by 1105-2-40, dated 29 January 1982.

(42) ER 1160-2-101, "Allocation of Actual Operation and Ordinary Maintenance expenses," dated 1 December 1958. Superseded by ER 1105-2-40, dated 8 January 1982.

(43) ER 1165-2-5, "Requests for Information Pertaining to Civil Works Activities." Rescinded: 3 May 1981.

(44) ER 1165-2-6, "Evaluation of Redevelopment Effects." Rescinded: 11 May 1981.

(45) ER 1165-2-20, "Model Cities Coordination." Rescinded: 1 May 1981.

(46) ER 1165-2-107, "Partnership Arrangements for Multi-Purpose Projects." Rescinded: 1 May 1981.

(47) ER 1165-2-112, "Streamflow Regulation for Water Quality Control." Rescinded: 8 May 1981.

(48) EM 1120-2-101, "Survey Investigations and Reports—General

Procedures." Rescinded: 30 September 1981.

(49) EM 1120-2-102, "Examination and Survey Technology of Economic Evaluation." Rescinded: 11 May 1981.

(50) EM 1120-2-104, "Computation of Financial Costs and Economic Costs." Rescinded: 30 September 1981.

(51) EM 1120-2-08, "Beach Erosion Control Benefits." Rescinded: 11 May 1981.

(52) EM 1120-2-111, "Relation of Flood Damages and Flood Control Benefits to Market Value of Land." Rescinded: 8 May 1981.

(53) EM 1120-2-112, "Secondary Benefits in Flood Control Evaluation." Rescinded: 11 May 1981.

(54) EM 1120-2-117, "Application of Senate Resolution 148." Rescinded: 11 May 1981.

(55) EM 1120-2-118, "Economic Base Studies," (Changes 1-3). Rescinded: 11 May 1981.

(56) EM 1120-2-403, "Procedure for Estimating Recreation Use." Rescinded: 11 May 1981.

(57) EM 1160-2-101, "Cost Allocation for Multiple Purpose Projects—Allocations of Cost." Rescinded: 30 September 1981.

(58) EM 1160-2-101, "Allocation of Cost," dated 1 January 1958. Superseded by EM 1105-2-40, dated 8 January 1982.

(59) EM 1165-2-105, "Water Supply Projects in Corps of Engineers' Projects." Rescinded: 30 September 1981.

(60) EM 1165-2-106, "Control of Releases from Power Plants." Rescinded: 30 September 1981.

(61) EM 1165-2-109, "Financial Feasibility of Hydroelectric Power." Rescinded: 30 September 1981.

(62) EM 1165-2-110, "Pumped Storage Hydroelectric Plants." Rescinded: 30 September 1981.

(63) EP 1105-2-1, "Major Steps in the Conception, Authorization and Construction of Corps of Engineers, Projects for Water Resources Development." Rescinded: 30 September 1981.

(64) EP 1105-2-2, "An Ecological Glossary." Rescinded: 3 May 1981.

(65) EP 1105-2-3, "Directory of Environmental Life Scientists." Rescinded: 3 May 1981.

(66) EP 1105-2-4, "Flood Plain—Handle With Care." Rescinded: 1 June 1981.

(67) EP 1105-2-16, "Commodity Market Analysis." Rescinded: 3 May 1981.

(68) EP 1165-2-302. "Flood Plain Management Services: Technical Services—Special Flood Hazard Information Reports." Rescinded: 30 September 1981.

(69) EP 1165-2-311, "Flood Plain Management Services, Examples of Flood Plain Regulations." Rescinded: 1 May 1981.

(70) EP 1165-2-312, "Flood Plain Management Services, General Coordinating Assignments." Rescinded: 30 September 1981.

New Guidance

The new guidance is in the form of six engineer regulations (directive) and four engineer pamphlets (informational). Taken together they comprise the Planning Guidance Notebook.

The new publications are as follows:

(1) ER 1105-2-10, Planning Programs. This publication provides directive guidance on Feasibility and Preconstruction Planning and Engineering Studies, Changes to Uncompleted Authorized Projects, the Project Deauthorization Review Program, the Flood Plain Management Services (FPMS) Program, and the Planning Assistance to States Program. (Issued—5 February 1982).

(2) EP 1105-2-15, Planning Programs. This publication provides informational guidance that supplements the regulation in the areas of Changes to Uncompleted Authorized Projects, the Flood Plain Management Services Program, and Planning Assistance. (Issued—11 January 1982).

(3) ER 1105-2-20, Project Purpose Planning Guidance. This publication provides directive guidance, including material on Federal interest and Federal and Non-Federal participation, on the project purposes for which the Corps has authority. These purposes are navigation, flood damage reduction, shore protection, hydroelectric power, recreation, and water supply. (Issued—29 January 1982).

(4) ER 1105-2-30, General Planning Principles. This directive guidance includes the planning process (based on current Executive guidelines), and public involvement and coordination. (Issued—5 February 1982).

(5) EP 1105-2-35, Public Involvement and Coordination. This publication provides informational guidance for designing and implementing a public involvement strategy. (Issued—5 February 1982).

(6) ER 1105-2-40, Economics. This regulation provides the procedures for evaluation of NED benefits and costs (by appending current Executive guidelines), and directive guidance on cost allocation and interest rates. (Issued—8 January 1982).

(7) EP 1105-2-45, Economics. This pamphlet provides informational guidance on procedures for evaluation of benefits and costs, computation of financial and economic costs, and cost allocation. (Issued—11 January 1982).

(8) ER 1105-2-50, Environmental Resources. This regulation provides directive guidance on compliance with environmental statutes, fish and wildlife, historic preservation, and water quality. It includes (by appending current Executive guidelines) environmental quality evaluation procedures. (Issued—29 January 1982).

(9) EP 1105-2-55, Environmental Resources. This pamphlet provides informational guidance on determining compliance with environmental statutes, application of fish and wildlife cost-sharing, and historic preservation. (Issued—5 February 1982).

(10) ER 1105-2-60, Planning Reports. This regulation provides directive guidance on the organization and content, and submittal, assessment, and processing of planning reports. (Issued—25 January 1982).

Dated: April 8, 1982.

For the Chief of Engineers:

James W. Ray,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 82-11788 Filed 4-29-82; 8:45 am]

BILLING CODE 3710-92-M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on May 25, 1982 at the Palisades Institute for Research Services, Inc., 1925 North Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Advisory Group meeting

concerns matters listed in 5 U.S.C. 552(b)(c) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 27, 1982.

[FR Doc. 82-11770 Filed 4-29-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education

AGENCY: National Advisory Council on Adult Education.

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the public of changes in the Notice of Meeting of the National Advisory Council on Adult Education, published April 1, 1982, on pages 13859 and 13860.

The times, locations, and agendas remain the same except that portions of the April 22 and 23 meeting were partially closed to the public. The Council met in partially closed session on April 22 from 2:30 p.m. to 4:00 p.m. to discuss procedures for the selection of an Executive Director and to review applications for the position. The meeting was closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c) (2) and (6). Discussion of the applications included consideration of the qualifications and fitness of the candidates and would constitute a serious invasion of privacy if conducted in open session. The Council met in closed session on April 23 from 12:25 p.m. to 1:25 p.m. to conclude the task of reviewing applications for the position of Executive Director and to select a candidate. This meeting was closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I), and under exemption (6) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)(6). Advance notification of the Council's intent to have a partially closed meeting was not published in the original **Federal Register** notice because of the unexpected resignation of the incumbent Executive Director.

A summary of the activities at the closed sessions and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Dated: April 27, 1982.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 82-11771 Filed 4-29-82; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Title I, Elementary and Secondary Education Act: Intent To Repay to the Augusta Public Schools, Augusta, Arkansas, Funds Recovered as a Result of a Final Decision of the Former U.S. Commissioner of Education

AGENCY: Education Department.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Notice is given that, under Section 456 of the General Education Provisions Act, the Secretary intends to repay under a grantback arrangement to the Augusta Public Schools, Augusta, Arkansas, beginning July 1, 1982, an amount equal to 75 percent of funds recovered by the Department of Education as a result of a May 3, 1980 final decision by the former U.S. Commissioner of Education. This notice describes the LEA's plan for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before June 1, 1982.

ADDRESS: All written comments should be submitted to Wilbert Cheatham, Acting Director, Division of Program Review, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3642-E, ROB-3), Washington, D.C. 20202-3305.

FOR FURTHER INFORMATION CONTACT: Wilbert Cheatham. Telephone: (202)245-2506.

SUPPLEMENTARY INFORMATION:

A. Background

During the period of March through May 1979, the Arkansas Department of Education (SEA), in response to numerous citizens' complaints alleging misuse and improper administration of Title I funds by the Augusta Public Schools (LEA), conducted an audit of the LEA's Title I expenditures for the period of Fiscal Years 1974-1979. In its audit report dated May 24, 1979, the SEA found that the LEA had expended Title I funds to pay salaries of teacher aides and counselors who served the general student population, in violation of the Title I statute (20 U.S.C. 2734(a)) and regulations (45 CFR 116a.22(b)(6)). The State ordered the LEA to refund the amount of the misexpenditures, totaling $148,015.99 (later adjusted to $131,112.59). On August 15, 1979, a State Title I hearing panel upheld the SEA's final determination.

The LEA subsequently filed an appeal with the U.S. Commissioner of Education (Commissioner) under Section 425 of the General Education Provisions Act (GEPA), 20 U.S.C. 1231b-2. That section permits an LEA which has been aggrieved by an SEA's final action in ordering, in accordance with a State audit resolution determination, the repayment of misspent Federal funds to appeal that action to the Commissioner. In a final decision issued on May 3, 1980, the Commissioner upheld the SEA's final audit determination and ordered the LEA to refund improperly expended Title I funds during the period covered by the audit.

The LEA repaid to the SEA the entire amount of the claim, $131,112.59. Since $67,064.52 of the misspent Title I funds were still available for obligation under the terms of Section 412(b) of GEPA, 20 U.S.C. 1225(b), the SEA was able to return that amount of the repaid funds to the LEA in accordance with an approved application for proper use in its Title I program. The actual claim owed to the Department of Education (ED) was therefore reduced to $64,048.07, which the SEA on behalf of the LEA refunded to ED.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e, provides that whenever the Commissioner (now Secretary) has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for that program and may arrange to repay to the LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that (1) the practices and procedures of the LEA that resulted in the audit determination have been corrected, and that the LEA is in all other respects in compliance with the requirements of the applicable program; (2) the LEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the

misexpenditures that resulted in the audit exception; and (3) the use of the funds to be awarded under the grantback arrangement in accordance with the LEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

In a document dated August 20, 1981, the SEA formally requested that repayment of $48,036 under a grantback arrangement be made to the LEA. This request was made after ED had recovered the outstanding claim against the SEA as a result of the Commissioner's final determination. With its request the SEA provided assurances that the practices and procedures of the LEA that resulted in the audit determination have been corrected, and that the LEA is in all other respects in compliance with the requirements of the program. Also included with the SEA's request was a detailed budget prepared by the LEA for the expenditure of the funds to be awarded under the grantback arrangement.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with § 456(a)(2) of GEPA, the SEA, in its August 20, 1981 request, submitted a plan on behalf of the LEA explaining the LEA's intent to use the funds for which it sought the grantback. The plan, as amended by the LEA on December 16, 1981, demonstrates that the LEA conducted a needs assessment of its Title I students in the sixth through twelfth grades, as these are the grades that contain the most students who in all likelihood were affected by the misexpenditures of Title I funds in 1974 through 1979. The LEA Found that the greatest needs lie in mathematics, reading and language arts for the sixth through eighth graders, and mathematics and language arts for the ninth through twelfth graders. Therefore, the LEA proposes to—

(1) Expend $21,199 on a supplementary mathematics, reading and language arts program for its Title I students in the sixth through eighth grades;

(2) Expend $21,595 on a supplementary mathematics and language arts program for its Title I students in the ninth through twelfth grades; and

(3) Expend $1,575 for equipment necessary to implement these supplementary programs.

The needs assessment conducted by the LEA also reveals that the LEA's Title I teachers are in need of inservice training to enable them to better serve those students who were affected by the misexpenditures of Title I funds. Therefore, the LEA proposes to expend $3,667 on inservice training for its Title I teachers serving the sixth through twelfth grades.

In its December 16, 1981 amendment to the plan, the LEA indicated that it intends to implement the plan beginning July 1, 1982.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's request on behalf of the LEA for the repayment of funds under Section 456 of GEPA, including the SEA's assurances described in Part C above and the LEA's plan and budget, the Secretary makes the following determinations:

(1) The practices and procedures of the LEA that resulted in the audit determination have been corrected, and the LEA is in all other respects in compliance with the requirements of the Title I program;

(2) The LEA has submitted a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the Title I program and, to the extent possible, benefits the Title I children who were affected by the misexpenditures that resulted in the audit exception; and

(3) The use of the funds to be awarded under the grantback arrangement in accordance with the LEA's plan would serve to achieve the purposes of the Title I program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least thirty days prior to entering into an arrangement to award funds under a grantback, the Secretary publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payments will be made.

In accordance with the above requirement, notice is given that the Secretary intends to make funds available under a grantback arrangement to the LEA in the amount of $48,036, which represents 75 percent—the maximum percentage authorized by the statute—of the amount of funds recovered by ED as a result of the Commissioner's final decision. The Secretary bases his intention to award the maximum amount possible of grantback funds under Section 456 of GEPA on the following factors: the Secretary's determinations outlined in Section E. of this notice; the timely payment by the SEA on behalf of the LEA of all funds owed to ED as a result of the final decision of the Commissioner; and the cooperative efforts of both the SEA and LEA to bring this matter to a satisfactory resolution.

G. Terms and Conditions Under Which Payments Under a Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to terms and conditions which the Secretary deems necessary to accomplish the purposes of the affected programs, including the submission of periodic reports on the use of the repaid funds, and evidence that the SEA or LEA has consulted with parents or representatives of the population that will benefit from the grantback award.

The SEA and the LEA agree to comply with the following terms and conditions under which payments under a grantback arrangement will be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that was submitted in conjunction with the August 20, 1981 request, as amended on December 16, 1981, and any amendments to that plan that are approved by the Secretary; and

(c) The budget that was submitted with the plan.

(2) Pursuant to Section 456(c) of GEPA, all funds received under a grantback arrangement must be obligated not later than September 30, 1983, which is three fiscal years following the fiscal year in which the Commissioner's final decision was made.

(3) The SEA, on behalf of the LEA, must, not later than January 1, 1984, submit a report to the Secretary which—

(a) Indicates how the funds awarded under the grantback have been spent;

(b) Shows that the funds awarded under the grantback have been liquidated;

(c) Describes the results and effectiveness of the project for which the funds were spent; and

(d) Describes the consultation with parents or representatives of the

population that will benefit from the grantback payments.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation To Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the Augusta Public Schools. Interested persons may send written comments to Wilbert Cheatham at the address at the beginning of this notice. All comments must be received on or before June 1, 1982.

Dated: April 26, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-11829 Filed 4-29-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Electric System Reliability Issues in PP-72; Request for Public Comments

AGENCY: Energy Department (DOE).

ACTION: Request for Public Comments on Electric System Reliability Issues Involved in the Proposed Jersey Central Power & Light Company (JCP&L)-Ontario Hydro (OH) Interconnection (PP-72).

SUMMARY: DOE hereby requests public comments on the system reliability issues involved in the proposed interconnection between JCP&L (or a subsidiary of JCP&L) and OH.

comments due: June 1, 1982.

comments and requests for further information should be addressed to: Garet Bornstein, Department of Energy, Office of Energy Emergency Operations, EP-42, Forrestal Building, Room GH-034-G, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-1714.

SUPPLEMENTARY INFORMATION: On June 25, 1980, JCP&L, a subsidiary of the General Public Utilities Corporation (GPU), filed an application with DOE for a Presidential Permit, pursuant to Executive Order 10485, as amended, for the transmission of electric energy between OH and JCP&L. Specifically, JCP&L sought authority to construct, connect, operate and maintain the United States portion of a dc transmission line and necessary conversion equipment from the Nanticoke Generating Station in Ontairo, Canada, to the international border, and from there, via dc submarine cable across Lake Erie, to the West Erie substation of the GPU transmission system for delivery to JCP&L. According to the application, based on JCP&L's estimated needs and those of its affiliates, it likely would be the principal purchaser of the 1000 megawatts of firm power to be provided by OH through the proposed facilities.

Upon review of the application by JCP&L, DOE is concerned that this proposed electric energy import may impact the transmission system facilities of electric utility companies other than JCP&L, because the imported electricity will flow across transmission lines owned by such other utilities and will utilize the excess capacity of those lines. Therefore, DOE is requesting comments from the public on this issue of system reliability.

Issued in Washington, D.C., on April 23, 1982.

Rayburn Hanzlik, [1]

Administrator, Economic Regulatory Administration, Department of Energy.

[FR Doc. 82-11805 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-024; OFC Case No. 65028-9214-01, 02-12]

Powerplant and Industrial Fuel Use Act; Exemption Granted to New Energy Corp. of Indiana

AGENCY: Economic Regulatory Administration; DOE.

ACTION: Order Granting an Exemption to New Energy Corporation from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On November 27, 1981, New Energy Corporation of Indiana filed petitions with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a temporary public interest exemption, a permanent exemption for emergency purposes, and a permanent scheduled outages exemption for two new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). FUA prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Final rules for petitioning for exemptions from the prohibitions of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

The MFBI's for which the petitions are filed are two natural gas and oil-fired package boilers (identified as units #2 and #3) to be installed at New Energy Corporation's proposed alternate fuels manufacturing facility to be located at South Bend, Indiana. Units #2 and #3 each have a design heat input rate of 176 million BTU's per hour for oil and 185 million BTU's per hour for natural gas.

Pursuant to sections 211(c), 212(e) and 212(j) of the Act and 10 CFR 503.25, 503.39 and 503.43, ERA hereby issues this order granting a temporary public interest exemption (not to exceed five (5) years), a permanent exemption for emergency purposes, and a permanent scheduled outages exemption to New Energy Corporation of Indiana for the two new MFBI's from the prohibitions of FUA.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on June 29, 1982.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-2993

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252-2967

Jack Vandenberg, Office of Public Information, Department of Energy, 12th and Pennsylvania Avenue, Room 7120, Washington, D.C. 20461, Telephone (202) 633-8755.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for indspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 AM-4:00 PM.

SUPPLEMENTARY INFORMATION: The New Energy Corporation of Indiana proposes to construct an alternate fuel production facility using a corn-based process to produce ethanol. The production of ethanol using the petitioner's process requires an energy input to the process. The primary fuel source for the energy input required will be a coal-fired boiler. Although coal will be the ultimate fuel source for the facility, New Energy Corporation considers it to be technologically preferable to wait until after start-up to order the coal burner. Because of the length of time required to

[1] In the recent reorganization of DOE, responsibility for Presidential Permits was transferred from ERA to the Office of Environmental Protection, Safety, and Emergency Preparedness. DOE is in the process of redelegating authority.

build a coal-fired boiler, the temporary use of oil and gas-fired boilers for the production facility will minimize the time required for the establishment of full production for ethanol. The oil and gas-fired boilers are also necessary to ensure safe operation of the plant, to protect against unexpected power outages of the coal-fired facility and to provide the necessary process input steam during the periods required for scheduled equipment maintenance of the coal-fired boilers to ensure continued efficiency and reliable operation.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published notice of its acceptance of New Energy Corporation's petition in the **Federal Register** on February 3, 1982 (47 FR 5034), commencing a 45-day public comment period pursuant to section 701 of FUA. As required by sections (f) and 701(g) of the Act, ERA provided a copy of New Energy Corporation's petition to the Environmental Protection Agency and the Federal Trade Commission for comments. During the public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed March 20, 1982. No hearing was requested and no comments were received.

Decision and Order: Based upon the entire record of this proceeding, ERA has determined that New Energy Corporation has satisfied all the eligibility requirements for the requested exemptions, as set forth in 10 CFR 503.25, 503.39 and 503.43.

Accordingly, pursuant to sections 211(c), 212(e), and 212(j) of FUA, ERA hereby grants a temporary public interest exemption (not to exceed five (5) years), a permanent emergency purposes exemption, and a permanent scheduled outages exemption for each of the proposed MFBI's (identified as units #2 and #3) to be installed at New Energy Corporation's proposed alternate fuels manufacturing facility to be located at South Bend, Indiana.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before June 29, 1982.

Issued in Washington, D.C. on April 19, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-11834 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

Saber Energy, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Saber Energy, Inc. and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: June 1, 1982.

ADDRESS: Send comments to: Russell D. Howell, Deputy Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird, Room 202W, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: Russell D. Howell, Deputy Chief Counsel, Dallas ERA Office, Department of Energy, 1341 W. Mockingbird, Room 202W, Dallas, Texas 75247, 214/767-7518. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On April 19, 1982, the ERA executed a proposed Consent Order with Saber Energy, Inc. of Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comment concerning the prosed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Saber Energy, Inc., with its home office located in Houston, Texas, is a firm engaged in the refining of crude oil into various petroleum products and the reselling of certain petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR, Parts 205, 210, 211, 212, in connection with Saber's transactions involving covered petroleum products during the period September 1973 through December 1981 ("the period covered by this Consent Order"), the ERA and Saber Energy, Inc. entered into a Consent Order, the significant terms of which are as follows:

A. This Consent Order is intended by the signatories to settle the civil issues between the DOE and the Consenting Firm relating to the Consenting Firm's compliance with the Federal petroleum price and allocation regulations during the period covered by this Consent Order. Specifically excluded are all sales of crude petroleum other than Saber's first sales of crude oil of which Saber was either its producer or the operator of the lease from which it was produced. Both parties to this Consent Order desire that Saber's compliance with the Domestic Crude Oil Entitlements Program be subject to this settlement and terms of this Consent Order.

B. ERA has conducted a thorough audit to determine Saber's compliance during the period covered by this Consent Order with the Federal petroleum price and allocation statutes, regulations and requirements. ERA and Saber disagree in several respects concerning the proper application of such Federal petroleum price and allocation statutes, regulations, and requirements to Saber's activities during the settlement period. Saber and ERA each believe that their respective positions on the legal issues underlying such disagreements are meritorious. Neither Saber nor ERA disavows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, Saber maintains that is has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by the company nor a finding by ERA of any violation by the company of any statute or regulation.

D. Notwithstanding the above, Saber agrees to pay to Duquesne Light and Power Company a sum in satisfaction of any claims which Duquesne may have against Saber, arising out of or relating to the statutes, regulations, and requirements referred to above, for the period covered by this Consent Order.

II. Refunds and Civil Penalty

A. Disposition of Refunds

Prior to the date of this Consent Order Saber has refunded $517,500 to specific customers. Under this Consent Order,

Saber Energy, Inc. will refund the sum of $1,407,221 which sum includes interest to the effective date of this Consent Order. Of this amount, $432,859 is to be paid to Duquesne Light and Power Company and $974,362 to the Department of Energy, for deposit in the U.S. Treasury as miscellaneous receipts. Payment is to be made 30 days following the effective date of the Consent Order and if payment is not made within the specified period of time, Saber agrees to pay installment interest on the unpaid balance. Upon full satisfaction of the terms and conditions of this Consent Order by Saber Energy, Inc., the DOE releases Saber from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

The foregoing provisions for payment of the refund amount were concurred in after ERA attempted to determine and identify all injured parties (other than Duquesne Light and Power Company). These attempts were unsuccessful due to the nature of the business transactions in which Saber was engaged during the period covered by this Consent Order. Saber's activities were of such a nature so as to make it impossible to identify specific parties who or which may have been injured.

B. Civil Penalty

In addition, Saber agrees to pay the sum of $25,494 in compromise of all civil penalties relating to the above-described subject matter for the period covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Saber Energy, Inc., Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on June 1, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C., on 27th day of April 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-11870 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RA81-26-000]

Appalachian Flying Service, Inc.; Termination of Proceeding

Issued: April 26, 1982.

On November 26, 1980, Appalachian Flying Service, Inc. (Appalachian) first sought an extension of time to file its petition for review of the October 27, 1980 order of the Secretary of Energy (DOE) denying a request for adjustment. Appalachian has never filed its petition. Instead Appalachian has requested and been granted seven additional extensions in order to provide an opportunity for settlement, the last of which extensions expired on April 15, 1982. As a result, the time for Appalachian's filing of the petition for review has been extended for over eighteen months, and the Commission still has never been informed of the grounds for Appalachian's appeal.

On April 15, 1982 Appalachian requested a further extension until April 30, 1982. The participants state that while negotiations have continued, no settlement has yet been reached. DOE apparently has presented Appalachian its final offer to settle both this case and a parallel remedial order case [1] currently before DOE involving the same circumstances as the Commission adjustment proceeding. In the remedial order case Appalachian has until May 15, 1982 to accept settlement or to file its objection to DOE's proposed remedial order.

The participants have, to say the least, been provided ample opportunity to settle this case but have been unable to agree. There is no purpose in further delaying this case. The last notice (issued February 22, 1982) granting Appalachian an extention of time stated that additional extensions were unlikely. Under the Commission's Rules of Practice and Procedure a proceeding on a denial of adjustment commences with the filing of the petition for review in which the petitioner sets forth its objections to the contested DOE order.[2] No proceeding has yet been commenced in this case, and in the absence of any filing stating the petitioner's objections, adjudication is impossible.

Consequently, by May 15, 1982 Appalachian must file a petition for review stating in full its objections to the contested DOE order. No further extensions of time will be granted. Unless a petition for review is filed, Docket No. RA81-26-000 is terminated with prejudice on that date.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11842 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[1] DOE Case No. HRO-0038.

[2] 18 CFR 1.40(d).

[Docket No. GP82-29-000]

BYS, Inc.; Application for Authorization To Collect Production Related Costs Under Section 110 of the NGPA

Issued: April 26, 1982.

On March 29, 1982, BYS, Inc. (BYS) filed with the Federal Energy Regulatory Commission (Commission) an application for authorization to collect transportation costs pursuant to section 110 of the Natural Gas Policy Act of 1978 (NGPA) and 18 CFR 271.1105 of the Commission's regulations.

BYS states that it is the operator of the Humble-Dowdy Fee No. 2 gas well located in the Seven Siters (2200) Field of Duval County, Texas. BYS further states that the base lease was dedicated to Tennessee Gas Pipeline (Tennessee) (or its predecessors) by the mineral interest owner, Humble Oil & Refining Company (now Exxon Co., U.S.A.) but due to the expense to connect the lease to the pipeline, the well remained shut-in after its completion until October 28, 1981. BYS additionally states that on October 28, 1981, a transportation agreement was entered into between BYS and Valero Transmission Company (Valero), an intrastate carrier, wherein Valero is to transport gas production or its Btu equivalent from a point on its pipeline near the BYS Humble-Dowdy Fee No. 2 gas well to a delivery point common to the pipelines of Valero and Tennessee, located at El Toro, Jackson County, Texas, a distance of over 130 miles.

Specifically, BYS seeks to recover $0.15 per MMBtu for transportation between the point of delivery to Valero on the Humble-Dowdy Fee lease and the point of redelivery to Tennessee at El Toro, Jackson County, Texas. Any such allowance granted by the Commission under 18 CFR 271.1105 would be in addition to the otherwise applicable maximum lawful price.

Any person desiring to be heard or to protest this request should file, on or before June 1, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the

Commission will be considered 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. 82-11843 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-460-000]

Central Illinois Public Service Co.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that on April 16, 1982, Central Illinois Public Service Company (CI) tendered for filing First Revised Appendix "H" dated March 23, 1982, to the Facility Use Agreement between CI and Union Electric Company dated February 14, 1972.

CI requests an effective date of March 15, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been sent to Union Electric Company, the Missouri Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11844 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-461-000]

CP National Corp.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that on April 13, 1982, CP National Corporation (CPN) tendered for filing related to a Residential Purchase and Sale Agreement (Agreement) between CPN and The Bonneville Power Administration (BPA):

1. Bonneville Power Administration's written report on Appendix 1 and Average System Cost submitted October 1, 1981.
2. The Average System Cost as determined by Bonneville of 22.29 mills per kilowatt-hour.
3. A revised Appendix 1 of CP National wherein the Average System Cost is 22.29 mills per kilowatt-hour.

CPN states that this filing is pursuant to section 205(c) of the Federal Power Act. The Agreement provides for the exchange of electric power between CPN and BPA for the benefit of CPN's residential and farm customers.

A copy of the filing was served upon BPA and Industrial Customers of BPA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11845 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-17-000]

Fleisher Finishing, Inc.; Application for Adjustment and for Interim Relief

Issued: April 26, 1982.

Take notice that on April 16, 1982, Fleisher Finishing, Inc. (Applicant), 313 Mill Street, Waterbury, Connecticut, 06720, filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432) (Supp. IV, 1981), and § 1.41 of the Commission's regulations (18 CFR 1.41). Applicant seeks relief from incremental pricing surcharges under NGPA Title II and Part 282 of the Commission's regulations.

Specifically, applicant states that its finishing plant, in Waterbury, Connecticut consumes natural gas subject to the incremental pricing program of Title II of the NGPA. According to the applicant, some of its natural gas uses are exempt from incremental pricing surcharges and some are non-exempt. Applicant alleges that the company has operated at a loss for each of the last seventeen months and that it would be detrimental to the company's existence if the company was required to pay incremental pricing surcharges under Title II of the NGPA. Applicant, therefore, seeks relief from surcharges on the basis of special financial hardship.

Applicant additionally requests interim relief pursuant to § 1.41(m) of the Commission's regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in §§ 1.41 and 282.206(b) of the Commission's regulations. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before May 17, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11847 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-109-000]

Jacquin-Florida Distilling Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 26, 1982.

On April 9, 1982, Jacquin-Florida Distilling Company located at 425 Recker Highway, Auburndale, Florida 33823 filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Auburndale, Florida. The primary energy source will be Natural gas. Capacity of the facility is approximately 1.5 megawatts. The useful thermal energy will be 54.4 million BTu/hour. No electric utility, holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before June 1, 1982, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filling are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11848 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-31-000]

Mid Louisiana Gas Co.; Application for Partial Waiver of § 271.804(c) of the Commission's Regulations

April 26, 1982.

Take notice that on April 15, 1982, Mid Louisiana Gas Company (Mid La) filed an application for partial waiver of § 271.804(c) of the Commission's regulations. This section implements sections 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. § 3318 (Supp. IV 1981) and requires that an application for determination that natural gas produced from a particular well qualifies as stripper well natural gas be based on a "production period which falls entirely within the 180 days prior to the date on which the application is filed."

Mid La states that the purpose of its request for partial waiver is to permit it to file, pursuant to Subpart H of the Commission's NGPA regulations, applications with the appropriate jurisdictional agency under NGPA section 108 for its company-owned wells drilled prior to 1973 so that it can receive stripper well status for deliveries as early as December 1, 1978. Mid La alleges that the requested waiver is appropriate since the Commission's Order Nos. 58 (Docket No. RM80-7, issued November 14, 1979) and 98 (Docket No. RM80-6, issued August 11, 1980) effectively prohibited Mid La from filing said well determination applications and that those orders were not vacated until March 2, 1982 in *Mid Louisiana Gas Company* v. *FERC*, 664 F. 2d 530 (5th Cir. 1982). Without such waiver, Mid La would not be permitted, under the Commission's regulations, to file for section 108 stripper well category determinations for past periods which precede the 180 days prior to the filing of such applications.

Any persons desiring to be heard or to protest this request for waiver should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, in accordance with the Commission's Rules and Practice and Procedures. All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11849 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-457-000]

Montana Power Co.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that Montana Power Company (Montana) on April 15, 1982, tendered for filing in accordance with Section 35 of the Commission's regulations, Letter Agreements with the City of Glendale (Glendale). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Glendale.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $1,315,440.00 based upon energy delivered from April 28, 1981 through January 15, 1982. Montana states that the rate for firm energy under these Letter Agreements were negotiated. Montana further states that the Agreements have expired as of their own terms and have not been renewed.

An effective date of April 28, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11850 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3590-001]

Northern Resources, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 27, 1982.

Take notice that on April 2, 1982, Northern Resources, 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. 3590) would be located on Montgomery Creek near the town of Montgomery Creek in Shasta County, California. Correspondence with the Applicant should be directed to: Mr. R. Keith Guthrie, Van Nese, Feldman, Sutcliffe, Curtis & Levinburg, 1050 Thomas Jefferson Street, NW., Washington, D.C. 20007.

Project Description—The proposed project would consist of: (1) a 6-foot high, 80-foot long diversion structure; (2) a 70-foot long, 15-foot wide intake structure equipped with a fish screen; (3) a 7,000-foot long conduit system of varying diameter; (4) a powerhouse with a total installed capacity of 2,400 kW; and (5) a 1.8-mile long, 12.3-kV transmission line interconnecting with an existing 12.3-kV transmission line of Pacific Gas and Electric Company. The Applicant esitmates that the average annual output would be 10.8 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish 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 filed comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 9, 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 receved on or before June 9, 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", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 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. 82-11851 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-462-000]

Portland General Electric Co.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that on April 16, 1982, Portland General Electric Company (PGE) tendered for filing the written report regarding Average System Cost (ASC) prepared by the Bonneville Power Administration (BPA), the BPA's Average System Cost determination and PGE's Appendix 1 and revised Appendix 1. In accordance with the provisions of 18 CFR 35.13a(d)(5)(i) these documents are required to be filed with FERC within 15 working days of BPA's ASC determination. This determination was made on March 29, 1982.

Copies of this filing were served upon the Industrial Customers of Bonneville Power Administration, which was the only party to comment to BPA on PGE's Appendix 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11852 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-459-000]

Utah Power & Light Co.; Filing

April 26, 1982.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah) on April 16, 1982, tendered two new service agreements under Service Schedule UTAH-1B of Volume 2 to its F.E.R.C. Electric Tariff under which Utah sells and delivers non-firm energy.

The new service agreements are with the following customers:

Plains Electric G & T Coop., Inc. (dated 2/4/82).

Sierra Pacific Power Co. (dated 1/30/82).

Utah requests the new agreements be accepted for filing retroactively as of the above date, and that the notice requirements of 18 CFR 35.3 be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11853 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-28-000]

U.S. Geological Survey, New Mexico; NGPA Section 108 Determination; El Paso Natural Gas Co., San Juan 27-4 Unit #71, USGS Docket No.: 81-1092-NM, JD81-49860; Request for Withdrawal of Final Well Category Determination

April 26, 1982.

On April 8, 1982, El Paso Natural Gas Company (El Paso) filed with the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for a stripper well determination under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3318 (Supp. IV. 1981) for its San Juan 27-4 Unit #71 well. The United States Geological Survey, New Mexico (USGS) issued a favorable determination on September 15, 1981 and on September 18, 1981 the Commission received notice of the determination. After the lapse of the 45-day review period, the determination became final pursuant to § 275.202(a) of the Commission's regulations.

El Paso states that the production summary included in its application for the section 108 well category determination reflected no shut-in days for April, 1981, whereas the corrected records reflect 20 shut-in days during April, 1981. Having recalculated the three month average daily production rate for the period upon which the application was based, El Paso has determinated that the subject well exceeded the permissible stripper well production limits. Additionally, El Paso states it is the only purchaser of gas from the well and El Paso's interest in the well has been valued, for rate-making purposes, on a cost-of-service basis. El Paso also state that other working interest owners were being served with a copy of its request for withdrawal.

Because the well category determination has become final, the Commission may reopen the determination, pursuant to § 275.205(a) of the regulations, if "(1) in making the determination the Commission or the jurisdictional agency relied on any untrue statement of material fact; or (2) there was omitted a statement of material fact necessary in order to make the statements made not misleading in light of the circumstances under which they were made * * *."

With respect to the question of refunds arising out of this request for withdrawal of the subject well category determination, notice is hereby given that the question of whether refunds, plus interest as computed under § 154.102(d) of the Commission's regulations, will be required is a matter subject to review and final determination of the Commission.

Any person desiring to be heard or to protest this request should, on or before June 1, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered 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. 82-11846 Filed 4-29-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Conservation Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770)

Date and time: May 20, 1982, 9 a.m. to 5 p.m.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

—Discussion of draft report

—Briefing by GSA staff.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 27, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82-11835 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

Multiprogram Lab Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Multiprogram Lab Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: May 18, 1982, 9 a.m. to 5 p.m.

Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

—Presentations by Operations Office Managers

—Status report on Panel Commissioned studies

—Discussion of issues papers prepared by Panel Members.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 27, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82-11836 Filed 4-29-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2115-6]

Availability of Environmental Impact Statements Filed April 19 through April 23, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, Ms. Kathi Wilson (202) 245-3006.

Corps of Engineers:
- EIS No. 820218, Draft, COE, TX, Buffalo Bayou and Tributaries, Flood Damage Control, Harris County, Due: June 14, 1982.
- EIS No. 820219, Draft, COE, TX, Sabine-Neches Waterway Navigation Improvements, Orange and Jefferson, Due: June 21, 1982.
- EIS No. 820225, Final, COE, TX, Brownsville Deepwater Channel and Terminal, Permit, Cameron County, Due: June 1, 1982.
- EIS No. 820227, Final, COE, TX, Richland Creek Dam, Reservoir/Pumping Station, Permit, Due: June 1, 1982.
- EIS No. 820222, F Suppl., COE, IA, Bettendorf Local Flood Protection Plan, Mississippi River, Scott Co., Due: June 1, 1982.

Department of Commerce:
- EIS No. 820233, Final, NOA, SEV, MXG, ATL, Coastal Migratory Pelagic (Mackerels) Fishery Mgmt. Plan, Due: June 1, 1982.
- EIS No. 820231, F Suppl., NOA, SEV, PAC, CA, OR, WA, 1982 Salmon Commercial/Recreational Fisheries, FMP, Due: June 1, 1982.

Department of Defense:
- EIS No. 820229, Draft, DLA, CA, Terminal Island Complex, Fuel Pier Relocation, Los Angeles County, Due: June 14, 1982.

Department of Interior:
- EIS No. 820234, Final, BLM, SEV, ATL, MA, RI, NY, NJ, PA, ME, NH, CT, 1982 OCS Oil and Gas Lease Sale No. 52, Due: June 1, 1982.

Department of Transportation:
- EIS No. 820230, Final, FHW, AL, Cochrane Bridge Replacement, Mobile River, Mobile County, Due: June 1, 1982.
- EIS No. 820232, Final, UMT, HI, Honolulu Area Fixed Guideway Rapid Transit System, Honolulu County, Due: June 1, 1982.

Environmental Protection Agency:
- EIS No. 820221, Final, EPA, PA, Edinboro/Washington Township Wastewater Treatment Facilities, Grant, Due: June 1, 1982.

Department of Housing and Urban Development:
- EIS No. 820228, Draft, HUD, UT, Willow Heights Development, Mortgage Insurance, Emery County, Due: June 14, 1982.
- EIS No. 820220, Final, HUD, SC, Archdale Subdivision, Mortgage Insurance, Dorchester County, Due: June 1, 1982.
- EIS No. 820226, Final, HUD, UT, Eagle Springs Development, Mortgage Insurance, Rich County, Due: June 1, 1982.

Department of Agriculture:
- EIS No. 820224, Draft, AFS, AK, Situk River Wild and Scenic Designation Study, Due: June 28, 1982.
- EIS No. 820223, Draft, SCS, OK, Turkey Creek Watershed Flood Protection Plan, Due: June 14, 1982.

Amended Notices:
- EIS No. 820190, Final, COE, LA, Red River Parish Water Supply/Grant Bayou Reservoir Construction, *Amended Notice of Reestablishment published FR 4-23-82—Correct date of original Notice is 4-16-82, Due: May 24, 1982.
- EIS No. 790980, Draft, COE, FL, Marco Island and Vicinity Wetlands Development, Permit, Collier Co., *Published FR 9-28-79—Review extended indefinitely in FR 12-21-79—Review being terminated, Due: May 24, 1982.

Dated: April 27, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-11828 Filed 4-29-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51411; TSH FRI 2113-4]

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 eighteen PMNs and provides a summary of each.

DATES:

Close of Review Period:

PMN 82-287, 82-288 & 82-289—July 15, 1982.
PMN 82-290, 82-291, 82-292, 82-293 & 82-294—July 18, 1982.
PMN 82-295, 82-296, 82-297, 82-298 & 82-299—July 19, 1982.
PMN 82-300 & 82-301, 82-302 & 82-303—July 20, 1982.
PMN 82-304—July 21, 1982.

Written comments by:

PMN 82-287, 82-288 & 82-289—June 15, 1982.
PMN 82-290, 82-291, 82-292, 82-293 & 82-294—June 18, 1982.
PMN 82-295, 82-296, 82-297, 82-298 & 82-299—June 19, 1982.
PMN 82-300 & 82-301, 82-302 & 82-303—June 20, 1982.
PMN 82-304—June 21, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51411]" 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, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82-287

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzene.

Use/Production. (G) Site-limited intermediate. Prod. range: 9,000-12,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 50 workers, up to 2hrs/da, up to 5 da/yr.

Environmental Release/Disposal. No release to air and land with minimal to water. Disposal by biological treatment system and incineration.

PMN 82-288

Manufacturer. Confidential.

Chemical. (G) Polymer of disubstituted acrylic acid, disubstituted benezene, and substituted acrylic acid.

Use/Production. (G) Minor component of a formulation used by commercial customers. Prod. range: 600-700 kg/yr.

Toxicity Data. Acute oral: >3,000 mg/kg Acute dermal:> 1,000 mg/kg, Skin: Slight, Eye: Slight.

Exposure. Manufacture and processing: dermal and inhalation, a total of 10 workers, up to 1 hr/da, up to 5 da/yr.

Environmental Release/Disposal. No release to water and land. Disposal by incineration.

PMN 82-289

Importer. American Hoechst Corporation.

Chemical. (S) Polymer of ethylene oxide; bisphenol A; epichlorohydrin; acrylonitrile; ethylene glycol; xylylenediamine; isophorondiamine.

Use/Import. Confidential. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Negligible.
Environmental Release/Disposal. Disposal by landfill.

PMN 82-290

Manufacturer. Confidential.
Chemical. (G) Disubstituted benzene.
Use/Production. (G) Site-limited intermediate. Prod. range: 7,000-10,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal and inhalation, a total of 50 workers, up to 2 hrs/da, up to 5 da/yr.
Environmental Release/Disposal. No release to air and land with minimal to water. Disposal by biological treatment system and incineration.

PMN 82-291

Importer. Confidential.
Chemical. (G) Sulfonated copper phthalocyanine dye.
Use/Import. (S) Industrial dye for fibers and fabrics. Import range: 400-5,000 kg/yr.
Toxicity Data. Acute oral: > 6.4 g/kg, Skin: Slight irritant, Eye: Non-irritant, Inhalation: > 16 mg/1, Biodegradability: 50-100%.
Exposure. Processing: dermal and inhalation, 1-3 workers, 2-3 hrs/da, 70-100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with 100-1,000 kg/yr to water 2-3 hrs/da, 75-100 da/yr. Disposal by publicly owned treatment works (POTW), incineration, approved landfill and waste treatment plant.

PMN 82-292

Manufacturer. Confidential.
Chemical. (G) Substituted trialkoxy silane.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: Males-9.85 ml/kg, females-11.3 ml/kg, Acute dermal: 16.0 ml/kg, Skin: Minor to slight irritant, Eye: Trace irritation, Inhalation 6 hrs: Males-killed 2 of 5, females-killed 0 of 5, Ames Test: Negative, COD: 1.50 mg.
Exposure. Manufacture and processing: dermal, inhalation and occular, 4 shift workers, 4 hrs/da, 4 da/yr.
Environmental Release/Disposal. No release. Disposal by plant waste treatment system and biodegradation ponds.

PMN 82-293

Manufacturer. Eastman Kodak Company.
Chemical. (S) 2,2,6-trimethly-4H-1, 3-dioxin-4-one.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5 g/kg, Acute dermal: > 5 g/kg, Skin: Slight irritant, Eye: Substantial irritant.
Exposure. Manufacture: dermal and inhalation, 3 workers, 4 hrs/da, 9 da/yr.
Environmental Release/Disposal. No release. Disposal by waste water treatment facilities.

PMN 82-294

Manufacturer. Confidential.
Chemical. (G) Metallic beta diketonate.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. Confidential.
Exposure. Manufacture, processing and use: dermal, a total of 4 workers, 2-4 hrs/da, up to 20 da/yr.
Environmental Release/Disposal. Disposal by sludge treatment works.

PMN 82-295

Manufacturer. BeDoukian Research, Inc.
Chemical. (S) Cis-4-decen-1-ol.
Use/Production. (S) Industrial perfume or fragrances. Prod. range: 1-100 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: handling, 2 workers, 8 hrs/da, 5 da/yr.
Environmental Release/Disposal. Less than .01 to .1 kg/yr released to air and water 8 hrs/da, 5 da/yr.

PMN 82-296

Manufacturer. Confidential.
Chemical. (G) 9, 10-anthracenedione sulfonic acid, sodium salt.
Use/Production. (S) Textile dye. Prod. range: Confidential.
Toxicity Data. Acute oral: 3,380 mg/kg, Skin: None, Eye: Minimal, Ames Test: Negative, Treatment plant bacteria: No inhibition at 300 mg/l LC_{50} 96 hr. (trout): 55 mg/l, BOD_5: 0 g/g0_2: COD: 1.38 g/g0_2.
Exposure. Non-existent.
Environmental Release/Disposal. Released as a water solution. Disposal by on-site waste treatment facility and National Pollution Discharge Elimination System (NPDES).

PMN 82-297

Manufacturer. Uniroyal Chemical Company.
Chemical. (G) Isocyanate terminated polyether polyurethane prepolymer.
Use/Production. (S) Industrial elastomers. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 60 da/yr.
Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 82-298

Manufacturer. Confidential.
Chemical. (G) Polymer of alkyl acrylate and acrylamide.
Use/Production. (G) Confidential. Prod. range: Confidential.
Toxicity Data. Acute dermal: Slightly toxic, Eye: Non-irritant.
Exposure. Manufacture and processing: inhalation, a total of 15 workers, up to 8 hrs/da, up to 69 da/yr.
Environmental Release/Disposal. Release to air.

PMN 82-299

Manufacturer. Confidential.
Chemical. (G) Polymer alkyl acrylate, vinyl heteromonocycle and acrylic acid.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute dermal: Slightly toxic, Eye: Non-irritant.
Exposure. Processing: inhalation, a total of 15 workers, up to 8 hrs/da, up to 118 da/yr.
Environmental Release/Disposal. No release.

PMN 82-300

Manufacturer. Confidential.
Chemical. (G) Neutralized polymer of styrene, alkyl acrylates and substituted alkyl methacrylates.
Use/Production. (G) Open use. Prod. range: 8,000-100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal and eye, a total of 96 workers, up to 6 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with up to 1,000 kg/yr to water and land. Disposal by incineration, landfill, sold as fuel and plant owned treatment works.

PMN 82-301

Manufacturer. Confidential.
Chemical. (G) Neutralized polymer of styrene, alkyl acrylates and substituted alkyl methacrylates.
Use/Production. (G) Open use. Prod. range: 8,000-100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal and eye, a total of 96 workers, up to 6 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with up to 1,000 kg/yr to water and land. Disposal by incineration, landfill, sold

as fuel and plant owned treatment works.

PMN 82-302

Manufacturer. Dow Corning.
Chemical. (G) Polysilazane.
Use/Production. (G) Precursor. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg, Acute dermal: >2,000 mg/kg Skin: Slight irritant, Eye: Non-irritant.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by POTW.

PMN 82-303

Manufacturer. Minnesota Mining and Manufacturing Company.
Chemical. (S) Inert Fluorocarbon.
Use/Production. (S) Industrial electronic testing and cooling media. Prod. range: Confidential.
Toxicity Data. Skin: Minimal irritant, Eye: Non-irritant, Inhalation; None, ThoD: 276 mg/g, BOD_{20}: <0.2 mg/g, COD: 0.23 mg/g, LC_{50} 96 hr (fathead minnow): <1,000 mg/l.
Exposure. Processing and disposal: dermal and inhalation, a total of 1,112 workers, up to 24 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr up to 10,000 kg/yr released to air 8 hrs/da, 250 da/yr with 10-100 kg/yr to water 24 hrs/da, 29 da/yr and 1,000-10,000 kg/yr to land. Disposal by waste water treatment, incineration and landfill.

PMN 82-304

Manufacturer. Confidential.
Chemical. (G) Quaternary amine functional polyether urethane modified polyglycidyl ether of Bisphenol A.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. None.
Environmental Release/Disposal. No release.

Dated: April 26, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-11708 Filed 4-29-82; 8:45 a.m.]
BILLING CODE 6565-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Privacy Act of 1974

Republications of Privacy Act Systems of Records

AGENCY: Equal Employment Opportunity Commission.

ACTION: Publication of the Sixth Annual Compilation of Privacy Act Systems of Records maintained by the Equal Employment Opportunity Commission.

SUMMARY: Publication of the Commission's Annual Compilation as required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) (Pub. L. 93-597).

DATES: This compilation is effective April 30, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, (telephone: 202-634-6595) or Clement Hyland (telephone: 202-653-5490), Legal Counsel Division, Equal Employment Opportunity Commission, Room 2254, 2401 E Street, NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Equal Employment Opportunity Commission last published the full text of its systems of records at 44 FR 54024 (September 17, 1979). A compilation of the Commission's Privacy Act systems of records was most recently published at 45 FR 67460 (October 10, 1980). Since the publication, the Commission has made the following amendments to its systems of records.

1. On December 31, 1980, the Commission adopted an additional system of records entitled "EEOC-14, Grievance Records." *See* 45 FR 86550 (December 31, 1980). The system duplicated the Office of Personnel Management's prior government-wide system of records "OPM/GOVT-2, Grievance Records," with some minor changes.

2. On November 25, 1981, the Commission published a notice of various amendments to its systems of records. *See* 46 FR 57816 (November 25, 1981). The Commission amended its systems of records to reflect changes in the structure of the agency since its reorganization on January 1, 1979 (obsolete terms were deleted). Additionally the retention and disposal provisions of the various systems were amended as necessary.

3. Appendix A has been updated to reflect the current addresses of the Commission's field and Headquarters Offices.

4. Notice is given that the Equal Employment Opportunity Commission hereby establishes a new system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system, EEOC-1, Age and Equal Pay Act Discrimination Cases Files, will contain information on individuals who file charges or complaints of discrimination under the Age Discrimination in Employment Act or the Equal Pay Act. This system is published with only minor changes to the proposed system published at 46 FR 21819 (April 14, 1981).

System EEOC-1, Age and Equal Pay Act Discrimination Case Files, will contain information on individuals who file charges or complaints of discrimination under the Age Discrimination in Employment Act (ADEA) or the Equal Pay Act (EPA). The Commission determined that the ADEA and EPA enforcement records should be maintained in a system of records similar to the existing system of records for enforcement records under Tiele VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* The existing Privacy Act system of records approved for retention of Title VII enforcement records is System EEOC-3, Charge of Discrimination Case Files (44 FR 54024) (September 17, 1979). System EEOC-1, Age and Equal Pay Act Discrimination Case Files, is set forth below.

The purpose of this system of records is to maintain information gathered by the EEOC pursuant to its enforcement authority under the ADEA and EPA. These records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, compliance personnel and District and Area Directors, in making an official determination regarding the validity of the charge or complaint of discrimination and as supportive material for any cases which are subsequently conciliated, negotiated or litigated by the EEOC. The Commission received two comments on the proposed system and carefully considered each one. The major suggestions and objections are discussed below.

Both Correspondents objected to one of the routine uses set forth in the system of records. It was suggested that paragraph (d) of the routine uses be omitted from the final regulations. The commentators were concerned that release of information may violate the Trade Secrets Act, 18 U.S.C. 1905, provisions in various union contracts or the privacy of other individuals. The commentators specifically objected to paragraph (d)(7) because the words "relevancy" and "closed" were not clearly defined. It was suggested that paragraph (d) of the routine uses be deleted, or expanded to protect from disclosure information that is favorable to employers, be revised to give employers the opportunity to object to the disclosure of this information or afford respondents and their representatives the same access to

records as the proposed provision affords complainants and their representatives.

Initially, it is noted that paragraph (d) of the routine use section is narrowly defined and limits the amount of information that may be disclosed. It does not authorize wholesale disclosure to charging parties; nor does it violate the provacy rights of other individuals. It clearly sets forth what information may be released and when it may be released. With respect to the possible violation of union contracts, the Commission does not believe such provisions are widespread. Nevertheless it may be necessary for the Commission to release certain information in order to carry out its functions and responsibilities under the two Acts. In these instances non-disclosure concerns would have to yield in order to effectuate the purposes of ADEA and EPA. Again it should be emphasized that the Commission does not intend to disclose all information from its files but simply that information which is relevant to the particular case.

The Commission has made minor changes to paragraph (d) of the routine use section. The introductory section to paragraph (d) has been amended to allow disclosure of information to other employees who have been notified by the Commission of their private rights under 29 U.S.C. 216 to bring an action on their own behalf. Minor changes have also been made to paragraph (d)(7). The word "clearly" has been deleted and the phrase "proposed or pending" has been added before the word litigation. These changes will allow the Commission to release information to those individuals who are considering whether to file suit. This will allow these individuals to better assess whether they should file suit.

Release of information pursuant to paragraph (d)(7) also would not violate the provisions of the Trade Secrets Act, 18 U.S.C. 1905. The Trade Secrets Act does not cover all business records of an employer and cannot be viewed as being broader in scope than its three predecessor statutes: The Revenue Act of 1864, last codified at 18 U.S.C. 216 (1940); a Tariff Commission Statute, last codified at 19 U.S.C. 1335 (1940); and a Commerce Department statute, last codified at 15 U.S.C. 176b (1940). The Commission normally does not become involved with confidential business records or trade secrets such as described by these statutes. The data sought are normally of a payroll nature, i.e., pay rates, job description, etc. The Trade Secrets Act was not intended to cover these types of documents and is much narrower in scope than that suggested by the correspondents. Thus the information normally collected by the Commission is not the type of information that falls within the coverage of this Act.

Additionally, the Court in *Chrysler v. Brown*, 441 U.S. 281 (1979), addressed the question whether agency regulations could provide legal authorization for release of business information that would otherwise be prohibited as falling within the substantive scope of 18 U.S.C 1905. The Court held that agency regulations can accomplish this only if they were adopted with proper rulemaking procedures and had a nexus with some statute concerning disclosure of business information. The Privacy Act authorizes disclosure through its routine use provisions and thus qualifies as the nexus statute. Therefore business information may be disclosed by the Commission.

The only additional change made to the proposed system is a modification to the section entitled "Retention and Disposal." This section is identical to the section entitled "Retention and Disposal" of System EEOC-3, Charge of Discrimination Case Files.

In today's issue of the **Federal Register**, the commission has also published an amendment to § 1611.14 of its Privacy Act regulations, 29 CFR Part 1611, to exempt this system from certain provisions of the Act. Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2), the Commission is exempting this system of records from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act.

The Commission received comments from a research foundation and a private individual expressing concern that, in exempting the Privacy system from certain provisions of the Privacy Act, the Commission will be allowed to engage in "fishing expeditions" and proceed with investigations based on charges not made by the complainant, but by the Commission. However, this Privacy Act System does not expand the Commission's investigative authority and does not affect its collection of data on unlawful practices.

As part of its normal investigation, the Commission often obtains information regarding unlawful employment practices other than those complained of by the subject individual of the file. By exempting this system from subsection (e)(1) of the Act, the Commission will be able to maintain this information in an individual's file. However, the Commission's investigative authority has not been broadened by the exemption of this system. The Privacy Act System merely allows EEOC to maintain case files by individual charging party names and sets forth guidance regarding access to those files.

After considering these comments, the Commission has determined not to make any revisions to the proposed system, which was previously published in the **Federal Register** at 46 FR 21819 (April 14, 1981), except for the minor changes noted above.

The systems of records of the Equal Employment Opportunity Commission published below are current as of the date of this publication.

Signed at Washington, D.C. this 9th day of March, 1982.

For the Commission.

Cathie A. Shattuck,

Acting Chairman, Equal Employment Opportunity Commission.

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II. Appendix
(A) List of Field Offices and Headquarters Offices for the Equal Employment Opportunity Commission.
(B) Additional Routine Uses for Systems EEOC-2 and 4-13.

EEOCC-1

SYSTEM NAME:

Age and Equal Pay Act Discrimination Case Files—EEOC.

SYSTEM LOCATION:

District Office or Area Office where the charge or complaint of

discrimination was filed (see appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any charging party or complainant who alleges that an employment practice made unlawful by the Age Discrimination in Employment Act of 1967, as amended, or the Equal Pay Act of 1963, as amended, has been committed by an employer, employment agency or labor organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written documents filed by charging party or complainant alleging discrimination, original communication, perfected charge, amended charge, confidential personal interview statement; copy of referral letter to State; communication requesting assumption of jurisdiction; receipt for copy of charge, copy of acknowledgement to complaining party of receipt of allegation of charge; analysis of referral agency action or nonaction; charging party's or complainant's statements and affidavits; report of initial and exit interviews; follow-up correspondence from charging party or complainant; statements and affidavits of witnesses favorable to charging party; statements of respondent and witnesses favorable to respondent; statements, including confidential personal interview statements of EEOC produced witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as earnings, records of jobs and records of charging party's jobs and earnings of co-workers, employee benefit plans, seniority list, job titles, job descriptions, applicant data, and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO report forms, community background data, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements and modifications; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notes and analyses of data; transcriptions, extensions, and computations from payroll records; summary of unpaid wages, decisions and letters of determination; no fault and conciliation agreements; copies of correspondence with complaining parties and respondent regarding the status and disposition of the case; copies of receipts for restitution of unpaid wages; and any additional evidence gathered during the course of the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 29 U.S.C. 209, 211, 216, 217, 625, and 626; 44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system of records is to provide for the federal prohibition against employment discrimination in the private and public sectors based on the Age Discrimination in Employment Act or the Equal Pay Act. The records are the official file to be utilized by authorized EEOC personnel, including—investigators, conciliators, attorneys, research assistants and analysis, Commissioners, compliance personnel and District and Area Directors, in making an official determination regarding the validity of the charge or complaint of discrimination and as supportive material for any cases which are subsequently conciliated, negotiated or litigated by the EEOC. These records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency as may be appropriate or necessary to carrying out the Commission's functions under the Age Discrimination in Employment Act or Equal Pay Act.

b. To disclose information contained in these records to State and local agencies administering State or local fair employment practices laws.

c. To disclose to those EEOC officials who are personally responsible for the processing and resolution of the charge or complaint of discrimination, such information as is absolutely necessary in furtherance of the processing or resolution of the complaint.

d. To disclose information from closed ADEA/EPA case files (a closed file occurs when the Commission has completed or stops its investigation and has decided not to sue) to charging parties or complainants and other employees who have been notified by the Commission of their private rights under 29 U.S.C. 216 to bring action on their own behalf or their representatives, except for the following records which will not be disclosed:

1. EEOC Form 156.
2. Investigator's Narrative.
3. Deliberative materials, such as, but not limited to, investigator's notes, recommendations as to possible action, inter-agency or intra-agency memorandums, etc.
4. Legal opinions.
5. Affidavits or statements of individuals promised confidentiality, identity of confidential source, or any information which might identify a confidential source.
6. Specific settlement offers.
7. Records of an employer of a payroll or personnel nature, except to the extent that such records are relevant to complainant's or charging party's proposed or pending litigation and which would be discoverable from the respondent by a charging party or complainant in a civil action.

e. With regard to concurrent Title VII and ADEA/EPA requests, access to information relating to Title VII allegations will be governed by System EEOC-3 and access to information relating to either ADEA or EPA allegations will be governed by System EEOC-1.

f. Disclosure of the status of the processing of a charge or complaint of employment discrimination may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

These records are maintained in file folders and tape and computer printouts.

RETRIEVABILITY:

These records are cross-indexed by charging party name, respondent name and charge number. The records may be retrieved by any of the above three indexes.

SAFEGUARDS:

Records are maintained in a secured area to which only authorized personnel have access. Access to and use of these records is limited to those persons whose official duties require such access, or to those persons indicated in the listing of routine uses above. Personnel are screened to prevent unauthorized disclosure and the premises are locked when authorized personnel are not on duty.

RETENTION AND DISPOSAL:

Case files which are received in the Office of Field Services and the Office of General Counsel are returned to their respective field offices. Cases which are

dismissed or closed for other than no cause are to be destroyed six (6) months following the date of dismissal or closure. No cause files which are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one (1) year after the date of the last action and destroyed after three (3) additional years. All other no cause files are destroyed one (1) year after the date of last action. Negotiated settlement files are destroyed one (1) year after the calendar year in which the settlement agreement is signed or until all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII Cases, the file is returned to the Federal Records Center one (1) year after the date of last action and destroyed two (2) years later. Other files are retired to the Federal Records Center one (1) year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three (3) additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two (2) years after final court action and offered to the National Archives ten (10) years after final court action.

SYSTEM MANAGER(S) AND ADDRESS:

District Director or Area Director of the field office where charge was filed.

NOTIFICATION PROCEDURE:

Any person wanting to know whether there is a record on him or her maintained in this system should contact the appropriate system manager. Such person must furnish the following information when making inquiries about the existence of records on himself or herself:

a. Full name;

b. Approximate date of filing of charge or complaint;

c. Charge number;

d. Whether charge or complaint alleges violation of Age Discrimination in Employment Act, Equal Pay Act or both;

e. Name of respondent.

RECORD ACCESS PROCEDURES:

Individuals do not have access to their records in this System because the system of records is exempt from subsection (d)(1) of the Act.

RECORD SOURCE CATEGORIES:

The sources of these records are:

a. Individual to whom record pertains;

b. Documentary evidence of interested persons;

c. Documentary evidence of respondents;

d. Correspondence from interested organization or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to subsection (k)(2) of the Act, 5 U.S.C. 552a(k)(2), this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(H), and (f) of the Act.

EEOC—2

SYSTEM NAME:

Attorney Referral List—EEOC.

SYSTEM LOCATION:

All district and area offices (see appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains attorney's names, business addresses and telephone numbers, nature and amount of civil rights litigation experience, state and Federal bar admission; whether the attorneys have the capacity and desire to handle class actions; whether the attorneys charge consultation fees (and how much); whether the attorneys will waive the consultation fee; the types of fee arrangements the attorney will accept; and whether the attorneys speak a foreign language fluently.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g); 44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by EEOC personnel as a source of attorneys to whom charging parties can be referred to handle the litigation of their title VII complaints.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on prepared forms and 3 inch by 5 inch cards.

RETRIEVABILITY:

Indexed alphabetically by names of the attorneys.

SAFEGUARDS:

Access to this system of records is restricted to EEOC district and area office personnel who have a legitimate use for the information contained therein. This system is stored in filing cabinets.

RETENTION AND DISPOSAL:

Files are broken annually, transferred to the Federal Records Center when two years old, and destroyed when five years old.

SYSTEM MANAGER(S) AND ADDRESS:

The Regional Attorney at each EEOC district office (see appendix A).

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual; (2) mailing address to which reply should be sent.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Attorneys.

EEOC—3

SYSTEM NAME:

Charge of Discrimination Case Files—EEOC.

SYSTEM LOCATION:

District office or area office where the charge of discrimination was filed (see appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any aggrieved individuals who charge that an unlawful employment practice within the meaning of title VII of the Civil Rights Act of 1964, as amended, has been committed by an employer, employment agency, labor organization or joint labor-management apprenticeship committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grievance filed by charging party alleging discrimination, original communication, perfected charge, amended charge; copy of deferral letter to state; communication requesting assumption of jurisdiction; receipt for copy of charge, receipt for notification of charge; analysis of deferral agency action or nonaction; charging party's statements and affidavits; report of

initial and exit interviews; follow-up letter from charging party; statements and affidavits of charging party's witnesses; statement of respondent and respondent's witnesses; respondent's statement of position; correspondence and documentation related thereto; documentary evidence gathered from respondent such as charging party's records of jobs and earnings, records of jobs and earnings of coworkers, seniority list, job titles and an analysis of such documents; affidavits or statements of any additional witnesses interviewed and copies of any documents submitted by them; observations made on a tour of respondent's facilities, organizational charts, diagrams, summaries of comments made by employees regarding work facilities, EEO data, EEO Report forms; community background data such as racial and ethnic composition, education level by minority group status and sex, average income by minority status and sex, and history of employment relationships; collective bargaining agreements when relevant to the issue and related supplements or modifications to the contracts; copies of any subpoenas issued, and any petitions to modify or revoke; copies of any temporary restraining orders issued to seek preliminary relief in the case; investigator's notices and analysis of data: Decisions and Letters of Determination; conciliation agreements; statements or affidavits of additional witnesses contacted in connection with the investigation made; and any additional evidence gathered during the course of the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 42 U.S.C. 2000e-5,-8, and -9; 44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system of records is to provide for the federal prohibition against employment discrimination in the private and public sector based on race, color, religion, sex or national origin. The records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, Compliance personnel and Regional and District Directors, in making an official determination regarding the validity of the charge of discrimination and as supportive material for any cases which are subsequently conciliated, or litigated by the EEOC or the Department of Justice. Other uses include the following: (1) To conduct compliance reviews with local, State and Federal agencies, such as the Office of Federal Contract Compliance, Department of Justice, Department of Labor, Office of Revenue Sharing of the Treasury Department, Law Enforcement Assistance Administration, and other Federal agencies as may be appropriate or necessary to carrying out the Commission's functions under the title (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (2) sharing information contained in these records with State and local agencies administering State or local fair employment practices laws (see 42 U.S.C. 2000e-4(g)(1), 8 (b) and (d)); (3) sharing information in case files with the following person(s) in contemplation of or in connection with title VII litigation:

(a) Charging Parties and their attorneys;

(b) Aggrieved persons in case files involving Commissioner Charges and their attorneys provided that such persons have been notified of their status as aggrieved persons pursuant to section 1601.25(c) of the Commission's Procedural Regulations;

(c) Persons or organizations filing on behalf of an aggrieved person, provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose and their attorneys;

(d) Employees of Commission-funded groups such as the Mexican-American Legal Defense and Education Fund and Lawyer's Committee for Civil Rights Under Law for the purpose of reviewing information in case files to determine the appropriateness of referral to private attorneys as a service to charging parties, provided that the Commission-funded group is reviewing the information at the request of the charging party;

(e) Respondents and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII; and (4) cooperating with private Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in the other case files is relevant or material to the private litigant's case.

Disclosure of the status of the processing of a charge of employment discrimination may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, tape and computer print-outs.

RETRIEVABILITY:

Cross-indexed by charging party name, respondent name, and charge number; may be retrieved by any of the above three indexes.

SAFEGUARDS:

Records are handled by authorized personnel of the Equal Employment Opportunity Commission and others; see routine uses. Premises are locked when authorized personnel are not on duty. Periodic security checks and emergency planning.

RETENTION AND DISPOSAL:

Case files which are received in the Office of Field Services and the Office of General Counsel are returned to their respective field offices. Cases which are dismissed or closed for other than no cause are to be destroyed six (6) months following the date of dismissal or closure. No cause files which are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one (1) year after the date of the last action and destroyed after three (3) additional years. All other no cause files are destroyed one (1) year after the date of last action. Negotiated settlement files are destroyed one (1) year after the calendar year in which the settlement agreement is signed or until all obligations under the agreement are satisifed, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII Cases, the file is retired to the Federal Records Center one (1) year after the date of last action and destroyed two (2) years later. Other files are retired to the Federal Records Center one (1) year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three (3) additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two (2) years after final court action and offered to the National Archives ten (10) years after final court action.

SYSTEM MANAGER(S) AND ADDRESS:

District Director or Area Director of the field office where charge was filed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt under 5 U.S.C. 552a(k)(2).

EEOC—4

SYSTEM NAME:

Commissioners' Biographical File—EEOC.

SYSTEM LOCATION:

Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Commissioners of EEOC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, date and place of birth, education and employment histories, Congressional confirmation hearing transcript, speeches, and publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the staff of the Office of Congressional Affairs to answer public and Congressional inquiries regarding EEOC Commissioners.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on paper.

RETRIEVABILITY:

Indexed alphabetically by last name of the Commissioner.

SAFEGUARDS:

Stored in standard file cabinets. Available to office employees and Commissioners.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the system manager. All inquiries should furnish the full name of the individual, and the mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES

The Commissioner to whom the record pertains, publications, and original data generated by the Commission.

EEOC—5

SYSTEM NAME:

Correspondence and Congressional Inquiries—EEOC.

SYSTEM LOCATION:

Office of Congressional Affairs. Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former EEOC employees, charging parties, members of Congress, members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name of inquiring individuals and information submitted by them; date inquiry received; date response due; to whom inquiry assigned; date response sent out; issue raised in the inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to Congressional inquiries.

Disclosue may be made to a congressional office from the record of an individual in response to a inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in loose-leaf notebooks and on control slips.

RETRIEVABILITY:

Indexed numerically by date of incoming letter and alphabetically by name of the inquiring member of Congress and inquiring party.

SAFEGUARDS:

Stored in standard file cabinets. Access to the records of daily incoming and outgoing correspondence is limited to office employees. Records of these files are stored in locked desk drawers.

RETENTION AND DISPOSAL:

Congessional inquiries are maintained for two years. These files are broken every two years and destroyed at that time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional Affairs, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Correspondence from members of Congress and their staffs, charging parties, members of the general public, and data generated within the Commission.

EEOC—6

SYSTEM NAME:

Employee Alcoholism and Drug Abuse Records—EEOC.

SYSTEM LOCATION:

Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506, district and area offices (see appendix).

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of EEOC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information relating to individuals who are referred to the Public Health Service, other agency operating health facilities, alcoholic and drug abuse treatment and/or rehabilitation centers, and private physicians.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 7901; 42 U.S.C. 218; 44 U.S.C. 396(a); 29 CFR 1510; 45 CFR 57.1 et seq.; 38 FR, Part 1401, CSC FPM Letters No. 792-6 and -7; Bureau of the Budget Circular A-68, August 28, 1964; Bureau of the Budget Circular A-72, June 18, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized personnel of the EEOC Headquarters, district and area offices, personnel division upon the individual's request; by governmental personnel for purposes of attaining benefits; for disclosure in connection with judicial or administrative proceedings; for disclosure to medical personnel to meet a medical emergency; for disclosure to qualified personnel for purposes or research, audits, or program evaluation; for disclosure of a minor patient to his/her parents under applicable guidelines.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Indexed by the names of the persons on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

HM Individual health record cards are destroyed six years after last entry. Log of visit to facility: if summarized, destroyed three months after last entry; if not summarized, destroyed two years after last entry. Health record case files, related forms, correspondence and papers which document employee medical history except pre-employment health qualification placement records, disability retirement exams, and fitness for duty examinations which become a part of the OPF (Standard Form 66) upon separation, are maintained for a period of six years after date of last entry. At the conclusion of the prescribed time period these records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. District and Area Directors, and Regional Attorneys, EEOC district and area locations (see appendix).

NOTIFICATION PROCEDURE:

Individuals who have been referred to PHS, or other agency operating health facilities are aware of that fact and any inquiries concerning this system should be addressed to the Director of Personnel, headquarters, or the District or Area Directors and Regional Attoneys at the district and area locations where individual is currently employed. Individuals should provide their full name, date of birth and social security number.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; private physicians; medical institutions; Veterans Administration benefits program; office of workers' compensation programs; pay and leave allowance cards; health benefits records system; OPM personnel management evaluation and audit record system.

EEOC—7

SYSTEM NAME:

Employee Pay and Leave Records—EEOC.

SYSTEM LOCATION:

All locations listed in appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of EEOC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance cards and forms; leave records (employee name, branch or office, pay period ending, leave and overtime used during the pay period); requests for leave (earned or advance) or leave of absence; requests for an authorization of overtime; annual attendance record (indicates name, social security number, service computation date, hours and dates worked and taken as leave, pay plan, salary and occupation code, grade, leave earned and used); bond issuance and bond balance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

May be used by authorized EEOC personnel to keep a daily record of leave and overtime acquired and used; as a basis for maintaining an employee's official time card; and as a counseling aid for employees and to assist in evaluating an employee's performance.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Routine uses of records maintained in this sytem include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jursidiction and the Department of Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Chairman. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Chairman.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, 5 U.S.C. 552a, Pub. L. 93-579.

Records maintained in this system may be disclosed, as necessary, to employees of the Educational Systems Corporation for research purposes only to study the effects of providing day-

care services on the job productivity and worker satisfaction of Commission employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on prepared forms and on punched and unpunched cards.

RETRIEVABILITY:

Indexed alphabetically by name, social security number, and/or chronologically by event and name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Files are stored in standard cabinets, safes and secured rooms.

RETENTION AND DISPOSAL:

Maintained for varying periods of time in accordance with GSA General Records Schedule 2. They are then manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of each Commission Office or Division at headquarters; District and Area Directors (see appendix A.).

NOTIFICATION PROCEDURE:

Employees of the Commission wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of the Office or Division where employed or to the District or Area Director if employed at a field installation (see appendix A.). Former employees separated from the Commission and no longer in the federal service should address all inquiries to the Naitonal Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118. The individual should provide his or her full name, date of birth, social security number and mailing address.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Official personnel folder, data submitted by employees, and data submitted by the offices where the individuals are or were employed.

EEOC—8

SYSTEM NAME:

Employee Travel and Reimbursement Records:

SYSTEM LOCATION:

EEOC Headquarters, 2401 E Street NW., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former EEOC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes travel orders, records of travel advances, amounts owed the agency by employees for travel and other purposes, amounts payable to the employee for travel and other purposes, payments made to the employees for travel and other reimbursable transactions and a record of the difference between the cost of official travel as estimated in the travel order and the amount actually expended by the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by authorized personnel in the Finance Branch at headquarters as a record of planned and completed travel expenses; as a justification of government travel disbursements; and to record accounts receivable from and payable to the government for accounts advanced to the employee or owed to the employee for official travel and other purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic tape.

RETRIEVABILITY:

Indexed by an assigned employee code.

SAFEGUARDS:

Access to any information maintained therein is limited to employees whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained for three (3) years. Thereafter, they are manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Finance Branch, EEOC, 2401 E Street NW., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the System manager. It is necessary to furnish the following information (1) name (2) social security number (3) mailing address to which the response is to be sent.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Bills, receipts, and claims presented by employees and original data generated by the Commission.

EEOC—9

SYSTEM NAME:

Labor-Management Negotiated Agreements—EEOC.

SYSTEM LOCATION:

Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. District and area offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of EEOC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information or documents relating to the Commission's labor-management relations program, including information and decisions by the Department of Labor, Federal Labor Relations Authority, and the Impasses Panel.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 7001; 44 U.S.C. 396(a); Lloyd-LaFollette Act of 1912; Executive Order 11491, as amended; 5 CFR 711.101–711.102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized EEOC personnel to respond to inquiries or requests from parties to the negotiated agreement; inquiries from other federal agencies; a court subpoena or to refer to a District Court; request by parties having standing under Executive Order 11491, as amended; and in a proceeding authorized by Executive Order 11491, as amended.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry

from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, binders, and on index cards.

RETRIEVABILITY:

Indexed by subject matter and the names of parties involved.

SAFEGUARDS:

Limited to individuals whose official duties require access and the parties having a standing in a particular labor-management proceeding.

RETENTION AND DISPOSAL:

Maintained for five (5) years and then manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Directors of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506. District Directors at district offices (see Appendix A).

NOTIFICATION PROCEDURE:

Employees and former employees of EEOC wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of Personnel, at the above address, if they are or were employed at headquarters, Washington, D.C. or to the District Director at the installation where the individual is or was employed (see appendix). The individuals should provide their full name, date of birth and social security number.

* * * * *

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; members of the bargaining unit; EEOC officials whose official duties require access to the records; authorized officials from the Department of Labor, Office of Personnel Management, Federal Mediation and Conciliation Service, Federal Labor Relations Authority, Federal Service Impasses Panel, and other third parties to disputes resolution, including arbitrators; other federal agencies having a standing in the Commission's dispute or requesting information; research groups; courts and litigation; the Congress upon requests.

EEOC—10 (Reserved)

SYSTEM NAME:

Correspondence File—EEOC.

SYSTEM LOCATION:

Seattle District Office and Chicago District Office (See Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Charging parties, applicants for employment and members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name of inquiring individuals and information submitted by them; date inquiry received; date response sent out; issue raised in the inquiry; to whom inquiry assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to all those who have sent inquiries to this office.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on paper in file folders.

RETRIEVABILITY:

This system is indexed numerically by date of inquiry and alphabetically by name of inquirer for each yearly quarter.

SAFEGUARDS:

The files are stored in locked file cabinets. Access to the files is limited to office employees.

RETENTION AND DISPOSAL:

Destroyed when six (6) months old.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Chicago District Office, Equal Employment Opportunity Commission, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605; Director, Seattle District Office, Equal Employment Opportunity Commission, Dexter Horton Bldg., 7th Flr., 710 Second Ave., Seattle, Washington 98104.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed, (3) date(s) of correspondence.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Correspondence from charging parties, applicants for employment and the general public.

EEOC—12

SYSTEM NAME:

Officials' Biographical File—EEOC.

SYSTEM LOCATION:

Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street NW, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past EEOC officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, date and place of birth, education and employment histories, job duties, past experiences.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 396(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the staff of the Office of Public Affairs to answer public inquiries regarding EEOC officials.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on paper in file folders.

RETRIEVABILITY:

This system is indexed alphabetically by last name of official.

SAFEGUARDS:

The files are stored in a standard file cabinet which is available to office employees.

RETENTION AND DISPOSAL:

Destroyed when no longer needed for administrative purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street NW, Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

The official to whom the information pertains.

EEOC—13

SYSTEM NAME:

Employee Performance, Effectiveness and Evaluation System.

SYSTEM LOCATION:

Dallas District Office, Houston District Office, New Orleans District Office (see appendix A for Office Directors).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Equal Employment Specialists employed within the above mentioned offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of employees, dates of evaluations, file numbers of compliance files evaluated, and categorization and description of any errors or deficiencies in the investigation or conciliation, job title and/or grade, and tabulation of units of work completed, and quality control data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Directors of the above mentioned District Offices for assignment making, for employee evaluation of error patterns, for definition of training needs, and for identification of problems which may be corrected by changing procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on paper and prepared froms in file folders.

RETRIEVABILITY:

This system is indexed alphabetically by the last name of employee or numerically by employee code.

SAFEGUARDS:

The files are locked in file cabinets or stored in desk drawers. Access is limited to Commission employees whose official duties require access.

RETENTION AND DISPOSAL:

Maintained for varying periods of time, from two (2) to three (3) years, in accordance with GSA General Records Schedule 1. They are then manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Dallas District Office, Houston District Office, and New Orleans District Office.

NOTIFICATION PROCEDURE:

Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) the full name of the individual; (2) the district office where the individual is or was employed; (3) social security number; (4) the address to which the response should be sent.

RECORD ACCESS PROCEDURES:

Same as the above.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Work units are submitted by employees. Analyses are made of employees' and supervisors' performance by supervisors and District Director, respectively.

EEOC-14

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

These records are located in the Office of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, or in other offices of the EEOC's headquarters and field offices in which the grievances have been filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with the EEOC in accordance with part 771 of the regulations of the Office of Personnel Management (OPM)(5CFR Part 771) and EEOC Order No. 571, or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by the EEOC employees under Part 771 of OPM's regulations and EEOC Order No. 571. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that the agency has or may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 396(a); 5 U.S.C. 7121.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a

security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the EEOC or OPM in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or OPM when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

a. When a grievance is pending at the field office level, the system manager is the Director of the Area or District Office. Addresses for these offices are listed in Appendix A.

b. When a grievance is pending at the headquarters office level, the system manager is the head of the office. Names of headquarters offices which are located at 2401 E Street, N.W., Washington, D.C. 20506, are listed in Appendix A.

c. In all other situations, the system manager is the Chief, Labor Relations Branch, Personnel Division, 2401 E Street, N.W., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.

Individuals must provide the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individual requesting access must also follow the EEOC's Privacy Act regulations regarding access to records and verification of identity (29 CFR Part 1611).

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Date of birth.

c. Approximate date of closing of the case and kind of action taken.

d. Organizational component involved.

Individual requesting access must also follow the EEOC's Privacy Act regulations regarding amendment to records and verification of identity (29 CFR Part 1611).

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

EEOC/GOVT-1

SYSTEM NAME:

Equal Employment Opportunity Complaint Records and Appeal Records.

SYSTEM LOCATION:

Equal employment opportunity complaint files are maintained in an Office of Equal Employment Opportunity or other designated office of the agency or department with which the complaint is filed. Appeals of final decisions or orders of agencies or departments on complaints of discrimination, petitions for review of decisions of the Merit Systems Protection Board, and documents pertaining to review of final decisions in negotiated grievance actions are maintained in the Office of Review and Appeals, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for federal employment and current and former federal employees who file complaints of discrimination or reprisal, or who file appeals from agency decisions, petitions for review of decisions of the Merit Systems Protection Board, or requests for review of final decisions in negotiated grievance actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. This system of records includes files of Fair Labor Standards Act complaints (Equal Pay Act), Age Discrimination in Employment Act complaints, handicap discrimination complaints, complaints filed under section 717 of Title VII (42 U.S.C. 2000e-16), and all appeals.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

42 U.S.C. section 2000e-16(b) and (c); 5 U.S.C. section 552a; 29 U.S.C. sections 204(f) and 206(d); 29 U.S.C. section 633(a); 29 U.S.C. section 791; Reorg. Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978); Exec. Order No. 12106, 44 FR 1053 (Jan. 3, 1979).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint, or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

d. To adjudicate an appeal, complaint or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

j. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

k. To disclose information to persons named as alleged discriminating officials in Equal Employment Opportunity (EEO) Discrimination Complaint cases, to allow such persons the opportunity to respond to allegations of discrimination which are made against them during the course of the discrimination complaint process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are maintained at the office in which the complaint originated for one year after resolution of the case and then transferred to the Federal Records Center where they are destroyed after three additional years.

SYSTEM MANAGER(S) AND ADDRESS:

a. Within the agency or department where the complaint of discrimination or reprisal was filed, the system manager is the Director of the Office of Equal Employment Opportunity or other official designated as responsible for the administration and enforcement of equal employment opportunity laws and regulations within the agency or department.

b. Where an individual has appealed a final agency decision or order on an equal employment opportunity matter to the EEOC, petitioned the EEOC to review a decision of the Merit Systems Protection Board, or requested the EEOC to review a final decision in a negotiated grievance action, the system manager of the appeal or petition file is the Director of the Office of Review and Appeals, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

NOTIFICATION PROCEDURE:

Contact the appropriate system manager above. Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the appropriate system manager indicated above regarding the existence of such records pertaining to them. It is necessary to furnish the following information when making inquiries about records:

a. Full name.

b. Date of birth.

c. Kind of action taken by the agnecy.

RECORD ACCESS PROCEDURES:

Individuals who have appealed or filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of an appeal, grievance, or complaint by the individual to whom the record pertains. However, after an appeal, grievance, or complaint case has been closed, an individual may gain access to, or contest the official copy of, an appeal, grievance, or complaint record by writing the appropriate system manager indicated above. Individuals should provide their name, date of birth, agency in which employed approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

CONTESTING RECORD PROCEDURES:

Same as record access procedures above.

RECORD SOURCE CATEGORIES:

The sources of these records are:

a. Individual to whom the record pertains.

b. Agency and/or Commission officials.

c. Affidavits or statements from employee.

d. Testimony of witnesses.

e. Offical documents relating to the appeals, grievance, or complaint.

f. Correspondence from specific organizations or persons.

Appendix A

Albuquerque Area Office (Phoenix district). Western Bank Building, Suite 1515, 505 Marquette, N.W., Albuquerque, New Mexico 87101.

Atlanta District Office, Citizens Trust Building, 10th Floor, 75 Piedmont Avenue, N.W., Atlanta, Georgia 30303.

Baltimore District Office, Rotunda Building,Suite 210, 711 West 40th Street, Baltimore, Maryland 21211.

Birmingham District Office, 2121 Eighth Avenue, North, Birmingham, Alabama 35203.

Boston Area Office (New York District), 150 Causeway Street, Suite 1000, Boston, Massachusetts 02114.

Buffalo Area Ofice (New York District), 210 Franklin St., Buffalo, New York 14202.

Charlotte District Office , 403 N. Tryon Street, 2nd Floor, Charlotte, North Carolina 28202.

Chicago District Office, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605.

Cincinnatti Area Office (Cleveland District), Federal Building, Room 7019, 550 Main Street, Cincinnatti, Ohio 45202.

Cleveland District Office, Engineers' Building, Room 602, 1365 Ontario Street, Cleveland, Ohio 4414.

Dallas District Office, Corrigan Tower, 6th Floor, 212 North St. Paul, Dallas, Texas 75201.

Dayton Area Office (Cleveland District), Federal Building, 200 West 2nd Street, Dayton, Ohio 45402.

Denver District Office, 1531 Stout Street, 6th Floor, Denver, Colorado 80202.

Detroit District Ofice, First National Building, Suite 600, Detroit, Michigan 48226.

El Paso Area Office (Dallas District), Property Trust Building, 221 East Missouri, Room E235, El Paso, Texas 79903.

Fresno Area Office (San Francisco District), 1303 P Street, Suite 108, Fresno, California 93721.

Greensboro Area Office (Charlotte District), 324 West Market Street, Room 132, Greensboro, North Carolina 27402.

Greenville Area Office (Atlanta District), Bankers Trust B uilding, 5th Floor, 7 North Laurens Street, Greenville, south Carolina 29602.

Houston District Office, Federal Building, Room 1101, 2320 LaBranch, Houston, Texas 77004.

Indianapolis District Office, Federal Building, U.S. Courthouse, 46 East Ohio Street, Room 456, Indianapolis, Indiana 46204.

Jackson Area Ofice (Birmingham District) Petroleum Building, Suite 500, 200 East Pascagoula Street, Jackson, Mississippe 39201.

Kansas City Area Office (St. Louis District), 1150 Grand, 1st Floor, Kansas City, Missouri 64106.

Little Rock Area Office (New Orleans District), Federal Building, 700 West Capitol, Little Rock, Arkansas 72201.

Los Angeles District Office, 3255 Wilshire Boulevard, 9th Floor, Los Aneles, California 90010.

Louisville Area Office (Memphis District),U.S. Post Office & Courthouse, 601 West Broadway, Room 105, Louisville, Kentucky 40202.

Memphis District Office, 1407 Union Avenue, Suite 502, Memphis, Tennessee 38104.

Miami District Office, DuPont Plaza Center, Suite 414, 300 Biscayne Boulevard Way, Miami, Florida 33131.

Milwaukee District Office, 342 North Water Street, Room 612, Milwauklee, Wisconsin 53202.

Minneapolis Area Office (Milwaukee District), Plymouth Building, 12 South Sixth Street, Minneapolis, Minnesota 55402.

Nashville Area Office (Memphis District), Parkway Towers, Suite 1822, 404 James Robertson Parkway, Nashville, Tennessee 37219.

Newark Area Office (New York District), 744 Broad Street, Room 502, Newark, New Jersey 07102.

New Orleans District Office, F. Edward Hébert Federal Buidling, 600 South Street, New Orleans, Louisiana 70130.

New York District Office, 90 Church Street, Room 1301, New York, New York 10007.

Norfolk Area Office (Baltimore District), 215 East Plume Street, Norfolk, Verginia 23510.

Oakland Area Office (San Francisco District), George P. Miller Federal Building, 1515 Clay Street, Oakland, California 94612.

Oklahoma City Area Office (Dallas District), 50 Penn Place, Suite 1430, Oklahoma City, Oklahoma 73118.

Philadelphia District Office, 127 North 4th, Suite 300, Philadelphia, Pennsylvania 19106.

Phoenix District Office, 201 North Central Avenue, Suite 1450, Phoenix, Arizona 85073.

Pittsburgh Area Office (Philadelphia District), Federal Building, Room 2038A, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Raleigh Area Office (Charlotte District), 414 Fayetteville Street, Raleigh, North Carolina 27608.

Richmond Area Office (Baltimore District), 400 North 8th Street, Room 6213, Richmond, Virginia 23219.

San Antonio Area Office (Houston District), 727 East Durango. Suite B-601, San Antonio, Texas 78206.

San Diego Area Office (Los Angeles District), San Diego Federal Building, 880 Front Street, San Diego, California 92101.

San Francisco District Office, 10 United Nations Plaza, Fourth Floor, San Francisco, California 94102.

San Jose Area Office (San Francisco District), Crocker Plaza Building, 84 West Santa Clara, San Jose, California 95113.

Seattle District Office, Dexter Horton Building, 710 Second Avenue, Seattle, Washington 98104.

St. Louis District Office, 1601 Olive Street, St. Louis, Missouri 63103.

Tampa Area Office (Miami District), 700 Twiggs Street, Tampa, Florida 33602.

Washington Area Office (Baltimore District), 1717 H Street, N.W., Suite 402, Washington, D.C. 20006.

Headquarters Offices, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506

Office of the Chair
Office of the Vice Chairman
Office of the Commissioners
Office of the Executive Director
Office of the Equal Employment Opportunity
Office of Internal Audit
Office of Congressional Affairs
Office of Public Affairs
Office of General Counsel
Office of Policy Implementation
Office of Systemic Programs
Office of Program Planning and Evaluation
Office of Government Employment
Office of Field Services
Office of Special Projects and Programs
Office of Administration
Office of Appeals and Review
Office of Interagency Coordination

Appendix B.—Additional Routine Uses for Systems EEOC—2 and 4-13

The following "routine uses" were adopted by the Equal Employment Opportunity Commission for systems EEOC—2, and 4-13 at 42 FR 69 (January 3, 1977):

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity

investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of the General Services Administration in conection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 82-11710 Filed 4-29-82; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: New Orleans District Office, Chaired by Robert O. Bartz, District Director.

DATE: Thursday, May 6, 1982, 2 p.m.

ADDRESS: Chamber of Commerce Bldg., 804 E. St., Mary Blvd., Commerce Conference Room, Lafayette, LA 70609.

FOR FURTHER INFORMATION CONTACT: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504-589-2400.

New Orleans District Office, Chaired by Robert O. Bartz, District Director.

DATE: Friday, May 7, 1982, 10 a.m.

ADDRESS: McNeese University, Ryan St., Gayle Hall Auditorium, Lake Charles, LA 70609

FOR FURTHER INFORMATION CONTACT: Frances G. Brysson (address and phone number above). San Francisco District Office, Chaired by William C. Hill, District Director

DATE: Tuesday, May 11, 1982, 1 p.m.

ADDRESS: Federal Office Bldg., Rm. 6323, Honolulu, HI 96850.

FOR FURTHER INFORMATION CONTACT: Karen K. Erdman, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, San Francisco, CA 94102, 415-556-2062.

Baltimore District Office, Chaired by Thomas L. Hooker, District Director.

DATE: Monday, May 17, 1982, 2 p.m. to 4 p.m.

ADDRESS: Monongalia County Health Dept., 453 VanVoorhis Rd., Morgantown, WV 26505

FOR FURTHER INFORMATION CONTACT: Anne Lane, Consumer Affairs Officer, Food and Drug Administration, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731.

Minneapolis District Office, Chaired by Henry P. Roberts, District Director.

DATE: Tuesday, May 18, 1982, 2:30 p.m. to 4 p.m.

ADDRESS: United Way of Dane County, 2059 Atwood Ave., Madison, WI 53704

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-725-2121.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 26, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-111746 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0082; DESI 6303]

Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption for Certain Prescription Products Offered for Relief of Symptoms of Cough, Cold, or Allergy ("Paragraph XIV/Category 15"); Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) revokes the temporary exemption for certain oral prescription drug products offered for relief of symptoms of cough, cold, or allergy. The exemption has permitted the products to remain on the market beyond the time limit scheduled for implementation of the Drug Efficacy Study. FDA reclassifies the products to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug applications, and offers an opportunity for a hearing on the proposal. The manufacturers of these products have failed to submit data on bioavailability and bioequivalence.

DATES: Revocation of exemption effective April 30, 1982. Hearing requests due on or before June 1, 1982.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 82N-0082, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Requests for hearing, supporting data, and other comments: Dockets Management Branch (HFA-305), Rm. 4-62.

Requests for the report of the National Academy of Sciences—National Research Council: Public Records and Document Center (HFI-35), Rm. 12A-12.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: David T. Read, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In notices published in the **Federal Register** on May 22, 1971 (36 FR 9339), amended on March 19, 1973 (38 FR 7265), formerly Docket No. FDC-D-601, FDA classified the drug products described below as less-than-effective for their labeled indications.

Subsequently, in a notice published in the **Federal Register** of December 14, 1973 (38 FR 34481), FDA granted a temporary exemption from the time limits established for completing certain phases of the drug efficacy study (DESI) program, for certain oral prescription drugs offered for relief of cough, cold, allergy, and related symptoms. That exemption covered the drugs that are the subject of this notice and superseded the 1971 and 1973 notices. The exemption was granted because of the close relationship between drugs sold over the counter (OTC)—and thus subject to the ongoing OTC drug review (21 CFR part 330)—and prescription drugs offered for relief of cough, cold, allergies, and related symptoms. Postponement of final evaluations on the DESI prescription products enabled the agency to consider the recommendations of the OTC drug review panel in addition to any evidence submitted by NDA holders in response to various DESI notices covering relevant products. those

recommendations and a proposed monograph for over-the-counter cold, cough, allergy, bronchodilator, and antiasthmatic (CCABA) drugs were published in the **Federal Register** of September 9, 1976 (41 FR 38312). Because neither of the active components of the drug products listed below were among those reviewed in the OTC review, this notice is not inconsistent with any recommendation of the OTC drug review panel.

No person has submitted bioavailability and bioequivalence data on the drugs listed below. 21 CFR Part 320. Although the active ingredients in the products listed below have been classified as effective when in conventional release form (38 FR 7265), the products listed below are controlled-release dosage forms for which evidence of in vivo bioavailability may not be waived. 21 CFR 320.22(c)(1).

This notice revokes the temporary exemption announced in the **Federal Register** of December 14, 1973, and reclassifies each of the products to lacking substantial evidence of effectiveness. It also proposes to withdraw approval of the new drug applications listed below (or pertinent parts thereof), and offers an opportunity for hearing on the proposal. Persons who wish to request a hearing may do so on or before June 1, 1982.

1. NDA 8-915: as it pertains to Clistin R-A containing carbinoxamine maleatea; McNeil Laboratories, Inc., 500 Office Center Dr., Ft. Washington, PA 19034, (DESI 6303).

2. NDA 12-336: Forhistal Lontabs containing dimethindene maleate; Ciba Pharmaceutical Co., 556 Morris Ave., Summit, NJ 07901. (DESI 6303).

In addition to the holders of the new drug applications specifically named above, this notice applies to any person who manufactures or distributes a drug product that is not the subject of an approved new drug application and that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled investigation, conducted by experts who are qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), 21 CFR 314.111(a)(5), and 21 CFR Part 320, and demonstrates the effectiveness (i.e., bioavailability) of the drug products referred to in this notice.

Notice is given to the holders of the new drug applications, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto providing for the drug products referred to in this notice on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310, 314), the applicants and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6) and not the subject of a new drug application, are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products not the subject of a new drug application.

An applicant or other person subject to this notice under 21 CR 310.6 who decides to seek a hearing shall file (1) on or before June 1, 1982, a written notice of appearance and request for hearing, and (2) on or before June 29, 1982, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicants or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of the relevant drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70 and 5.82).

Dated: April 16, 1982.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 82-11494 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 77N-0388; DESI 10936]

Onycho-Phytex Solution; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for Onycho-Phytex Solution containing boric acid-tannic acid-salicylic acid complex and ethyl alcohol. The basis of the withdrawal is that the drug product lacks substantial evidence of effectiveness for its labeled indications. The drug had previously been used for topical treatment of mycotic infections of the nails, but is no longer marketed.

EFFECTIVE DATE: May 10, 1982.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 10936 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of June 2, 1978 (43 FR 24140), the Director of the Bureau of Drugs proposed to withdraw approval of the new drug application for Onycho-Phytex Solution. The proposed order was based on a lack of substantial evidence of effectiveness. In response to the notice, Unimed, Inc., requested a hearing but later withdrew the request. Therefore, approval of the following new drug application is now being withdrawn.

NDA 10-936; Onycho-Phytex Solution containing boric acid-tannic acid-salicylic acid complex and ethyl alcohol; Unimed, Inc., 35 Columbia Road, Sommerville, NJ 08876.

Any drug product that is identical, related, or similar to the drug product named above and that is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application 10-936 and all amendments and supplements applying thereto is withdrawn effective May 10, 1982.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: April 16, 1982.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 82-11493 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 79N-0324; DESI 6514]

Prescription Benylin Cough Syrup; Rescission of Notice of Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice rescinds a notice of opportunity for hearing for prescription Benylin Cough Syrup because the product is no longer a prescription product.

EFFECTIVE DATE: April 30, 1982.

FOR FUTHER INFORMATION CONTACT: Jean Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: This notice rescinds a notice of opportunity for hearing (published in the **Federal Register** of October 5, 1979 (44 FR 57497)) for prescription Benylin Cough Syrup (Benylin); NDA 6-514, containing diphenydramine hydrochloride, ammonium chloride, sodium citrate, and menthol; manufactured by Parke-Davis, Division of Warner-Lambert Co., Morris Plains, NJ 07950. Benylin is no longer a prescription product. A brief review of the regulatory history of Benylin follows. A more detailed regulatory history of Benylin can be found in the October 5, 1979 notice.

Benylin Cough Syrup (formerly labeled as Benylin Expectorant) was approved on the basis of safety in 1948 as a prescription product. In the **Federal Register** of February 9, 1973 (38 FR 4006), the agency published a Drug Efficacy Study Implementation (DESI) notice which initially classified the drug as lacking substantial evidence of effectiveness and offered an opportunity for a hearing on a proposal to withdraw approval of the new drug application (NDA). However, because of the similarities between prescription and over-the-counter (OTC) cough products, FDA postponed making a final decision on the prescription products pending review of data submitted for the ongoing OTC study (21 CFR Part 330). Therefore, in the **Federal Register** of December 14, 1973 (38 FR 34481), FDA granted a temporary exemption allowing Benylin and other prescription cough, cold, or allergy products to remain on the market beyond the time limits scheduled for implementing the DESI review.

In 1974 Parke-Davis submitted a supplemental NDA which, if approved, would have allowed Benylin to be marketed for OTC use. On September 8, 1976, the Bureau of Drugs informed Parke-Davis that its supplemental NDA was not approvable because (1) Benylin (specifically diphenhydramine hydrochloride) has not been shown to be safe for OTC distribution, and (2) the product had not been shown to be effective as an antitussive. On September 17, 1976, Parke-Davis requested that its supplement be filed over protest under 21 CFR 314.110(d). Therefore, in a notice published in the **Federal Register** of November 30, 1976 (41 FR 52537), the Director of the Bureau of Drugs proposed to deny approval of the supplemental NDA and offered Parke-Davis an opportunity for a hearing on the proposal. A hearing was granted in the **Federal Register** of March 29, 1977 (42 FR 16675), and was held in October 1977.

On May 31, 1978, the Administrative Law Judge (ALJ) issued an initial decision, finding that Benylin had been shown to be safe and effective as an antitussive for OTC use. However, in the **Federal Register** of August 31, 1979 (44 FR 51512), the Commissioner of Food and Drugs reversed the ALJ's decision and refused to approve the supplement, finding that Benylin had not been shown to be effective. Specifically, it was not clear that the drug worked on the cough center of the brain. Because Benylin had not been shown to be effective, the

Commissioner did not determine its safety for OTC distribution.

The issue of Benylin's effectiveness as an OTC product is indistinguishable from the issue of tis effectiveness as a prescription product. Therefore, on October 5, 1979 (44 FR 57497), the Director revoked the temporary exemption granted in the December 14, 1973 notice, proposed to withdraw approval of the NDA for prescription Benylin, and offered Parke-Davis an opportunity for hearing on the proposal.

Parke-Davis requested a hearing on November 5, 1979 and submitted preclinical data which demonstrated that the drug worked on the cough center of the brain. Therefore, on August 7, 1981, the Bureau approved a resubmitted supplemental NDA for OTC marketing of Benylin Cough Syrup. This approval was conditioned on Parke-Davis agreeing to abide by the conclusions of the final OTC cough/cold monograph regarding whether the ammonium chloride and sodium citrate in Benylin Cough Syrup may be used as flavoring ingredients.

Because Benylin is no longer marketed for prescription use and is subject to a conditional approval for OTC use, the October 5, 1979 notice of opportunity for hearing is rescinded and further action on the prescription NDA is being held in abeyance until issuance of the final OTC cough/cold monograph. Parke-Davis has withdrawn its request for hearing submitted in response to the notice of opportunity for hearing.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (Secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70 and 5.82).

Dated: April 1, 1982.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 82-11745 Filed 4-29-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81P-0306]

Schmid Laboratories, Inc.; Condom With Spermicidal Lubricant; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing for public comment the recommendation of the Obstetrics-Gynecology Device Section (the Section) of the Obstetrics-Gynecology and Radiologic Devices Panel that a condom with the spermicide nonoxynol-9 and the lubricant polyethylene glycol-400 (PEG-400) i.e., spermicidal lubricant, be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after a review by the Section of a reclassification petition filed by Schmid Laboratories, Inc., Little Fall, NJ 07424. After reviewing the Section recommendation and any public comments received, FDA will approve or deny the reclassification petition by order in the form of a letter to the petitioner. FDA's decision on this reclassification petition will be announced in the **Federal Register.**

DATE: Comments by June 1, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION: On March 23, 1978 and October 21, 1980, Schmid Laboratories, Inc. (Schmid), Little Falls, NJ 07424, submitted to FDA premarket notifications under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(k)) stating that it intended to market a device the manufacturer called "Prophylactic (Condom) with Contraceptive Lubricant" and "Condom with Spermicidal Lubricant (nonoxynol-9)." After reviewing the information in the premarket notifications, FDA determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976, nor is the device substantially equivalent to a device that has been placed in commerial distribution since that date and subsequently reclassified. Accordingly, the new device is automatically classified into class III under under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approved application for premarket approval under section 515 of the act. Such a device may be shipped in commerce, however, if there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)). There is no approved premarket approval application in effect for the "Prophylactic (Condom) with Contraceptive Lubricant" or the "Condom with Spermicidal Lubricant (nonoxynol-9)," and neither device is the subject of an investigational device exemption.

On February 2, 1979 and August 28, 1981, Schmid submitted to FDA reclassification petitions for the device under section 513(f)(2) of the act (Ref. 1). FDA referred the 1979 reclassification petition to the Obstetrics-Gynecology Section of the Obstetrics-Gynecology and Radiologic Devices Panel for review and recommendation. On May 14, 1979, the Section reviewed the petition and recommended that the device not be reclassified unless the labeling was changed.

FDA's action on the 1979 petition was delayed because of the need to determine how to regulate the product and what additional steps needed to be completed before it could be marketed. On May 1, 1981, FDA determined that the product should be regulated as a class III device. Because it believed that the 1979 petition did not provide evidence to demonstrate that performance standards are adequate to assure the safety and effectiveness of a condom lubricated with a spermicide, FDA also determined that Schmid must demonstrate the contribution of nonoxynol-9 to the effectiveness of the device through data from adequate and well-controlled studies which compare the safety and effectiveness of the condom with nonoxynol-9 to a condom without a spermicide component (Ref. 2).

Following FDA's determinations, Schmid submitted its petition for reclassification of the "Condom with Spermicidal Lubricant (nonoxynol-9)" that is the subject of this notice. In this petition, the manufacturer's proposed labeling for the device stated that while scientific tests "strongly suggest that the addition of a spermicidal preparation to the lubricant enhances the overall contraceptive effectiveness of the condom, evidence of added contraceptive protection has not yet been established." Thereafter, FDA referred the 1981 petition to the Section for review and recommendation. On September 28, 1981, the Section reviewed the petition and recommended that FDA reclassify the device into class II provided the labeling bears a specific contraceptive effectiveness cautionary provision. This provision states:

> The condom with spermicidal lubricant is a contraceptive which combines a latex condom and a lubricant containing nonoxynol-9, a spermicide. Evidence of added contraceptive effectiveness has not

been established with the addition of a spermicidal preparation to the condom.

To determine the proper classification of the device, the Section considered the criteria specified in section 513(a)(1) of the act. For the purpose of classification, the Section assigned to this generic type of device the name "condom with spermicidal lubricant" and identified this type of device as a latex rubber sheath with a lubricant that contains a spermicidal agent. The lubricant is on both the inner and outer surfaces of the sheath. The sheath covers the penis with a closely fitting membrane and is used for contraception and for prevention of transmission of venereal disease.

Summary of Reasons for Recommendation

The Section gave the following reasons in support of its recommendations on reclassification:

1. The device is not an implant, is neither life-sustaining nor life-supporting, and does not present a potential unreasonable risk of illness or injury.
2. Although general controls alone are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance.
3. The device is in physical contact with the body by means of contact with the penis and vagina; therefore, the material should meet a biocompatibility standard to prevent an adverse tissue reaction.

Summary of Data on Which the Recommendation Is Based

The Section stated that the safety and effectiveness of the condom with a lubricant is well established (Ref. 3). The Section also reviewed the report of the Advisory Review Panel on OTC Contraceptives and Other Vaginal Drug Products (the Panel) (45 FR 82014; Dec. 12, 1980) in which the Panel concluded that nonoxynol-9 is generally recognized as safe and effective for over-the-counter (OTC) use as a vaginal contraceptive under the dosage conditions specified in the report (45 FR 82028).

Schmid conducted an in vitro study to determine the effectiveness of the condom with a lubricant with nonoxynol-9. Thirty healthy men, ranging from 19 to 46 years of age, were used as study subjects. Their semen characteristics, i.e., volume, pH, viscosity, sperm count, morphology and motility, were evaluated as normal. Observations of sperm motility in test and control condoms were made at 30, 60, and 120 seconds and 20 minutes post-ejaculation. The sperm motility in condoms with nonoxynol-9 in the lubricant was reduced from 60 percent to 10 percent within 30 seconds. The sperm motility in condoms without nonoxynol-9 in the lubricant remained above 50 percent. During this study, Schmid observed that there was no evidence of skin irritation on penises. Schmid referred to 54 citations related to animal and human studies on the safety and effectiveness of nonoxynol-9. Schmid also conducted the following preclinical tests for this device: The American Society for Testing and Materials (ASTM) standard tests for tensile strength and elongation, and the rabbit test for vaginal and penile irritation (Ref. 1).

The Section stated that the in vitro studies did not provide conclusive evidence that the addition of a spermicidal lubricant to the condom increases contraceptive effectiveness for the device. Nevertheless, the Section acknowledged that the device may provide added effectiveness over the condom without spermicidal lubricant. The Section concluded that to support its proposed claim of additional contraceptive effectiveness for the condom with spermicidal lubricant, the manufacturer must submit clinical data.

Risks to Health

The Section noted that the condom with spermicidal lubricant, as well as any other condom, may present a risk of allergic reaction. Additionally, if the device were to fail, the risk of unwanted pregnancy or contraction of venereal disease is not less than with the use of a condom without spermicidal lubricant. The Section noted that these risks to health could be reduced by developing a performance standard addressing the materials, biocompatibility, and other characteristics of the device.

FDA notes in addition that a recent journal article raises questions about the possible teratogenic effects of nonoxynol-9 and other compounds used in vaginal spermicides (Ref. 4). The agency will address this issue when it issues a tentative final monograph on OTC contraceptives and other vaginal drug products. FDA believes, however, that any increase in exposure to nonoxynol-9 that would occur if the condom with spermicidal lubricant is reclassified and marketed would not present any significant safety risk.

Additional Findings

The Section recommended that the condom with spermicidal lubricant be reclassified into class II (performance standards) provided the device labeling includes the statement set forth above. The Section also recommended that the development of the standard be a low priority. Priority was recommended in accordance with the relative medical significance of this device in relation to other devices.

The Section believes that the labeling statement should be included under the "Description" section in the product label and should serve as the "statement of identity" under 21 CFR 801.61 to be included on the principal display panel of the device.

Therefore, whether the device is sold individually or a number of the devices are packaged and sold as a unit, all labeling would display the proposed statement. The Section explained that the use of a condom with spermicidal lubricant should not be a substitute for the use of a condom in conjunction with a vaginal spermicidal preparation.

The Section also recommended that the device labeling include an expiration date and proper instructions for use.

Agency's Comment

The effectiveness of contraceptives is directly related to the method of contraception (e.g., condoms, spermicide) and to correct use. "Method-Effectiveness" describes effectiveness attained by users who follow manufacturers' instructions exactly and use the device each time during sexual intercourse. For example, of 100 women whose partners use condoms for 1 year, 3 women will become pregnant. Of 100 women who use spermicidal foams, jellies, and creams for 1 year, 2 to 3 women will become pregnant. "Use-Effectiveness" describes that level of effectiveness which is attained by typical users including those who either fail to use the product correctly or do not use it each time during sexual intercourse. The use-effectiveness of condoms ranges from 64 to 97 percent, that is, of 100 women whose partners incorrectly use condoms for 1 year, 3 to 36 women will become pregnant. The use-effectiveness of spermicidal foams, jellies, and creams range from 64 to 98 percent, that is, of 100 women who use these products for 1 year, 2 to 36 women will become pregnant. The use of both a condom and a vaginal spermicidal preparation increases the probability of contraception in comparison to the use of a condom or a vaginal spermicidal preparation alone.

Currently marketed condoms without spermicidal lubricant are classified into class II (performance standards) (21 CFR 884.5300). The addition of a spermicidal lubricant to a condom does not detract

from the use-effectiveness of a condom without spermicidal lubricant. Moreover, the in vitro data submitted by Schmid suggest that the condom with spermicidal lubricant may provide an increase in use-effectiveness in any case where the condom is used incorrectly, is defective, slips off during or after intercourse, or ruptures during intercourse. Although Schmid did not submit clinical data to support its claim of additional contraceptive effectiveness for the condom with spermicidal lubricant, FDA believes that the device might provide an increase in use-effectiveness and recognizes that clinical studies of the device would be difficult to conduct and may not produce evidence justifying the effort of collecting it. FDA has therefore tentatively concluded that its previous position should be modified and that the evidence of added effectiveness that clinical studies might produce should not be required, and that reclassification into class II would provide reasonable assurance of the device's effectiveness.

FDA believes that the labeling statement recommended by the Section cannot provide a basis for reclassification because, under section 513(a)(3) of the act (21 U.S.C. 360c(a)(3)) and § 860.134 of the regulations governing reclassification (21 CFR 860.134), a device may not be reclassified absent a showing, by valid scientific evidence, that the reclassification requested will provide reasonable assurance of the effectiveness, as well as the safety, of the device. The Section's recommended labeling statement asserts that no evidence of added contraceptive effectiveness has been established with the addition of a spermicidal preparation to the condom, a statement that may be interpreted as undermining the required finding of reasonable assurance of effectiveness. In addition, FDA traditionally has regarded such disclaimers as misbranding products. See, e.g., *United States* v. *Nutrition Service, Inc.*, 227 F. Supp. 375 (W.D. Pa. 1964), *aff'd.* 347 F.2d 233 (7th Cir. 1965); *United States* v. *Millipax, Inc.*, 313 F.2d 152 (7th Cir.), *Cert. denied*, 373 U.S. 903 (1963); *United States* v. *An Article of Drug * * * Jenasol*, 320 F.2d 564 (3d Cir.) *cert. denied sub nom., Schere* v. *United States*, 375 U.S. 953 (1953). FDA believes, however, that the following modification of the Section's proposed labeling is both lawful and appropriate:

> The presence of a spermicide in this product may be helpful in decreasing the risk of pregnancy should the condom fail or be misused.

FDA invites comments on these tentative conclusions and the Section's recommendation that this condom with spermicidal lubricant be reclassified from class III into class II provided the labeling bears the contraceptive effectiveness cautionary statement set out above.

References

The transcripts of the Section meeting and the following material are on public file in the Dockets Management Branch (address above) where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. "Prophylactic (Condom) with Contraceptive Lubricant," Petition for Reclassification, Schmid Laboratories, Inc., February 1979, Docket No. 80P-0075; "Condom with Spermicidal Lubricant (nonoxynol-9)," Petition for Reclassification, Schmid Laboratories, Inc., August 1981, Docket No. 81P-0306.

2. Letter, Mark Novitch, M.D., Acting Commissioner of Food and Drugs, to William R. Pendergast, May 1, 1981.

3. "Barrier Methods," *Population Reports*, Series H, No. 2, The George Washington University Medical Center, Washington, DC, 1974.

4. Jick, et al., "Vaginal Spermicides and Congentital Disorders," *Journal of the American Medical Association*, 245:1329-1332, 1981.

After considering the economic consequences of approving this reclassification petition, FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). If FDA approves the petition, the petitioner and any other future manufacturer of the device would be relieved of the costs of complying with the premarket approval requirements in section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e). The costs the petitioner would incur from reclassification into class II cannot be quantified until performance standards are developed. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (21 CFR 860.134(b)(5)), FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

Interested persons may, on or before June 1, 1982, submit to the Dockets Management Branch (address above), written comments on this recommendation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the generic name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 26, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-11747 Filed 4-27-82; 4:36 pm]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 23.

Public Health Service

Centers for Disease Control

Subject: Mortality Surveillance from Selected City/County Medical Examiners—New
Respondents: Medical examiners

National Institutes of Health

Subject: Program and Application Instructions for the Cancer Construction Program—Extension
Respondents: Biomedical research institutions

Office of the Assistant Secretary for Health

Subject: National Health Interview Survey—1983 Questionnaire (Pretest and Main Survey)—Revision
Respondents: Individuals or households

Health Services Administration

Subject: Health Education Assistance Loan Program—Lender's Manifest—Reinstatement
Respondents: Lending institutions
Subject: Health Education Assistance Loan Program—Student Application—Reinstatement
Respondents: Health professions students/educational institutions/lending institutions

Subject: Health Education Assistance Loan Program—Loan Transfer Statement—Reinstatement
Respondents: Lending institutions
Subject: Health Education Assistance Loan Program—Lender's Application for Insurance Claim—Reinstatement
Respondents: Lending institutions
Subject: Health Education Assistance Loan Program—Lender's Application for Contract of Federal Loan Insurance—Reinstatement
Respondents: Lending institutions
Subject: Health Education Assistance Loan Program—Borrower Status Form—New
Respondents: Borrowers/lending institutions
Subject: Health Education Assistance Loan Program—Repayment Schedule and Truth-in-Lending Disclosure (fixed rate/variable rate)—Extension
Respondents: Borrowers/lending institutions
Subject: Indian Health Service—Tribal Clearances of Initial and Renewal Contracts—New
Respondents: American Indian and Alaskan Native tribal organizations
Subject: Indian Health Service—Initial Contract Application—New
Respondents: American Indian and Alaskan Native tribal organizations
Subject: Indian Health Service—Application for Contract Law Waiver—New
Respondents: American Indian and Alaskan Native tribal organizations
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: State Agency Quarterly Statement of Financial Plan for AFDC—SSA-125 (12-81)—Revision
Respondents: State and local governments
Subject: Direct Deposit Mass Change Listing—SSA-4907 (3-82)—New
Respondents: Businesses or other institutions
OMB Desk Officer: Richard EisingerQ02

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:Q02

J. J. Strand, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524.F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: April 23, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-11630 Filed 4-29-82; 8:45 am]
BILLING CODE 4150-04-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22866, May 27, 1975, as amended most recently in pertinent part at 46 FR 32509, June 23, 1981), is amended to reflect the following changes within the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK): (1) Establish the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HND) as a bureau within the National Institutes of Health (NIH); (2) establish the Office of the Director (HND1); (3) establish the following program level offices within the Office of the Director: (a) Office of Program Planning and Evaluation (HND12), (b) Office of Health Research Reports (HND13), and (c) Office of Aministrative Managment (HND14); (4) establish the Division of Digestive Diseases and Nutrition (HND2); (5) establish the Division of Kidney, Urologic, and Hematologic Diseases (HND3); (6) establish the Division of Arthritis, Musculoskeletal, and Skin Diseases (HND4); (7) establish the Division of Diabetes, Endocrinology, and Metabolic Diseases (HND5); (8) establish the Division of Intramural Research (HND6); and (9) establish the Division of Extramural Activities (HND7).

These changes represent an appropriate and timely response to the evolving directions of the programs towards clearly identified and focused responsibilities for the major disease categories. They will also provide an effective organizational structure for improved management of this diverse group of high priority national programs.

Sec. HN-B, Organizational and Functions is amended as follows: Under the heading *National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HN-N)*, make the following changes:

Delete the statement for the *National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HN-N)* and all the following statements (HN-N1) through (HN-N7) in their entirety and substitute the following:

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (HND).

(1) Provides leadership for a national program in the four major disease catagories of arthritis, musculoskeletal, and skin diseases; diabetes, endocrinology and metabolic diseases; kidney, urologic, and hematologic diseases; and digestive diseases and nutrition; (2) plans, conducts, fosters, and supports an integrated and coordinated program of research, investigations, clinical trials, and demonstrations relating to the causes, prevention, methods of diagnosis and treatment of categorical diseases through: Research performed in its own laboratories and clinics, field epidemiology on selected populations in the U.S., and contracts and research grants to scientific institutions and to individuals; (3) supports training of manpower in fundamental sciences and clinical disciplines for participation in basic and clinical research programs relating to relevant fields by individual and institutional research training awards; (4) conducts educational activities, including the collection and dissemination of educational materials on these diseases, with emphasis on the prevention thereof, for health professionals and the lay public; (5) coordinates with the other research institutes and with all Federal health programs relevant activities in the categorical diseases; and (6) maintains continuing relationships with institutions and professional associations and with international, national, state and local officials, and voluntary agencies and organizations working in these areas.

Office of the Director (HND1)

Directs, coordinates, and evaluates development and progress of the programs of the Institute; (2) implements programs to support research and training (other than National Research Service Awards) in diagnosis, prevention, and treatment of categorical diseases and establishes programs to evaluate, plan and disseminate knowledge related to those supported programs; (3) provides management guidance, fiscal and administrative services to Institute components; (4) develops and provides policy guidance and staff direction to the Institute's multi-disease oriented programs; and (5) provides an integrated program of scientific and health research reports related to the Institute's programs including an annual report describing

Institute activities under the current Arthritis, Diabetes, and Digestive Diseases Plans.

Office of Program Planning and Evaluation (HND12)

(1) Develops and executes a program for the planning, evaluation, and analysis of the Institute's policies, program, and research accomplishments; (2) provides leadership and guidance in program development and program planning, evaluation, and analysis related to the disease categories and relevant disciplines within the Institute's mission; (3) develops new analytical methods and techniques specifically suited to the planning and evaluation of research efforts and manpower assessment; (4) prepares reports on overall activities and specific program matters and yearly reviews of program activities, research advances, and the status of research efforts; (5) monitors the total Institute program in terms of acutal accomplishments vs. plans; and recommends programmatic actions to correct discrepancies; (6) directs the compilation and analysis of program data and statistics for special studies and advises the Institute Director and his immediate staff concerning the operational and policy implications arising therefrom; (7) serves as a focus for presentation of congressional testimony and analysis of legislative matters; and (8) serves as liaison with the NIH Office of Medical Applications of Research.

Office of Health Research Reports (HND13)

(1) Advises the Director, Program Directors, and members of the Institute's scientific and administrative staff on a coordinated program to disseminate findings of research programs and projects to the public, the biomedical community, the Congress, and specialized organizations; (2) provides responses to public inquiries in areas relating to disease categories encompassed by the Institute's mission; (3) provides advice to scientific and program staff engaged in research reporting; (4) cooperates with voluntary and professional health agencies in coordinating and planning publications and reports of clinical and research activities; (5) collects and disseminates scientific and technical information to the biomedical community and health practitioners; (6) advises the Director and Institute staff on matters relating to the Freedom of Information Act; and (7) maintains liaison with the NIH Office of Communications, providing information and advice as needed.

Office of Administrative Management (HND14)

(1) Advises the Director, Program Directors, and other key officials on administrative policies and practices; (2) plans, coordinates, and directs management functions of the Institute including budget, financial management, personnel, procurement, office services, management analysis; (3) interprets, analyzes, and implements any new legislation affecting administrative policy, administrative orders, and new concepts affecting the overall mission of the Institute; and (4) develops policies on administrative management and prepares and issues procedures and guidelines for implementation.

Division of Digestive Diseases and Nutrition (HND2)

(1) Plans and directs a program of research grants and contracts, and training and fellowship awards for digestive diseases and nutrition to insure maximum utilization of available resources to attain program objectives; (2) prepares analyses of national research efforts collecting the appropriate data and consulting with experts individually and in groups when appropriate, to assist staff, appropriate authorities, and advisory groups in recommending new and/or continuing program emphases; (3) maintains surveillance over developments in designated categorical areas and assesses need for research into the causes, diagnosis, prevention, and treatment of digestive diseases and nutrition and for training related thereto; (4) develops, for presentation to the National Advisory Council, staff, and appropriate authorities, recommendations as to the modulating effect of categorical needs, desires, and demands on the priority judgments of scientific merit of grant applications made by the Initial Review Groups; (5) advises and participates with outside lay (voluntary health) and professional organizations in assessing and responding to the needs and requirements of digestive diseases and nutrition; (6) identifies research developments and determines where additional research and training efforts are required; (7) arranges workshops, conferences, seminars and meetings where appropriate to stimulate or facilitate research in an area; (8) arranges for initiation and monitoring of clinical trials of diagnostic or therapeutic techniques where appropriate; (9) develops a process, a program, a device, or a substance that is needed for research or diagnosis or treatment of disease through a contract, where appropriate; (10) sets up a facility to provide and distribute to investigators such needed substances as a hormone, a chemical, or an assay material; (11) provides, where appropriate, consultation to investigators in the preparation of proposals for research; and (12) arranges, where appropriate, for preparation, evaluation, and distribution of teaching materials to patients, the public, and medical professionals.

Divisions of Kidney, Urologic, and Hematologic Diseases (HND3)

(1) Plans and directs a program of research grants, training and fellowship awards, and contracts related to basic and targeted research, clinical trials, research centers, technological development associated with end stage renal disease, and application of research fundings to kidney, urologic, and hematologic diseases, thus insuring maximum utilization of available resources to attain program objectives; (2) develops, for presentation to the National Advisory Council, recommendations as to the modulating effect of categorical needs, desires, and demands on the priority judgments of scientific merit of grant applications made by the Initial Review Groups; (3) prepares analyses of national research efforts to assist advisory groups in recommending new and/or continuing program emphasis; (4) maintains surveillance over developments in categorical areas and assesses the need for research and training associated with the causes, diagnosis, prevention, and treatment of kidney, urologic, and hematologic diseases; and (5) advises and participates with outside lay (voluntary health) and professional organizations in assessing and responding to the needs and requirements of categorical diseases.

Division of Arthritis, Musculoskeletal, and Skin Diseases (HND4)

(1) Plans and directs the Institute's research grant, contract, and training programs in arthritis, musculoskeletal, and skin diseases, encompassing basic research, targeted research, clinical trials and community demonstrations, multipurpose arthritis centers, technological and community demonstrations, technological development, and application of research findings to insure maximum utilization of available resources to obtain program objectives; (2) develops, for presentation to the National Advisory Council, recommendations as to the modulating effect of categorical needs, desires, and demands on the

priority judgments of scientific merit of grant applications made by Initial Review Groups; (3) maintains surveillance over developments in program areas and assesses the national need for reseach in the causes, prevention, diagnosis, and treatment of arthritis, musculoskeletal, and skin diseases, in technological development, in the application of research findings, and for manpower training in these areas; (4) maintains the necessary scientific management capability to foster and guide an effective attack upon arthritis, musculoskeletal, and skin diseases; (5) prepares analyses of national research efforts to assist advisory groups in recommending new and/or continuing program emphases; (6) develops and manages an information system, covering research developments and identifying areas where additional research and training efforts are required for research scientists and other interested groups; and (7) advises and participates with outside lay (voluntary health) and professional organizations in assessing and responding to the needs and requirements of arthritis, musculoskeletal, and skin diseases.

Division of Diabetes, Endocrinology, and Metabolic Diseases (HND5)

(1) Plans and directs the Institute research grant, contract, training and specialized programs in diabetes, endocrinology and metabolic disease including basic and applied research, training fellowships and institutional training awards, multipurpose centers of research, clinical trials and demonstration, technological development and application of research findings; (2) maintains surveillance over developments in program areas and assesses the national need for research in the causes, prevention, diagnosis and treatment of diabetes, endocrine and metabolic diseases, in technological development, in the application of research findings, and for manpower training in these areas; (3) collects, develops and disseminates information on diabetes through its National Diabetes Information and Education Clearinghouse; (4) through its National Diabetes Data Group defines, collects and disseminates the data needed to address scientific and public health issues in diabetes; (5) plans and directs the National Hormone and Pituitary Program for the preparation and distribution of these special resources for research by qualified investigators; (6) maintains the necessary scientific management capability to foster and guide effective programs in diabetes, endocrine and metabolic diseases; and (7) advises and participates with outside lay (voluntary health) organizations, professional organizations, and its National Diabetes Advisory Board in identifying and assessing the needs and requirements for research and manpower development in categorical diseases.

Division of Intramural Research (HND6)

(1) Plans and conducts the Institute's laboratory and clinical research program, which encompasses the various arthritic, rheumatic and collagen diseases, the broad spectrum of metabolic diseases such as diabetes, other inborn errors of metabolism, digestive diseases, orthopedics, dermatology, hematology, nutrition, endocrine disorders, urology and renal disease, mineral metabolism, and subjects related to the above to insure maximum utilization of available resources in attainment of Institute objectives; (2) conducts basic research in biochemistry, nutrition, pathology, histochemistry, chemistry; physical, chemical, and molecular biology, pharmacology, and toxicology; (3) evaluates research efforts and establishes program priorities; (4) allocates funds, space, and personnel ceilings and integrates new research activities into the program structure; (5) collaborates with other Institute and NIH programs and maintains an awareness of national research efforts in program areas; and (6) advises Director and staff on intramural research program and areas of science of interest to Institute.

Division of Extramural Activities (HND7)

(1) Advises the Institute Director concerning Institute extramural program policies related to research contracts, grants, and training programs; (2) identifies areas for increased efforts and advises the four categorical programs of the development of funding levels; (3) provides scientific merit review of applications for special grant programs and research contract proposals; (4) provides Institute programs with grant and contract management and processing services; (5) maintains a system for operational control of funds for numerous individual program budgets; (6) provides reports and statistics related to Institute grant and contract programs through operational and technical support activities in programs analysis; (7) represents the Institute on overall NIH extramural and collaborative program policy committees and coordinates such policy within the Institute; (8) coordinates the presentation of Institute research grant and training programs to the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; and (9) coordinates program planning in the extramural activities program area and assesses progress toward objectives within the broad field represented by the categorical diseases programs.

Dated: April 22, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-11773 Filed 4-29-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Committee for Exceptional Children; Meeting To Identify the Unmet Needs of Handicapped Indian Children

April 15, 1982.

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 May 12-15, 1982, at the Howard Johnson's National Airport, in Arlington, Virginia from 1:00 P.M. to 4:30 P.M. on May 12, and 8:30 A.M. to 4:30 P.M. on May 13-14, and 8:30 A.M. to 12:00 Noon on May 15, 1982.

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.

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82-11774 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Arizona; Chief, Branch of Lands and Minerals Operations; Redelegation of Authority by State Director

Pursuant to the authority contained in section 1.1 of BLM Order No. 701, dated July 23, 1964, as amended, authority is

hereby redelegated to the Chief, Branch of Lands and Minerals Operations to take action on all matters listed in sections 2.2(c), 2.3(c), 2.4(a)(4) and 2.6(k) of the above cited order.

The Chief, Branch of Lands and Minerals Operations may, be written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the State Director.

Records and Data Management effective August 1, 1971 (36 FR 14407, August 5, 1971) and January 30, 1978 (43 FR 6327, February 14, 1978.)

Effective date: This redelegation is effective on April 5, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82-11761 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Filing of Plat of Survey

April 12, 1982.

1. Plat of survey of lands described below will be officially filed in the Arizona State office, Phoenix, Arizona, effective at 7:45 a.m. on May 28, 1982.

Gila and Salt River Meridian, Arizona

T. 38 N., R. 16 W.

A retracement of a portion of the Arizona-Nevada State Boundary, the retracement of a portion of the East boundary of T. 38 N., R. 16 W., the retracement of the South boundary of T. 39 N., R. 16 W., and the survey of the subdivisional lines of T. 38 N., R. 16 W.

Sec. 1, lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼,S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 3, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 4, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 7, lots 1, 2, 3, and 4;
Secs. 8 to 11 inclusive;
Sec. 12, lots 1, 2, 3, and 4, W½NE¼, W½, and W½SE¼;
Sec. 13, lots 1, 2, 3, and 4, W½NE¼, W½, and W½SE¼;
Secs. 14 to 17 inclusive;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Secs. 20 to 23 inclusive;
Sec. 24, lots 1, 2, 3, and 4, W½NE¼, W½, W½SE¼;
Sec. 25, lots 1, 2, 3, and 4, W½NE¼, W½, W½SE¼;
Secs. 26 to 29 inclusive;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4;
Secs. 32 to 35 inclusive;
Sec. 36, lots 1, 2, 3, and 4; W½NE¼, W½, and W½SE¼.

The area aggregates 19,162.52 acres of land.

2. The land encompassed in this survey is located about 7 miles southeast of Mesquite, Nevada. The Virginia Mountain Range traverses through the township. That portion of the Virginia Mountain is drained by Middle Canyon Wash and Lime Kiln Canyon Wash the general drainage being north. The lands south and east of the mountain range drains generally southeast. Elevation ranges from about 2,500 feet above sea level near the northwest corner of the township to near 6,465 feet at both the southwest corner of section 31 and at Tungsten triangulation station, located in section 26.

3. The soil varies from sandy and rocky in the northwest portion of the township and the eastern parts of sections 24, 25, and 26 to decomposed grantie with large boulders and rock outcroppings along the Virginia Mountain Range and its foothills.

4. Access is by a graded dirt road that enters on the north boundary of section 5, traverses through Lime Kiln Canyon and exits at the south boundary of section 33.

Cedar, pinon, and oak trees cover much of the higher elevation with joshua trees located in the north portion of the township where the elevation is lower. The undergrowth consists of sagebrush, oak brush, black brush, manzanita, Brigham tea, catclaw, creosote, cacti, and a small amount of native grasses.

The land is used primarily for livestock grazing. Water tanks are located in sections 17, 22, and 32. Corrals are located in sections 9 and 22.

5. All rights of the State of Arizona to sections 2, 16, 32, and 36 have been conveyed to the United States.

The lands have been and still are subject to the operation of the mining and mineral leasing laws.

6. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Robert L. Peterson,

Chief, Branch of Records and Data Management.

[FR Doc 82-11784 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Butte District, Montana; Multiple Use Advisory Council Meeting Cancellation

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that the meeting of the Butte District Multiple Use Advisory Council tentatively scheduled for May 4 and 5, 1982, and announced on page 13911 of the April 1 **Federal Register** is cancelled and will be rescheduled and reannounced at a future date.

Dated: April 22, 1982.

Polly S. Elliott,

Acting District Manager.

[FR Doc. 82-11779 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

California Wilderness Inventory; Change to the Final Intensive Wilderness Inventory Decision Pertaining to Public Lands Administered by BLM California, Outside the California Desert Conservation Area

SUMMARY: This notice is to advise the public of the revision of the Final Intensive Wilderness Inventory Decisions for public lands administered by the California State Office of the Bureau of Land Management.

BACKGROUND: On August 28, 1980, I announced amended final Intensive Wilderness Inventory Decisions in response to formal protests of the January 7, 1980 inventory decisions. That announcement of August 28, 1980, and publication of the amended decision in the **Federal Register** dated August 28, 1980, began a 30-day appeal period.

Three appeals were received during that appeal period. The appeals were filed on Inventory Unit CA-020-1013 and one appeal included both Unit CA-020-1013 and Unit CA-030-504. These appeals, along with Wilderness Inventory file CA-030-504, were forwarded to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subpart E.

The IBLA's findings affirmed the BLM's published inventory decision on Unit CA-030-1013, but remanded the decision on Unit CA-030-504 for reassessment of the outstanding opportunities criteria within the unit.

The IBLA decision ruled that, where in assessing the wilderness characteristics of a unit during the intensive inventory, the Bureau of Land Management determined that the unit possesses a certain wilderness characteristic only in conjunction with adjacent Forest Service land; that this method of assessment is improper. The Bureau is required to assess whether the unit itself has the requisite characteristics.

As a result of the IBLA decision, I am announcing an amendment to the Final Intensive Inventory Decision and a revision to the Narrative Assessment of the Outstanding Opportunities Criteria of Unit CA-030-504, and the applicable map. A report with revised narratives and maps for this change is being sent to all persons making formal comments on

Unit CA-030-504 during the inventory process. This report is titled "Amendment to the Final Intensive Wilderness Inventory Decision for Inventory Unit CA-030-504".

Copies of the amended decision are available from the Bureau of Land Management (Wilderness), Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

AMENDED DECISION:

The Inventory Decision and map are summarized as follows:

CA-030-504, Oroville Lake, 68 acres

The original Intensive Inventory Decision stated that the unit did not possess outstanding opportunities for solitude or primitive and unconfined recreation. This decision was based on evaluation of characteristics within the unit itself. As a result of a formal protest, the unit was re-assessed considering the outstanding opportunities criteria when Unit CA-030-504 was considered in association with the contiguous Bald Rock RARE II Unit. When considered in association with the contiguous RARE II Unit, the Oroville Lake Intensive Inventory Unit did possess the outstanding opportunities necessary for further consideration for wilderness designation.

The original Intensive Inventory Decision was then amended in a report, and **Federal Register** notice dated August 28, 1980. This amended decision established Unit CA-030-504 as a Wilderness Study Area and opened a 30-day appeal period. As a result of an appeal and the above referenced IBLA Decision, a new assessment and decision regarding the outstanding opportunities available within Unit CA-030-504 have been made.

The Oroville Lake Intensive Inventory Unit, CA-030-504 does not meet the criteria for further consideration as wilderness because it lacks outstanding opportunities for solitude and primitive and unconfined recreation when considered separate from the contiguous Bald Rock Future Planning RARE II Unit.

RIGHT TO APPEAL: The publication of this **Federal Register** notice starts a 30-day appeal period. This appeal period applies to the amended Intensive Inventory Decision on Unit CA-030-504. No other part of California Final Intensive Wilderness Inventory is open to appeal.

An appeal from this decision may be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subpart E. If an appeal is taken, the notice of appeal must be filed in this office, Bureau of Land Management, State Director, Room E-2841, 2800 Cottage Way, Sacramento, California 95825. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served on the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, within 15 days of the filing of any specific document.

Richard F. Johnson,

Acting State Director.

[FR Doc. 82-10960 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Multiple Use Advisory Council Meeting Advance Schedule—1982

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Multiple Use Advisory Council to the Bureau of Land Management, U.S. Department of the Interior will meet as follows:

August 26, 27, 28 Victorville, California

Topics:

—FY 1983 Program and Priorities
—Range Management
—Land Tenure Adjustment
—Military Issues and Withdrawal Review
Field Trip

November 19, 20 Blythe, California

Topics:

—Final Review of 1983 Program and Priorities (AWP)
—Review of 1982 Amendments
—Current Issues
Field Trip

Note.—Dates are subject to fluctuate one or two days either side; agenda items are tentative, subject to changing priorities. Contact the California Desert District Public Affairs Office (714) 351-6383 for current information regarding meetings.

Dated: April 22, 1982.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 82-11791 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Multiple Use Advisory Council; Subcommittee Meeting

Notices is hereby given in accordance with Pub. L. 92-463 and 94-579 that a subcommittee of the full California Desert District Multiple Use Advisory Council of the Bureau of Land Management, U.S. Department of the Interior, will meet May 25 from 10 a.m. to 3:30 p.m. in the California Desert District, Conference Room, 1695 Spruce Street, Riverside, California. The purpose of the meeting is to discuss the proposed amendments for 1982 to the California Desert Conservation Area Plan and Eastern San Diego County Management Framework Plan. Recommendations will be submitted to the full Council during the formal meeting to be held in Ridgecrest, California on June 3 and 4.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside, California (714) 351-6383.

Dated: April 22, 1982.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 82-11792 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Sec. 403, that a public meeting of the California Desert Grazing Advisory Board will be held Tuesday, June 1, 1982 from 9 a.m. to 5 p.m. at the Desert District Counseling Center, 814 North Norma, Ridgecrest, California.

The agenda for the meeting will include discussion of (1) the Rangeland Program status in the California Desert, (2) the 1982 California Desert Plan Amendments, (3) the categorization of grazing allotments into the selective management process, (4) status report on AMP development and implementation.

The meeting is open to the public, with time allotted for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

For further information and meeting confirmation, contact the California Desert District, 1695 Spruce Street, Riverside, Californa 92507 (714) 351-6398.

Dated: April 22, 1982.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 82-11793 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Multiple Use

Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet June 3 and 4, 1982, in the Masonic Temple, 625 North Norma, Ridgecrest, California. The meetings will be from 8:30 a.m. to 5 p.m. both days. Items to be addressed are:

—June 1 Grazing Advisory Board Meeting Feedback and Discussion of Allotment Categorization
—Recreation User Fees
—Geology-Mineral-Energy Update
—Coordination of Federal Mining Plans with County Government
—Escondido Project Briefing
—Priorities for 1982 Amendments
—Motorcycle Industry Council Presentation
—Federal Asset Management Program
—Naval Weapons Center Presentation

A major subject on the agenda, Priorities for 1982 Amendments, will be the 1982 proposed amendments to the California Desert Plan and Eastern San Diego County Management Framework Plan. This meeting will serve as the public scoping sesion for the Environmental Impact Statement (EIS), which will be prepared for the amendments. Environmental issues will be prioritized which will provide the basis of keeping the scope of the EIS process within budget constraints. (43 CFR 1501.7 Scoping).

Field trips are scheduled for June 2, 5 and 6. Field trip issues will include:

—Eastern Kern County on June 2:
—Jawbone/Butterbredt ACEC (Rudnick Common Grazing Allotment)
—Red Rock State Park Expansion
—Central Inyo County and Northeastern San Bernardino County on June 5 and 6:
—Coso Geothermal Area
—Haiwee Reservoir
—Darwin Mining Operation and Darwin Falls ACEC
—Owens Lake Geothermal
—Panamint Valley Burro Gathering
—Wilderness Study Area Management

The meeting is open to the public, with time allotted for public comment after each subject is presented. Statements may be filed in advance to Desert Advisory Council Chairman Clayton A. Record, Jr., Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside, California (714) 351-6383.

Dated: April 23, 1982.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 82-11794 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; FLPMA 302 Lease at Tanacross, Alaska

The following described lands have been identified as suitable for lease under the provisions of Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976, and 43 CFR Part 2920. The subject lands are within the following general legal description:

Tanacross, Alaska	Acreage
T18N, R11E; Sec. 5, NE¼NW¼NE¼SE¼; Copper River Meridian	.883

The highest and best use of these lands is for aviation related businesses in association with the Tanacross Airport. It has been determined that it would be in the public interest to issue a non-competitive lease to Cassaron Helicopter, Ltd., a solely owned aviation business of Ron and Linda Warbelow. The lease would allow for the construction of support facilities for the business. The lease would be subject to the following terms and conditions:

1. The lease would be issued for a period of twenty years and is renewable.
2. The lease would be subject to an appraisal for the land use at fair market value and would be reappraised every five years.
3. Should the subject land be conveyed to the State of Alaska, the lease would be transferred to them for their administration.
4. The subject lands are used for which they are applied for. Any additional use, construction, or improvements must be authorized by the Fortymile Area Manager.
5. Any conditions requested by the State of Alaska are made part of the stipulations attached to the lease.
6. A proof of construction of the improvements being applied for will be submitted on the first anniversary of the lease.
7. The applicant will adhere to all mitigating measures and stipulations in the Land Action Decision Document (LADD F-74627).
8. The applicant will also adhere to all terms and conditions set forth in 43 CFR 2920.7.

Copies of the LADD can be viewed at the Bureau of Land Management, Fairbanks District Office at Fort Wainwright or at the Fortymile Resource Area Headquarters in Tok, Alaska.

Comments should be submitted by June 1, 1982 to the Fortymile Area Manager, Bureau of Land Management, P.O. Box 307, Tok, Alaska 99780. Any adverse comments will be evaluated by the Area Manager. The District Manager shall review the file and arrive at a final decision of the Department. The District Manager shall affirm, modify, remand, or reverse the notice.

Carl D. Johnson,

District Manager.

[FR Doc. 82-11789 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District, Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet June 10, 1982.

Grazing Advisory Board members will convene at 8:00 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, ID 83401, for a field tour. The tour is open to the public. Anyone wishing to go on the tour is asked to notify the Idaho Falls BLM District Manager at the above address by June 3, 1982, and must provide their own transportation.

The purpose of the field tour is to discuss and observe range inventory work, vegetative manipulation projects and projects constructed with Advisory Board funds. The tour will take place in the Little Grassy and western Fremont County areas. The Advisory Grazing Board will also make arrangements for their next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public inspection and reproduction during regular business hours within 30 days of the Board meeting.

Dated: April 23, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-11780 Filed 4-29-82; 8:45 a.m.]

BILLING CODE 4310-84-M

Initial Decision on Amendment of Chaco Management Framework Plan

April 23, 1982.

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of Initial Decision on the Amendment of Chaco Management Framework Plan.

SUMMARY: This notice is to advise the public that the District Manager, Albuquerque District, Bureau of Land Management, has issued an initial decision on the amendment of the Chaco Management Framework Plan (MFP). The amendment decision designates

approximately 22,933 acres of federal coal as suitable for further consideration for leasing, and approximately 733 acres as unsuitable. The State Director of New Mexico has concurred in that initial decision.

SUPPLEMENTARY INFORMATION: The District Manager, Albuquerque District, Bureau of Land Management has issued an initial decision on the amendment of the Chaco Management Framework Plan (MFP). The MFP amendment incorporates additional federal coal lands into the land use planning process. The amendment decision designates approximately 22,933 acres as suitable for further consideration for leasing, and approximately 733 acres as unsuitable. The State Director of New Mexico has concurred in that initial decision.

Copies of the initial Decision Document and Preliminary Final Amendment are available for public review in the New Mexico State Office, U.S. Post Office and Federal Building, Santa Fe, New Mexico; at the Albuquerque District Office, P.O. Box 6770, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107; or at the Farmington Resource Area Office, 900 La Plata Highway, Farmington, New Mexico, during regular office hours. Single copies of the document are available from Betty Sladek, Albuquerque District Office, Bureau of Land Management (address above), telephone (505) 766-2455.

Comments and protests will be accepted concurrently for 30 days from the date of this publication. They should be filed with the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. Replies will be made by mail.

Any person who participated in the planning process and who has an interest which may be adversely affected by approval of the MFP amendment may file a protest. The protest shall contain the name, mailing address, telephone number and interest of the person filing the protest; a statement of the issue or issues being protested; a statement of the part of the amendment being protested; a copy of all documents addressing the issue or issues that were submitted during the amendment process by the protesting party or an indication of the date the issue or issues were discussed for the record; and a short, concise statement explaining why the District Manager's decision was wrong.

The initial decision will become final no sooner than June 1, 1982, or upon resolution of any protest received by the State Director.

Robert G. Reed,

Acting District Manager.

[FR Doc. 82-11778 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[M 18207]

Montana; Revocation of Recreation and Public Purposes Classification

April 23, 1982.

Effective July 9, 1973, the following public lands were classified for lease under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869) under serial number M 18207:

Principal Meridian

T. 8 N., R. 1 E.,

Sec. 18, a rectangular tract of land 297 feet x 522 feet lying in the SW¼SW¼NE¼NW¼ and the SE¼SE¼NW¼NW¼.

The area described above contains approximately 3.56 acres in Broadwater County.

This classification segregated the lands from all forms of appropriation under the public land laws except the Recreation and Public Purposes Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands were leased for a period of 5 years to Broadwater County for use as a solid waste disposal site. The lease renewal was issued effective November 15, 1978 and extended until November 14, 1980. Since there are no plans for further use of the land under the Recreation and Public Purposes Act, and since the lands have been determined suitable for return to unreserved public lands status, the classification is hereby revoked.

At 8 a.m. on June 7, 1982, the lands will be open to operation of the public land laws including the general mining laws, subject to valid existing rights and requirements of applicable law.

Inquiries concerning the lands may be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Kannon Richard,

Acting State Director.

[FR Doc. 82-11776 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[N-34421]

Nevada; Realty Action Noncompetitive Sale; Public Lands in Eureka County, Nevada

April 23, 1982.

The following land has been examined and identified as suitable for disposal by direct 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 fair market value:

Mount Diablo Meridian

T. 33 N., R. 49 E.

Sec. 3, Lots 1 and 2, S½NE¼, SE¼.

The above-described lands, comprising 318.77 acres, are being offered as a direct sale, at fair market value, to Charles B. Thornton, Jr., c/o T Lazy S Ranch, Box 232, Battle Mountain, NV 89820. Mr. Thornton is the adjoining landowner and he controls all legal access to the sale parcel. The sale lands will be incorporated into Mr. Thornton's current agricultural operations. The proposed sale is consistent with the Bureau's planning system and the Federal Land Policy and Management Act of 1976. Public interest will be served by disposition of an isolated parcel that is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The mineral estate is in private ownership. The land will not be offered for sale until 60 days after the date of this notice.

Patent, when issued, will contain the following reservation to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

And will be subject to:

1. Those rights for water pipeline purposes which have been granted to T Lazy S Ranch, its successors or assigns, by permit No. N-12848, under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

2. Those rights for power line purposes which have been granted to Sierra Pacific Power Company, its successors or assigns, by permit No. N-13257, under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

Detailed information concerning the sale is available for review at the Nevada State Office, 300 Booth Street, Reno, Nevada.

For a period of 45 days, interested parties may submit comments to the

State Director (N-943), P.O. Box 12000, Reno, Nevada 89520.

Wm. J. Malencik,

Chief, Division of Operations.

[FR Doc. 82-11775 Filed 4-29-82; 8:45 a.m.]

BILLING CODE 4310-84-M

[N-7884, et al.]

Nevada; Realty Action Sale of Public Land

April 21, 1982.

Pub. L. 96-586, enacted December 23, 1980, authorizes and directs the sale of certain public land in and around Las Vegas, Nevada. The following described parcels of land, lying within the area defined by the act, have been determined to be eligible for sale under the non-competitive criteria found in Title 43, Code of Federal Regulations (CFR), § 2711.3-2(b)(3):

Mount Diablo Meridian

T. 20 S., R. 60 E.,
Sec. 33, Lots 57, 67 and 68.
T. 21 S., R. 60 E.,
Sec. 3, Lots 22 and 23.
Comprising approximately 18 acres.

These parcels, located on the west side of Las Vegas Valley, are improved communication sites authorized by right-of-way grants N-7884, N-19997, N-20943 and N-21477. Sale of these parcels is consistent with the intent of Public Law 96-586.

The land will be offered for sale at fair market value only to the authorized user or users of each site. Any site not purchased by the user will continue to be utilized in accordance with the right-of-way grant.

Upon application pursuant to Title 43, CFR, § 2720.1, any patent issued in relation to this action will transfer locatable and saleable mineral interests along with the surface estate. The United States will, however, retain the leasable mineral interest in all the parcels.

The land will be sold subject to all valid existing rights such as power transmission and telephone line easements, federally issued oil and gas leases and reservations for streets and roads, both existing and proposed, in accordance with the Clark County road plan.

On or before June 14, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director who may issue a final determination which vacates or modifies this sale proposal. In the absence of any action by the State Director, this notice will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Chief, Division of Operations.

[FR Doc. 82-11783 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Nevada State Office Intensive Wilderness Inventory Unit Appeal Decisions By the Interior Board of Land Appeals (IBLA)

SUMMARY: The Bureau of Land Management, Nevada State Office, published a comprehensive list of wilderness inventory units under appeal in the July 14, 1981 **Federal Register** on Pages 36261-36262.

Appeal decisions have been issued affecting the following areas:

LANDS IDENTIFIED AS WILDERNESS STUDY AREAS (WSAs), NO LONGER UNDER APPEAL

Unit No. and name	WSA acres
Elko District	
NV-010-027 Bluebell	55,665
NV-010-033 Goshute Peak	69,770
NV-010-035 South Pequop	41,090
NV-010-106 Owyhee Canyon	21,875
NV-010-132 Little Humboldt River	42,213
NV-010-151 Rough Hills	6,685
Winnemucca District.	
NV-020-014 Fox Mountain Range	76,318
NV-020-014A Fox Mountain Range	12,969
NV-020-019 Calico Mountains	67,671
NV-020-200 Selenite Mountain	32,041
NV-020-201 Mt. Limbo	23,702
NV-020-406P Tobin Range	10,358
NV-020-406Q Tobin Range	13,107
NV-020-600 Blue Lakes	20,508
NV-020-600D Blue Lakes	5,142
NV-020-603 South Jackson Mountains	60,211
NV-020-606 North Jackson Mountains	26,457
NV-020-620 Black Rock Desert	319,594
NV-020-622 North Black Rock Range	30,791
NV-020-827 N. Fork Little Humboldt	69,683
Carson City District	
NV-030-102 Clan Alpine Mountains	193,120
NV-030-104 Stillwater Range	92,053
NV-030-108 Augusta Mountains	93,200
NV-030-110 Desatoya Mountains	48,150
NV-030-127 Job Peak	91,022
NV-030-407 Gabbs Valley range	75,440
NV-030-525A Burbank Canyons	13,395
Ely District	
NV-040-015 Goshute Canyon	35,050
NV-040-086 Granite Spring	23,400
NV-040-154 Park Range	46,500
NV-040-166 Riorden's Well	56,800
NV-040-197 Table Mountain	35,600
NV-040-242 Worthington Mountains	47,100
Las Vegas District	
NV-050-0338 Silver Peak Range North	33,900
NV-050-0354 Queer Mountain	81,550
NV-050-0355 Bonnie Claire Flat	69,000
NV-050-0401 Mount Stirling	69,650
NV-050-0414 Pine Creek	24,000
Battle Mountain District	
NV-060-019 Kawich	54,320
NV-060-059 Rawhide Mountain	64,360
NV-060-112 South Reveille	106,200
NV-060-142/162 Palisade Mesa	99,550
NV-060-158/199 Blue Eagle	59,560
NV-060-163 The Wall	38,000
NV-060-190 Fandango	40,940
NV-060-191 Morey	20,120
NV-060-231/241 Antelope	87,400
NV-060-428 Simpson Park	49,670
NV-060-541 Roberts	15,090

LANDS NOT IDENTIFIED AS WSA'S NO LONGER UNDER APPEAL

Unit No. and name	Non-WSA acres
Elko District	
NV-010-035A South Pequop	4,700
NV-010-130 Rock Creek	39,820
NV-010-197 Hank's Creek	39,909
Winnemucca District	
NV-020-436 Granite Mountain	20,269
NV-020-620P Black Rock Desert	124,929
Carson City District	
NV-030-525 East Pine Nuts	38,785
NV-030-605 Virginia Mountains	72,745
Ely District	
NV-040-015B Goshute Canyon	55,900
NV-040-123 Martin Spring	24,800
Battle Mountain District	
NV-060-461 South Fish Creek	104,500

Eleven areas previously identified as WSAs were remanded to the BLM in IBLA decision 81-541 which directed that it determine in unequivocal language whether each of these units possess wilderness characteristics of its own. The IBLA ruled that if a BLM unit does not possess such characteristics of its own, it may not be properly designated a WSA. All of these areas are contiguous with lands administered by another Federal agency.

None of these 11 units possess all of the essential wilderness characteristics of its own. All possess the mandatory characteristic of naturalness, eight possess the mandatory characteristic of size (NV-030-432, NV-050-165, and NV-050-03R-22 are less than 5,000 acres and do not meet the minimum size criteria), but none possess the mandatory wilderness characteristics of either outstanding opportunities for solitude or a primitive and unconfined type of recreation when the remainder of the roadless area administered by the other agency is ignored.

In compliance with IBLA's decision, the following 11 areas are no longer classified as WSAs and are hereby removed from WSA status:

LANDS PREVIOUSLY IDENTIFIED AS WSAS AND ARE NOW REMOVED FROM WSA CLASSIFICATION

Unit No. and Name	Non-WSA acres
NV-020-637 McGee Mountain	25,406
NV-030-430 Basalt	27,560
NV-030-432 Hontone Mine	1,570
NV-050-0131 East Pahranagat	16,200
NV-050-0154 Medsger Pass	11,462
NV-050-0165 Lower Pahranagat Lake	3,350
NV-050-0368 Porter Mine	6,089
NV-050-0369 Amargosa	12,453
NV-050-0370 Nothing Flats	9,510
NV-050-03R-22 Gem	2,153
NV-050-166 Grant Range	5,840

Any person adversely affected by the revised decisions regarding these 11

areas may appeal such decisions under the provisions of 43 CFR Part 4. If no appeals are filed on or before June 1, 1982, the decisions specified herein will be implemented.

All WSAs and all of the aforementioned 11 units subject to the appeal period will continue to be managed under the provisions specified in the *Interim Management Policy and Guidelines for Lands Under Wilderness Review.* If appeals are not filed on these aforementioned 11 areas, they will be removed from Interim Management protection at the end of the 30 day appeal period.

EFFECTIVE DATE: This decision will become effective June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Dave Harmon, Nevada State Office, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,
State Director, Nevada.

[FR Doc. 82-11611 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 12169]

Oregon; Termination of Proposed Withdrawal and Rreservation of Land

Notice of Fish and Wildlife Service, U.S. Department of Interior, application OR 12169 for withdrawal and reservation of land was published as FR Doc. 74-16976 on page 27150 of the issue of July 25, 1974. The purpose of the proposed withdrawal was for an addition to the existing Lower Klamath National Wildlife Refuge. The following described land was temporarily segregated from all forms of appropriation under the public land laws, including location and entry under the mining laws (30 U.S.C. Ch. 2):

Willamette Meridian

T. 41 S., R. 10 E.,
Sec. 15, Lots 1, 2, 3, and SE¼NE¼;
Sec. 16, Lots 3 and 4.

The area described contains 201.94 acres in Klamath County, Oregon.

The applicant agency has cancelled the application in its entirety; therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c) and subject to the provisions of other existing withdrawals, the above described land will be relieved of the above-mentioned segregative effect at 7:30 a.m., on June 5, 1982.

Dated: April 21, 1982.

Robert E. Mollohan,
Acting Chief, Branch of Lands Acting and Minerals Operations.

[FR Doc. 82-11785 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[Sale CA 10617]

Public Land in San Bernardino County, Calif.; Realty Action

The following described land has been identified as suitable for disposal by sale under Sec. 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown. Legal description: S½SE¼NW¼NE¼ sec. 9, T. 1 N., R. 12 E., San Bernardino Meridian, California, containing 5 acres; value, $2,000.00. The Bureau proposes to sell the surface estate to legalize an occupancy trespass. The land will be sold by direct sale to Virgil Woodmancy, owner of an adjacent 5-acre parcel of land whose improvements were placed unintentionally on the subject parcel of public land. Disposal by direct sale to Mr. Woodmancy, rather than by public auction, will protect his equity investment in the improvements on the land, and eliminate an undue hardship if her were compelled to remove or otherwise dispose of the improvements. Because of the unauthorized structure on the sale parcel, the land is difficult and uneconomic to manage as part of the public lands, and the presence of the structure makes it unsuitable for management by another Federal agency. The sale is consistent with the Bureau's planning system for the subject land. The public interest would be served by offering this land for sale. The terms and conditions applicable to the sale are: (1) A right-of-way for ditches or canals will be reserved to the United States (43 U.S.C. 945); (2) All minerals in the land will be reserved to the United States (43 U.S.C. 1719); and (3) The patent will be subject to a right-of-way not exceeding 16½ feet in width, for roadway and public utilities purposes, along the east boundary of the land (43 U.S.C. 1718).

Detailed information concerning the sale, including the land report and environmental assessment report, is available for review at the California State Office, Bureau of Land Management, Room E-2811 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, California State Office, at the above address. Any adverse comments will be evaluated by the State Director 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 a final determination.

Dated: April 23, 1982.

Harold R. Dietz,
Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 82-11784 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[ES 28565]

Wisconsin; Recordable Disclaimer

Notice is hereby given that pursuant to Section 315 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2770, 43 U.S.C. 1745), Iron County, a Body Politic of the State of Wisconsin, has made application for a recordable disclaimer of interest to the mineral rights, including the right to enter upon the land and remove any minerals therein without compensation, for the following described lands:

Fourth Principal Meridian, Wisconsin

T. 44 N., R. 3 E.,
Sec. 21, S½SE¼, SE¼SW¼,
Sec. 23, S½, and
Sec. 27, E½NE¼, NE¼SE¼.

1. The lands were patented to the Wisconsin Central Railroad Company on February 27, 1889, in accordance with the provisions of the Act of May 5, 1864, under Railroad Patent Number 20. Said patent contained the following reservation: "Yet excluding and excepting '*All Mineral Lands*' should any such be found in the tracts embraced in the foregoing."

2. In support of this application, the following is submitted:

a. In accordance with the applicable case law, and pursuant to Departmental interpretations concerning same, the United States makes no claim to any minerals in the land included in the above referenced patent, by virtue of said attempted mineral exclusion.

b. Therefore, upon issuance of the subject patent to the Wisconsin Central Railroad Company, all right, title and interest, in and to the lands so patented, vested in the patentee, and became subject to the laws of the State of Wisconsin, the attempted mineral land exclusion notwithstanding.

3. The purpose of this notice is to afford any person or persons having a valid protest to the above action an opportunity to submit such protest to the Bureau of Land Management, Eastern States Office, 350 South Pickett St.,

Alexandria, Virginia 22304, telephone (703) 235-2846, on or before July 29, 1982.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 82-11790 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

[W-12685]

Wyoming; Classification Vacated and Lands Open to Entry

Initial Classification Decision W-12685 issued May 15, 1970 classified the following described lands for public sale pursuant to section 2455 of the Revised Statutes as amended. Publication of the sale notice August 27, 1970 segregated these same lands from all forms of appropriation, including locations under the mining laws.

Sixth Principal Meridian, Wyoming

T. 51 N., R. 82 W.,
Sec. 30, lots 8 and 9.

The area described contains 48.66 acres in Johnson County, Wyoming.

The sale of the land was never completed. The Federal Land Policy and Management Act of 1976 repealed Revised Statute 2455. A Notice of Termination of Classification was issued February 22, 1982. No protests or comments were received in response to that notice.

The classification of the above described land has been terminated and is hereby vacated. The publication of this notice will hereby remove the segregative effects of the publication of the sale notice of August 27, 1970.

The land is now open to all forms of appropriation, including location under the mining laws, subject to valid existing rights, and the requirements of applicable law. All valid applications received shall be considered in the order of their filing. The land has been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Area Manager, Bureau of Land Management, Buffalo Resource Area, P.O. Box 979, Buffalo, Wyoming 82834.

Dated: April 21, 1982.

F. William Eikenberry,

Associate State Director.

[FR Doc. 82-11777 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Outer Continental Shelf (OCS) Order No. 5; Rescission of the Failure and Inventory Reporting System

AGENCY: Minerals Management Service, Interior.

ACTION: Notice to rescind paragraph 6 of Outer Continental Shelf (OCS) Order No. 5.

SUMMARY: This Notice rescinds paragraph 6 of OCS Order No. 5 for all areas. This paragraph contains the requirements of the Failure and Inventory Reporting System (FIRS). This action is a result of an analysis of the comments received in response to the Notice of a proposal to rescind paragraph 6 of OCS Order No. 5 published on September 30, 1981 (46 FR 47874).

EFFECTIVE DATE: April 30, 1982.

SUPPLEMENTARY INFORMATION:

FIRS Rescission Rationale

The FIRS program was intended as a means of monitoring the performance of the 19 safety devices required by OCS Order No. 5 in production operations. The program was detailed to the point that the monitoring was conducted by manufacturer, type, and model of each individual piece of equipment. This required that each piece of equipment on each platform be inventoried and that all failures and malfunctions be reported. These reporting requirements created a great amount of paper flow, and as a result, imposed on the industry and need for additional personnel devoted to the collection of the data.

One of the primary purposes of FIRS was to have the ability to identify those pieces of equipment where there was a pattern of failure that could be traced back to a generic problem. The primary purpose was to determine those areas where we should develop standards or specifications for a particular piece of equipment. What we have found, though, is that such a costly, personnel-intensive system is not necessary to accomplish this. Recognizing the fact that the veracity of the reporting can only be ascertained through our inspections, our inspection results become the basis for recommendations to the acceptance of the FIRS analyses. It, therefore, follows that the results of our inspection of the required safety devices on production platforms is the most accurate indication of the adequacy of such equipment. The results of these inspections are accumulated on a monthly basis from each District office, and an overall regional perspective of the equipment performance can be determined.

Although guidelines were published on the procedures for reporting malfunctions and failures, there was no way to ensure that such guidelines were followed. This was due to the fact that we had no monitoring capability to ensure that such incidents were reported in the absence of the actual witnessing of the failure or malfunction. Further, because of the large number of platforms, items of equipment, and the diversity of the personnel completing the reports at the field level, the reliability of the data being furnished became suspect.

The volume of statistics generated by the FIRS program has proved to be more than is felt to be needed for our regulatory decisionmaking. This rescission is the deletion of a requirement to collect unnecessary information and is not a reduction in the requirements for safe and pollution-free operations. Future regulatory decisionmaking will be based on a detailed analysis of the data in our Safety Information Program (SIP).

The Minerals Management Service (MMS) is expanding its SIP to encompass operations in total so that regulations can be linked readily to failures and can be revised accordingly. With time and data, regulatory decisions will be based more and more on the data drawn from the SIP. This should result in a more dynamic regulatory framework.

As installed presently, the SIP includes data from the following:

1. Events File;
2. Accident Investigations;
3. Alleged Violation Investigations;
4. Lessee reports on accidents, fires, malfunctions, deaths, serious injuries, and spills.

The Events File is an automated listing of all operational failures leading to an accident or to a spill. It includes accidents such as well blowouts, any kind of fire, and other operational mishaps. It includes personnel injuries and deaths as made known by the operators.

With the SIP, we will be able to respond readily to areas of regulatory weakness and to develop regulations appropriately to offset the weakness. We believe such a system will be much more effective than FIRS in achieving improved safety and pollution prevention.

Discussion of Comments

A total of 27 comments were received in response to the Notice of proposed rescission. Twenty-two of the comments

supported the rescission of the FIRS. Of the five comments that opposed the rescission of the FIRS, three comments were concerned about the effect on regulatory decisionmaking by not having the FIRS information. They cited the need for safety information in effective regulation. The SIP satisfies this need. Two comments indicated that the majority of the costs associated with the FIRS, i.e., the initial inventory, have already been incurred and that FIRS should continue. One of these comments wanted the FIRS to continue until January 1, 1983, and the other wanted the FIRS to continue indefinitely. Since the FIRS information is considered unnecessary, there is no reason to continue the reporting requirement.

Regulatory Analysis and Small Entity Flexibility Analysis

The Department has determined that this rescission is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. In addition, the Department has determined that this action will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: Mr. M. L. Courtois, U.S. Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 640, Reston, Virginia 22091.

Dated: March 26, 1982.

Richard B. Krahl,

Acting Chief, Offshore Minerals, Management Division, Minerals Management Service.

Notice

Paragrah 6 entited "Failure and Inventory Reporting System (FIRS)" of OCS Order No. 5 for all areas is hereby rescinded.

[FR Doc. 82-11871 Filed 4-29-82; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 5]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-10010, filed March 29, 1982. Applicant: THIRTY-SIX MIDLAND AVENUE CORP., 36 Midland Ave., Port Chester, NY 10573. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Tobacco and tobacco products and portable cigarette making kits,* between all points in Westchesther County. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 10610M, Route No. 329, Filed April 7, 1982. Applicant: ELDON BRIGHT, d.b.a. BRIGHT'S FREIGHT SERVICE, 114 NW Curtis, Topeka, KS 66616. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities,* except commodities in bulk and household goods, between the regular route points on Route No. 329, Docket No. 10610 on the one hand, and, on the other, points and places in Kansas. Intrastate, interstate and foreign commerce authority sought. Hearing: July 20, 1982, at 10 a.m., State Office Building, 4th Floor, Topeka, KS 66612-1571. Request for procedural information should be directed to the State of Kansas Corporation Commission, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11766 Filed 4-29-82; 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 aplicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-73

Decided: April 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 115730 (Sub-95), filed April 12, 1982. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307, (515) 243-4191. Transporting *metal products,* between points in Richland County, OH, and Starke County, IN, on the one hand, and, on the other, points in AR, AZ, CA, LA, MT, NV, MN, OK, OR, TX, UT, WA, and WY.

MC 116710 (Sub-45), filed April 14, 1982. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA 71111. Representative: Claire M. Goldsworthy, 535 North 6th Street, Baton Rouge, LA 70802, (504) 383-4528. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Atlas Processing, a division of Pennzoil Products Company, of Shreveport, LA; and Tennessee Eastman Company, a division of Eastman Kodak, of Kingsport, TN.

MC 143271 (Sub-3), filed April 12, 1982. Applicant: CAPITAL CITY TRUCK GARAGE & TRUCKING COMPANY, INC., 3017 Trawick Road, Raleigh, NC 27604. Representative: Nicholas J. Dombalis II, 3700 Computer Drive, P.O. Box 18237, Raleigh, NC 27619, (919) 781-1311. Transporting *food and related products,* between points in FL,GA, SC, VA, NY, TX, MD, and NC, on the one hand, and, on the other, 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 145240 (Sub-16), filed April 16, 1982. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *rubber and plastic products, and chemicals and related products,* between points in the U.S., under continuing contract(s) with Long Mile Rubber Company, of Dallas, TX.

MC 145900 (Sub-7), filed April 12, 1982. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. 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 USS Fabrication, Division of United States Steel Corporation, of Ambridge, PA.

MC 150951 (Sub-11), filed April 15, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant) (401) 943-4800. Transporting *confectionery and toys,* between points in the U.S., under continuing contract(s) with E. Rosen Company, of Pawtucket, RI.

MC 158411, filed April 15, 1982. Applicant: GOODE TRUCKING COMPANY, INC., 280 Kapp St., P.O. Box N-84, Winston-Salem, NC 27105. Representative: William Thomas Goode (same address as applicant), (919) 725-9029. Transporting *printed matter,* between points in Forsyth County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159260, filed April 9, 1982. Applicant: MINORITY TRANSPORT, INC., 18165 Telegraph Rd., Brownstown, MI 48131. Representative: H. Neil Garson, 3251 Old Lee Highway 400, Fairfax, VA 22030, (703) 691-0900. Transporting *metal products, machinery, clay, concrete, glass or stone products, rubber and plastic products, transportation equipment, lumber and wood products, and chemicals and related products,,* between points in MI, OH, PA, GA, MS and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. §11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 159830, filed April 16, 1982. Applicant: TIMOTHY G. ABBOTT, JOHN S. JOHNSON and WL. L. DAVIS TRUCKING, INC., d.b.a. WL. L. DAVIS TRUCKING, INC., PO Box 2657, Sparks, NV 89431. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518, (415) 825-1774. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Ore-Ida Foods, of Boise, ID, and Tree Top, Inc., of Selah, WA.

MC 159970, filed April 14, 1982. Applicant: CONTRACT SERVICE, INC., 10010 Beech, Fontana, CA 92335. Representative: Charlie Sanders (same address as applicant), (714) 350-8681. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Best Western Foods, Inc., of Los Angeles, CA.

MC 160801, filed April 16, 1982. Applicant: DONALD J. MCCLEARY, 733 E. McKinney, Neosho, MO 64850. Representative: Donald J. McCleary (same address as applicant), (417) 451-0661. Transporting *motorcycles and motorcycle parts,* between Chicago, IL, Lincoln, NE, and Dallas and Fort Worth, TX, on the one hand, and, on the other, points in AR, KS, MO, and OK.

MC 161461, filed April 12, 1982. Applicant: ORRVILLE PRODUCTS, INC., 375 East Orr St., Orrville, OH 44667. Representative: James Van Norman (same address as applicant), (216) 683-4010. Transporting *bentonite,* between points in Crook County, WY, on the one hand, and, on the other, points in IL and OH, under continuing contract(s) with International Minerals & Chemical Corporation, Imcore Division, of Mundelein, IL.

MC 161500, filed April 14, 1982. Applicant: A. E. PRINKY & SON, INC., 7303 Livingston Road, Oxon Hill, MD 20745. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. Transporting *Household goods,* (1) between points in MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, OH, KY, TN, NC, SC, GA, FL, and DC, and (2) between points in MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, OH, KY, TN, NC, SC, GA, FL, AL, MS, IN, IL, KS, OK, and DC, on the one hand, and, on the other, points in WI, IA, MO, AR, LA, and TX.

MC 161501, filed April 14, 1982. Applicant: PHOEBE'S TOURS & TRAVEL, INC., 3622 Ruston Lane, Napa, CA 94558. Representative: Guity Deyhimy, Mills Building—Suite 924, 220

Montgomery Street, San Francisco, CA 94104, (415) 421-5464. As a broker, at Napa, CA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2-82

Decided: April 22, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 87113 (Sub-23), filed April 15, 1982. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, 202-833-8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Wards Company, of Richmond, VA.

MC 105902 (Sub-31), filed April 5, 1982. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Rd., Penn Yan, NY 14527. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703-750-1112. Over regular routes, transporting *general commodities* (except clases A and B explosives, household goods, and commodities in bulk), (1) between Cleveland, OH and Chicago, IL, (a) over U.S. Hwy 20, and (b) over Interstate Hwy 90, (2) between Columbus, OH and Chicago, IL: from Columbus over Interstate Hwy 70 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, and return over the same route, (3) between Parkersburg, WV and Chicago, IL: from Parkersburg over U.S. Hwy 50 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction Interstate Hwy 57, then over Interstate Hwy 57 to Chicago, and return over the same route, (4) between Chillicothe, OH and Chicago, IL: from Chillicothe over U.S. Hwy 35 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction U.S. Hwy 33, then over U.S. Hwy 33 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Chicago, and return over the same route, (5) between Akron, OH and junction U.S. Hwys 224 and 33: from Akron over Interstate Hwy 76 to juction U.S. Hwy 224 then over U.S. 224 to junction U.S. Hwy 33, and return over the same route, and (6) serving all intermediate points on routes (1) through (5) above.

MC 111432 (Sub-23), filed April 1, 1982. Applicant: FRANK J. SIBR & SONS, INC., 2122 York Rd., Oak Brook, IL 60521. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, 217-753-3925. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Stauffer Chemical Company, of Westport, CT.

MC 136123 (Sub-40), filed April 13, 1982. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant), 813-722-0506. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ocean Spray Cranberries, Inc., of Plymouth, MA.

MC 136432 (Sub-7), filed April 15, 1982. Applicant: D & M EXPRESS, INC., Rte. 19, R.D. 1, Evans City, PA 16033. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contracts with (a) Gotham Chicago Corp., of Chicago, IL, (b) Allied Block Chemical Company, of New Eagle, PA, (c) Pitt Penn Supply, of Wexford, PA, (d) Childs Store Fixtures, of Pittsburgh, PA, (e) Daily Juice Products, Inc., of Verona, PA, (f) Met-Tech Industries, Inc., of Lansing, OH, and (g) SGL Abrasives, a Division of SGL Industries, of Carlisle, PA.

MC 161263, filed March 29, 1982. Applicant: JAMES J. BALDERSON TRUCKING, INC., 40720 S.E. Allgeier Rd., Sandy, OR 97055. Representative: James J. Balderson (same address as applicant), 503-668-7616. Transporting *iron and steel articles, lumber and wood products, and machinery and equipment*, between points in Yellowstone, Gallatin, Silver Bow, Deer Lodge, Cascade, Missoula, Mineral, Lincoln, and Flathead Counties, MT, Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Idaho, Washington, Canyon, and Ada Counties, ID, Pend Oreille, Stevens, Ferry, Okanogan, Douglas, Lincoln, Spokane, Whitman, Adams, Grant, Franklin, Benton, Yakima, King, and Pierce Counties, WA, Washington, Yamhill, Multnomah, and Clackamas Counties, OR, and Contra Costa, Alemeda, San Mateo, Los Angeles, and Orange Counties, CA.

Volume No. OP4-148

Decided: April 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 142546 (Sub-6), filed April 16, 1982. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, DE 19966. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365-5141. Transporting *food and related products*, between points in MI, on the one hand, and, on the other those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146646 (Sub-152), filed April 9, 1982. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: John R. Frawley, 120 Summit Pky., Suite 200, Birmingham, AL 35217, (205) 942-9116. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 147196 (Sub-25), filed April 15, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643-1700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Arthur J. Fritz & Company, of New Orleans, LA.

MC 147956 (Sub-3), filed April 19, 1982. Applicant: ROBERT CAVALLA, d.b.a. CFL TRUCKING (CAVALLA FREIGHT LINES), 4695 E. Terrace Ave., Fresno, CA 93703. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, San Joaquin, Sacramento, and San Luis Obispo Counties, CA, on the one hand, and, on the other, points in CA.

MC 150136 (Sub-3), filed April 15, 1982. Applicant: JOE SICILIA, INC., No. 5523 Julia, Spokane, WA 99207. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *building materials and supplies*, (1) between points in CO, IA, ID, IL, KS, MN, MT, NE, ND, OR, SD, WA, WI, and WY, on the one hand, and, on the other, points in CA, NV and UT, and (2) between points in CA, NV and UT.

MC 151566 (Sub-20), filed April 19, 1982. Applicant: PERRY TRANSPORT, INC., 14375 172nd Ave., Grand Haven, MI 49417. Representative: Richard O. Peel (same address as applicant), (616) 842-3550. Transporting *wooden cabinets*, between Grand Rapids, MI, on the one hand, and, on the other, points

in the U.S. (except AK and HI), under continuing contract(s) with Bergsma Furniture, Lowrey Div., Norlin Industries, of Grand Rapids, MI.

MC 152566 (Sub-3), filed April 15, 1982. Applicant: ONEDIN LINE, INC., 6021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin, P.O. Box 39, Holland, OH 43528, (419) 474-6331. Transporting (1) *malt beverages,* between points in Lucas County, OH, on the one hand, and, on the other, points in Houston County, GA, Alleghany County, PA, and Milwaukee County, WI; (2) *lumber and wood products, and tar products* in containers, between points in Lucas County, OH, on the one hand, and, on the other, points in NY, PA, MI, NJ, MA, CT, IL, WI, MN, IN, WV, and VA; (3) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between the facilities of Purex Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S. (expect AK and HI); and (4) *packaging materials and plastic products,* between the facilities of Keyes Fibre Co., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155266 (Sub-4), filed April 19, 1982. Applicant: JOHN J. VETERI LEASING CORP., P.O. Box 624, West Paterson, NJ 07424. Representative: John J. Veteri (same address as applicant), (201) 785-8775. Transporting *games, toys, computer games, and swimming pools,* between New York, NY, and points in Fulton and Montgomery Counties, NY and Washington County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160566, filed April 16, 1982. Applicant: LESLIE L. WHITAKER & SON, P.O. Box 306, Windber, PA 15963. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting (1) *liquid asphalt and liquid paving materials,* between Baltimore, MD and points in Jefferson County, OH, on the one hand, and, on the other, Windber, PA, and (2) *bituminous or asphalt emulsion,* between points in Somerset County, PA, on the one hand, and, on the other, points in MD and WV.

MC 161566, filed April 19, 1982. Applicant: AIRLINES TRANSPORT COMPANY, INCORPORATED, 625 Campostella Rd., Norfolk, VA 23523. Representative: Calvin F. Major, P.O. Box 5010, Richmond, VA 23220, (804) 649-7591. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4-149

Decided: April 22, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 141597 (Sub-16), filed April 15, 1982. Applicant: RIVERSIDE TRUCK LINE, INC., P.O. Box 320, Talent, OR 97540. Representative: John A. Anderson, Suite 801-The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201, (503) 227-4586. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Jackson County, OR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145217 (Sub-4), filed April 15, 1982. Applicant: RICHARD MCNAY, INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, 29 S LaSalle St., Suite 905, Chicago, IL 60603, (312) 236-9375. Transporting *lime, limestone and limestone products, and building materials,* between Kansas City, MO, and St. Louis, MO, on the one hand, and, on the other, points in CO, IL, MO, MN and NE.

MC 145217 (Sub-5), filed April 16, 1982. Applicant: RICHARD MCNAY, INC., Rural Route 8, Quincy, IL 62301. Representative Joel H. Steiner, 29 S. LaSalle St., Suite 905, Chicago, IL 60603, (312) 236-9375. Transporting *coal and coal products,* between points in IA, IL and MO.

MC 149497 (Sub-22), filed March 15, 1982, previously noticed in the **Federal Register** of March 30, 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359-2907. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points, in the U.S. (except AK and HI), under continuing contract(s) with Lennox Industries, Inc., of Dallas, TX.

NOTE: The purpose of this republication is to show the authority sought is for contract carriage to serve Lennox Industries, Inc.

MC 152807 (Sub-3), filed April 15, 1982. Applicant: L.R. CONNELL, INC., Route 4, Box 152, Arkadelphia, AR 71923. Representative: Sarah Lea Connell (same address as applicant), (501) 246-6259. Transporting *metal products, machinery, lumber and wood products, and building materials,* between points in AR, on the one hand, and, on the other, points in AL, FL, GA, IA, KS, KY, MO, NC, OH, and SC.

MC 158307, filed April 15, 1982. Applicant: WAYNE BROWN TRANSPORT, INC., 1109 Barlow St., W Lafayette, IN 47906. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting (1) *food and related products,* (a) between points in Ingham County, MI, on the one hand, and, on the other, points in MI, IL, OH, WI and IN, (b) between points in Hillsboro County, FL, Charleston County, SC, Mobile County, AL, Harrison County, MS, and Galveston County, TX, on the one hand, and, on the other, points in IL, OH, WI and IN, and (2) *Chemicals,* between Chicago, IL, Indianapolis, IN, Memphis, TN, and Charlotte, NC, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MN, MS, MO, OH, NC, SC, TN, and WI.

MC 160387, filed March 29, 1982. Applicant: CSC TRUCKING, INC., 4001 NW 3rd St., Oklahoma City, OK 73107. Representative: Michael H. Lennox, 531 N. Portland Ave., Box 75613, Oklahoma City, OK 76613, (405) 943-2477. Transporting *alcohol, alcoholic beverages, and related products,* between the facilities of Central Liquor Company or its suppliers, at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in AR, CA, FL, IL, KS, KY, LA, MA, MI, MN, MO, NJ, NY, OH, OK, TN, TX, WA, and WI.

MC 161517, filed April 15, 1982. Applicant: KLA TRUCKING, INC., 212 Mercury Circle, Pomona, CA 91768. Representative: Jim Pitzer, 15 S Grady Way, Suite 321, Renton, WA 98055-3273, (206) 235-1111. Transporting *chemicals and related products, rubber and plastic products, pulp, paper and related products, electronic instruments, glassware and related laboratory and scientific materials, equipment and supplies,* between points in the U.S. (except AK and HI), under continuing contract(s) with VWR Scientific, Inc., of Seattle, Wa.

MC 161547, filed April 16, 1982. Applicant: M.G.M. TRANSFER, P.O. Box #341, Smethport, PA 16749. Representative: Kenneth T. Johnson, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701, (716) 664-5210. Transporting *clay, concrete, glass or stone products,* between points in McKean County, PA, on the one hand, and, on the other, points in IL, IA, IN, MI, MO, KY, OH, and NY.

Volume No. OP4-150

Decided: April 22, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 13267 (Sub-7), filed April 19, 1982. Applicant: MOUNTAINSIDE TRANSPORT, INC., 4828 Hollins Ferry Rd., Baltimore, Md 20227. Representative: A. David Millner, P.O. Box Y, Roseland, NJ 07068, (201) 992-2200. Transporting *such commodities* as are dealt in or used by wholesale and retail chain grocery and food business houses, department and variety stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Safeway Stores, Inc., of Oakland, CA.

MC 123057 (Sub-19), filed April 19, 1982. Applicant: HO-RO TRUCKING CO., INC., Route 9, P.O. Box 487, Woodbridge, NJ 07095. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048-0640, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives and household goods), between the facilities of United States Gypsum Company, and its subsidiaries and affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141187 (Sub-25), filed April 15. 1982. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Elmer Kernan (same address as applicant), (901) 396-2201. 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 Blazon-Flexible Flyer, Inc., of West Point, MS, Adolph Coors Company, of Golden, CO, Drexel Chemical Co., of Memphis, TN, Flavorite Laboratories, Inc., of Horn Lake, MS, Heekin Can Division, Diamond International Corporation, of Cincinnati, OH, The Kroger Co., of Cincinnati, OH, and Swift Independent Packing Company, of Chicago, IL.

MC 146807 (Sub-37), filed April 19. 1982. Applicant: S-N-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, 430 Scranton Life Bldg., Scranton, PA 18503, (717) 346-5761. Transporting *anthracite filter media*, between points in Schuylkill County, PA, on the one hand, and, on the other, Houston, TX.

MC 149497 (Sub-26), filed April 19. 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359-2907. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Garber Company, of Ashland, OH.

MC 154767 filed April 19. 1982. Applicant: RUSSELL L. DAUM, 1012 E. Buchanan St., Plainfield, IN 46168. Representative: Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 47204-3491, (317) 638-1301. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Kaiser Agricultural Chemical Division of Kaiser Aluminum and Chemical Sales, Inc., of Lebanon, IN; Lee Hubbard & Son Farm Service, Inc., of Stilesville, IN; and Stanley's Fertilizer Service, of Plainfield, IN.

MC 161557 filed April 19, 1982. Applicant: MAVERICK TRUCK LINE, INC., 704 G.P.M. North Tower, San Antonio, TX 78216. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237, (214) 339-4108. Transporting *lumber, woods products, and metal products*, between points in TX, on the one hand, and, on the other, points in AR, LA, and OK.

Volume No. OP5-90

Decided: April 21, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 22589 (Sub-15), filed April 6, 1982. Applicant: CAMPUS TRAVEL, INC. d.b.a., CAMPUS COACH LINES, 545 Fifth Ave., New York, NY 10017. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, 212-532-5181. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in the U.S. under continuing contract(s) with Keri Tours, Inc. of New York, NY.

MC 124418 (Sub-5), filed April 13, 1982. Applicant: DHR TRUCKING, INC., P.O. Box 232, Harrisburg, IL 62946. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217-544-5468. Transporting *mining machinery, equipment, parts and supplies*, between points in AL, AR, AZ, CO, FL, GA, IL, IN, ID, KY, KS, MO, NC, NM, OH, OK, PA, TN, WY, WV, and WI.

MC 133189 (Sub-46), filed April 12, 1982. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, 612-291-1215. Transporting *landscaping and lawn products*, between points in MN on the one hand, and, on the other, points in CO, WI, IA, ND and SD.

MC 142848 (Sub-16), filed April 9, 1982. Applicant: JAMES R. POSHARD AND SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491, 317-638-1301. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company of Mt. Vernon, IN.

MC 146109 (Sub-2), filed April 13, 1982. Applicant: B & E MOBILE HOME SERVICE, INC., 115 Valley View Rd., North Redwood, MN 56275. Representative: John H. Schnobrich, 315 South Washington St., Redwood Falls, MN 56283, 507-637-5721. Transporting (1) *lumber and wood products*, and (2) mobile and modular homes, between Worthington, MN on the one hand, and, on the other, points in the U.S. under contract(s) with Commodore Homes of Worthington, MN.

MC 148589 (Sub-10), filed April 14, 1982. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henager, AL 35978. Representative: Blaine Buchanan, 1012 James Bldg., Chattanooga, TN 37402, (615) 267-1135. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Foodmaker, Inc., of San Diego, CA.

MC 150878 (Sub-2), filed April 9, 1982. Applicant: DON FRAME TRUCKING, INC., 5485 Route 5, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628-9243. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Chester Zachary, Inc., of Dunkirk, NY.

MC 150939 (Sub-30), filed April 9, 1982. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with F.T.S., Inc. of Ft. Lauderdale, FL.

MC 154258 (Sub-1), filed April 13, 1982. Applicant: G. L. WASKO AND SONS, 7615 Date Rd., Stevensville, MI 49127. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394-4220. Transporting *food and related products* between points in the

U.S., under continuing contract(s) with Fruit Hill, Inc., of Eau Claire, MI.

MC 154488 (Sub-3), filed April 14, 1982. Applicant: LASLEY TRUCKING COMPANY, INC., Highway 64 East, P.O. Box 1368, Conway, AR 72032. Representative: John B. Fowlkes, Jr., (Same address as applicant), (501) 327-4477. Transporting (1)(a) *lumber and* (b) *building materials* (except lumber), between points in the U.S., under continuing contract(s) with Continental Timber Co., Inc., of Valley Center, KS, and (2) *steel,* between Memphis, TN and points in Pulaski County, AR, on the one hand, and, on the other, points in Faulkner County, AR, under continuing contract(s) with Polyvend, Inc., of Conway, AR.

MC 160018, filed April 15, 1982. Applicant: CIRCLE J FREIGHT LINES, INC., 5840 South Memorial, Suite 319, Tulsa, OK 74145. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *Mercer commodities,* (1) between points in AR, KS, LA, OK, and TX, and (2) between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in CO, MT, ND, NM, SD, UT, and WY.

MC 160769, filed April 6, 1982. Applicant: ROY HARPER TRUCKING, INC., 315 Meuse Court, Blue Grass, IA 52726. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515-682-8154. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Company of St. Louis, MO.

MC 161359, filed April 9, 1982. Applicant: AAFAB, INC. 2702 Shetland Lane, Kennesaw, GA 30144. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE, Suite 520, Lenox Towers South, Atlanta, GA 30326, (404) 262-7855. Transporting *foodstuffs* between Atlanta, GA, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, IA, and MN.

MC 161469, filed April 12, 1982. Applicant: NORFOLK EXPRESS MANAGEMENT GROUP, INC., P.O. Box 5304, Chesapeake, VA 23324. Representative: Robert E. Campbell, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, 301-986-1410. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between those points in the U.S. in and east of LA, MS, TN, MO, IL, and WI.

Volume No. OP5-92

Decided: April 23, 1982.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 153888 (Sub-2), filed April 16, 1982. Applicant: JOSEPH VALLES d.b.a. J. VALLES TRUCKING, 43116 Gallegos Ave., Fremont, CA 94538. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting (1) *construction equipment, materials, and supplies,* and (2) *metal products,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 158938 (Sub-2,) filed April 12, 1982. Applicant: BOSWELL FARMS, INC., 403 South State St., Lamoni, IA 50140. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, 515-274-4985. Transporting *fertilizer,* between points in IA, KS, MO, NE, NM, and OK.

MC 151498 (Sub-1), filed April 16, 1982. Applicant: COAKLEY TRANSPORT, INC., 195 So. Beech St., Manchester, NM 03103. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. Transporting *automotive parts, supplies, and equipment,* between points in the U.S., under continuing contract(s) with Auto Parts Whse., Inc., of Barre, VT.

MC 147528 (Sub-7), filed April 9, 1982. Applicant: T. A. S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701, 208-343-5454. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Modern Builders, Inc. and Bitterroot Forest Products, Inc. both of Boise, ID, Great Western Chemical, a division of McCall Oil of Nampa, ID, D & B Supply Company, Inc. of Caldwell, ID, and Larios Forest Products of Oregon City, OR.

MC 146659 (Sub-10), filed April 19, 1982. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 627-7115. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161488, filed April 12, 1982. Applicant: BEEGEE CONSULTANTS, LIMITED, 1424 Tift Ave., Tifton, GA 31794. Representative: Lee Boone (same address as applicant), 912-386-2434. As a *broker* at Tifton, GA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146238 (Sub-1), filed April 8, 1982. Applicant: C & R TRUCKING, INC., P.O. Box 815, Kingman, AZ 86402. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, 602-264-4891. Transporting *such commodities* as are used or dealt in by alcoholic beverage dealers, between points in the U.S. (except AK and HI) under continuing contract(s) with Central Commercial Company of Kingman, AZ.

MC 123978 (Sub-4), filed April 15, 1982. Applicant: RICHEY & STEWART, INC., P.O. Box 235, Scottsburg, IN 47170. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA.

MC 115669 (Sub-211), filed April 15, 1982. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar, P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant), 402-762-3511. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 59909 (Sub-20), filed April 16, 1982. Applicant: JACOBS TRANSFER, A DIVISION OF THE JACOBS COMPANIES, INC., 2300 Beaver Rd., Landover, MD 20785. Representative: Eric Meierhoefer, 1029 Vermont Ave., NW., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between DC, on the one hand, and, on the other, points in the U.S. (except AK, HI, VA, MD, WV, DE, PA, NC, and NJ).

Note.—Applicant intends to tack this authority with its regular-route authority.

MC 25399 (Sub-18), filed April 14, 1982. Applicant: A-P-A TRANSPORT CORP., 2100 88th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sparkomatic Corporation of Milford, PA, Warner-Lambert Company of Morris Plains, NJ, Sony Corporation of America, of Moonachie, NJ, Coats & Clark's Sales Corp., of Doraville, GA, Johnson &

Johnson Products, Inc., of New Brunswick, NJ, Rayovac Corporation of Madison, WI, Bristol-Myers Products of Hillside, NJ, NCH Corporation of Irving, TX, Emerson Electric Co., of St. Louis, MO, Reliance Electric Co., of Brooklyn Heights, OH, Sterling Drug, Inc., of New York, NY, Pickwick Distribution, Inc., of Somerset, MA, Wright Line, Inc., of Worcester, MA, American Honda Motor Co., Inc., of Moorestown, NJ, McQuay-Norris, Inc., of St. Louis, MO, Transcontinent Records Sales, Inc., of Buffalo, NY, Snap-On Tools Corporation of Kenosha, WI, Gladding Corp., of Syracuse, NY, Hallmark Cards, Inc., of Enfield, CT, Pitney Bowes, Inc., of Newtown, CT, Bryant Electric Co., Div. of Westinghouse Electric, of Bridgeport, CT, Duracell USA, of Bethel, CT, K-tel International of Minnetonka, MN, E. R. Squibb & Sons, Inc., of New Brunswick, NJ, and Noxell Corporation of Baltimore, MD.

MC 159748 (Sub-1), filed April 6, 1982. Applicant: DOMKE DISTRIBUTORS LTD., 21583 58th Ave., Langley, B.C., Canada V3A 4R5, Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. In foreign commerce only, transporting *transportation equipment, machinery and machinery parts, building materials, and metal products,* between points in WA, OR, CA, ID, and MT, on the one hand, and, on the other, points on the international boundary line between the United States and Canada in WA, ID, MT, and ND.

MC 160718, filed April 12, 1982. Applicant: TEMPO TRUCKING, INC., 2701—50th Ave., Tacoma, WA 98422. Representative: James T. Johnson, 1610 IBM Bldg, Seattle, WA 98101, 206-624-2832. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Peninsula Shippers Association, Inc. of Auburn, WA.

MC 161329, filed April 1, 1982. Applicant: ROUNDABOUT TOURS, P.O. Box 6483, Tahoe City, CA 95730. Representative: Clive R. Hughes (same address as applicant), (916) 583-4490. Over regular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, beginning and ending at South Lake Tahoe, CA: From South Lake Tahoe over U.S. Hwy 50 to junction CA Hwy 89, then over CA Hwy 89 to Tahoe City, CA, then over CA-NV Hwy 28 to junction U.S. Hwy 50 near Glenbrook, NV, then over U.S. Hwy 50 to South Lake Tahoe, and return over the same route, serving all intermediate points.

MC 161369, filed April 5, 1982. Applicant: PAUL S. STANLEY TRUCKING COMPANY, 109 Wheeler Ave., Collinsville, VA 24078. Representative: Paul S. Stanley (same address as applicant) 703-647-7133. Transporting *wearing apparel,* between Martinsville, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161439, filed April 9, 1982. Applicant: McBROOM COACH, INC., Route 1 Box 351-A, Durham, NC 27705. Representative: Archie W. Andrews, 617 F Lynrock Ter., Eden, NC 27288, 919-627-0555. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Alamance, Chatham, Durham, Orange, and Person Counties, NC, and extending to those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 161478, filed April 13, 1982. Applicant: TRI-VALLEY DISTRIBUTING, INC., E. Hwy 40, Heber City, UT 84032. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, 801-531-1300. Transporting (1) *petroleum, natural gas and their products,* and (2) *coal and coal products,* between points in UT, WY, ID, CO, NM, AZ, and NV.

MC 161538, filed April 15, 1982. Applicant: FIVE MILE BEACH ELECTRIC RAILWAY COMPANY, 5 Mile Beach, Hornet & Ranger Rds., Rio Grande, NJ 08242. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204 (703) 979-1627. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Cape May, Salem, Cumberland, and Atlantic Counties, NJ, and extending to points, in NY, PA, DE, MD, VA, WV, NC, SC, GA, FL, TN, KY, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11764 Filed 4-29-82; 8:45 a.m.]

BILLING CODE 7035-01-M

[Ex Parte No. MC 43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: April 21, 1982.

Youngstown Cartage Co. (MC-8958), B&P Motor Express Co. (MC-1936), and Rebel Express Co. (MC-149608) petition for waiver of Subpart B (Sections 1057.11 and 1057.12) of the *Lease and Interchange of Vehicles Regulations* (49 CFR Part 1057), with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the requirements of Subpart B were waived in part.

It is ordered:

1. The petition of Youngstown Cartage Co., B&P Motor Express Co., and Rebel Express Co. for waiver of Subpart B (Sections 1057.11 and 1057.12) is granted, except for Paragraph (b) and (c) of Section 1057.11, with respect to equipment augmented between them, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under Paragraph (b) of Section 1057.11 is given to the lessor until the equipment is returned to the lessor and the receipt required under Paragraph (b) of Section 1057.11 is received by the lessee or the equipment is returned to the lessor or given to another authorized carrier in an interchange of equipment.

2. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11763 Filed 4-29-82; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

(1) Parent corporation and address of principal office: Border Steel Rolling Mills, Inc., Interstate 10 at Vinton Road, Vinton, Texas

(2) Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

(i) Metal Processing, Inc.—Texas

(ii) Enersteel Products Company—Texas

1. The parent corporation is Bucyrus-Erie Company, a Delaware corporation, with principal offices at 1100 Milwaukee Avenue, South Milwaukee, Wisconsin 53172.

2. The Wholly-owned subsidiaries which will participate in the operations, and states of incorporation are:

(i) Western Gear Corporation, a Delaware corporation;

(ii) Western Gear Machinery Co., a Delaware corporation;

(iii) Cochran Western Corporation, a California corporation;

(iv) Sky Climber, Inc., a Washington state corporation;

(v) Western Gear de Mexico, S.A., a corporation of Mexico;

(vi) Brad Foote Gear Works, Inc., a Delaware corporation; and

(vii) Pittsburgh Gear Company, a Delaware corporation.

1. Parent corporation and address of principal office: Cal Gas Corporation, P.O. Box 28397 8401 Gerber Road, Sacramento, CA 95828.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective offices:

(a) Cal Gas Energy, Inc., P.O. Box 28397, 8401 Gerber Road, Sacramento, CA 94828.

(b) Petroleum Transportation Corporation, 9717 East 42nd Street, Tulsa, OK 74145.

1. Parent corporation and address of principal office: General Battery Corporation, P.O. Box 1262, Reading, PA. 19603.

2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation:

a. Dixie Metals Corporation, Incorporated in Delaware;

b. GBW of Arizona, Inc., Incorporated in Arizona;

c. Banning Battery Company, Incorporated in California;

d. GBW of Oregon, Inc., Incorporated in Oregon;

e. GBW Corporation, Incorporated in Washington;

f. Battery Marketers, Inc., Incorporated in Delaware.

1. Parent corporation and address of principal office: High Industries, Inc., 1905 Old Philadelphia Pike, Lancaster, Pennsylvania 17604.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) High Steel Structures, Inc. (Pennsylvania);

(ii) High Concrete Structures, Inc., (Pennsylvania);

(iii) Kurtz Bros., Concrete, Inc. (Pennsylvania);

(iv) Kurtz Transport, Inc. (Pennsylvania);

(v) Kurtz Materials Corporation (Delaware);

(vi) Lancaster Lime & Stone Corporation (Pennsylvania);

(vii) High Realty Corporation (Pennsylvania);

(viii) High Associates, LTD. (Pennsylvania);

(ix) Lantz Builders, Inc. (Pennsylvania);

1. Parent corporation and address of principal office: IFI International S.A., 2 Boulevard Royal, Luxembourg.

2. Wholly-owned subsidiaries which will participate in operations and states(s) of incorporation:

(I) Incom International, Delaware;

(II) Moog Automotive, Delaware;

(III) C.R. Industries, Delaware.

1. Parent corporation and address of principal office: Peavey Company, 730 Second Avenue South, Minneapolis, Minnesota 55402.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

a. Peavy Delaware Limited, 730 Second Avenue South, Minneapolis, Minnesota 55402.

b. Peavey International, Inc., 730 Second Avenue South, Minneapolis, Minnesota 55402.

c. M&R Distributing Company, P. O. Box E, West Highway 30, Grand Island, Nebraska 68801.

d. Wheelers Distributing Co., P. O. Box E, West Highway 30, Grand Island, Nebraska 68801.

e. Universal Wholesale, Inc., 730 Second Avenue South, Minneapolis, Minnesota 55402.

f. Peavey Marts, Incorporated, 730 Second Avenue South, Minneapolis, Minnesota 55402.

1. Parent corporation and address of principal office. Shaw Industries, Inc., 616 E. Walnut Avenue, Dalton, Georgia 30720.

2. Wholly-owned subsidiaries which will participate in the operations and State(s) of incorporation. Shaw Transport, Inc., a Georgia corporation, 616 E. Walnut Avenue, Dalton, Georgia 30720.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11762 Filed 4-29-82; 8:45 am]

BILLING CODE 7035-01-M

[No. 38704]

Gray Moving & Storage, Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Final decision.

SUMMARY: In a notice published at 47 FR 9295 (March 4, 1982), the Commission provisionally granted the request of Gray Moving & Storage, Inc. (Gray), a motor contract carrier, for an exemption from the requirements in 49 U.S.C. 10702, 10761, and 10762. The comments in opposition filed by Smith & Solomon Trucking Company (S&S) are found unpersuasive and the provisional grant is made final.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Commission provisionally granted the requested exemption so that, in lieu of filing rate schedules, Gray Moving & Storage, Inc., could simply provide a copy of its contract (with rates attached) to interested parties upon request. The exemption was limited to the narrow scope of the petition and was conditioned on Gray making available copies of its contract.

S&S, a common carrier, filed comments opposing the exemption. It argues that the contract carrier exemption in principle is anti-competitive in that it allows contract carriers to compete without the cost of filing tariffs. It submits that to allow Gray the sought exemption will establish a dangerous precedent.

We believe the exemption is appropriate. We are not persuaded by S&S' arguments. It made identical arguments in No. 38703, *Gray Moving & Storage, Inc., Petition for Exemption from Tariff Filing Requirements.* In a decision served February 24, 1982, we discussed S&S' claims, and rejected them. We incorporate that discussion by reference. Accordingly, the provisional exemption is made final.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: April 23, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11765 Filed 4-29-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29897]

Prairie Central Railway Company—Purchase—Illinois Central Gulf Railroad Company Between Bloomington and Mason City, IL., Intent To Purchase

On April 9, 1982, the Prairie Central Railway Company (PACY) filed a notice of its intent to request the Commission to require the sale of trackage. PACY seeks to acquire the track of the Illinois Central Gulf Railroad Company (ICG) between Bloomington (milepost No. 127.8) and Mason City, IL (milepost 173), a distance of 45.2 miles, pursuant to the feeder line development provisions of 49 U.S.C. 10910.

PACY's application may be filed after July 8, 1982 (90 days after its notice). When an application is filed, any interested party may submit comments or recommendations to the Commission within 30 days and any financially responsible person may propose to acquire the property through a competing application, also within 30 days. All pleadings should refer to Finance Docket No. 29897 and should be submitted, with 10 copies to the Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423. A copy should also be sent to Thomas F. McFarland, Jr., Belnap, Spencer & McFarland, 20 North Wacker Drive, Chicago, IL 60606, (312) 236-0204.

For further information contact Wayne A. Michel (202) 275-7657 or Louis E. Gitomer (202) 275-7245 at the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11768 Filed 4-29-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-124)]

Southern Pacific Exemption for Contract Tariff ICC-SP-C-0071

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.** Protective order is granted.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr. or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Southern Pacific Transportation Company (SP) filed a petition on April 15, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioner requests that we permit contract tariff ICC-SP-C-0071 to become effective on one day's notice. The tariff was filed to become effective on May 17, 1982, and involves movements of woodpulp.

The SP also filed a petition for an order protecting confidential information. It requests that information contained only in the tariff sheet, and not the contract, be disclosed or discussed in the Commission's decision in this matter. It asks that Appendix 1 to its petition for protective order not be made part of the public record in this proceeding since disclosure of the information contained there would seriously injure SP and the shipper.

We shall grant the request that the information contained in Appendix 1 not be disclosed publicly. The information is confidential business information and falls within the category of activities warranting protection under Rule 55 (49 CFR 1100.55(c)). Although Rule 55 pertains to protective conditions in connection with discovery, we shall grant the petition under 49 CFR 1100.99, which allows petitions for relief not otherwise provided by the Commission's Rules of Practice. The relief requested in the petition involves information contained in contracts normally held confidential by the Commission. Finally, we shall not disclose any information contained in the contract, except, of course, what is in the petition. We only refer to the contract when the facts in the petition requesting an exemption are too sketchy or vague.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional or emergency situations.

The petition shall be granted. The shipper is facing the imminent threat of a shutdown of one of its mills from which its woodpulp moves to West Coast points on the lines of the SP. In an effort to avoid this shutdown, the shipper has secured commitments of various customers located on the lines of the SP to replace their woodpulp inventories which are at dangerously low levels. These customers need to immediately replenish their inventories or face potential closure of their facilities. Thus, without the exemption, the shipper faces the potential loss of sales in replenishing its customers' inventories which in turn will eliminate the sales required by the shipper to avert a shutdown of its plant. We find this to be precisely the type of emergency situation which warrants granting an exemption.

Petitioner's contract ICC-SP-C-0071 to be filed may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10105(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: April 26, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11767 Filed 4-29-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

United States v. City of Springfield (City Utilities); Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 9, 1982, a proposed consent decree in *United States* v. *City of Springfield (City Utilities)* was lodged with the United States District Court for the Western District of Missouri. The proposed decree would require City Utilities to immediately meet emission limitations for sulphur dioxide and to achieve full

final compliance with New Source Performance Standards by or before October 4, 1983, utilizing dibasic and adipic acid in a flue gas desulfurization process for its Southwest Power Station boiler. The source is in an attainment area.

The Department of Justice will receive until June 1, 1982, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *City of Springfield (City Utilities) et al.*, D. J. Ref. 90-5-2-1-294.

The proposed consent decree may be examined at the office of the United States Attorney, 549 United States Courthouse, 811 Grand Avenue, Kansas City, Missouri 64106, at the Region VII Office of the Environmental Protection Agency, Enforcement Division, 324 East 11th Street, Kansas City Missouri 64106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1515), Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-11795 Filed 4-29-82; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

21 CFR Part 1303

Proposed Revised 1982 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed revised 1982 Aggregate Production Quotas.

SUMMARY: This notice proposes revised 1982 aggregate production quotas for controlled substances in Schedule II of the Controlled Substances Act. Since the establishment of the 1982 aggregate production quotas on November 19, 1981 (45 FR 56956), DEA has reviewed data submitted by registered manufacturers concerning actual 1981 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before June 1, 1982.

ADDRESS: Send comments or objections in quintuplicate to: Acting Administrator, Drug Enforcement Administration 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Acting Administrator of the Drug Enforcement Administration pursuant to §0.100 of Title 28 of the Code of Federal Regulations.

On November 19, 1981, a notice of the 1982 aggregate production quotas was published in the **Federal Register** (46 FR 56956). Also indicated in that notice was that pursuant to Title 21 of the Code of Federal Regulations, §1303.23(c), the Acting Administrator of the Drug Enforcement Administration would adjust these quotas in early 1982 based upon a review of 1981 year-end inventory and 1981 disposition data submitted by quota applicants, as well as as other information which would be available to DEA at this time.

When determining the below listed proposed revised 1982 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously established quotas for 1982:

a. The decreases proposed for amobarbital, amphetamine and secobarbital reflect sales which declined more sharply than previously estimated and which therefore resulted in inventories at year-end 1981 greater than that predicted.

b. The increases proposed for codeine, diphenoxylate, hydrocodone, hydromorphone, levorphanol, meperidine, methadone, morphine, opium, oxymorphone and pentobarbital reflect sales which were greater than previously estimated or actual production which was significantly lower than the established 1981 aggregate production quota and which therefore resulted in inventories at year-end 1981 lower than that predicted.

c. The increases proposed for codeine (for conversion), morphine (for conversion), oxycodone (for conversion) and thebaine (for conversion) reflect the increases in the quotas of the Schedule II substances which are derived from them. In addition, the large increase proposed for thebaine (for conversion) also takes into account a projected increase in the production of certain noncontrolled substances derived from thebaine.

Based upon the above considerations, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Acting Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Acting Administrator by §0.100 of Title 28 of the Code of Federal Regulations, hereby proposes the following changes in the aggregate production quotas for 1982 for the below listed controlled substances, expressed in grams of anhydrous acid or base:

Basic class	Previously established [1]	Proposed revised [1]
Schedule II:		
Amobarbital	6,018,000	4,759,000
Amphetamine	849,000	700,000
Codeine	55,837,000	58,463,000
Codeine (for conversion)	4,173,000	4,437,000
Diphenoxylate	585,000	1,156,000
Hydrocodone	991,000	1,217,000
Hydromorphone	107,000	132,000
Levorphanol	13,000	16,500
Meperidine	9,928,000	11,000,000
Methadone	1,234,000	1,489,000
Morphine	908,000	935,000
Morphine (for conversion)	61,198,000	63,513,000
Opium (powdered, extract, tincture, etc., expressed in terms of USP powdered opium)	1,787,000	2,253,000
Oxycodone (for conversion)	6,000	8,000
Oxymorphone	3,000	4,000
Pentobarbital	14,059,000	16,345,000
Secobarbital	6,866,000	6,391,000
Thebaine (for conversion)	1,015,000	2,006,000

[1] 1982 aggregate production quota.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above-mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrant a hearing, the Acting Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management

and Budget has been consulted with respect to these proceedings.

The Acting Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedule I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominatly upon major manufacturers of the affected controlled substances.

Dated: April 12, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-11832 Filed 4-29-82; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Methods of Controlling Offenders While Under Community Supervision Sanctions; Competitive Grant Solicitation for Research

The National Institute of Justice announces a competitive grant solicitation for research to acquire greater understanding of and improved methods for controlling offenders while under community supervision sanctions. Such research may concentrate on assessing classification strategies for identifying and handling the dangerous or repetitive offender, correlates any seriousness of failure events while under supervision in the community, examination of the kinds of punishments utilized as a result of failure, and intensive scrutiny of the criminal and punishment careers of persons both prior and subsequent to a sanction in the community.

The solicitation requests submission of proposals which will then be considered by a peer review panel. In order to be considered, proposals must be postmarked no later than June 25, 1982. This announcement envisions two grant awards (up to a total $350,000) with a maximum of $175,000 per award and an expected duration of 24 months.

Additional information and copies of the solicitation may be obtained by contacting: Lawrence A. Greenfeld, Corrections Division, National Institute of Justice, 633 Indiana Avenue, NW., Room 864, Washington, D.C. 20531, 202/724-2960.

Please enclose a self-addressed mailing label.

Dated: April 22, 1982.

James L. Underwood,

Acting Director, National Institute of Justice.

[FR Doc. 82-11786 Filed 4-29-82; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on May 1, 1982.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW., Attention: TPPL, Washington, D.C. 20213. Telephone: 202-376-8498.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 9, 1981 (46 FR 30594).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and are added to the annual list of labor surplus areas, effective May 1, 1982. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on April 16, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas

May 1, 1982

Labor Surplus Area	Civil Jurisdiction Included
Florida	
Collier County	Collier County
Georgia	
Barrow County	Barrow County
Floyd County	Floyd County
Murray County	Murray County
Whitfield County	Whitfield County
Illinois	
Rock Island City	Rock Island City in Rock Island County
Balance of Rock Island County	Rock Island County less Rock Island City
Iowa	
Davenport City	Davenport City in Scott County
Dubuque City	Dubuque City in Dubuque County
Balance of Dubuque County	Dubuque County less Dubuque City
Balance of Scott County	Scott County less Davenport City
Kentucky	
Covington City	Covington City in Kenton County
Balance of Jefferson County	Jefferson County less Louisville City
Louisville City	Louisville City in Jefferson County
Ohio	
Portage County	Portage County

Pennsylvania	
Beaver County	Beaver County
Tennessee	
Loudon County	Loudon County
Obion County	Obion County
Virginia	
Petersburg City	Petersburg City

[FR Doc. 82-11809 Filed 4-29-82; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on May 20, 1982 starting at 10:00 AM in Rooms N5437 A, B, C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order

II. Presentation of FACOSH Appointees

III. Approval of Minutes of October 7, 1981 Meeting

IV. Election—Management Representative as Vice Chairman

V. New OSHA Initiatives on Federal Safety and Health

VI. Proposed Hazardous Labeling Standard

VII. Report of Standing Committee on Field Federal Safety and Health Councils

VIII. New Business

IX. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business May 17, 1982, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business May 17, 1982. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Bicentennial Building, 600 E Street, NW., Suite 500, Washington, D.C. 20210, telephone (202) 376-3005.

Signed at Washington, D.C. this 27th day of April, 1982.

Thorne G. Auchter,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 82-11808 Filed 4-29-82; 8:45 am]

BILLING CODE 4510-26-M

South Carolina Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(e) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the **Federal Register** (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "Where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to the State plan shall be required." By letter dated April 1, 1980 from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to Robert A. Wendell, Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards comparable to Federal standards: 1910.423 Commercial Diving, Correction, dated June 20, 1980; § 1910.1025 Lead, dated August 15, 1980; § 1910.1043 Cotton dust, dated October 10, 1980; § 1926.500 Guardrails and handrails, dated November 14, 1980; § 1926.502 Definitions, dated November 14, 1980; § 1910.107(a)(2) Spray finishing using flammable and combustible materials.

These standards were promulgated after public hearings held on August 8, 1980, December 2, 1980, and January 13, 1981, and filed with the South Carolina Secretary of State August 8, 1980, December 2, 1980, and January 13, 1981, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40-261 through 40-274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards.

The State standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30367; and Director of Federal Compliance and State Programs, Room N3619, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirement of State law and further participation would be unnecessary.

This decision is effective April 30, 1982.

(Sec. 18, Pub. L. 91-596, 54 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 17th day of February, 1981.

William W. Gordon,

Acting Regional Administrator.

[FR Doc. 82-11806 Filed 4-29-82; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the

Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides, after public hearing, for the adoption of State standards which are at least as effective as Federal standards promulgated under section 6 of the Act. Sections 1952.120–124 of Subpart F set forth the State's schedule for the adoption of Federal standards. By letter dated November 19, 1980 from James P. Sullivan, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted amendments, including repeals, to State standards comparable to Subpart Z; specifically, 29 CFR 1910.1003 4-Nitrobiphenyl, 1910.1004 alpha-Naphthylamine, 1910.1006 Methyl chloromethyl ether, 1910.1007 3,3'-Dichlorobenizdine (and its salts), 1910.1008 bis-Chloromethyl ether, 1910.1009 beta-Naphtylamine, 1910.1010 Benzidine, 1910.1011 4-Aminodiphenyl, 1910.1012 Ethyleneimine, 1910.1013 beta-Propiolactone, 1910.1014 2-Acetylaminofluorene, 1910.1015 4-Dimethylaminoazobenzene, 1910.1016 N-Nitrosodimethylamine. The Federal standards for these 14 chemical carcinogens were published in the **Federal Register** (39 FR 3756) on January 29, 1974 and became effective on February 11, 1974. The corresponding State standards became effective on October 20, 1974 and were published in the **Federal Register** on August 17, 1976. The Federal standard, 29 CFR 1910.1005 4,4-Methylene-bis-(2 Chloroaniline), was later deleted (41 FR 35184) on August 20, 1976. The State retained the standard as originally adopted.

The Federal carcinogen standards were redesignated in the **Federal Register** (40 FR 23073) on May 28, 1975 and amended in the **Federal Register** (41 FR 35184) on August 20, 1976, (43 FR 49571) on October 24, 1978, and (45 FR 35281) on May 23, 1980.

The State's amendments, including repeals, clarify and combine like sections of standards to reduce repetition. They include the aforementioned redesignation and amendments to Federal standards. The State standards are contained in chapters 296–62–073 WAC, 296–62–07302, 296–62–07304, 296–62–07306, 296–62–07308, 296–62–07310, 296–62–07312, 296–62–07314, 296–62–07316. The repealed sections of the State standards correspond to the odd numbered paragraphs: Chapters 296–62–07301, 296–62–07303, 296–62–07305, 296–62–07307, 296–62–07309, 296–62–07311, 296–62–07315, 296–62–07317, 296–62–07319, 296–62–07321, 296–62–07323, 296–62–07325, and 296–62–07327.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standards continue to be at least as effective as the comparable Federal standards and accordingly should be approved. The area of difference, in addition to State renumbering and administrative changes, is that the State standards exceed the Federal standards by retaining a standard for 4,4'-Methylene-bis-(Chloroaniline) which was deleted by OSHA.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; or the Office of State Programs, Room N–3613, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applciable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are as effective as the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of the State law and further participation would be unnecessary.

This decision is effective April 30, 1982.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 12th day of February 1982.

James W. Lake,

Regional Administrator.

[FR Doc. 82–11007 Filed 4–29–82; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL SCIENCE FOUNDATION

Behavioral and Neural Sciences Advisory Panel, SubPanel for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for Psychobiology, Advisory Panel for Behavioral and Neural Sciences.

Date and time: May 17–19, 1982, 8:30 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, N.W., Room 642, Washington, D.C.

Type of meeting:

Open—May 19, 9:00 a.m.–3:00 p.m.

Closed—May 17–18, 8:30 a.m.–5:00 p.m.

Contact person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C., 20550, Telephone (202) 357–7949.

Summary minutes: May be obtained from the Contact Person, Dr. Fred Stollnitz, at the above stated address.

Purpose of panel: To provide advice and recommendations concerning support for research in psychobiology.

Agenda

Open—May 19, 9:00 a.m. to 3:00 p.m.

1. Promising research directions in psychobiology
2. Optimal use of limited funds
3. Dissemination of information about Psychobiology Program
4. Panel procedures and membership
5. Other business

Closed—May 17–18, 8:30 a.m. to 5:00 p.m.

1. Review of proposals

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

April 27, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82-11772 Filed 4-29-82; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Certain Industry Advisory Committees; Determination of Closing of Meetings

The Industry Advisory Committees for Trade Policy Matters (including the Industry Policy Advisory Committee, the Committee of Chairmen of Industry Advisory Committees, the Industry Sector Advisory Committees, and the Industry Functional Advisory Committees) (the Advisory Committees) have been established to advise the United States Trade Representative and the Secretary of Commerce, in accordance with subsection 135(a) of the Trade Act of 1974, as amended. The Act on trade matters referred to in Section 102 of the Trade Act of 1974 as amended; with respect to the operation of any trade agreement once entered into; and with respect to other matters arising in connection with the administration of the trade policy of the United States.

Meetings of the Advisory Committees will involve the review and discussion of trade negotiations and other matters involving the trade policy of the United States. Such reviews and discussions will deal with information submitted in confidence by the private sector members of the Committees under Section 135(g)(1)(A) of the Act, information submitted by government officials under Section 135(g)(2) of the Act the disclosure of which could be reasonably expected to prejudice United States negotiating objectives, information and disclosure of which would be likely to significantly frustrate implementation of proposed government action, and information properly classified pursuant to Executive Order 12065 and specifically required by such Order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committees have all necessary security clearances.

Consistent with previous determinations concerning other advisory committees established under Section 135(c) of the Act, I hereby determine that meetings of the Advisory Committees will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions and with matters listed in Section 552b(c) of Title 5 of the United States Code. Therefore, meetings of the Advisory Committees will be closed to the public unless otherwise determined by the United States Trade Representative or his designee.

William E. Brock,

United States Trade Representative.

[FR Doc. 82-11796 Filed 4-29-82; 8:45 am]

BILLING CODE 3190-01-M

[Release No. 18681; SR-CBOE-82-6]

SECURITIES AND EXCHANGE COMMISSION

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

April 26, 1982.

The Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson Chicago, IL 60604 submitted on March 26, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to provide a procedure for a floor broker to cross an order for a public customer of a member organization and an order for the proprietary account of the member organization, subject to prior exposure of the public customer order to competing bids and offers of market makers.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18598, March 26, 1982) and by publication in the **Federal Register** (47 FR 13946, April 1, 1982). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section (19)(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11863 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18682; File No. SR-CBOE-81-22]

Filing of Amendment To Proposed Rule Change by the Chicago Board Options Exchange, Inc.

April 26, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 20, 1982, the Chicago Board Options Exchange, Incorporated ("CBOE") filed with the Securities and Exchange Commission and amendment to the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the amendment from interested persons.

The CBOE has proposed amendments to the proposal to trade options on stock groups. The amendments provide for: (i) the trading of options on stock groups in which the securities underlying the group are to be limited to those securities in which the exchange has approval to list and trade the related individual stock options; (ii) bids and offers to be expressed as one percent of the aggregate price (e.g., a bid of "40" for an option on a stock group shall represent a bid of $4,000); and (iii) exercise price intervals to be established based on the same criteria used in determining exercise price intervals in stock options. In addition, the amendment proposes to eliminate the proposed "limited exercise" option and sets forth the interpretation of the CBOE that trading would be halted in the stock group options whenever trading in a component stock is halted or suspended. The amendments are proposed pursuant to section 6(b)(5) of the Act, 15 U.S.C. 78f(b)(5) and are designed to facilitate transactions in options on stock groups.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before May 21, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-81-22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11864 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18687; File No. SR-MCC-82-3; SR-MSTC-82-2]

Midwest Clearing Corp. and Midwest Depository Trust Co.; Withdrawal of Proposed Rule Change

April 26, 1982.

On February 17, 1982, the Midwest Clearing Corporation ("MCC") and on February 18, 1982, the Midwest Securities Trust Company ("MSTC") (collectively "Midwest") submitted new fee schedules under Section 19(b)(3)(A) of the Securities Exchange Act of 1934 (the "Act"). Under that Section, the fee schedules became effective on those dates. Midwest revised its fee schedules to provide volume discounts on MCC trade recording services and MSTC interactivity movement services for its one account settlement participants and generally adjusted the fees for monthly fixed services and several labor intensive services to reflect more accurately the expense associated with providing the particular services.

Notice of the proposed rule changes, together with the terms of substance of the proposed rule changes, was given by publication in Securities Exchange Act Release Nos. 18550 (MCC) and 18549 (MSTC) and by publication in the Federal Register on March 15, 1982 (47 FR 11135 and 47 FR 11136, respectively). The Commission received one comment letter. On April 9, 1982, MCC and MSTC submitted revised fee schedules (SR-MCC-82-5 and SR-MSTC-82-9) under Section 19(b)(3)(A) of the Securities Exchange Act of 1934. On April 21, 1982, the Commission issued notices of filing and immediate effectiveness of the revised fee schedules (Securities Exchange Act Release Nos. 18670 (MCC) and 18671 (MSTC)). Publication of these releases are expected in the Federal Register during the week of April 26, 1982. Concurrent with the filing of the revised fee schedules, Midwest advised the Commission that it wished to withdraw the fee schedules submitted in February.

The Commission has considered Midwest's request for consent to the withdrawal of its fee schedules and finds that the filing of the revised fee schedules, because such filings became effective when filed under Section 19(b)(3)(A) of the Act, effectively serves to withdraw the prior fee schedules. Accordingly, SR-MCC-82-3 and SR-MSTC-82-2 are withdrawn.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11797 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18679; SR-MSRB-82-3]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

April 26, 1982.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Suite 507, Washington, D.C. 20036, submitted on March 17, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend MSRB RULE G-9 to reduce the time period required for the retention of information concerning unfilled or unallocated orders received by a syndicate or similar account.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 18599, March 26, 1982) and by publication in the Federal Register (46 FR 18599, April 1, 1982). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B of the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11796 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18678; SR-NASD-81-18]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

April 26, 1982.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on July 31, 1981, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder to add Section 24 to Appendix E of Article III, Section 33 of its By-Laws. Section 24 will require any member who is a market maker in a security listed on a national securities exchange to report on a monthly basis any options transaction in that security. The new rule applies to all options transactions executed for the benefit of the member or any partner, officer or director, including those transactions executed on an exchange to which the member belongs. On March 24, 1982, the NASD submitted a technical amendment to the rule which makes clear that the reporting requirements apply to options transactions which are either directly or indirectly for the benefit of the member or its partners, officers or directors. The rule is designed to allow the NASD to monitor the options transactions of market makers in order to detect fraud and manipulation involving the underlying security and its options contracts. The rule is similar to rules currently in effect on the Boston, Midwest, and Pacific Stock Exchanges.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18006, August 5, 1981) and by publication in the Federal Register (46 FR 40854, August 12, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder

applicable to a registered national securities association and, in particular, the requirements of Section 15A, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11799 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18684; File No. SR-NSCC-82-7]

National Securities Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

April 26, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 12, 1982, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change allows NSCC to net and to allot New York Stock Exchange ("NYSE") odd-lot trades on T+3 with other round lot and odd transactions. NYSE odd-lot trades will be cleared and settled in NSCC's Balance Order System or Continuous Net Settlement System ("CNS"), depending on whether the traded securities are CNS eligible. NSCC's previous procedures provided that NYSE odd-lots were automatically designated as "special trades" and, as such, were cleared and settled on a broker-to-broker basis. NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act as it promotes the prompt and accurate settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 21, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-82-7.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11800 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18686; File No. SR-NSCC-82-4]

National Securities Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

April 26, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 12, 1982, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

NSCC has revised the processing time schedules for both listed and over-the-counter activity and securities processing at its Boston and St. Louis clearing centers. The new schedules were designed to enhance the processing capabilities of NSCC participants using those clearing centers by increasing the time span permitted for input of most data.

In its filing, NSCC stated that the rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulation thereunder because the new processing time schedule will assist NSCC clearing members in the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 21, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-82-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11801 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18685; File No. SR-PCC-82-1]

Pacific Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

April 26, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 2, 1982, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein.The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change permits PCC to adopt a form contract to be executed by PCC and any party using the existing services of PCC's Securities Collection Division ("SCD"). SCD facilitates the delivery of securities against payment between two PCC participants or between one PCC participant and a non-participant. The contract sets forth several of the existing rights and obligations of PCC and users of SCD and is intended to incorporate PCC's existing policies and procedures governing SCD. PCC believes that the proposed rule change is consistent with Section 17A(b)(F) of the Act in that the proposal promotes the prompt and accurate clearance and settlement of securities transactions and fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before May 21, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PCC-82-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-11802 Filed 4-29-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2030; Amdt. No. 2]

Indiana; Declaration of Disaster Loan Area

The above numbered declaration (see 47 FR 16130) and amendment #1 (see 47 FR 16924) are amended by adding the following 15 adjacent counties: Porter, Jasper, Starke, Pulaski, St. Joseph, Fulton, Elkhart, Kosiusko, La Grange, Noble, Steuben, Whitley, Huntington, Wells, Adams.

As a result of damage caused by severe storms and flooding beginning on March 12, 1982. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on May 20, 1982, and for economic injury until the close of business on December 20, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 21, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-11740 Filed 4-29-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2033; Amdt. No. 2]

Ohio; Declaration of Disaster Loan Area

The above numbered Declaration (See 47 FR 15474) and amendment #1 (See 47 FR 16924) are amended in accordance with the President's Declaration of March 26, 1982, to include Williams and Fulton Counties, Ohio as a result of damage caused by severe storms and flooding beginning on March 12, 1982. All other information remains the same, i.e., the termination date for filing application for physical damage is close of business on May 27, 1982 and for economic injury until the close of business on December 27, 1982.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 15, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-11812 Filed 4-29-82; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 9:00 a.m. until 5:00 p.m., Monday, May 17, 1982, at the Everett McKinley Dirksen Building, Room 2541, 219 So. Dearborn, Chicago, Illinois 60604, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mrs. Bettye Bolden, Office of the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Room 317, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6581, in writing or by telephone no later than May 12, 1982.

Dated: April 20, 1982.

Edna E. Powers,

Director, Office of Advisory Councils.

[FR Doc. 82-11813 Filed 4-29-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; Proposed Revision to a System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Revise a System of Records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552(a)), Department of the Treasury, Internal Revenue Service, gives notice of the proposed revision to Treasury/IRS System of Records entitled: Individual Master File (IMF); Data Services—Treasury/IRS 24.030. This system is being modified to reflect the impact of

the Centralized Authorization File (CAF). This system will allow for instantaneous retrieval of power of attorney data and rapid file update through an on-line computerized process. Conversion to the automated power of attorney system is scheduled to be implemented from October 1982 to August 1983. The following notice reflects the change to the system affected by the Centralized Authorization File.

DATES: Public comments must be received on or before June 1, 1982.

ADDRESS: Director, Returns Processing and Accounting Divsion, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Don D. Roy, Chief, Employment, Excise, EP and EO Branch, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, (202) 566-4193.

Dated: March 26, 1982.

Cora P. Beebe,

Assistant Secretary (Administration).

The following system, as last published in FR Vol. 46, Number 48, dated March 12, 1981, is revised as follows:

Treasury/IRS 24.030

* * * * *

Categories of individuals covered by the system:

Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A) and power of attorney notifications for individuals.

Categories of records in the system:

Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Modular records for authorization information (name, address, identification number and type of authority granted and the name of the representative(s) for the taxpayer. Modular records for the representative (name, address and unique identification number). Recorded are tax transactions such as tax amount, additions, abatements of tax payments, interest and like transactions recorded relative to each tax module, power of attorney, authorization transactions and a code identifying Taxpayers who threatened or assaulted IRS employees.

* * * * *

Storage:

Magnetic tape and disk file.

* * * * *

System name:

Individual Master File (IMF); Data Services—Treasury/IRS.

System location:

National Computer Center (NCC), Martinsburg, West Virginia.

Categories of individuals covered by the system:

Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A) and power of attorney notificaitons for individuals.

Categories of records in the system:

Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including Zip Code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Modular records for authorization information (name, address, identification number and type of authority granted and the name of the representative(s)) for the taxpayer. Modular records for the representative (name, address and unique identification number). Recorded are tax transactions such as tax amount, additions, abatements of tax payments, interest and like transactions recorded relative to each tax module, power of attorney authorization transactions and a code identifying Taxpayers who threatened or assaulted IRS employees.

Authority for maintenance of the system:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

Routine disclosure may be made to the extent provided by law or regulation (including 26 U.S.C. 6103 and 26 CFR 404.6103).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

By identification number and alphabet.

Storage:

Magnetic tape and disk file.

Safeguards:

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

Retention and disposal:

As specified in the Records Retention Handbook published by the Service. The code identifying taxpayers who threatened or assaulted IRS employees will be removed after five years of initial input.

System manager(s) and address:

Official prescribing policies and practices—Assistant Commissioner Data Services.

Official prescribing policies and practices—Assistant Commissioner Data Services. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

Notification procedure:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

Record access procedures:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act. (See IRS Appendix A).

Contesting record procedures:

See Access above.

Record source categories:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

[FR Doc. 82-11666 Filed 4-29-82; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Clinical Improvements, Surgical Service Relocation; Veterans Administration Medical Center; Cleveland, Ohio; Findings of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a proposed Clinical Improvements, Surgical Service Relocation project at the Veterans Administration Medical Center (VAMC) Cleveland (Wade Park), Ohio. The project consists of a second story addition of new construction (approximately 30,000 gross square feet) to be appended to the front of the existing hospital over the main entrance, plus renovation of existing hospital space on the basement and first floors. Services which will utilize the space include: Surgical, SPD, Radiology, Biomedical Engineering, Inpatient Pharmacy and Pharmacy Storage. Total net square footage of new and renovated space is approximately 38,750.

Two site alternatives and a "No Action" alternative were considered

which provide different functional adjacencies and points of attachment to the existing medical center.

Alternative A located the major addition on the second story, northeast section of the existing hospital. This alternative was discarded after the Structural Engineering Division evaluated the existing structural load capacities of the first floor, which could not support additional vertical expansion without major structural reinforcing.

Alternative B appends the new construction to the second story of the existing hospital, above the south front entrance. The addition would extend approximately 140± feet toward East Boulevard. This alternative would require revisions in the location and alignment of the onsite entrance road, dropoff area and traffic flow patterns.

Development of the project will have impacts on the human and natural environment affecting open space, circulation, soil erosion and onsite traffic conditions. Short term effects of minor air degradation from construction activities and accompanying increase in noise levels during construction will also occur. During construction and operation, all applicable Federal, State and local environmental regulations will be adhered to. All environmental attributes analyzed would not be affected to any extent if the "No Action" alternative were selected.

The commitment of resources to implement the development is irreversible and permanent once the project is in place. The commitment of land will be active only as long as the facility fulfills the mission of the VA.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require preparation of an Environmental Impact Statement.

Mitigation will include soil erosion controls, noise controls, air quality control measures and rerouting of onsite traffic in the dropoff area and pedestrian circulation routes. The project will comply with all Federal, State and local codes. VA construction specifications will include the Environmental Protection Specifications, Section EP, which specifically addresses the actions to be taken to avoid adverse environmental effects.

Existing and future parking needs will be assessed and mitigated through implementation of the parking analysis criteria combined with the requirements of OMB Circular A-118.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to question or obtain a copy of the document may do so by visiting or writing to: Mr. Willard Sitler, P.E., Director, Environmental Affairs Staff, Room A-14, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202) 389-2526.

Dated: April 23, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-11787 Filed 4-29-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 84
Friday, April 30, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-349, Amdt. 1; April 26, 1982]

Addition to the April 26, 1982 Closed Meeting

TIME AND DATE: 7 p.m., April 26, 1982.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

2. Docket 40636, Application of Eastern Air Lines, Inc., for approval of an agreement and related authority. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-641-82 Filed 4-28-82; 3:28 pm]

BILLING CODE 6320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 26, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Franklin Savings Institution, Greenfield, Massachusetts, for consent to merge, under its charter and with the title "Heritage Bank for Savings," with Amherst Savings Bank, Amherst, Massachusetts, to establish the five offices of Amherst Savings Bank as branches of the resultant bank, and to designate the main office of Amherst Savings Bank as the main office of the resultant bank.

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,191-NR—United States National Bank, San Diego, California.

Memorandum and Resolution re: FDIC Promissory Notes Issued Pursuant to Assisted Merger Transactions.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the following matters:

Application of Commonwealth Bank, Hawthorne, California, for consent to purchase the assets of and assume the liability to pay deposits made in the Equality Savings and Loan Association, San Diego, California, and for consent to establish the sole office of Equality Savings and Loan Association as a branch of the resultant bank.

Memorandum and Resolution re: Semiannual agenda of regulations.

In voting to move these matters from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9),(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B); and that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: April 27, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-638-82 Filed 4-28-82; 2:47 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b (e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 26, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), Concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Bank of Virginia, Richmond, Virginia, for consent to acquire the assets of and assume the liability to pay deposits made in the Offices of Northern Virginia Savings & Loan Association, Arlington, Virginia, located at the Bristol Shopping Mall, Gate City Highway, Bristol, Virginia; 3537 South Jefferson Street, Baileys Crossroads, Virginia; 1300 Chain Bridge Road, McLean, Virginia; and 189 Harry Flood Byrd Highway, Sterling, Virginia.

Recommendation regarding continuation of the interest rate differential for existing time and savings accounts upon conversion from a mutual savings bank to a commercial bank:

Alaska Mutual Bank, Anchorage, Alaska

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 27, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-639-82 Filed 4-28-82; 2:47 pm]
BILLING CODE 6714-01-M

3

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 8:30 a.m., May 17, 1982.

PLACE: On board MV *Mississippi* at Foot of Ward Avenue, Caruthersville, MO.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-633-82 Filed 4-28-82; 10:20 am]
BILLING CODE 3710-GX-M

5

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 8:30 a.m., May 18, 1982.

PLACE: On board MV *Mississippi* at Helena, AR, Harbor.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

[S-634-82 Filed 4-28-82; 10:20 am]
BILLING CODE 3710-GX-M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 19, 1982.

PLACE: On board MV *Mississippi* at Corps of Engineers Mat Casting Field, Vidalia, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

[S-635-82 Filed 4-28-82; 10:20 am]
BILLING CODE 3710-GX-M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., May 20, 1982.

PLACE: On board MV *Mississippi* at Foot of Prytania Street, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601-634-5766.

[S-636-82 Filed 4-28-82; 10:20 am]
BILLING CODE 3710-GX-M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 17707, APRIL 23, 1982.

STATUES: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 20, 1982.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Wednesday, April 28, 1982, following the 3:00 p.m. open meeting.

Institution of administrative proceeding of an enforcement nature.
Regulatory matter bearing enforcement implications.
Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted of postponed, please contact: Paul Siegelbaum at (202) 272-2468.

April 27, 1982.

[S-637-82 Filed 4-28-82; 11:15 am]
BILLING CODE 8010-01-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the Week of May 3, 1982, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, May 4, 1982, at 10:00 a.m. An open meeting will be held on Thursday, May 6, 1982, at 9:00 a.m.

The Commissioners, their legal assistants, the Secretary of The Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 4, 1982, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive action.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Litigation matters.
Subpoena enforcement action.
Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, May 6, 1982, at 9:00 a.m., will be:

1. Consideration of whether to approve final amendments to the plan governing the Intermarket Trading System (ITS) to provide for membership of the National Association of Securities Dealers, Inc. in the ITS. For

further information, please contact Michael Simon at (202) 272-2889.

2. Consideration of whether to grant the appeal of Norman G. Arnoff from a staff denial of access to certain Commission memoranda which recommend administrative proceedings, injunctive actions, and criminal references, prepared in connection with Commission investigations involving J. Bennett Raffer, Ltd., and Arnold Wilkens & Co., Inc. Access was denied by the staff pursuant to FOIA Exemption 5, which relates to inter-agency and intra-agency memoranda which would not be available by law to a party other than an agency in litigation with the agency. For further information, please contact Steven B. Boehm, at (202) 272-3088.

3. Consideration of whether to grant the Freedom of Information Act ("FOIA") appeal of W. Don Brittin, Jr. filed on January 21, 1982, from the determination of the FOIA Officer that certain documents are exempt from disclosure pursuant to Exemption 5. For further information, please contact Elliot Pinta at (202) 272-2493.

4. Consideration of whether to grant the appeal of Robert C. Anderson from a staff denial of access to certain Commission memoranda and correspondence, as well as to portions of investigative testimony, in connection with a 1973 Commission injunctive action against Thomas Road Baptist Church, Cooperative Church Finance, Inc., Joe H. West and Andy F. Hardy. Access was denied by the staff pursuant to both FOIA Exemption 5, which relates to intra-agency memoranda which would not be available by law to a party other than an agency in litigation with the agency, and to FOIA Exemption 7, which relates to information the disclosure of which would constitute and unwarranted invasion of personal privacy. For further information, please contact Lawrence W. Koltun at (202) 272-3088.

Consideration of whether to adopt Rule 487 (previously designated Rule 475b) under the Securities Act of 1933 ("1933 Act") and related amendments to the registration statement form for unit investment trusts under the 1933 Act and to Rule 30-5 of the Commission's Rules of Organization and Program Management. The new Rule would permit eligible unit investment trusts that issue securities in series to designate the date and time of effectiveness of a 1933 Act registration statement filed with respect to a series of such trust, if the registrant complies with certain conditions and makes certain representations. For further information, please contact Kathleen A. Jackson at (202) 272-2115.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Richard Starr at (202) 272-2467.

April 28, 1982.

[S-640-82 Filed 4-28-82; 2:48 pm]

BILLING CODE 8010-01-M

10

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1288]

TIME AND DATE: 8:30 a.m. (e.d.t.), Wednesday, May 5, 1982.

PLACE: Conference Room B-32, West Tower, 400 West Summit Hill drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA:

A—Product Authorizations

*1. Project Authorization No. 3608—Construction of the Pomona, Tennessee, 161-kV Substation and transmission line connection.

2. Project Authorization No. 3607—Installation of a central emergency control center data acquisition and communications system at Chattanoogaf, various nulcear plants, and other locations.

C—Power Items

1. Adoption of supplemental resolution authorizing 1982 Series B Power Bonds.
2. Resolution authorizing the Chairman and other executive officers to take further action relating to issuance and sale of 1982 Series B Power Bonds.
3. Renewal power contract with Pennyrile Rural Electric Cooperative Corporation.
4. Letter agreement with Middle Tennessee Electric Membership Corporation, amending lease and amendatory agreement to provide for lease of additional site portion and facilities at the Smyrna 161-kV Substation and related arrangements for the proposed Smyrna Airport and Nissan 161-kV Substation.

D—Personnel Items

1. Renewal of consulting contract with Stanley D. Wilson, Seattle, Washington, for services in connection with geotechnic and foundation engineering, requested by the Office of Engineering Design and Construction.
2. Personal services contract with Foster Wheeler Energy Corporation, Livingston, New Jersey, for performance of an independent analysis of steam generator tube vibration at Watts Bar Nuclear Plant, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

1. Proposed agreement with Nickajack Port Authority for future sale of land and grant of easement affecting Nickajack Reservior land in Marion County, Tennessee—Tract Nos. XNJR-16 and XTNJR-17E.

F—Unclassified

*1. Memorandum of understanding with the Army Corps of Engineers, covering arrangements for participation by TVA in the development of a recreation trail system at Big South Fork National River and Recreation Area Project.

2. Supplement to agreement among Town of St. Paul, Virginia, Commonwealth of Virginia, and TVA, covering arrangements for cooperation in a comprehensive redevelopment and flood reduction project.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: April 28, 1982.

[S-642-82 Filed 4-28-82; 3:46 pm]

BILLING CODE 8120-01-M

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*Item approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Friday
April 30, 1982

Part II

Department of Labor

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Agenda of Regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming six-month period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1982 and October 1982.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW, Room N2428, Washington, D.C. 20210, 202-523-8201.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective on February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming six-month period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis, to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities." If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determination.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

Each entry is identified by agency, title and Code of Federal Regulations citation, and contains a brief description of the regulation as well as an explanation of why the regulation is being reviewed or developed. Each entry also indicates if a Regulatory Impact Analysis is required for the regulation under Executive Order 12291, and if a Regulatory Flexibility Analysis is required for the regulation under the Regulatory Flexibility Act. If the need for a Regulatory Impact Analysis or Regulatory Flexibility Analysis is still to be determined by the Department, we have so indicated in the discussion section, using the initials "TBD". Additionally, those entries which are not subject to the Regulatory Flexibility Analyses requirements of the Act because they will not have a "significant economic impact on a substantial number of small entities" are identified in the index and in the discussion section with an asterisk [*].

Like the October 1981 agenda, this agenda will have the regulations grouped by *agency*. It will have all regulations of that agency which have become final since publication of the October agenda listed first, followed by the regulations issued on an interim final basis, then regulations for which proposed rulemaking or advance notice of proposed rulemaking has been issued ("proposed rules/advance notices") and finally the regulations for which the Department is contemplating issuing a proposal of advance notice ("pre-proposed"). Each entry also provides the name, address and telephone number of a knowledgeable agency official who may be contacted by any person who has an interest in the regulation. To better inform the public, the Department of Labor has also listed those regulations which have taken effect as final regulations since the publication of its last semiannual agenda (published at 46 FR 53958, on October 30, 1981).

The regulatory reform process, of which the instant agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations, and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1982.

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DISCUSSION

OFFICE OF THE SECRETARY

Interim Final Rules

1. Office of the Secretary—29 CFR Part 16—Equal Access to Justice Act, Rules Governing Administrtion*

Description: The Act requires the payment of fees and expenses to eligible parties who prevail in an adversarial proceedings against any Federal agency. The rules describe the parties eligible for awards, the proceedings that are covered, how to apply for awards, and the standards under which awards will be granted. The legal authority for this regulation is 5 U.S.C. 504.

Regulatory Flexibility Analysis Reqired? No.

Regulatory Impact Analysis Required? No.

Status: An interim final rule was published on December 29, 1981 (46 FR 63020) with comments due by March 1, 1982. An earlier interim final rule was published on October 9, 1981 (46 FR 50352) but was withdrawn on October 13, 1981 (46 FR 50376) in order to reconsider the coverage provisions. It is expected that a response to comments

on the interim final rule will be published by June 15, 1982.

Contact: Sofia P. Petters; Rm N2428, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8188.

2. Office of the Secretary—29 CFR 2.20-2.24, Subpart C—Procedures for Subpoenas Served On DOL Employees*

Description: This regulation prescribes a single policy regarding subpoenas served on current and former DOL employees. The purpose of the regulation is to insure that the Department responds in a consistent manner to such subpoenas. The legal authority for this regulation is 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 23, 1981 (46 FR 7392) with comments due by November 5, 1981. An interim final rule was published on October 6, 1981 (46 FR 49542) with comments due by November 5, 1981. It is expected that the final rule will be published by May, 1982.

Contact: Sofia Petters; Rm N2428, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8188.

EMPLOYMENT STANDARDS ADMINISTRATION

Final Rules

1. ESA/OFCCP—41 CFR 60-250.4(d)—Affirmative Action Obligations; Veterans quarterly reporting requirements; suspension*

Description: The rule suspends the effectiveness of 41 CFR 60-250.4(d) requiring government contractors to file quarterly reports of hiring actions, including veterans hired, under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. The Department has proposed to delete this requirement in its proposed amendment to 41 CFR Part 60-250, published December 30, 1980. (See 45 FR 86205) The legal authority for this regulation is 38 U.S.C. 2012; Pub. L. 92-540, Sec. 402.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A final rule was published on January 29, 1982 (47 FR 4258) and became effective on January 29, 1982. This item is therefore removed from the agenda.

Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

2. ESA/W-H—29 CFR Part 541—FLSA: Exemptions for Executive and Professional Employees

Description: These regulations set forth the criteria used in the determination of the application of the FLSA exemption for "executive", "administrative", "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 213(a)(1).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A final rule increasing the salary test criteria was published on January 13, 1981 (46 FR 12206) and was scheduled to become effective on February 13, 1981. On January 12, 1981 (46 FR 11972) an indefinite stay of the final rule was published. On March 27, 1981 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by April 28, 1981. It is expected that a new proposed regulation will be published by December, 1982.

Contact: James L. Valin; Rm S3508, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7043.

Proposed Rules/Advance Notices

3. ESA/OFCCP—41 CFR 60-1.11—Club Membership*

Description: These provisions would have made it a violation to pay membership fees or other expenses to an organization which limits membership on the basis of race, color, religion, sex or national origin. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is E.O. 11246, as amended.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analaysis Required? No.

Status: This regulation was proposed on January 22, 1980 (45 FR 4954) and a final rule published on January 16, 1981 (46 FR 3892). In response to the January, 1981 Presidential memorandum, the effective date was deferred. On March 27, 1981 (46 FR 19004), the Department proposed withdrawal of the regulation, invited public comments on the proposed withdrawal until April 27, 1981, and further suspended the effective date of the regulation until the Department takes final action on the proposed withdrawal. It is expected that the final action will be taken by August 31, 1982.

Contact: James W. Cisco; Rm C3324, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

4. ESA/OFCCP—41 CFR Parts 60-1, 2, 4, 20, 30, 50, 60, 250, 741—Government Contractors; Affirmative Action Requirements

Description: The CFR citation for this regulation is 41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, 60-741. These provisions contain OFCCP's rules covering non-discrimination and affirmative action obligations of federal contractors under E.O. 11246, the Vietnam Era Veterans Readjustment Act, and the Rehabilitation Act of 1973. The rules would be revised to make them more cost effective, reduce paperwork burdens, and better effectuate the goals of the program. The legal authority for this regulation is E.O. 11246, as amended; 38 U.S.C. 2012; 29 U.S.C. 793.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A final rule on these issues was published by the prior Administration on December 30, 1980 (45 FR 86215). The rule was stayed, and reviewed in accordance with Executive Order 12291. An ANPRM was published on July 14, 1981 (46 FR 36213) and supplemented on August 21, 1981 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on August 25, 1981 (46 FR 42968) with comments due by October 26, 1981. The proposal suspended the effective date of the December 30. 1981 regulation, and proposed revision of that regulation.

Comments relating to the July and August 1981 ANPRM have been evaluated. A separate proposal on the ANPRM issues and several other issues will be published by the end of April, 1982 with a 30 day comment period. It is expected that a single final rule, addressing the issues raised by the August, 1981 proposal and by the April, 1982 proposal will be published during the summer of 1982.

Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

5. ESA/OFCCP—41 CFR Parts 60-1, 60-250, 60-741—Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers

Description: This proposal would make the definition section of these regulations consistent with 1978

amendments to the Rehabilitation Act of 1973 and the Vietnam ERA Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing § 504 of the Rehabilitation Act. The legal authority for this regulation is 29 U.S.C. 793; Pub. L. 93-112, Sec. 503.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on December 30, 1980 (45 FR 86205) with comments due by March 2, 1981. Those provisions reflecting statutory changes have been incorporated into the August 25, 1981 "main" OFCCP proposal (46 FR 42968). It is expected that the final rule will be published by Summer 1982.

Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

6. ESA/OWCP—20 CFR 725.491(b)(2)—Black Lung: Obligations of Lessors for Claims for Benefits

Description: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility. The legal authority for this regulation is 30 U.S.C. 901, et seq.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 27, 1981 (46 FR 8570) and the period for comment was extended until April 29, 1981 (46 FR 19510). It is expected that the final rule will be published by July 30, 1982.

Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

7. ESA/OWCP—20 CFR Part 730—Black Lung: Processing Discrimination Complaints Under Section 428*

Description: The rule would implement the December 21, 1979, Memorandum of Understanding between the Mine Safety and Health Administration and the Employment Standards Administration by clearly specifying the procedures and institutional responsibilities for the filing, investigation and adjudication of complaints based on alleged discrimination against persons believed to have black lung disease. It would also provide for the appeal of such adjudications. The legal authority for this regulation is 30 U.S.C. 901, et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 27, 1981 (46 FR 88521) with comments due by March 30, 1981. It is expected that the final rule will be published by December 31, 1982.

Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

8. ESA/W-H—29 CFR Part 8—Service Contract Appeals Board*

Description: The proposed regulation describes procedures relevent to appeals under the Service Contract Act for a new Board of Service Contract Appeals. The existing regulation is related to 29 CFR Part 4, which has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 41 U.S.C. 351-357; 41 U.S.C. 38 & 39; 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A proposal was published April 22, 1980 (45 FR 27410). On January 19, 1981 a notice withdrawing Part 8 was published (46 FR 4951) because 29 CFR Part 6, containing a new subpart F (published January 16, 1981; 46 FR 4398), provided for appeals to the Secretary on SCA matters instead of a Board. After reconsideration the Department decided to again propose a new Part 8 providing appeal to a Board of Service Contract Appeals rather than to the Secretary. A notice of proposed rulemaking was published on August 14, 1981 (46 FR 41438) with comments due by October 13, 1981. It is expected that the final rule will be published by mid-1982.

Contact: Gail Coleman; Rm N2716, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7626.

9. ESA-W-H—29 CFR Parts 1,5—Labor Standards Provisions, Davis-Bacon and Related Acts

Description: These provisions contain regulations governing the issuance of prevailing wage determinations and the administration and enforcement of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon and Related Acts, and other contracts subject to the Contract Work Hours and Safety Standards Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 40 U.S.C. 276a; 40 U.S.C. 327-332; 5 U.S.C. 301; 29 U.S.C. 259; 40 U.S.C. 276; 5 U.S.C. Appendix; Reorg. Plan 14 of 1950.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A notice of proposed rulemaking was published on August 14, 1981 (46 FR 41444 and 46 FR 41456) with comments due by October 13, 1981. This action was as a result of the Administration's reexamination of the rules previously published on January 16, 1981 (46 FR 4306, 4380) and stayed pending final publication of this rule. It is expected that the final rule will be published by mid-1982.

Contact: Dorthy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8333.

10. ESA/W-H—29 CFR Part 505—FLSA: Labor Standards on Projects Assisted by grants from the National Endowments for the Arts and Humanities

Description: These regulations would set forth procedures to carry out the provisions of the 1976 amendments to the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts, and the National Endowment for the Humanities. The legal authority for this regulation is 20 U.S.C. 954(i), 956(g).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on December 18, 1980 (45 FR 83914) with comments due by May 22, 1981. It is expected that the final rule will be published by December 1, 1982.

Contact: James L. Valin; Rm S3508, FPBldg; 200 Constitution Ave., NW.; Washington, DC 20210; (202) 523-7043.

11. ESA/W-H—29 CFR Part 4—Labor Standards for Federal Service Contracts (SCA)

Description: These provisions contain regulations and interpretations governing the administration of the Service Contract Act. The new revision would codify the Department's policies for administering the Act and improve the cost-effectiveness of the regulations, while ensuring consistency with statutory objectives. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 41 U.S.C. 351, et seq.; 41 U.S.C. 38 & 39; & 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: As a result of DOL's reexamination of the previously published rule on January 16, 1981 and January 19, 1981 (46 FR 4320 and 46 FR 4886) which had been stayed pending final rulemaking, a notice of proposed rulemaking was published on August 14, 1981 (46 FR 41380) with comments due by October 13, 1981. By notice published on October 13, 1981 (46 FR 50397), the time to submit comments was extended to December 1, 1981. On October 20, 1981 (46 FR 51405), a notice of hearing, scheduled for November 19, 20, 1981, was published in order to allow interested parties an opportunity to present their views with regard to the proposed regulations. It is expected that the final rule will be published by mid-1982.

Contact: Dorthy P. Come; Rm S3502, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8333.

12. ESA/W-H—29 CFR Part 6—Rules of Practice for Administrative Proceedings: Davis-Bacon, Service Contract Acts*

Description: The revisions to this part are intended to provide administrative hearings in enforcement cases and substantial interest proceedings involving the Davis-Bacon Act, the Service Contract Act and the Contract Work Hours and Safety Standards Act, and substantial variance and arms-length hearings under the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible. The legal authority for this regulation is 40 U.S.C. 276a, 327-332; 41 U.S.C. 38 & 39; 41 U.S.C. 351 et seq.; 40 U.S.C. 276c; Reorg. Plan 14 of 1950.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A proposal was published on April 22, 1980. Final regulations were published on January 16, 1981 (46 FR 4398), to take effect on February 17, 1981. However, in response to the January, 1981 Presidential memorandum, the Department deferred the effective date of these regulations until August 15, 1981. On August 15, 1981 (46 FR 41428), a proposed regulation was published with comments due by October 13, 1981. In the same publication, the effective date of the January 16, 1981 rule was deferred until action was taken on the proposal of August 14, 1981. It is expected that the final rule will be published by mid-1982.

Contact: Gail Coleman; Rm N2716, FPBldg.; 200 Constitution Ave, NW.; Washington, DC 20210; (202) 523-7620.

13. ESA/W-H—29 CFR 5.14—Labor Standards For Pilots Under Federally Financed Contracts*

Description: This rule would allow a variation from the Contract Work Hours and Safety Standards Act overtime pay requirements with respect to certain pilots of aircraft employed by a contractor on government contracts for fire fighting and related services. The legal authority for this regulation is 40 U.S.C. 327-332.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 8, 1982 (47 FR 966) with comments due by February 8, 1982. It is expected that the final rule will be published by May, 1982.

Contact: Dorothy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW.; Washington, DC 20210; (202) 523-8333.

Pre-proposed Rules

14. ESA/OWCP—20 CFR 702.101—Longshoreman's Act: Regional Offices*

Description: The low volume of cases arising under the Longshore Act and its extensions do not justify maintaining separate offices for the disposition of those cases in the Denver and Kansas City regions. This rule would therefore eliminate those offices and provide a technical amendment to 20 CFR 702.101 redefining the jurisdiction of the four affected district offices. The legal authority for this regulation is 33 U.S.C. 939(b).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the final rule will be published by May 30, 1982.

Contact: Neil Monotine; Rm C4315, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-8572.

15. ESA/OWCP—20 CFR Part 726—Black Lung Benefits. Requirements for Coal Mine Operators Insurance.

Description: These rules would govern the manner by which a coal mine operator fulfills its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of amendments to the Act in 1978 and 1981. The legal authority for this regulation is 30 U.S.C. 901, et seq.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by December 31, 1982.

Contact: James Yocom; Rm C3520, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-6692.

16. ESA/OWCP—20 CFR Part 722—Criteria: State Workers' Compensation Laws: Pneumoconiosis*

Description: These rules would establish procedures and standards to be applied in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis. The legal authority for this regulation is 30 U.S.C. 931.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: James Yocom; Rm C3520, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-6692.

17. ESA/OWCP—20 CFR Parts 718 and 725—Black Lung: Eligibility Criteria*

Description: Regulations are needed to implement Pub. L. 97-119 which eliminates certain presumptions previously applicable to claims for Black Lung benefits, changes certain evidentiary rules applicable to such claims, transfers liability for the payment of certain claims, changes the rate of interest to be charged upon reimbursements to the Trust Fund from mine operators and makes other changes in the prior version of the Black Lung Benefits Act. The legal authority for this regulation is 30 U.S.C. 901, et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by May, 1982.

Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7503.

18. ESA/W-H—29 CFR 570.62—FLSA: Hazardous Occupations Order No. 11: Occupations Involved in the Operation of Bakery Machines

Description: ESA is conducting an in-depth review of Hazardous Occupations Order No. 11 which prohibits the employment of minors 16 and 17 years of age in certain occupations involved in the operation of power-driven bakery machines. This review is being conducted to determine the changes

necessary to reflect technological advancement and to clarify the application of existing prohibitions. The legal authority for this regulation is 29 U.S.C. 203.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7478.

19. ESA/W-H—29 CFR 570.61—FLSA: Hazardous Occupations Order No. 10: Occupations Involving Slaughtering, Meat Packing, or Processing, or Rendering

Description: This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A reviw of this order is needed to clarify its scope and to update it in light of various technological changes which have occurred in the affected occupations since it was adopted. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 203.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7478.

20. ESA/W-H—29 CFR Part 519—FLSA: Full-Time Students Employed at Subminimum Wages: Certification Period.

Description: This regulation governs the issuance of certificates authorizing the employment of full time students at subminimum wages. The regulation is being reviewed in an effort to identify provisions which represent unnecessary administrative burdens. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 20 U.S.C. 214.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that a proposed regulation will be published by June 15, 1982.

Contact: James L. Valin Rm S3508, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-7403.

21. ESA/W-H—29 CFR Part 516—FLSA: record-keeping requirements

Description: The regulation is being revised to reflect the repeal or modification of certain FLSA exemptions by the 1974 and 1977 amendments to the Act. The legal authority for this regulation is 29 U.S.C. 211(c).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: It is expected that a proposed regulation will be published by November 1, 1982.

Contact: James L. Valin; Rm S3508, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7043.

22. ESA/W-H—29 CFR Part 570, Subpart C—FLSA: Employment of Minors Between 14 and 16 Years of Age

Description: This regulation sets forth the occupations and periods and conditions for the employment of minors 14 and 15 years of age. Review of the regulation is needed in light of social and economic changes since its issuance in 1938. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 203.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by June 1982.

Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

23. ESA/W-H—29 CFR 570.52—FLSA: Hazardous Occupations Order No. 2: Motor Vehicle Driver and Outside Helper

Description: Hazardous Occupations Order No. 2 prohibits the employment of minors 16 and 17 years of age in certain occupations involving motor vehicle driving and helpers outside the cab of a vehicle transporting goods. The Order is being reviewed for possible revision. The legal authority for this regulation is 29 U.S.C. 203.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Gordon Claucherty; Rm S3030, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

24. ESA/W-H—29 CFR 570.1-.27—FLSA: Employment of Minors: Certificates of Age *

Description: This regulation now provides for acceptance of State age or employment certificates as evidence of age for minor employees for purposes of the FLSA. A number of States no longer issue such certificates. As an alternative to having the Wage and Hour Division take on the function of issuing such certificates, with the resultant expenditure of substantial clerical resources, this proposal would designate documents that would be accepted as proof of age in those States. The legal authority for this regulation is 29 U.S.C. 203, 211, 212.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

EMPLOYMENT TRAINING ADMINISTRATION

Final Rules

1. ETA/CETA—20 CFR Parts 676 and 679—Amendments to Title VII and PSE Base Average Annual Wage Provisions *

Description: The final rule reinstates the previous provisions which require formula distribution of 95 percent of Title VII funds to prime sponsors. Also, the one-for-one hiring (backfilling) requirement is being waived in full for retraining programs and in part for upgrading programs under Title VII. The legal authority for this regulation is 29 U.S.C. 801 et seq. & Pub. L. 97-35.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on May 19, 1981 (46 FR 27462). A final rule was published on October 16, 1981 (46 FR 51216) and became effective on November 16, 1981. This item is therefore removed from the agenda.

Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6093.

2. ETA/Immigration—20 CFR 655.202(b)(4)—Labor Certification: Employment of Temporary Aliens—Agric *

Description: The revision continues to require employers of temporary alien agricultural workers to offer three meals a day, but adds an exception in certain

cases. The legal authority for this regulation is 8 U.S.C. 1101.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on August 22, 1980 (45 FR 56074) with comments due by September 22, 1980. A final rule was published on November 20, 1981 (46 FR 57031) and became effective on December 21, 1981. This item is therefore removed from the agenda.

Contact: Grover Sanders; Rm 8408, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6889.

3. ETA/Job Service—20 CFR 653.230—Veterans: Indicators of Compliance*

Description: These regulators set forth requirements concerning services to veterans by State employment service agencies, and provide veterans preference indicators of compliance for use in determining whether performance standards have been met. Under 20 CFR 653.230 (c), (e) and (j), the Employment and Training Administration is required to update the numerical values for the veterans preference Indicators of Compliance on an annual basis and to publish such values in the **Federal Register**. The legal authority for this regulation is 38 U.S.C. 2007.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A final rule was published on July 6, 1981 (46 FR 34800) and became effective on August 5, 1981. It is expected that the Indicators of Compliance for FY 1982 will be published in final in Spring 1982.

Contact: Sam Hirabayashi; Rm 8306, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6914.

4. ETA/Unempl Prog—20 CFR 614.19—Unemployment Compensation for Ex-Servicemembers; Remuneration Schedule *

Description: Under the State unemployment compensation programs, the benefit amounts payable to claimants are computed on the basis of the wages paid to each claimant in a designated base period. For the UCX program, the law provides that benefit amounts shall be computed on the basis of wages prescribed in the applicable Schedule of Remuneration, which are issued by the Secretary of Labor after consultation with the Secretary of Defense. A new schedule is published whenever changes in military pay and allowances occur, as they have, annually, for a number of years. The legal authority for this regulation is 5 U.S.C. 8521.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A final rule was published on February 26, 1982 (47 FR 8344) and became effective on January 1, 1982. Priority matters and the delayed receipt of the new schedule made it impractical to first publish the schedule as a proposal. To do so would have delayed State agency determinations of new UCX claimants' monetary entitlement, thus delaying actual payment of unemployment benefits to eligible claimants. This item is therefore removed from the agenda.

Contact: Charles Reynolds; Rm 7014, PHBldg; 601 D St., NW; Washington, DC 20213; (202) 376-6222.

Interim Final Rules

5. ETA/CETA—20 CFR Parts 675, 676, 677 and 680—Governor's Grants and Youth Programs*

Description: These regulations implement technical amendments to CETA that resulted from passage of the Omnibus Budget Reconciliation Act of 1981. The amendments reduce the percentage of funds allocated to the Governor's Grants for a 20 percent transferability of funds between the Title IV A youth program and Title IV C Summer youth program. The legal authority for this regulation is Pub. L. 97-35; 29 U.S.C. 801 et seq.

Regualtory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of interim final rulemaking was published on September 4, 1981 (46 FR 44730) with comments due by November 1, 1981. It is expected that a final rule will be published by June 1982.

Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6093.

6. ETA/WIN—29 CFR Part 56—WIN Prog; General Provisions*

Description: This rule would implement statutory changes contained in the Social Security Disability Amendment of 1980, effecting the WIN program, and makes certain other changes. The amendments (1) authorize job search activities and child care necessary for job search in addition to present activities; (2) provide authority for fixed sanction periods for WIN registrants who fail to participate or accept employment; (3) provide that individuals working full-time are exempt from WIN; (4) delete the 60-day counseling period from adjudication process; and (5) authorize in-kind match for State share of social services. The legal authority for this regulation is 42 U.S.C. 1305 et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: An interim final rulemaking was published on October 1, 1981 (46 FR 48606) with comments due by November 30, 1981. The interim final rule was republished in full on October 2, 1981 (46 FR 48644), with a 60-day comment period. It is expected that the final rule will be published by September 30, 1982.

Contact: Robert W. Easley; Rm 8324, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-8454.

7. ETA/WIN—29 CFR 56.20,22,51 (Subpart C only)—WIN Program; Exemptions*

Description: This rule would reflect statutory changes contained in the Ominbus Budget Reconciliation Act of 1981. The statutory amendments affect the exemption criteria of the WIN program and incorporate provisions of previous court decisions relating to unemployed parents. The legal authority for this regulation is Pub. L. 97-35.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of interim final rulemaking was published on September 21, 1981 (46 FR 46776) with comments due by November 20, 1981. The regulation was republished in full on September 22, 1981 (46 FR 46803). The publication date of a final rule is under consideration.

Contact: Robert Easley; Rm 8324, PHBldg; 601 D St., NW; Washington, DC 20213; (202) 376-8454.

Proposed Rules/Advance Notices

8. ETA/CETA—20 CFR Parts 675 and 676—Complaints, Investigations and Sanctions*

Description: The proposal would make a number of technical changes to existing rules necessary for proper operation of the CETA complaint and hearing procedures. It would also add a provision which would enable the Grant Officer to make a final determination that no CETA violation is alleged, thereby eliminating the need for a full hearing before an Administrative Law Judge where there are not disputed factual issues. The legal authority for this regulation is 29 U.S.C. 801 et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Imapct Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 27, 1981 (46 FR 9008) with comments due by March 30, 1981. The publication date of a final regulation is under consideration.

Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6093.

9. ETA/Immigration—20 CFR 656.10—Labor Certification: Permanent Employment of Aliens in the U.S.*

Description: This rule would add to the DOL list of precertified occupations, Canadian citizens who work for international railroads and who qualify for employment in the U.S. because of seniority rights under a collective bargaining agreement between the employer and an international labor union. The legal authority for this regulation is 8 U.S.C. 1182(a)(14).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 16, 1981 (46 FR 3910) with comments due by July 14, 1981. Comments were originally due by March 17, 1981. On May 15, 1981 (46 FR 26789), the comment period was extended. It is expected that the final rule will be published by Fall 1982.

Contact: Emery Biro; Rm 8410, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6295.

10. ETA/Immigration—20 CFR 655.107(c)—Labor Certification: Adverse Effect Wage Rate Methodology: Guam

Description: The Department is considering either revising its methodology for determining adverse effect wage rates or deleting the requirement for such rates. The Department is reevaluating the whole formula for modification or possible elimination. The legal authority for this regulation is 8 U.S.C. 1184(c).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: An advance notice of proposed rulemaking was published on October 16, 1981 (46 FR 50981) with comments due by December 15, 1981. It is expected that the proposal will be published by July, 1982.

Contact: Emery Biro; Rm 8410, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6295.

11. ETA/Immigration—20 CFR 655.107(b)—Labor Certification: construction workers on Guam

Description: Existing regulations would be revised to modify the apprentice/journeyman wage progressions for construction workers on Guam to bring them into line with wages on the mainland. The legal authority for this regulation is 8 U.S.C. 1184(c).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on October 16, 1981 (46 FR 50982) with comments due by December 16, 1982. It is expected that the final rule will be published by Spring 1982.

Contact: Emery Biro; Rm 8410, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6295.

12. ETA/Unempl Prog—20 CFR Part 609—Unemployment Compensation for Federal Civilian Employees*

Description: These regulations implement 5 U.S.C. 8501-8508 which establishes a permanent program of unemployment compensation for Federal Civilian employees administered under agreements with State Employment Security Agencies. A revision of the regulations is required because of amendments made to the law by Pub. L. 94-566, enacted in October 1976 and Pub. L. 96-215, enacted March 1980. The legal authority for this regulation is 26 U.S.C. 3304 et. seq.; 33 U.S.C. 857 & 5 U.S.C. 8501-8508.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 23, 1981 (46 FR 7786) with comments due by March 24, 1981. It is expected that the final rule will be published by Fall 1982.

Contact: Charles Reynolds; Rm 7014, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6222.

13. ETA/Unempl Prog—20 CFR Part 614—Unemployment Compensation for Ex-Servicemembers*

Description: The UCX Program is financed by Federal funds to furnish unemployment benefits to individuals who are separated from military service and are unable to obtain work. The program is administered under agreement with State Employment Security Agencies. A revision of the regulation would be made to reflect the amendments to the law made by Pub. L. 94-566 (enacted in October 1976), Pub. L. 96-215 and Pub. L. 96-364 (enacted in March and September 1980). The legal authority for this regulation is 26 U.S.C. 3304 et seq.; 33 U.S.C. 857; 29 U.S.C. 1001 et seq. & 5 U.S.C. 8521-8525.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 23, 1981 (46 FR 7796) with comments due by March 24, 1981. It is expected that the final rule will be published by Fall 1982.

Contact: Charles Reynolds; Rm 7014, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6222.

14. ETA/Unempl Prog—20 CFR Part 638—Airline Employee Protection Program*

Description: These regulations are being developed to implement the employee protection provisions of the Airline Deregulation Act. The legal authority for this regulation is 49 U.S.C. 1552; 49 U.S.C. 1301 et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on March 30, 1979 (44 FR 19146) with comments due by April 30, 1979. The publication date of a final rule is under consideration.

Contact: Robert S. Kenyon; Rm 7004, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-7545.

Pre-proposed Rules

15. ETA—20 CFR Parts 653 & 658 (certain sections)—Deletion of Sections of Employment Service Regulations*

Description: ETA proposes to delete certain ES regulations, including procedural requirements relating to state job counseling activities and the compilation of job information. Certain regional office reporting requirements would also be deleted.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposed rule-making proposal will be published by June, 1982.

Contact: Sam Hirabayashi; Rm 8306, PHBldg.; 601 D Street, NW; Washington, DC; (202) 376-6914.

16. ETA/CETA—20 CFR 676.26-2(j)—Waiver of Allowances under CETA*

Description: ETA plans to propose regulations which would simplify the procedures that CETA prime sponsors must follow in waiving allowance payments to CETA participants. This proposal is consistent with the Senate

Appropriations Committee Report, which urged the Department to reduce or waive allowance payments to participants in order to maximize the number of employment and training opportunities, given the limited funding available. The legal authority for this regulation is 29 U.S.C. 801 et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: The publication date of a proposed regulation is under consideration.

Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D Street, NW; Washington, DC 20213; (202) 376-6093.

17. ETA/Immigration—20 CFR 655.207—Labor Certification: Adverse Effect Wage Rate Methodology

Description: Adverse effect wage rates are wage rates which must be paid to U.S. and alien workers by employers seeking to temporarily employ nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. A revised regulation would establish a new methodology for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture, but not sheepherding or logging. The legal authority for this regulation is 8 U.S.C. 1101.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A final rule was published January 16, 1981 (46 FR 4568), and would have been effective February 17, 1981. However, pursuant to the January, 1981 Presidential memorandum, on February 6, 1981 the Department published a notice deferring the effective date until March 30, 1981 (46 FR 11253). On March 27, 1981 (46 FR 18951), the Department published a further notice that deferred the effective date of the rule until action had been taken on the proposal to withdraw the rule (46 FR 18991). The Department withdrew the final rule on June 23, 1981 (46 FR 32437) and the previous methodology was retained. It is expected that a new proposal will be published by the end of 1982.

Contact: Grover Sanders; Rm 8408, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6889.

18. ETA/Job Service—20 CFR Part 654—Effective Date: Annual Listing of Eligible Labor Surplus Areas *

Description: This rule would change the effective date of the "Annual Listing of Eligible Labor Surplus Areas" from June 1 to October 1 of each year to correspond with the fiscal year. The legal authority for this regulation is 41 U.S.C. 10a et seq.; 29 U.S.C. 49 et seq.; E.O. 10582, as amended by E.O. 11051 and E.O. 12148.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by Spring 1982.

Contact: James W. Higgins; Rm 8316, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-8498.

19. ETA/Job Service—20 CFR Part 653, Subpart D—Services to Handicapped *

Description: These regulations would govern services to handicapped individuals provided by State Employment Security Agencies. The legal authority for this regulation is 29 U.S.C. 49; 29 U.S.C. 796.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by June 30, 1982.

Contact: Phillip Tanton; Rm 8118, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6846.

20. ETA/Job Service—20 CFR Part 653, Subpart C—Services for Veterans *

Description: The existing rules would be revised to implement Pub. L. 96-466, enacted in October 1980, which made changes affecting employment services for veterans provided by the U.S. Employment Service. Also, the regulations would be clarified and updated to comply with the new law. The legal authority for this regulation is 38 U.S.C. 2001-2008.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by June 30, 1982.

Contact: Phillip Tanton; Rm 8118, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6848.

21. ETA/Job Service—20 CFR Part 653, Subparts A and E—Basic and Support Services of ESS *

Description: In January of 1981 a final rule was published to revise and update the managment and operation of the employment service system by clarifying and simplifying the various policies, procedures and guidelines now contained in the Manual and field instructions. The new proposed rule would make technical and clarifying changes to the January 1981 rule. The legal authority for this regulation is 29 U.S.C. 49, et seq.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: The final rule was published on January 23, 1981 (46 FR 7764) and went into effect April 23, 1981. It is expected that the new proposal will be published by May 31, 1982.

Contact: Charles I. Carter; Rm 8018, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6700.

22. ETA/Job Service—20 CFR Part 654, Subpart C—Targeted Jobs Tax Credit

Description: These proposed rules would provide the state employment agencies with rules for carrying out their functions and responsibilities under the Targeted Jobs Tax Credit legislation. The regulations would delineate the policies and procedures to be used in implementation of this program. The IRS plans to issue complementary regulations and/or other guidance to delineate its responsibilities for the tax credit. The legal authority for this regulation is 26 U.S.C. 1 et seq.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by May 1, 1982.

Contact: Charles I. Carter; Rm 8018, PHBldg.; 601 D St., NW; Washington, DC 20213; (202) 376-6700.

23. ETA/Older Amer.—20 CFR Part 89—Senior Community Service Employment Program *

Description: These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. The program is designed to provide, foster, and promote part-time employment for low income persons 55 years old and older. The proposal which is presently under reconsideration would implement the new amendments to the authorizing legislation. The legal authority for this regulation is 42 U.S.C. 3056.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A proposal was published March 25, 1980 (45 FR 19530). Public comments were due May 12, 1980. The publication date of a final rule is under consideration.

Contact: Paul Mayrand; Rm 7122, PHBldg.; 601 D St., NW; Washington, DC 20213; (202) 376-6704.

24. ETA/Procurement—41 CFR Part 29-50—Certification of Grantee Procurement *

Description: These regulations would implement OMB Circular A-102, attachment O, which requires that a grantor agency be certified. These regulations would set forth acquisition procedures and provide guidelines for ETA grantees related to Automatic Data Processing Equipment. The legal authority for this regulation is Exec. Order 1128.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by Fall 1982.

Contact: Harvey Horn; Rm 5402, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6020.

25. ETA/Procurement—41 CFR Part 29-70—Acquisition and Use of Automatic Data Processing Equipment (ADPE) *

Description: These rules would set forth the certification process for the acquisition of ADPE when a grantee has not been certified or is decertified. The purpose of these regulations is to assure uniform application of these procedures. The legal authority for this regulation is Exec. Order 1128.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by Fall 1982.

Contact: Harvey Horn; Rm 5402, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-6020.

26. ETA/Unempl Prog—20 CFR Part 608—Limitations on Tax Credit Reductions and Interest on Advances to States *

Description: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires certain determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes. The legal authority for this regulation is Pub. L. 97-35 2406, 2407, 2408.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by 05/01/82.

Contact: James VanErden; Rm 7414, PHBldg.; 601 D St, NW; Washington, DC 20213; (202) 376-7066.

27. ETA/Unempl Prog—20 CFR Part 635—Trade Adjustment Assistance *

Description: These regulations would provide for prompt payment of trade readjustment allowances to individuals covered by certifications, and provide for assistance to such individuals in securing employment. In addition, the Omnibus Budget Reconciliation Act of 1981 contained statutory amendments that require revision of the rules. These changes would be published under 20 CFR Part 635 and such publication would substantially revise and supersede 29 CFR Part 91. The legal authority for this regulation is 19 U.S.C. 2320.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by 05/01/82.

Contact: Robert Gillham; Rm 7306, PHBlg.; 601 D St, NW; Washington, DC 20213; (202) 376-7700.

28. ETA/Unempl Prog—20 CFR Part 615—Extended Benefits Under Federal Unemployment Compensation Act

Description: These regulations would be amended to implement various statutory amendments of 1981 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger. The legal authority for this regulation is Pub. L. 91-573 Title II.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by Summer 1982.

Contact: Edwin Kerley; Rm 7100, PHBldg; 601 D St., NW; Washington, DC 20213; (202) 376-7104.

29. ETA/Unempl Prog—29 CFR Part 90—Trade Adjustment Assistance Certification *

Description: The Omnibus Budget Reconciliation Act of 1981 makes a number of amendments to the Trade Adjustment Assistance Program which require revision of the regulations to substantially change the program benefits for workers who have lost their jobs because of increased import competitions. The amendments represent a fundamental shift away from income maintenance to placement and employment services and benefits such as training, job search and relocation, and call for a new standard to certify worker groups as eligible for trade adjustment assistance. This regulatory proposal would change regulations governing the investigation and certification process. The legal authority for this regulation is 19 U.S.C. 2320.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by June 1, 1982.

Contact: Harold Bratt; Rm 10400, PHBldg; 601 D St., NW; Washington, DC 20213; (202) 376-6896.

30. ETA/Unempl Prog—20 CFR Part 620—Unemployment Compensation Program—Disclosure of Information *

Description: These regulations are being proposed to implement sections of Pub. L. 96-249 which amended the Food Stamp Act of 1977 and Pub. L. 96-265, which amended the Social Security Act of 1977. The sections relate to disclosure of information maintained by State Employment Security Agencies to food stamp and child support enforcement authorities. The regulations protect the confidentiality of State unemployment compensation records from unauthorized or illegal access or disclosure. The legal authority for this regulation is 42 U.S.C. 503.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by May 1, 1982.

Contact: Edwin Kerley; Rm 7100 PHBldg; 601 D Street, NW; Washington, DC 20213; (202) 376-7104.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Final Rules

1. LMSA/ERISA—29 CFR Part 2520—Revision of Annual Report Forms: Master Trusts*

Description: This regulation (and concomitant revisions of Form 5500 series) changes the manner in which employee benefit plans; investments in master trusts must be reported annually

under ERISA. The revision will make reporting easier for plans with no loss of information available to either the Secretary of Labor or to plan participants. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 1135.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on December 30, 1980 (45 FR 85793) with comments due by February 13, 1981. A final rule was published on December 15, 1981 (46 FR 61074) and became effective on January 14, 1982. This item is therefore removed from the agenda.

Contact: John Christensen; Rm N4700, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8684.

2. LMSA/ERISA—29 CFR 2530.203-3—Suspension of Benefits*

Description: This rule generally permits benefits payments to be suspended for a month when a pensioner returns to work for more than 40 hours a month. The rule governs benefit offsets, determinations of whether a person is "employed" in a manner which could give rise to a suspension of benefits, and delivery of notice to persons who are so employed. The legal authority for this regulation is 29 U.S.C. 1135 and 1053.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? Yes.

Status: A proposed regulation was originally published on December 19, 1978 (43 FR 59098). A final regulation was published on January 27, 1981 (46 FR 8894), which was to become effective May 27, 1981. DOL deferred the effective date until September 1, 1981 (46 FR 48151, 33517, 39138). On September 1, 1981 (46 FR 43852), DOL published a proposed rule which made minor technical revisions to the final rule with comments due by September 30, 1981. Also published on September 1, 1981 (46 FR 43833), was a notice deferring the effective date of the final rule until October 1, 1981 and a proposal to stay the effective date of the final rule until DOL took final action on proposal. Public comments were invited on the proposed stay until September 14, 1981. On September 29, 1981 (46 FR 47584), a final stay was published. Final amendments were published on December 4, 1981 (46 FR 59243) and the amended regulation became effective on January 1, 1982. A correction notice was published on December 11, 1981 (46 FR 60572). This item is therefore removed from the agenda.

Contact: Jay S. Neuman; Rm C4508 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8658.

Proposed Rules/Advance Notices

3. LMSA/ERISA—29 CFR Part 2510—Supplemental Pay*

Description: This regulation would amend the existing regulation under section 3(2) of ERISA by describing the circumstances under which supplemental payments by employers to retirees to help offset the effect of inflation on pension benefits will be deemed to be made under an employee welfare benefit plan rather than under an employee pension benefit plan. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 1135 and 29 U.S.C. 1002.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 27, 1981 (46 FR 8571) with comments due by March 30, 1981. On February 6, 1981 (46 FR 11292) the proposal was republished in order to correct typographical errors. On February 13, 1981 (46 FR 12214) a notice was published correcting typographical errors to the February 6, 1981 republication. It is expected that the final rule will be published by September 1, 1982.

Contact: R. F. Nuissl; Rm N4456, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7901; and Mary O. Lin, Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-9595.

4. LMSA/ERISA—29 CFR 2520.104b-10—Revision of Summary Annual Report for Small Plans

Description: This regulation would amend the summary annual report requirement to harmonize it with the triennial reporting system for small plans recently put into effect. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 1024, 1029, 1030 and 1135.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on January 6, 1981 (46 FR 1304) with comments due by March 9, 1981. It is expected that the final rule will be published by August 1, 1982.

Contact: Joseph L. Roberts III; Rm N4700, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8685; and Jay Neuman, Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8658.

5. LMSA/ERISA—29 CFR Part 2550—Definition of Plan Assets and Establishment of Trust*

Description: This regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. It also would provide certain exemptions from the requirements that plan assets be held in trust. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 1135.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on June 6, 1980 (45 FR 38084) with comments due by August 5, 1980. This regulation was originally proposed on August 28, 1979 (44 FR 50363). It is expected that a final rule dealing with some of the issues raised in the proposal will be published by June, 1982. The publication date of a final regulation dealing with the remaining issues is under consideration.

Contact: William A. Schmidt; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-9592.

6. LMSA/ERISA—29 CFR Parts 2520 and 2530—Individual Benefit Reporting—Recordkeeping—Multiple Employer Plans*

Description: The rule would govern: (1) Reports that must be furnished to paticipants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. The legal authority for this regulation is 29 U.S.C. 1025, 1059 & 1135.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis required? Yes.

Status: This rule was first proposed on February 9, 1979 (44 FR 8294) jointly with the single employer plan benefit reporting regulation. A notice of proposed rulemaking solely on this rule was then published on August 8, 1980 (45 FR 52824) with comments due by

October 8, 1980. A notice of public hearing was published on November 12, 1980 (45 FR 74727) and the hearing was held on November 25, 1980. A date for final action has not yet been determined.

Contact: Mary O. Lin; Rm C4508, FPBldg; 200 Constitution Ave., NW; Washington, D.C. 20210; (202) 523-9595; and Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave., NW; Washington, D.C. 20210; (202) 523-8515.

7. LMSA/ERISA—29 CFR Parts 2520 and 2530—Individual Benefit Reporting and Recordkeeping for Single Employer Plans*

Description: The rule would govern: (1) Reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. The legal authority for this regulation is 29 U.S.C. 1025, 1059 & 1135.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? Yes.

Status: This rule was first proposed on February 9, 1979 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation. A notice of proposed rulemaking solely on this rule was then published on August 1, 1981 (45 FR 51231) with comments due by October 1, 1981. A notice of public hearing was published on November 12, 1980 (45 FR 74728) and the hearing was held on November 25, 1980. A date for final action has not yet been determined.

Contact: Mary O. Lin; Rm C4508, FPBldg; 200 Constitution Ave., NW; Washington, D.C. 20210; (202) 523-9595; and Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave., NW; Washington, D.C. 20210 (202) 523-8515.

8. LMSA/ERISA—29 CFR 2520.104 b.2—Deferral of the Due Date of the Updated Summary Plan Description*

Description: The present regulation requires that every plan administrator provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description SPD), at 5 or 10 year intervals. The proposed rule would establish the beginning point for the five- (or ten-) year periods for updating or replacing the SPD as the date the initial SPD was filed and distributed (generally November, 1977, rather than the date the plan became subject to ERISA (generally 1975). The proposed regulation also provides that, in any event, distribution of an updated SPD would not be required before November 16, 1982. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 1024, 1030 & 1135.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on March 26, 1982 (47 FR 13007) with comments due by May 25, 1982. It is expected that the final rule will be published by September 1, 1982.

Contact: Peter Straub; Rm N4700, FPBldg.; 200 Constitution Ave., NW; Washington, D.C. 20210; (202) 523-8684; and Stevan Durovic; Rm C4508, FPBldg.; 200 Constitution Ave., NW; Washington, D.C. 20210; (202) 523-7924.

Pre-Proposed Rules

9. LMSA/ERISA—29 CFR Part 2550—Participant Directed Individual Account Plans

Description: The regulation would describe the kinds of plans referred in section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control. The legal authority for this regulation is 29 U.S.C. 1104(c) & 1135.

Regulatory Flexibility Analysis Required? TBD.

Regulataory Impact Analysis Required? TBD.

Status: It has not been determined when the proposal will be published.

Contact: Charmaine B. Gordon; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, D.C. 20210; (202) 523-9593.

10. LMSA/ERISA—29 CFR Part 2550—Loans to Participants

Description: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available. The legal authority for this regulation is 29 U.S.C. 1135.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It has not yet been determined when the proposal will be published.

Contact: William Flanagan; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8610.

11. LMSA/ERISA—29 CFR 2520.104 b.2—Content of the Updated Summary Plan Description

Description: The Employee Retirement Income Security Act of 1974 (ERISA) requires that every plan administrator provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD). This regulation will provide an alternative with respect to the form the updated SPD may take and how it may be distributed. The legal authority for this regulation is 29 U.S.C. 1024, 1030 & 1135.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by summer, 1982.

Contact: Peter Straub; Rm N4700, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8684; and Shelby Hoover, Rm C4508, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9594.

12. LMSA/LMSE—29 CFR 403.3, 403.4—Labor Organization Annual Reports*

Description: 29 U.S.C. 431 requires labor organizations to file annual financial reports with DOL. Format and content changes to these reporting forms (LM-2 and LM-3) are being considered to simplify the reporting requirements of labor organizations, facilitate more efficient processing of reports by DOL, and assist DOL in the administration and enforcement of the Labor-Management Reporting and Disclosure Act. The legal authority for this regulation is 29 U.S.C. 431, 438, 461.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by January 1, 1983.

Contact: Denise Boucher; Rm N5109, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7373.

MINE SAFETY AND HEALTH ADMINISTRATION

Final Rules

1. MSHA—30 CFR Part 36—Electrical Components and Headlights for Mobile Diesel-powered Transportation Equipment*

Description: This rule modifies the requirements and conditions for approval of permissible mobile diesel-powered transportation equipment for use in gassy metal and nonmetal mines. The regulation removes current design restrictions which prohibit the use of

certain electric-powered accessories on such equipment. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on August 22, 1980 (45 FR 56312) with comments due by October 21, 1980. A final rule was published on March 16, 1982 (47 FR 11371) and became effective on March 16, 1982. This item is therefore removed from the agenda.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

2. MSHA—30 CFR Part 19—Electric Cap Lamps*

Description: This rule enables MSHA to test and evaluate new and innovative cap lamps designs and conforms MSHA's procedures for approving electric cap lamps to changes in technology. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on May 16, 1980 (45 FR 32557) with comments due by July 15, 1980. A final rule was published on March 16, 1982 (47 FR 11368) and became effective on March 16, 1982. This item is therefore removed from the agenda.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

3. MSHA—30 CFR Part 23—Telephones and Signaling Devices*

Description: This rule revises MSHA's approval and certification procedures pertaining to signaling devices. The amendments update the regulations to permit technological advances desired by the mining community. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on August 22, 1980 (45 FR 56308) with comments due by October 21, 1980. A final rule was published on March 16, 1982 (47 FR 11369) and became effective on March 16, 1982. This item is therefore removed from the agenda.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

Proposed Rules/Advance Notices

4. MSHA—30 CFR Part 100—Civil Penalties*

Description: This rule would modify the present system for assessing penalties to permit MSHA and the mining community to refocus their efforts toward more serious mine safety and health hazards. These changes include a single minimum penalty of $20 for violations where there is no reasonable likelihood of a serious injury or illness, and provide greater credit to operators for their good faith efforts to abate safety and health hazards. The legal authority for this regulation is 30 U.S.C. 815, 820, and 957.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on November 7, 1980 (45 FR 74444) with comments due by February 5, 1981. Public hearings were held February 23-26, 1982 (see 47 FR 2335, January 15, 1982). It is expected that the final rule will be published by May 1, 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

5. MSHA—30 CFR Part 104—Pattern of Violations

Description: The Mine Act provides for closure under certain conditions, of mines having a pattern of serious violations until the mine is completely free of such violations. The proposed regulation sets forth criteria for determining if a "pattern of violations" exists. The legal authority for this regulation is 30 U.S.C. 814(e) and 957.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on August 15, 1980 (45 FR 54656) with comments due by October 14, 1980. Since the proposal was published, the statutory concept of "significant and substantial violations" has been redefined by the Federal Mine Safety and Health Review Commission. Because the definition of these violations is a critical element in this rulemaking, MSHA is evaluating the comments to determine an appropriate course of regulatory action.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

6. MSHA—30 CFR Parts 55, 56 and 57—Review of Metal Nonmetal Standards

Description: These standards would be revised to: (1) Eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: An advance notice of proposed rulemaking was published on March 25, 1980 (45 FR 19267). A second ANPR was published on November 20, 1981 (46 FR 57253) and a subsequent ANPR was published on March 9, 1982 (47 FR 10190), which also announced a series of public conferences to be held in March, April, May 1982. It is expected that the proposal will be published by September 30, 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd; Arlington, VA 22203; (703) 235-1910.

7. MSHA—30 CFR Parts 70, 71 & 90—Miner Participation in the Respirable Dust Sampling Procedures

Description: This proposal would amend MSHA's coal mine respirable dust regulations to permit miners' representatives to participate in the dust sampling process for underground and surface miners and for miners who have evidence of pneumoconiosis. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on April 8, 1980 (45 FR 24008) with comments due by June 2, 1980. Since the proposal, MSHA has revised all of its coal mine respirable dust sampling procedures to simplify and improve the dust sampling process. MSHA will evaluate all of the comments and testimony on the proposal within the context of the new dust program to determine the appropriate regulatory action, and expects to come to an initial decision by November 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235-1910.

Pre-Proposed Rules

8. MSHA—30 CFR 75.1401-1; 77.1402-1; 77.1903(b)—Wire Ropes Standards

Description: This rule would revise, clarify and update MSHA's current wire rope standards with regard to requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in coal and metal and nonmetal

mines. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by June 30, 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235-1910.

9. MSHA—30 CFR Parts 55, 56, 57, 75 & 77—Revisions: Mandatory Safety Standards for Coal, Metal, Nonmetal Mines Based on Petitions for Modification

Description: Under Section 101(c) of the Mine Act, mine operators may file petitions for modification of the application of any safety standard. MSHA believes that up to eight standards might be revised based on alternative methods of compliance which have been approved through the petition for modification process. This rule would revise the standards as appropriate to reflect technological advancements and would also reduce the time and paperwork associated with the petition process. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235-1910.

10. MSHA—30 CFR Parts 70, 71, 75 & 77—Review of Safety and Health Standards Applicable to Coal Mines

Description: MSHA plans to review these standards to: (1) Clarify and update existing standards; (2) eliminate unnecessary standards; (3) reduce recordkeeping burdens on the industry; and (4) incorporate technological advances. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: A date for the publication of an advance notice of proposed rulemaking has not yet been determined.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235-1910.

11. MSHA—30 CFR Part 37—Alternate Program for Equipment Approvals

Description: This would be a new Part. The proposal would provide an alternate program for the approval of certain equipment used in underground mines. Under the proposal, applicants would certify to MSHA that the equipment meets the required design and test criteria, has been successfully tested, and will be produced in accord with an accepted quality control plan. This program would reduce the time needed to introduce new and safe technology into mines. The legal authority for this regulation is 30 U.S.C. 811.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by July 1, 1982.

Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235-1910.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Final Rules

1. OASAM—41 CFR Part 29-1—Small Business and Small Disadvantaged Business Program*

Description: This regulation amends the present small business concern rules, Subpart 29-1.7, and adds two new entries Subpart 29-1.8, entitled "Labor Surplus Area Program," and Subpart 29-1.13 entitled "Minority Business Enterprise." The rule formally assigns responsibility for administering the programs under Sections 8 and 15 of the Small Business Act to the Office of Small and Disadvantaged Business Utilization and updates procedures for carrying out the goals of the programs. The legal authority for this regulation is 15 U.S.C. 644.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on December 19, 1980 (45 FR 83548) with comments due by February 17, 1981. A final rule was published on March 16, 1982 (47 FR 11374) and became effective on April 15, 1982. This item is therefore removed from the agenda.

Contact: Walter C. Terry; Rm S1004, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9148.

Proposed Rules/Advance Notices

2. OASM—41 CFR Part 29-15—Cost Principles for State Employment Security Agency (SESA) Grants*

Description: These regulations would establish general principles and procedures governing grants that the DOL issues to state employment agencies for unemployment insurance and the operation of the job offices. They would describe costs which are allowable, costs which are allowable only with prior DOL approval, and costs which are unallowable as charges to grants for employment security and unemployment insurance administration. The legal authority for this regulation is 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on December 19, 1980 (45 FR 83998) with comments due by January 19, 1981. It is expected that a revised proposal will be published by September 30, 1982.

Contact: Theodore Goldberg; Rm S4015 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9174.

Pre-Proposed Rules

3. OASAM—41 CFR 29-70.213—Suspension and termination of grants and agreements; debarment*

Description: This new rule would set forth the Federal standards which apply if a grant is to be suspended or terminated, or if a grantee is debarred from eligibility to receive a DOL grant. The legal authority for this regulation is 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by September 30, 1982.

Contact: Theodore Goldberg; Rm S4015 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9174.

4. OASAM/OCR—29 CFR Part 31—Nondiscrimination in Federally Assisted Programs*

Description: This rule would revise the existing Title VI regulation to establish a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs. It would also establish uniform administrative and enforcement procedures. The legal authority for this regulation is 29 U.S.C. 794, 881-992; 42 U.S.C. 6102, 2000d-1; 20 U.S.C. 168, 1686.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the notice of proposed rulemaking will be published by October 1982.

Contact: David Morman; Rm N4603, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8905.

OFFICE OF THE INSPECTOR GENERAL

Pre-Proposed Rules

1. OIG—41 CFR 29-70.207-4—Federal and non-federal audit requirements*

Description: This rule would provide for independent audits of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance. The legal authority for this regulation is 5 U.S.C. 301.

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by May 15, 1982.

Contact: Jerome Subkow; Rm S5030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8424.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Final Rules

1. OSH/Safety—29 CFR Parts 1915, 1916, 1917—Standards for Shipyard Employment*

Description: The purpose of this rule is to consolidate Parts 1915, 1916 and 1917 of the Shipyard Regulations into a single comprehensive Part, entitled "Part 1915—OSHA Standards for Shipyard Employment," to make it easier for both the public and OSHA to use rules and reduce the volume of the standards. This consolidation action does not alter the substantive requirements of the standards themselves nor does it change their present scope and application. Substantive amendments to the shipyard standards are not included here and notice and comment on these changes were therefore not required. The legal authority for this regulation is 29 U.S.C. 655(b) and 657(g).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: The final rule was published on April 20, 1982 (47 FR 16984) and will be effective May 20, 1982. This item is therefore removed from the agenda.

Contact: Basil Needham; Rm N3471 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7234.

Proposed Rules/Advance Notices

2. OSHA/Health—29 CFR Part 1910—Health Hazards of Chemicals in Laboratories

Description: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's substance-specific standards. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: An advance notice of proposed rulemaking was published on April 14, 1981 (46 FR 21785) with comments due by July 15, 1981. It is expected that the proposal will be published by April 1983.

Contact: Sheldon R. Weiner; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

3. OSHA/Health—29 CFR Part 1990—Carcinogen Policy

Description: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The validity of the specific criteria set forth in the policy and the cost-effectiveness of the rule are being reexamined. This regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 653, 655, 657.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: The original standard was issued before the Supreme Court "benzene" decision on "significant risk." Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on January 19, 1981 (46 FR 4889). A proposal was published on January 23, 1981 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on March 27, 1981 (46 FR 19000). After evaluation of this standard an advance notice of proposed rulemaking requesting comments on numerous aspects of the Policy was published on January 5, 1982 (47 FR 187) with comments due by April 5, 1982. That document also proposed to stay the publication of the candidate and priority lists. The end of the comment period on the proposed stay of the candidate and priority lists was February 19, 1982. It is expected that the proposal will be published by September, 1982.

Contact: John F. Martonick; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

4. OSHA/Health—29 CFR 1910.1043—Cotton Dust

Description: The standard, issued in 1978, has been legally challenged and vacated as it applies to certain industries. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust, and control methods specified by the standard may not be cost effective. There is also question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data is now being collected to determine how and to what extent the rule should be revised. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: An advance notice of proposed rulemaking was published on February 9, 1982 (47 FR 5906) with comments due by March 26, 1982. That publication modified and expanded the issues set forth in an ANPRM published on March 31, 1981 (46 FR 19501). It is expected that the proposal will be published by September, 1982.

Contact: Robert P. Beliles; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

5. OSHA/Health—29 CFR Part 1910, Table Z-1—Ethylene Oxide (EtO)

Description: OSHA has announced its intention to revise the current standard for EtO because NIOSH and other sources have provided data indicating that the current permissible exposure limit may not be adequate to protect worker health. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: An advance notice of proposed rulemaking was published on January 26, 1982 (47 FR 3566) with comments due by March 31, 1982. It is expected that the proposal will be published by April, 1983.

Contact: Dr. Robert P. Beliles; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

6. OSHA/Health—29 CFR 1910.1000, Table Z-2—Ethylene Dibromide (EDB)

Description: Since 1970 several independent scientific studies have concluded that EDB can cause cancer in laboratory animals. In addition, EDB has been shown to be mutagenic in several test systems. This evidence raises serious concern about the adequacy of current permissible exposure limits, which were adopted by OSHA in 1971. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: An advance notice of proposed rulemaking was published on December 18, 1981 (46 FR 61671) with comments due by March 1, 1982. On February 26, 1982 the comment period was extended to March 31, 1982 (47 FR 8380). On April 2, 1982 a further extension of the comment period to May 31, 1982 was published (47 FR 14169). It is expected that the proposal will be published by May, 1983.

Contact: John F. Martonik; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

7. OSHA/Health—29 CFR 1910.1018—Inorganic Arsenic*

Description: In 1978, OSHA issued a new regulation reducing the permissible limit for employee exposure to arsenic. Because of the Supreme Court's decision in *Industrial Union Department v. American Petroleum Institute,* 448 U.S.C. 607 (1980), the rule is inadequate since no significant risk assessment was performed. The Ninth Circuit has remanded the standard to the Agency for reconsideration of the issue of significance of risk. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: The 1978 standard was issued on May 5, 1978. (43 FR 19584) A notice reopening the record to receive information relating to assessments of risk from exposure to inorganic arsenic, and the significance of that risk, was published in the **Federal Register** on April 9, 1982 (47 FR 15358). Preliminary risk assessments were also presented in that notice. Written comments, notices of intention to appear at the informal public hearing and evidence and testimony to be introduced at the hearing must be submitted by June 16, 1982. An informal hearing will commence on July 13, 1982. It is expected that the final action will be taken by Fall, 1982.

Contact: Robert P. Beliles; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

8. OSHA/Health—29 CFR 1910.1200—Hazard Communication

Description: The proposed standard would require chemical manufacturers to assess the hazards of chemicals which they produce and to provide information to their employees about these hazards by means of hazards communication programs including labels, material safety data sheets and training. The legal authority for this regulation is 29 U.S.C. 655(b), 657.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A proposal was originally published January 16, 1981 (46 FR 4412) and was withdrawn on February 12, 1981 (46 FR 12020) pending further analysis of the regulatory alternatives. A new, more cost-effective, proposal was then published on March 19, 1982 (47 FR 12092) with comments due by May 15, 1982. Public hearings will be held beginning June 15, 1982, in Washington, D.C. Hearings will also be held in Houston, Texas, on July 13, 1982; in San Diego, California, on July 20, 1982; and in Detroit, Michigan, on July 27, 1982.

Contact: Sheldon R. Weiner; Rm N3663, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

9. OSHA/Health—29 CFR 1910.95(e)-(s)—Noise—Hearing Conservation Amendment

Description: The amendment requires employers to provide an effective hearing conservation program for all employees exposed to an 8 hour TWA of 85 dB. The amendment contains requirements for monitoring employee noise exposure, audiometric testing, and education and training of employees. OSHA is now reexamining certain requirements to determine if they are cost-effective and/or feasible. The regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A final rule was published on January 16, 1981 (46 FR 4078) and would have become effective April 15, 1981. However, the Department deferred the effective date until August 22, 1981 (see 46 FR 21365, 28845, and 39137). On August 22, 1981 a final rule was published (46 FR 42622) which partially lifted the administrative stay as to many provisions of the amendment and made certain technical corrections. The effective date of the provisions for which the stay was lifted was August 22, 1981. A notice of proposed rulemaking was published on August 21, 1981 (46 FR 42639) with comments due by November 23, 1981. A notice of hearing to be held on March 23, 1982 was published on January 29, 1982, 47 FR 4317. A notice was published on September 11, 1981 (46 FR 45333) correcting Appendix A which was published on August 21, 1981 at page 42635. It is expected that the final rule will be published by December, 1982.

Contact: Dr. Alice Suter; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

10. OSHA/Health—29 CFR 1903.7—Personal Sampling Devices*

Description: OSHA proposes to amend Section 1903.7 by issuing a legislative rule to expressly authorize its compliance officers to use personal sampling devices and to attach such devices to employees during the conduct of workplace inspections. The proposed rule would remove any questions concerning the agency's authority to use personal sampling devices as an aid in its workplace inspections. The legal authority for this regulation is 29 U.S.C. 657(a) and (g)(2).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on February 12, 1982 (47 FR 6530) with comments due by April 13, 1982. It is expected that the final rule will be published by June 17, 1982.

Contact: Melody Sands; Rm N3603 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7725.

11. OSHA/Health—29 CFR 1910.20—Access to Employee Exposure and Medical Records (Reconsideration of Whole Rule)

Description: The regulation, promulgated in the Spring of 1980, requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by

employees, designated employee representatives, and OSHA. The regulation is subject to court challenges by both industry and labor groups, and raises legal and policy issues that have not been fully reviewed. OSHA intends to scrutinize all aspects of the regulation. The legal authority for this regulation is 29 U.S.C. 655(b) and 657.

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? No.

Status: A proposed interim modification was published on August 7, 1981 (46 FR 40492) with comments due by November 21, 1981. The comment period originally ended on September 21, 1981, but was extended to November 21, 1981, by a subsequent notice (See 46 FR 47241, September 25, 1981). It is expected that the proposed modifications to this regulation will be published by May, 1982.

Contact: John F. Martonik; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8031.

12. OSHA/Health—29 CFR 1910.1025—Lead—Remanded Industries; stay for the stevedoring industry*

Description: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on February 26, 1982 (47 FR 8381) with comments due by March 29, 1982. It is expected that the proposal be published by November, 1982.

Contact: Robert P. Beliles; Rm N3718 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

13. OSHA/Health—29 CFR 1910.1025—Lead—Reconsideration of Whole Standard

Description: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter (ug/m^3) of air, and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation. The legal authority for this regulation is 29 U.S.C. 655.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: An advanced notice of proposed rulemaking was published on April 21, 1981 (46 FR 22764) with comments due by June 1, 1981. The ANPRM asked for comment on such issues as economic and technological feasibility, and cost-effectiveness. It is expected that the proposal will be published by November, 1982.

Contact: Robert P. Beliles; Rm N3718 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

14. OSHA/Health—29 CFR 1910.1025(e)(1)—Lead—Remanded Industries*

Description: The 1978 lead standard set a permissible exposure level (PEL) of 50 micrograms of lead per cubic meter, and requires the use of feasible engineering on work practice controls. As revised in 1981, the rule (1) allows employers whose employees have 30 or fewer days of exposure per year above the PEL to be exempt from the requirement to control exposures through engineering controls; (2) extends the compliance deadline for 37 "other industries" to two and one half years; and (3) (the only remaining rulemaking issue) continues the reconsideration with respect to the feasibility of compliance for eight industries. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: OSHA published its standard for occupational exposure to lead in September, 1978. Immediately after promulgation, the standard was challenged in several U.S. Courts of Appeals. On August 15, 1980, the U.S. Court of Appeals for the District of Columbia Circuit upheld the validity of the standard in most respects and found it feasible for 10 major industries. For approximatley 38 other industries, however, the Court found that OSHA failed to present substantial evidence or adequate reasons to support the feasibility of the standard, and remanded the standard to the Agency for reconsideration of the question of technological and economic feasibility for these industries. On December 11, 1981 (46 FR 60758) OSHA issued a revised supplemental statement of reasons and an amendment of final rule. OSHA is awaiting the Court's ruling on the standard with respect to the 38 industries. All further activities with respect to the lead standard will be handled under the general reconsideration of the whole standard.

Contact: John F. Martonik; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7976.

15. OSHA/Health—29 CFR 1910.1025(f)(3)(ii)—Lead—Quantitative Fit Testing (QNFT) (Interim Rule)

Description: The present OSHA Lead Standard requires the use of QNFT, a method for numerically measuring facepiece seal leakage, on all users of negative pressure respirators. New information indicates that certain types of qualitative fit testing (QLFT), a method that relies on the wearer's subjective response to pressure, an irritant fume or a substance with a characteristic odor or taste, may be adequate to determine the fit of negative pressure respirators. OSHA has proposed an interim rule to permit the use of QLFT pending its reconsideration of the general respirator standard (1910.134) and the QNFT requirements of the Lead Standard (1910.1025(f)(3)(ii)). The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: A notice of proposed rulemaking was published on May 19, 1981 (46 FR 27358) with comments due by November 13, 1981. On July 10, 1981, the comment period was extended to August 4, 1981 (46 FR 35683). Thereafter it was extended to November 13, 1981. Public hearings were held in Washington, D.C., on September 23, 1981. It is expected that the final interim rule will be published by November, 1982.

Contact: Sheldon R. Weiner; Rm N3718 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

16. OSHA/Safety—29 CFR Part 1918a—Marine Terminals

Description: The purpose of this new standard is to facilitate compliance for employers in the marine cargo handling industry. These employers are currently required to comply with standards in two sets of regulations, General Industry and Maritime Employment. The legal authority for this regulation is 29 U.S.C. 655(b); 33 U.S.C. 941.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: A notice of proposed rulemaking was published on January 16, 1981 (46 FR 4182). On May 29, 1981 (46 FR 28864) the comment period was extended to August 15, 1981. A notice was published in the **Federal Register** on April 6, 1982 (47 FR 14716) extending the comment period to April 16, 1982 and announcing a series of public hearings for May 25, 1982, June 8, 1982, and June 22, 1982 to address issues raised by the proposal and the alternative provisions. It is expected that the final rule will be published by December, 1982.

Contact: Basil Needham; Rm N3471, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7234.

17. OSHA/Safety—29 CFR Part 1910—Subpart D—Walking/Working Surfaces

Description: The present Subpart D needs to be revised because it is out of date and restricts technological innovation. The proposed revision will be performance oriented. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the proposal will be published by January, 1983.

Contact: Thomas H. Seymour; Rm N3463 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

18. OSHA/Safety—29 CFR Part 1926—Subpart Q—Concrete, Concrete Forms and Shoring

Description: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures that have occured in recent years suggest the need for a review of the existing standard applicable to such construction operations. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: An advance notice of proposed rulemaking was published on February 9, 1982 (47 FR 5910) with comments due by April 10, 1982. It is expected that the proposal will be published by September, 1983.

Contact: Allan Martin; Rm N3510, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7207.

19. OSHA/Safety—29 CFR 1910.106 (g)(2) and (g)(3)(vi)—Gasoline Dispensing: Latch and Attendant requirements*

Description: The current OSHA standard for gaoline service stations, open and available to the public, prohibits the use of latch-open devices on gasoline delivery nozzles used by persons other than the service station attendant. This rule would permit the use of such devices. In addition, the rule would remove references to service station attendants by deleting confusing language in the existing standard. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? No.

Regulatory Impact Analysis Required? No.

Status: A notice of proposed rulemaking was published on March 30, 1982 (47 FR 13387) with comments due by April 29, 1982. Additionally, interested parties may file, by April 29, 1982, objections to the proposal and request an informal hearing. It is expected that the final rule will be published by September, 1982.

Contact: Thomas H. Seymour; Rm N3463, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

20. OSHA/Safety/Com.D—29 CFR Part 1910—Subpart T—Commercial Diving Operations: Whole Standard

Description: The standard regulates commercial diving operations. It needs to be revised to provide more flexibility to small diving operations with regard to equipment use, medical fitness, and recordkeeping. In addition, other issues need to be resolved, including the issue of dual jurisdiction over diving operations which now exists between OSHA and the U.S. Coast Guard. The standard has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333; 33 U.S.C. 941.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: An advance notice of proposed rulemaking was published on February 26, 1982 (47 FR 8379) with comments due by April 12, 1982. On April 16, 1982 the comment period was extended to June 14, 1982. It is expected that the proposal will be published by November 1982.

Contact: Thomas H. Seymour; Rm N3463 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

21. OSHA/Safety/Com.D—29 CFR 1910.401(a)(2)(iv)—Subpart T—Commercial Diving Operations: Exemptions

Description: The OSHA standard for commercial diving operations does not exempt diving operations performed solely for marine scientific research and development purposes by educational institutions. However, the U.S. Coast Guard standard, which is similar in content to the OSHA standard, does exempt educational/scientific diving. Therefore, OSHA is in this notice proposing an exemption for educational/scientific diving which is identical to that which is presently contained in the U.S. Coast Guard's standard for commercial diving operations (46 CFR Part 197). The commercial diving operations standard has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333; 33 U.S.C. 941.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: An advance notice of proposed rulemaking was published on August 17, 1979 (44 FR 48274) with comments due by October 15, 1979. A notice of proposed rulemaking was published on March 26, 1982 (47 FR 13005) with comments due by May 10, 1982. Additionally, interested parties may file by April 26, 1982 objections to the proposal and request an informal hearing. It is expected that the final rule will be published by December 1982.

Contact: Thomas H. Seymour; Rm N3463 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

Pre-Proposed Rules

22. OSHA/Health—29 CFR 1910.1001—Asbestos

Description: OSHA contemplates revising this rule because NIOSH and other sources have provided data to OSHA indicating that the present OSHA permissible exposure limit (PEL) may not inadequately protect workers from asbestos-related diseases. The revision may include a reevaluation of the current PEL and control requirements representing the most cost-effective way for industries to achieve the PEL. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the advance notice of proposed rule-making will be published by August 1982.

Contact: Robert P. Beliles; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

23. OSHA/Health—29 CFR 1910.97—Nonionizing Radiation

Description: The current rule needs revision because it states that it is a guide and uses the advisory words "should" and "recommended" in its provisions. Hence it has been construed to be advisory and unenforceable. It is necessary to implement an enforceable standard because the hazards of exposure above the currently recommended level are widely accepted. Also, the ever increasing use of radio frequency radiation emitting devices has produced strong public and congressional concern. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the advance notice of proposed rule-making will be published by September 1982.

Contact: Sheldon R. Weiner; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

24. OSHA/Health—29 CFR 1910.1002—Definition of Coal Tar Pitch Volatiles

Description: OSHA believes the definition of coal tar pitch volatiles needs to be amended to exclude substances resulting from distillation of petroleum and wood products. The legal authority for this regulation is 29 U.S.C. 655(b) and 657(g).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by Spring, 1982.

Contact: Robert P. Beliles; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7081.

25. OSHA/Health—29 CFR 1910.134, etc.—Respiratory Protection

Description: The present respiratory protection standards for general industry, construction and maritime have been in place for about 10 years and do not reflect the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory ("should") provisions. Therefore, it is considered appropriate to reexamine the subject of respiratory protection and modify the existing standards. An additional reason for the importance of this standard revision project is its role in considering the relative merits of respirators as compared to engineering controls. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the advance notice of proposed rule-making will be published by Spring, 1982.

Contact: Sheldon R. Weiner; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

26. OSHA/Health—29 CFR Part 1910—Engineering Controls vs Respirators; Generic Question

Description: Several OSHA standards, both general and specific, now require that feasible engineering controls, rather than respirators, are to be used as the primary means to control employee exposure to airborne toxic materials. It has been requested that OSHA reexamine this policy on cost-effectiveness grounds and consider modification of present standards. This regulation has been targeted for review by the President's Task Force on Regulatory Relief. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the advance notice of proposed rule-making will be published by Spring, 1982.

Contact: Sheldon R. Weiner; Rm N3718 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

27. OSHA/Health—29 CFR 1910.95—Noise—Review of the Standard as a Whole (PEL and Methods of Compliance)

Description: OSHA's existing standard specifies a maximum permissible exposure limit (PEL) of 90 dB and requires reduction of noise levels through the use of engineering or administrative means, whenever feasible. The noise standard has been targeted for review by the President's Task Force on Regulatory Relief. OSHA proposes to review the standard in order to assess the cost-effectiveness of various regulatory alternatives that the Agency has not previously studied. The Agency intends to examine the PEL in view of current research data. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the advance notice of proposed rule-making will be published by Spring, 1982.

Contact: : Dr. Alice Suter; Rm N3718, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7151.

28. OSHA/Health/Safety—29 CFR Part 1904—Recordkeeping

Description: The rule would exempt certain groups or employers from OSHA recordkeeping requirements. The proposal would exempt employers in industrial classifications with injury rates that are significantly lower than the average last workday case rate. The legal authority for this regulation is 29 U.S.C. 657.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? No.

Status: It is expected that the proposal will be published by 05/01/82.

Contact: Raymond Donnelly; Rm N3622 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8076.

29. OSHA/Safety—29 CFR Part 1910—Subpart S—Electrical Safety—Related Work Practices

Description: Standards are currently being drafted for the second part (Subpart S of Part 1910) of OSHA's electrical standard, which related to Electrical Safety Related Work Practices. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the proposal will be published by February, 1983.

Contact: Joseph Pipkin; Rm N3457 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8161.

30 OSHA/Safety—29 CFR Part 1910—Subpart F—Powered Platforms for Exterior Building Maintenance

Description: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, is to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The legal authority for this regulation is 29 US.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that an advance notice of proposed rule-making will be published by December, 1982.

Contact: Carrol Burtner; Rm N3506 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7202.

31. OSHA/Safety—29 CFR Part 1910—Oil and Gas Well Drilling and Servicing

Description: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique hazards of this industry. OSHA is not planning to develop a proposed standard which addresses the unique safety hazards of oil and gas well drilling and servicing. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the proposal will be published by January, 1983.

Contact: Thomas H. Seymour; Rm N3463 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

32. OSHA/Safety—29 CFR Part 1910—Subpart O—Mechanical Power Transmission Apparatus

Description: The current standard needs to be revised because it emphasizes line shafting, belt and pulley systems that, for the most part, are obsolete. The current standard also overlaps with other rules. In addition, the standard could be made more "performance" oriented than it is now. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by November, 1983.

Contact: Carrol E. Burtner,; Rm N3506 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7202.

33. OSHA/Safety—29 CFR Part 1926—Subpart P—Excavations, Trenching and Shoring

Description: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is necessary because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by March 1983.

Contact: Allan Martin; Rm N3510 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7207.

34. OSHA/Safety—29 CFR Part 1926—Subpart M—Floor and Wall Openings, and Stairways

Description: The existing standard needs revision because it is poorly formated, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by March 1983.

Contact: Allan Martin; Rm N3510 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7207.

35. OSHA/Safety—29 CFR Part 1926 Subpart S (§§ 1926.800-802)—Tunnels and Shafts

Description: The existing standards would be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by December 1982.

Contact: Allan Martin; Rm N3510 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7207.

36. OSHA/Safety—29 CFR Part 1926—Subpart K—Electrical Standards—Construction

Description: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. Many details in the present standard either conflict with or limit the implementation of current construction practices. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the proposal will be published by December 1982.

Contact: Joseph Pipkin; Rm N3457 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8161.

37. OSHA/Safety—29 CFR Part 1926—Subpart L—Ladders and Scaffolds

Description: This rule would address several significant problem areas which are becoming points of litigation: (1) The maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; (3) whether cross-bracing may be used as ladders. The legal authority for this regulation is 29 U.S.C. 655(b); 40 U.S.C. 333.

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by April 1983.

Contact: Allan Martin; Rm N3510 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7207.

38. OSHA/Safety—29 CFR Part 1910—Revocation of Advisory and Repetitive Standards

Description: There are a number of subject areas now presently covered by a "should" provision. Because of numerous court decisions holding that these rules are only advsiory, OSHA has been precluded from obtaining, via the enforcement route, abatement of the hazard. The revocation of these provisions as well as some duplicative standards would further aid in clarifying up the General Industry Standards. The legl authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? TBD.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by May 1982.

Contact: Thomas H. Seymour; Rm N3463 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

39. OSHA/Safety—29 CFR 1910.177—Multi- and Single-Piece Rim Wheels

Description: A petition has been received from the National Wheel and Rim Association requesting amendment

of the standard on servicing multi-piece rim wheels to cover single-piece rim wheels. The petition states that there is an increasing frequency of serious accidents and fatalities during single-piece rim wheel servicing and the costs of compliance are negligible. Based upon the above, a proposal is being written. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? TBD.

Status: It is expected that the proposal will be published by July 1982.

Contact: Carrol E. Burtner; Rm N3506, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7202.

40. OSHA/Safety—29 CFR Part 1910, Subpart H (new section)—Grain Handling Facilities

Description: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now planning to develop a proposed standard for grain handling facilities. The legal authority for this regulation is 29 U.S.C. 655(b).

Regulatory Flexibility Analysis Required? Yes.

Regulatory Impact Analysis Required? Yes.

Status: It is expected that the proposal will be published by February 1983.

Contact: Thomas H. Seymour; Rm N3463, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7216.

Signed this 23rd day of April 1982 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-11593 Filed 4-29-82; 8:45 am]

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federal register

Friday
April 30, 1982

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California:	
CA81-5129	July 6, 1981.
CA81-5145	Sept. 25, 1981.
Colorado:	
CO81-5148	Sept. 4, 1981.
CO82-5103	Feb. 12, 1982.
CO82-5104	Feb. 26, 1982.
CO82-5107	Apr. 9, 1982.
Florida:	
FL82-1018	Mar. 5, 1982.
FL82-1015	Mar. 5, 1982.
FL82-1019	Mar. 12, 1982.
Illinois: IL82-2026	Apr. 9, 1982.
Indiana: IL82-2026	Apr. 9, 1982.
Kansas:	
KS82-4013	Apr. 16, 1982.
KS82-4014	Apr. 16, 1982.
KS82-4015	Apr. 16, 1982.
Kentucky: KY81-1277	Aug. 21, 1981.
Louisiana:	
LA81-4084	Nov. 6, 1981.
LA81-4085	Nov. 6, 1981.
LA81-4086	Nov. 6, 1981.
Michigan: IL82-2026	Apr. 9, 1982.
Minnesota: IL82-2026	Apr. 9, 1982.
Nevada: NV81-5152	Sept. 18, 1981.
New York: IL82-2026	Apr. 9, 1982.
Ohio: IL82-2026	Apr. 9, 1982.
Oregon: OR82-5100	Mar. 12, 1982.
Pennsylvania: IL82-2026	Apr. 9, 1982.
Texas:	
TX81-4075	Oct. 2, 1981.
TX81-4076	Oct. 2, 1981.
TX81-4078	Oct. 2, 1981.
TX82-4005	Jan. 29, 1982.
Wisconsin: IL82-2026	Apr. 9, 1982.
Wyoming: WY81-5159	Oct. 30, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Massachusetts: MA81-3071 (MA82-3005)	Oct. 16, 1981.
Nevada: NV81-5104 (NV82-5110)	Feb. 20, 1981.
New Hampshire: NH80-2008 (NH82-3018).	Mar. 7, 1980.
North Carolina: NC81-1149 (NC82-1027)	Dec. 30, 1980.

Cancellation of General Wage Determination Decision

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

IN78-2132, Vanderburgh County, Indiana—Residential Construction in 43 FR 49196 dated October 20, 1978.

Signed at Washington, D.C. this 23rd day of April 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CA81-5129 - Mod. #8 (46 FR 34961 _ July 6, 1981) Imperial, Kern, Los Angeles, Orange, Riverside, San - Bernardino, San Luis Obispo Santa Barbara and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELECTRICIANS:					
Area 2:					
Electricians	$24.40	1.35	3%+2.55		.15
Cable Splicers	26.47	1.35	3%+2.55		.15
Area 3:					
Electricians	20.65	1.35	3%+2.55		.15
Cable Splicers	22.72	1.35	3%+2.55		.15
ROOFERS:					
Area 2:	14.30	.90	.60		.05
DECISION NO. CA81-5154 - Mod. #10 (46 FR 47384 - September 25, 1981) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California					
Change:					
ELECTRICIANS:					
Area 2:					
Electricians	$20.65	1.35	3%+2.55		.15
Cable Splicers	22.72	1.35	3%+2.55		.15
Area 11:					
Electricians	24.40	1.35	3%+2.55		.15
Cable Splicers	26.47	1.35	3%+2.55		.15
LINE CONSTRUCTION:					
Area 2:					
Groundman	15.49	1.35	3%+2.55		.15
Lineman	20.65	1.35	3%+2.55		.15
Cable Splicers	22.72	1.35	3%+2.55		.15
Area 10:					
Groundman	19.24	1.35	3%+2.55		.15
Lineman	24.40	1.35	3%+2.55		.15
Cable Splicer	26.47	1.35	3%+2.55		.15
ROOFERS:					
Area 2:	14.30	.90	.60		.05

Modification Page 2

DECISION NO. CO81-5148 - Mod. #9 (46 FR 44616-September 4, 1981) Las Animas, Otero, and Pueblo Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Glaziers	$13.80	.92	.60	b	
DECISION NO. CO82-5103-Mod. #4 (47 FR 6549-February 12, 1982) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit, and Weld Counties, Colorado					
Change:					
Glaziers	$13.80	.92	.60	b	
DECISION NO. CO82-5104-Mod. #2 (47 FR 8497-February 26, 1982) El Paso County, Colorado					
Change:					
Glaziers	$13.80	.92	.60	b	
DECISION NO. CO82-5107-Mod. #1 (47 FR 15491-April 9, 1982) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado					
Change:					
Glaziers	$13.80	.92	.60	b	

Modification Page 3

DECISION NO. FL82-1018 - MOD. # 4 (47 FR 9655 - March 5, 1982)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Building, Heavy, & Highway Construction					
Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Sites in Brevard & Volusia Counties, Florida.					
CHANGE:					
IRONWORKERS	$12.78	.90	1.15	1.00	.05
BOILERMAKERS	14.50	1.475	1.50		.04
LABORERS:					
1. Air Tool Operators, etc.	7.95	.60	.40		.01
2. Gunnite Laborer	8.22	.60	.40		.01
3. Gunnite Nozzleman	8.62	.60	.40		.01
4. Unskilled Laborer	7.80	.60	.40		.01
SHEET METAL WORKER	13.95	.80	.84		.04

DECISION NO. FL82-1015 - MOD. # 1 (47 FR 9654 - March 5, 1982)					
Building Construction					
Orange County, Florida					
CHANGE:					
ASBESTOS WORKERS	$14.45	.80	.80		.06
BOILERMAKERS	14.50	1.475	1.50		.04
IRONWORKERS	13.38	.90	.90	.65	.05
MILLWRIGHTS	13.17	.70	.70		.10
PLUMBERS	14.34	.75	.22	.40	.12
ROOFERS:					
Roofers	10.50	.45	.25		.10
Kettlemen	9.05	.45	.25		.10

Modification Page 4

DECISION NO. FL82-1019 - MOD. # 1 (47 FR 10946 - March 12, 1982)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Building Construction					
Volusia County, Florida (except Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station)					
CHANGE:					
BOILERMAKERS	$14.50	1.475	1.50		.04
IRONWORKERS	13.38	.90	.90	.65	.05

DECISION NO. IL82-2026 - MOD. #1 (47 FR 15496 - April 9, 1982)					
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin					
Change:					
Floating Equipment: (Clamshell, Dragline & Marine Construction):					
Engineers & Operators	$19.75	f		g&e	
Equipment Operators	17.65	f		g&e	
Firemen	16.65	f		g&e	
Oilers	14.70	f		g&e	

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KS82-4013-MOD. #1 (47FR 16519-April 16, 1982) Leavenworth County, Kansas					
Change:					
Carpenters:					
Carpenters, Millwrights, Pile-drivermen	$15.05	.75	1.25		.07
Lathers	15.05	.75	1.25		.07
DECISION NO. KS82-4014-MOD. #1 (41FR 16522-April 16, 1982) Sedgwick County, Kansas					
Change:					
Asbestos Workers	$15.53	1.05	1.00		.05
DECISION NO. KS82-4015-MOD. #1 (41FR 16525-April 16, 1982) Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas					
Change:					
Under Carpenters & Piledrivermen Zone 1	$11.10	.85	.75		.05
DECISION #KY81-1277 - Mod. #3 (46 FR 42601 - August 21, 1981) Hardin, Jefferson, & Meade Counties, Kentucky					
CHANGE:					
PLUMBERS & PIPEFITTERS:					
Area 1 - Jefferson County					
Plumbers	$16.22	1.25	1.90		.15
Pipefitters	17.15	.95	1.80		.12
Area 2 - Hardin (Northern portion of County up to but not including Elizabethtown) & Meade Counties					
Plumbers	16.82	1.25	1.90		.15
Pipefitters	17.75	.95	1.80		.12
Area 3 - Hardin (Remainder of County) County					
Plumbers	17.07	1.25	1.90		.15
Pipefitters	18.00	.95	1.80		.12

Modification Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA81-4084 - MOD. #9 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana					
CHANGE:					
Electricians:					
Bossier & Caddo Parishes:					
Electricians	$14.60	2.40	3%		1%
Cable splicers	15.10	2.40	3%		1%
DECISION NO. LA81-4085 - MOD. #5 (46 FR 55206 - November 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana					
CHANGE:					
Electricians:					
Zone 3 - Electricians	14.60	2.40	3%		1%
Cable splicers	15.10	2.40	3%		1%
Line construction:					
Zone 3 - Group 1	14.60	2.40	3%		3/4%
Group 2	15.10	2.40	3%		3/4%
Group 3	12.60	2.40	3%		3/4%
DECISION NO. LA81-4086 - MOD. #9 (46 FR 55189 - November 6, 1981) Statewide Louisiana					
CHANGE:					
Electricians:					
Zone 7 - Electrians	$14.60	2.40	3%		1%
Cable splicers	15.10	2.40	3%		1%
Line construction:					
Zone 7:					
Linemen; Operators	14.60	2.40	3%		3/4%
Cable splicers	15.10	2.40	3%		3/4%
Groundmen	12.60	2.40	3%		3/4%

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DECISION NO. NV81-5152 - Mod. #4
(46 FR 46505 - September 18, 1981)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

Change:
Power Equipment Operators:
(Except Piledriving and Steel Erection):
Remaining Counties:

GROUPS	AREA 1	AREA 2	AREA 3	AREA 4
1-A	$12.66	$13.91	$14.41	$15.16
2	13.15	14.40	14.90	15.65
3	13.40	14.65	15.15	15.90
4	14.09	15.34	15.84	16.59
5	14.37	15.62	16.12	16.87
6	14.53	15.78	16.28	17.03
7	14.76	16.01	16.51	17.26
8	15.31	16.56	17.06	17.81
9	15.61	16.86	17.36	18.11
10	15.94	17.19	17.69	18.44
10-A	16.11	17.36	17.86	18.61
11	16.34	17.59	18.09	18.84
11-A	17.86	19.11	19.61	20.36

FRINGE BENEFIT PAYMENTS:

Health and Welfare	$2.29
Pensions	3.50
Vacation	2.64
App. Training	.16

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DECISION NO. NV81-5152 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledriving:					
Group 1	$12.64	$2.29	$3.50	$2.64	.16
Group 1-A	13.10	2.29	3.50	2.64	.16
Group 1-B	13.38	2.29	3.50	2.64	.16
Group 2-A	13.38	2.29	3.50	2.64	.16
Group 2-B	14.15	2.29	3.50	2.64	.16
Group 2-C	14.38	2.29	3.50	2.64	.16
Group 2-D	14.58	2.29	3.50	2.64	.16
Group 3	14.78	2.29	3.50	2.64	.16
Group 3-A	15.36	2.29	3.50	2.64	.16
Group 4	16.10	2.29	3.50	2.64	.16
Group 5	16.33	2.29	3.50	2.64	.16
Group 6	17.86	2.29	3.50	2.64	.16
Steel Erection:					
Group 1	13.28	2.29	3.50	2.64	.16
Group 2	13.78	2.29	3.50	2.64	.16
Group 3	15.15	2.29	3.50	2.64	.16
Group 4	15.34	2.29	3.50	2.64	.16
Group 4-A	15.75	2.29	3.50	2.64	.16
Group 5	16.42	2.29	3.50	2.64	.16
Group 6	17.00	2.29	3.50	2.64	.16
Group 7	17.40	2.29	3.50	2.64	.16
Group 8	17.79	2.29	3.50	2.64	.16
Group 9	19.19	2.29	3.50	2.64	.16
DECISION NO. OR82-5100 - Mod. #4 (47 FR 10954 - March 12, 1982) Statewide Oregon					
CHANGE:					
ELECTRICIANS:					
Area 4:					
Electricians	$22.00	1.25	3% + 1.00		.17
Cable Splicers	24.20	1.25	3% + 1.00		.17

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4075 - MOD. #8 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Asbestos workers	$16.20	1.35	1.28		.08
DECISION NO. TX81-4076 - MOD. #8 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Asbestos workers	16.20	1.35	1.28		.08
DECISION NO. TX81-4078 - MOD. #6 (46 FR 48865 - October 2, 1981) Bexar County, Texas					
CHANGE:					
Carpenters:					
Carpenters	12.50	.63	.90	.50	.10
Millwrights	12.80	.63	.90	.50	.10
DECISION NO. TX82-4005 - MOD. #3 (47 FR 4465 - January 29, 1982) Jefferson & Orange Cos., Texas					
CHANGE:					
Asbestos workers-Jefferson	16.20	1.35	1.28		.08
Carpenters:					
Commercial	15.67	.85	.85		.065
Residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	13.69	.85	.85		.065
Millwrights	15.925	.85	.85		.05
Piledrivermen	15.81	.85	.85		

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DECISION NO. WY81-5159 - Mod. #1
(46 FR 53953 - October 30, 1981)
Statewide, Wyoming

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Line Construction schedule as issued					
Add:					
Line Construction:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Linemen/Technicians	$16.00	.45	3%+.50		3/4of1%
Equipment Operators	14.39	.45	3%+.50		3/4of1%
Groundmen/Truck Drivers	10.60	.45	3%+.50		3/4of1%
All work 34.5 KV and under:					
Lineman/Technicians	16.00	.45	3%+.50		3/4of1%
Line Equipment Operator	13.74	.45	3%+.50		3/4of1%
Groundman/Truck Driver	10.60	.45	3%+.50		3/4of1%

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS

COUNTIES: Berkshire, Franklin, Hampden and Hampshire

DECISION NO.: MA82-3005

DATE: Date of Publication

Supersedes Decision No. MA81-3071, dated October 16, 1981 in 46 FR 51163

DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	15.21	1.04	1.50		.01
BOILERMAKERS	16.53	1.275	10%		.04
BRICKLAYERS: Cement Masons, Plasterers, Stone Mason, Marble-Tile-Terrazzo Workers, Pointers, Cleaners, Caulkers:					
HAMPDEN, HAMPSHIRE, FRANKLIN COUNTIES; BERKSHIRE CO. (Twps. of Becket, Otis and Sandisfield)	13.01	1.33	1.50		.10
BERKSHIRE (Twps. of Adams North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown)	11.85				
BERKSHIRE (Remainder of County)	12.88	.70	.55		
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge)	12.44	.90	1.15		.04
FRANKLIN COUNTY (Erving, Warwick, Orange and N. Orange)	14.11	1.05	1.40		.17
FRANKLIN COUNTY (Remainder of County): HAMPDEN and HAMPSHIRE COUNTIES	13.70	.85	1.15		.07
ELECTRICIANS:					
BERKSHIRE CO., FRANKLIN CO. (Hawley, Monroe, and Rowe); HAMPSHIRE CO. (Middlefield, Cummington & Plainfield)	13.79	.55	3%+.94		.02
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of Co.); HAMPDEN CO. (Chester, Holyoke and North portion of Chicopee)					
Electrician Contracts under $85,000.00	12.86	.85	3%+.40		.02
Electrical Contracts over $85,000.00	14.86	.85	3%+.40		.02
HAMPDEN CO. (Remainder of County); HAMPSHIRE CO. (Belchertown, Ware)	13.28	.85	3%+.40		.03

DECISION NO. MA82-3005

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	13.45	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.415	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	6.725				
GLAZIERS	11.67	.80	1.45		.02
IRONWORKERS:					
HAMPSHIRE; HAMPDEN; FRANKLIN COS.; BERKSHIRE CO. (Becket, Washington, Lee, Sandisfield, New Marlboro, Hinsdale, Peru, Savoy, Monterey, Sheffield Windsor, Otis, N. & E. Otis)	13.25	1.15	3.75		.17
BERKSHIRE CO. (Remainder of County)	12.85	.75	1.60		.04
LATHERS	10.85		.25		.01
LATHERS, DRYWALL	9.00		.25		.01
LINE CONSTRUCTION:					
Linemen, cable splicers & dynamite man	15.15	.70	3%+1.00	c	
Heavy equipment operator	13.79	.70	3%+1.00	c	
Equipment operator, tractor trailer driver & field mechanic	13.01	.70	3%+1.00	c	
Material man	12.79	.70	3%+1.00	c	
Groundman truck driver	11.69	.70	3%+1.00	c	
Groundman	10.34	.70	3%+1.00	c	
MARBLE, TILE & TERRAZZO FINISHERS:					
BERKSHIRE AND HAMPDEN COUNTIES	8.95				
MILLWRIGHTS	15.20	1.00	1.00		.10
PAINTERS:					
Brush and Taper	11.96	.98	.93		.08
Spray and Sandblasting	15.83	.98	.93		.08
Swing Stage under 40' steel	12.15	.98	.93		.08
Swing stage over 40' steel	12.46	.98	.93		.08
SIGN PAINTERS	11.30	1.00	.50		.04
PILEDRIVERMEN	15.40	1.00	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
FRANKLIN COUNTY (Orange)	13.87	.90	.90	4%	.05
HAMPDEN COUNTY; HAMPSHIRE COUNTY; BERKSHIRE COUNTY (Otis, Becket, Sandisfield); FRANKLIN CO. (Remainder of County)	15.12	1.01	1.75		.10
BERKSHIRE CO. (Remainder of County); FRANKLIN CO. (Monroe, Towe and Western part of Charlemont)	14.40	1.15	1.50		.05
ROOFERS:					
Composition, Damp Waterproof	10.565	1.10	2.03		
Slate, Tile, Precast Concrete	11.065	1.10	2.03		
SHEET METAL WORKERS	14.06	1.09	2.11		
SPRINKLER FITTERS	15.29	.95	1.40		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F, and the day after Thanksgiving

c. Holidays: C & D

LABORERS; (BUILDING)					
GROUP 1	11.05	.90	1.20		.15
GROUP 2	11.30	.90	1.20		.15
GROUP 3	11.55	.90	1.20		.15
GROUP 4	11.80	.90	1.20		.15
GROUP 5	12.05	.90	1.20		.15

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LABORERS - BUILDING CLASSIFICATIONS

GROUP 1 - Laborers, carpenter tenders and wrecking laborers

GROUP 2 - Asphalt Rakers, Carbide Core Driller Operators, Chain Saw Operators, Pipelayers, Jackhammer and Paving Breaker Operators, Barco-type Jumping Tampers, Laser Beam Operators, Concrete Pump Operators, Mason-Tenders, Mortar Mixers, Ride-on Motorized Buggy Operators and Wagon Drill Operators

GROUP 3 - Pre-cast Floor and Roof Plank Erectors and Asbestos Removers

GROUP 4 - Air Track Operators, Block Pavers, Rammers and Curb Setters

GROUP 5 - Powdermen and Blasters

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS: (HEAVY & HIGHWAY)					
BERKSHIRE; FRANKLIN (Except Orange and Worwick); HAMPDEN AND HAMPSHIRE					
Class I	11.05	.90	1.20		.15
Class II	11.30	.90	1.20		.15
Class III	11.80	.90	1.20		.15
Class IV	12.05	.90	1.20		.15
FRANKLIN (Orange and Worwick)					
Class I	11.05	.90	1.20		.15
Class II	11.30	.90	1.20		.15
Class III	11.80	.90	1.20		.15
Class IV	12.05	.90	1.20		.15

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LABORERS - HEAVY & HIGHWAY CLASSIFICATIONS

Class I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers

CLASS II - Asphalt Rakers, Fence and Guard Rail Erectors, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.

Class III - Air Track Op., Block Pavers, Rammers, Curb Setters

Class IV - Blasterers, Powdermen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:					
CLASS I	14.63	1.05	1.15	a	.10
CLASS II	14.43	1.05	1.15	a	.10
CLASS III	14.23	1.05	1.15	a	.10
CLASS IIIA	13.86	1.05	1.15	a	.10
CLASS IV	12.39	1.05	1.15	a	.10
CLASS V	11.71	1.05	1.15	a	.10
CLASS VI	10.60	1.05	1.15	a	.10
CLASS VII	15.38	1.05	1.15	a	.10
CLASS VIII	11.78	1.05	1.15	a	.10
CLASS IX	15.19	1.05	1.15	a	.10
CLASS X	15.13	1.05	1.15	a	.10
CLASS XI	15.63	1.05	1.15	a	.10

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CLASSIFICATIONS

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three Drum Hoisting and Trenching Machines, Belttype Loaders, Foreman Mechanics, Front End Loaders--5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scrapers--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

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CLASSIFICATION CONT'D

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding machines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:
a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

DECISION NO. MA82-3005

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CLASS I	14.63	1.05	1.15	a	.10
CLASS II	14.43	1.05	1.15	a	.10
CLASS III	14.23	1.05	1.15	a	.10
CLASS IIIA	13.86	1.05	1.15	a	.10
CLASS IV	12.39	1.05	1.15	a	.10
CLASS V	11.71	1.05	1.15	a	.10
CLASS VI	10.60	1.05	1.15	a	.10
CLASS VII	15.38	1.05	1.15	a	.10
CLASS VIII	11.78	1.05	1.15	a	.10
CLASS IX	15.19	1.05	1.15	a	.10
CLASS X	15.13	1.05	1.15	a	.10
CLASS XI	15.63	1.05	1.15	a	.10

CLASSIFICATIONS

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over Dual Pavers, Automatic Grader--Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders--4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

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CLASSIFICATION CONT'D

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in well point system, Tireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and Dinkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slif forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS V - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps--4" to 16" total discharge.

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck Helper on powered Grease Trucks, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Boom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

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CLASSIFICATION CONT'D

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	10.86	1.10	1.20	a+b	
CLASS II	11.03	1.10	1.20	a+b	
CLASS III	11.10	1.10	1.20	a+b	
CLASS IV	11.22	1.10	1.20	a+b	
CLASS V	11.32	1.10	1.20	a+b	
CLASS VI	11.61	1.10	1.20	a+b	
CLASS VII	11.90	1.10	1.20	a+b	

TRUCK DRIVERS CLASSIFICATIONS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III - Three Axle Equipment and Tiremen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment under 35 tons other than Convential type trucks, Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanics

CLASS VI - Specialized Earth Moving Equipment over 35 Tons

CLASS VII - Trailers for Earth Moving Equipment (Double Hookup)

DECISION NO. MA82-3005

FOOTNOTES:

a. Paid Holidays: New Year's Day, Washington's Birthday, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day

b. Paid Vacation: 4 months to 1 year ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment.

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe
DECISION NUMBER: NV82-5110 DATE: Date of Publication
Supersedes Decision No. NV81-5104 dated February 20, 1981, in 46 FR 13482
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$22.36	$1.25	$1.45		.11
BOILERMAKERS	19.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons	16.32	1.16	.75		.04
BRICK HOD CARRIERS	13.51	1.15	1.35		.10
CARPENTERS	14.80	1.33	1.93	1.30	.11
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	15.55	1.33	1.27	2.00	.10
Mastic, Magnesite and all Composition Masons	15.80	1.33	1.27	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	16.05	1.33	1.27	2.00	.10
Remainder of Washoe County:					
Cement Masons	13.80	1.33	1.27	2.00	.10
Mastic, Magnesite and all Composition Masons	14.05	1.33	1.27	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	14.30	1.33	1.27	2.00	.10
DRYWALL INSTALLERS	14.05	1.17	1.69	1.10	.11
ELECTRICIANS:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	20.73	1.09	3%+2.09		.14
Cable Splicers	22.80	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	22.23	1.09	3%+2.09		.14
Cable Splicers	24.30	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS	24.22	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	16.95	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	12.11				
GLAZIERS	15.88	1.44	2.50	2.38	
IRONWORKERS:					
Fence Erectors	17.40	1.44	3.77		.12
Ornamental; Reinforcing; Structural	18.29	1.44	3.77		.12
LATHERS	18.07				.01
MARBLE MASONS	15.04	1.16	.75		.01
MARBLE, TERRAZZO, TILE FINISHERS	8.83	1.16	.75		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:					
Brush and Roller	$16.79	.84	.75		.02
Brush-swing stage, up to 40 ft.; Brush-steel	17.04	.84	.75		.02
Spray; Taper; Paperhangers; Sandblasters	17.29	.84	.75		.02
Spray-swing stage, up to 40 ft.; Spray-steel	17.54	.84	.75		.02
PLASTER HOD CARRIERS:					
Plaster Hod Carriers serving Plasterers	14.20	1.10	1.30		
Plaster Hod Carriers working on any type of gun (except TM-30)	14.80	1.10	1.30		
Plaster Hod Carriers mixing on TM-30 machine	15.05	1.10	1.30		
PLASTERERS	14.72	1.33	1.50		.05
PLUMBERS; Steamfitters	18.24	1.23	1.25	2.10	.20
ROOFERS	18.52	1.00	1.00		.05
SHEET METAL WORKERS:					
Residential construction not over 3 stories in height, where each individual family apartment is individually conditioned by a separate and independent unit or system	13.26	1.30	2.36	1.66	.14
All other residential construction	16.57	1.30	2.36	1.66	.14
SOFT FLOOR LAYERS	15.94	1.14	.20	.33	.07
SPRINKLER FITTERS	19.56	.95	1.40		.08
TERRAZZO WORKERS; Tile Setters	15.04	1.16	.75		.01

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. NV82-5110 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$11.71	$1.15	$1.35		.10
Group 2	11.81	1.15	1.35		.10
Group 3	11.96	1.15	1.35		.10
Group 4	12.21	1.15	1.35		.10
Group 5	12.51	1.15	1.35		.10
Group 6-A	12.51	1.15	1.35		.10
Group 6-B	12.21	1.15	1.35		.10
Group 6-C	11.86	1.15	1.35		.10

LABORERS

Group 1: All cleanup work of debris, grounds and buildings including Brushloader and windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer, under 1/2 yard; Concrete pan work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, grinding, sanding, Vibrator; Cribbing, shoring, Lagging, trench jacking, handguided Lagging Hammer; Curbing or Divider Machine; Curb Setter (pre-cast or cut); Ditching Machine (hand guided); Driller's Tender, Chuck Tender; Form Raiser, Slip forms; Grouting of concrete walls, windows and door jams; Header-boardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric not listed in Group 5); Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigger and signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUPS	AREA 1	AREA 2	AREA 3	AREA 4
1-A	$ 12.66	$ 13.91	$ 14.41	$ 15.16
2	13.15	14.40	14.90	15.65
3	13.40	14.65	15.15	15.90
4	14.09	15.34	15.84	16.59
5	14.37	15.62	16.12	16.87
6	14.53	15.78	16.28	17.03
7	14.76	16.01	16.51	17.26
8	15.31	16.56	17.06	17.81
9	15.61	16.86	17.36	18.11
10	15.94	17.19	17.69	18.44
10-A	16.11	17.36	17.86	18.61
11	16.34	17.59	18.09	18.84
11-A	17.86	19.11	19.61	20.36

FRINGE BENEFITS PAYMENTS:	
Health and Welfare	$ 2.29
Pensions	3.50
Vacation	2.64
Apprenticeship Training	.16

AREA DEFINITIONS:

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse

Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse

Area 3: Area between 150 and 300 road miles of the Washoe County Courthouse

Area 4: Area over 300 road miles of the Washoe County Courthouse

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphalt or concrete paving); Bobcat or similar Loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper (multi-purpose); Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar) (asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machines; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small rubber-tired tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning, and Bending Machine; Auger-type drilling equipment up to and including 30 ft. depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generator; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tribatch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (Gunite); Lull Hi-lift (20 ft. or over); Mucking Machine; Subgrader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving machine (single engine with tandem scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machines; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment floating (200 H.P. and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine, multi-engine with sloping attachments (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. Hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane, Auto-grades SP300 and similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to push pull); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired earth-moving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Universal Liebher and Tower Cranes and similar types; Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Goup 11-A: Band Wagon (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes, and Gradealls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledriving:					
Group 1	$12.64	$2.29	$3.50	$2.64	.16
Group 1-A	13.10	2.29	3.50	2.64	.16
Group 1-B	13.38	2.29	3.50	2.64	.16
Group 2-A	13.38	2.29	3.50	2.64	.16
Group 2-B	14.15	2.29	3.50	2.64	.16
Group 2-C	14.78	2.29	3.50	2.64	.16
Group 2-D	14.58	2.29	3.50	2.64	.16
Group 3	14.58	2.29	3.50	2.64	.16
Group 3-A	15.36	2.29	3.50	2.64	.16
Group 4	16.10	2.29	3.50	2.64	.16
Group 5	16.33	2.29	3.50	2.64	.16
Group 6	17.86	2.29	3.50	2.64	.16
Steel Erection:					
Group 1	13.28	2.29	3.50	2.64	.16
Group 2	13.78	2.29	3.50	2.64	.16
Group 3	15.15	2.29	3.50	2.64	.16
Group 4	15.34	2.29	3.50	2.64	.16
Group 4-A	15.75	2.29	3.50	2.64	.16
Group 5	16.42	2.29	3.50	2.64	.16
Group 6	17.00	2.29	3.50	2.64	.16
Group 7	17.40	2.29	3.50	2.64	.16
Group 8	17.79	2.29	3.50	2.64	.16
Group 9	19.19	2.29	3.50	2.64	.16

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Fork Lift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, skid or floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Self-propelled boom-type lifting device (center mount)(over 25 tons); Truck-mounted hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over) (Structural Steel or Tank Erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only); Deck Engineer; Signalman (using mechanical equipment); Fork-lift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purposes A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.72	$1.10	$1.12	$1.01	.05
Group 2	12.77	1.10	1.12	1.01	.05
Group 3	12.88	1.10	1.12	1.01	.05
Group 4	12.94	1.10	1.12	1.01	.05
Group 5	12.99	1.10	1.12	1.01	.05
Group 6	13.04	1.10	1.12	1.01	.05
Group 7	13.15	1.10	1.12	1.01	.05
Group 8	13.21	1.10	1.12	1.01	.05
Group 9	13.26	1.10	1.12	1.01	.05
Group 10	13.32	1.10	1.12	1.01	.05
Group 11	13.43	1.10	1.12	1.01	.05
Group 12	13.48	1.10	1.12	1.01	.05
Group 13	13.74	1.10	1.12	1.01	.05
Group 14	13.76	1.10	1.12	1.01	.05
Group 15	13.92	1.10	1.12	1.01	.05
Group 16	14.09	1.10	1.12	1.01	.05

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, up to 18,000 lbs.; Pick-up Truck and Pilot Cars (jobsite)

Group 3: Bus and Manhaul Drivers, single unit, 18,000 lbs. and over; Winch Trucks and A-Frame Drivers, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Truck Drivers; Fuel Man and Fuel Island Man; Truck Oil and Greaser

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Truck and Jetting Trucks, up to 2,500 gallons; Flatrack, includes Industrial Lift with mechanical tail-gate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

TRUCK DRIVERS (Cont'd)

Group 6: Flatrack, includes Industrial Lift with mechanical tail-gate, single unit 3-axle

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yds.; Transit Mix under 8 yds.; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yds. and including 12 yds.

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yds. and under 25 yds.; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel and/or Grease Tank, Trailer, or other miscellaneous Trailers (except as defined under Dump Trucks)

Group 12: Transit Mix, over 12 yards; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 25 yds. and under 60 yds.

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yds. and under 75 yds.; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yds. and under 100 yds.

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yds. and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW HAMPSHIRE COUNTIES: STATEWIDE
DECISION NUMBER: NH82-3018 DATE: DATE OF PUBLICATION
Supersedes Decision No.: NH80-2008, dated March 7, 1980 in 44 FR 15029
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects, and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction, and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELKNAP COUNTY					
CARPENTERS	7.95	.65	.50		.01
CEMENT MASON	10.19	1.01	.89		.08
IRONWORKERS	10.15	1.00	1.00		.02
LABORERS:					
Blaster	6.66	.60	.70		.10
Laborer	6.16	.60	.70		.10
Pipelayer	6.41	.60	.70		.10
Pneumatic Tool Operator	6.66	.60	.70		.03
PILE, DOCK & MILLWRIGHT	10.73	.65	.70		.03
TRUCK DRIVERS:					
2 axle	5.21				
3 axle	5.66				
Special Earth Moving Equipment (Off Highway Truck)	5.67				
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	9.20	1.10	1.00	a	.03
Backhoe	8.00				
Bulldozer	9.25	1.10	1.00	a	.03
Compressor	8.185	1.10	1.00	a	.03
Crane	9.37	1.10	1.00	a	.03
Front End Loaders (All)	9.37	1.10	1.00	a	.03
Gradall	9.37	1.10	1.00	a	.03
Grader	9.25	1.10	1.00	a	.03
Mechanic (Maintenance)	9.25	1.10	1.00	a	.03
Oiler	7.51	1.10	1.00	a	.03
Self-powered roller	8.95				
CARROLL & COOS COUNTIES					
CARPENTERS	7.95	.65	.50		.01
CEMENT MASONS	9.81				
IRONWORKERS	10.15	1.00	1.00		.02
LABORERS:					
Blaster	6.66	.50	.45		.10
Laborer	5.91	.50	.45		.10
Air Tool Operator	6.41	.60	.70		.10
Pipelayer	6.41	.60	.70		.10
PILE, DOCK & MILLWRIGHT	10.83	.65	.70		.03
TRUCK DRIVERS:					
2 axle	5.21	.55	.40		
3 axle	5.44	.55	.40		
Special Earth Moving Equipment	5.67	.55	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CARROLL & COOS COUNTIES CON'T					
POWER EQUIPMENT OPERATORS:					
Backhoe	11.65				
Broom	7.30	.85	.75	a	.05
Bulldozer	11.53				
Compressor	7.30	.85	.75	a	.05
Crane	11.50				
Front End Loaders	8.93	1.10	1.00	a	.03
Gradall	9.75				
Grader	8.05				
Maintenance Mechanic	8.81	1.10	.80	a	.03
McCarthy Drill	8.93	1.10	1.00	a	.03
Oiler	8.09	1.10	1.00	a	.03
Pavers, Asphalt	9.95	1.10	1.00	a	.03
Roller	11.38				
Scraper	8.90	.85	.75	a	.03
Shovel	6.75				
CHESHIRE COUNTY					
CARPENTERS	8.05	.55	.50		.01
CEMENT MASONS	8.79	.55	.40		.01
IRONWORKERS	9.70	.70	1.00		.02
LABORERS:					
Blaster	6.00	.50	.45		.10
Laborer	6.56	.50	.45		.10
Air Tool Operator	5.75	.50	.45		.10
Driller	7.17	.60	.80		.10
PILE, DOCK & MILLWRIGHT	8.05	.55	.50		.01
TRUCK DRIVERS:					
2 axle	6.42	.70	.50		
3 axle	6.64	.80	.50		
Tractor Trailer	6.72	.80	.50		
Off Highway Trucks	7.02	.80	.50		
POWER EQUIPMENT OPERATORS:					
Backhoe	8.76	.80	.75	a	.05
Bulldozer	8.70	.85	.75	a	.05
Crane	8.75	.80	.75	a	.05
Compressor	6.90	.80	.75	a	.05
Front End Loaders	8.27	1.51*			
Gradall	9.15	.95	1.00	a	.05
Grader	7.41				
Maintenance Mechanic	8.70	.85	.75	a	.05
McCarthy Drill	8.90	.85	.75	a	.05
Oiler	7.30	.85	.75	a	.05
Paver, Asphalt	8.30	.80	.75	a	.05
Self-powered roller	7.93				
Shovel	9.15	.85	.75	a	.05

*THIS REPRESENTS A TOTAL PACKAGE OF FRINGE BENEFIT OBLIGATION

DECISION NO. NH82-3018

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
GRAFTON COUNTY					
CARPENTERS	7.45	.55	.50		.10
CEMENT MASONS	8.89	.80	.60		.02
IRONWORKERS	9.70	.70	1.00		.02
LABORERS:					
Blaster	6.24	.50	.45		.10
Laborer	5.91	.50	.45		.10
Pipelayer	6.41	.60	.70		.10
Pneumatic Tool Operator	5.75	.50	.45		.10
PILE, DOCK, & MILLWRIGHT	8.05	.55	.50		.01
TRUCK DRIVERS:					
2 axle	4.73				
3 axle	4.94	.45	.25		
Special Earth Moving Equipment (Off Highway Trucks)	5.17	.45	.25		
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	7.53				
Asphalt Roller	8.70	.85	.75	a	.05
Backhoe	8.93	1.10	.80	a	.02
Broom	7.30	.85	.75	a	.05
Bulldozer	8.70	.85	.75	a	.05
Compressor	7.30	.85	.75	a	.05
Crane	8.70	.85	.75	a	.05
Front End Loaders	8.93	1.10	1.00	a	.03
Gradall	9.15	.85	.75	a	.05
Grader	8.90	.85	.75	a	.05
Maintenance Mechanic	8.81	1.10	.80	a	.02
McCarthy Drill	8.93	1.10	1.00	a	.03
Oiler	7.30	.85	.75	a	.05
Scraper	8.90	.85	.75	a	.05
Self-powered roller	8.70	.85	.75	a	.05
HILLSBROUGH COUNTY					
CARPENTERS	8.62	.65	.50		.01
CEMENT MASONS	8.31				
IRONWORKERS	10.15	1.00	1.00		.02
LABORERS:					
Blaster	7.42	.60	.80		.10
Laborer	6.56	.50	.45		.10
Driller	7.06	.50	.45		.10
PAINTERS, STRUCTURAL STEEL	7.85				
PILE, DOCK & MILLWRIGHT	10.19	.65	.70		.03
TRUCK DRIVERS:					
2 axle	6.41	.80	.50		
3 axle	6.64	.80	.50		
Special Earth Moving Equipment (Off Highway Trucks)	6.87	.80	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
HILLSBOROUGH COUNTY (CONT'D)					
POWER EQUIPMENT OPERATORS:					
Asphalt Roller	7.82	.85	.75	a	.05
Backhoe	9.60				
Bulldozer	7.91				
Crane	9.15	.85	.75	a	.05
Compressor	7.30	.85	.75	a	.05
Front End Loader	7.91				
Gradall	9.63				
Grader	8.90	.85	.75	a	.05
Mechanic (Maintenance)	8.70	.85	.75	a	.05
Oiler	7.30	.85	.75	a	.05
Paver, Asphalt	8.70	.85	.75	a	.05
Self-powered roller	8.70	.85	.75	a	.05
MERRIMACK COUNTY					
CARPENTERS	7.95	.65	.50		.01
CEMENT MASONS	9.81				
IRONWORKERS	9.70	.70	1.00		.02
LABORERS:					
Blaster	7.42	.60	.80		.10
Laborers	6.56	.50	.45		.10
Pneumatic Tool Operator	7.17	.60	.80		.10
PILE, DOCK & MILLWRIGHT	10.83	.65	.70		.03
TRUCK DRIVERS:					
2 axle	5.21	.55	.40		
3 axle	5.44	.55	.40		
Special Earth Moving Equipment (Off Highway Trucks)	5.97	.60	.50		
Trailer Dump Driver	5.67	.55	.40		
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	8.70	.85	.75	a	.05
Backhoe	10.50				
Bulldozer	8.70	.85	.75	a	.05
Crane	10.35				
Compressor	7.30	.85	.75	a	.05
Front End Loader (3/4 - 4 yds.)	8.70	.85	.75	a	.05
Front End Loader (4 yds. & over)	9.15	.85	.75	a	.05
Gradall	10.50				
Grader	8.90	.85	.75	a	.05
Mechanic (Maintenance)	8.70	.85	.75	a	.05
Oiler	7.30	.85	.75	a	.05
Self-powered roller	8.30	.80	.75	a	.05
Shovel	9.15	.85	.75	a	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCKINGHAM COUNTY					
CARPENTERS	8.61				
CEMENT MASON	9.19	.90	.70		.08
IRONWORKERS	9.70	.70	1.00		.02
LABORERS:					
Blaster	8.42	.60	.80		.10
Laborers	7.67	.60	.80		.10
Pneumatic Tool Operator	8.17	.60	.80		.10
TRUCK DRIVERS:					
2 axle	5.86				
3 axle	6.09				
Special Earth Moving Equipment (Off Highway Trucks)	5.67	.55	.40		
Trailer Dump Driver	6.32				
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	9.65	1.10	1.00	a	.03
Backhoe	10.07	1.10	1.00	a	.03
Bulldozer	10.34	1.10	1.00	a	.03
Compressor	8.09	1.10	1.00	a	.03
Crane	9.77	1.10	1.00	a	.03
Front End Loader	8.93	1.10	1.00	a	.03
Front End Loader (4 yds. & over)	9.77	1.10	1.00	a	.03
Gradalls	10.46				
Graders	10.34				
Mechanical (Maintenance)	9.95	1.10	1.00	a	.03
Oiler	8.09	1.10	1.00	a	.03
Self-powered roller	9.65	1.10	1.00	a	.03
STRAFFORD COUNTY					
CARPENTERS	7.95	.65	.50		.01
CEMENT MASONS	9.81				
IRONWORKERS	10.15	1.00	1.00		.02
LABORERS:					
Blaster	7.26	.60	.75		.10
Laborers	6.76	.60	.75		.10
Pneumatic Tool Operator	7.26	.60	.75		.10
PILE, DOCK & MILLWRIGHT	8.80	.65	.50		.01
TRUCK DRIVERS:					
2 axle	5.21	.55	.40		
3 axle	5.44	.55	.40		
Special Earth Moving Equipment	5.67	.55	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
STRAFFORD COUNTY (Cont'D)					
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	11.38				
Backhoe	11.65				
Bulldozer	11.53				
Compressor	10.22				
Crane	11.50				
Front End Loaders	11.65				
Gradall	11.65				
Grader	11.53				
Mechanic (Maintenance)	11.38				
Oiler	10.22				
Roller	11.38				
SULLIVAN COUNTY					
CARPENTERS	7.16				
CEMENT MASON	8.19	.55	.40		.01
IRONWORKERS	9.20	.70	1.00		.02
LABORERS:					
Blaster	6.00	.50	.45		.10
Laborers	5.91	.50	.45		.10
Pneumatic Tool Operator	5.75	.50	.45		.10
PILE, DOCK & MILLWRIGHT	8.05	.55	.50		.01
TRUCK DRIVERS:					
2 axle	4.71	.55	.25		
3 axle	4.94	.45	.25		
Special Earth Moving Equipment (Off Highway Trucks)	5.17	.45	.25		
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	7.90	.45	.60	a	.05
Backhoe	8.35	.45	.60	a	.05
Bulldozer	8.00				
Compressor	6.50	.45	.60	a	.05
Crane	8.75	.80	.75	a	.05
Front End Loader	8.10	.45	.60	a	.05
Gradall	8.35	.45	.60	a	.05
Grader	8.35	.45	.60	a	.05
Maintenance Mechanic	7.90	.45	.60	a	.05
Oiler	6.50	.45	.60	a	.05
Self-powered roller	7.90	.45	.60	a	.05

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FOOTNOTE: Employees working in classifications in which the letter "a" appears in the vacation column are entitled to Holiday pay for the below Holidays, provided the following criteria are met:

1. Employee works two days in the calendar week in which the holiday is observed, and
2. reports for work the last day assigned prior to the day the holiday is observed, and
3. reports for work the first day assigned after the day the holiday is observed.

PAID HOLIDAYS:

New Years Day; Washington's Birthday; Memorial Day; Fourth of July; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day; Christmas Day.

WELDER - Rate for craft

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: STATEWIDE
DECISION NUMBER: NC82-1027 DATE: Date of Publication
Supersedes Decision No.: NC81-1149, December 30, 1980, 45 FR 86201.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payment.			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASPHALT RAKER	$5.31				
ASPHALT LAYDOWN MAN	4.34				
CARPENTER	5.89				
CARPENTERS HELPER	4.68				
CONCRETE FINISHER	5.40				
ELECTRICIAN	5.59				
FORMSETTER (road)	6.23				
IRONWORKER	6.94				
LABORER	4.34				
MASON (Brick, Block, & Stone)	7.00				
MECHANIC	6.72				
MECHANICS HELPER	4.48				
OILER	4.85				
PAINTER	6.00				
PILEDRIVER LEADSMAN	5.38				
PIPELAYER	4.91				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	5.52				
Asphalt Paver	5.74				
Asphalt Plant	6.50				
Bulldozer	5.66				
Bulldozer (utility)	5.67				
Concrete Curb Machine	5.14				
Concrete Finishing Machine	6.00				
Concrete Paver	5.51				
Concrete Spreader	7.00				
Crane, Backhoe, Dragline, & Shovel:					
1 yard & under	5.77				
Over 1 yard	5.96				
Drill Operator	5.00				
Greaseman	4.95				
Loader Operator	5.37				
Motor Grader:					
Fine	6.39				
Rough	5.82				
Power Tool Operator	6.18				
Roller Operator:					
Rough	4.41				
Finish	5.26				
Scraper	5.31				
Screed (asphalt)	5.85				
Sign Erector	6.00				
Stone Spreader	5.35				
Sweeper	4.68				

DECISION NUMBER: NC82-1027 PAGE TWO.

POWER EQUIPMENT OPERATORS: contd	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Tractor Operator (Crawler)	$5.50				
Truck Drivers:					
Single Axle (rear)	4.34				
Multi-rear axle	4.59				
Heavy Duty	5.04				
Concrete	5.00				
CONCRETE PLANT OPERATOR	6.24				
SUBGRADE MACHINE	6.80				
HYDRO SEEDER	7.00				
WELDER	6.51				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 82-11559 Filed 4-29-82; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
April 30, 1982

Part IV

Department of Health and Human Services

Office of the Secretary

Semi-Annual Agenda of Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-IV

45 CFR Subtitle A, Chs. II, III, and XIII

Semi-Annual Agenda of Regulations

AGENCY: Health and Human Services Department.

ACTION: Publication of semi-annual agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on November 10, 1981.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Executive Secretariat, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, D.C. 20201, Telephone: (202) 245-6111.

Dated: April 23, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST

Title	Summary	Contact
	Office of the Secretary	
HHS Block Grant Programs	A. Description: Regulations implement provisions of the Omnibus Budget Reconciliation Act of 1981 which established seven block grants to replace 23 HHS categorical grant programs. B. *Why Significant:* The regulations provide the States with substantial flexibility in administering the programs covered by the Block Grants. C. Regulatory Impact Analysis: Not required D. Need: Regulations are needed to implement provisions of the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Authority: Secs. 671-82, 901, 1741-45, 2191-94, 2351-55, 2601-11, Pub. L. 97-35, 95 Stat. 511-19 (42 U.S.C. 9901-11), 95 Stat. 535-59 (42 U.S.C. 300w-300w-8, 42 U.S.C. 300x-300x-9, 42 U.S.C. 300y-300y-10), 95 Stat. 762-64 (31 U.S.C. 1243 note), 95 Stat. 818-30 (42 U.S.C. 701-709), 95 Stat. 867-74 (42 U.S.C. 1396-1397f), 95 Stat. 893-902 (42 U.S.C. 862-29). F. *Chronology:* Interim Final Regulation Published in **Federal Register** on October 1, 1981. (45 CFR Parts 16, 74 and 96). G. *Regulatory Flexibility Analysis Required:* No	Robert Raymond, Office of the Assistant Secretary for Planning and Evaluation, Room 443D, Humphrey Bldg. 200 Independence Avenue, SW, Washington, D.C. 20201, 202-245-7316.
OCR-1—Nondiscrimination on the Basis of Age in Federally Assisted Programs.	A. *Description:* The regulation will prohibit age discrimination in programs and activities that receive financial assistance from the Department. B. *Why Significant:* The regulation will set forth the specific responsibilities of recipients and will protect individuals from age discrimination in HHS-assisted programs and activities. C. *Regulatory Analysis:* Not required D. *Need:* Pursuant to the Act the Secretary is required to promulgate agency-specific regulations setting forth the responsibilities of its recipients. E. F. *Chronology:* Governmentwide final regulations to implement the Act were published by the Department in the **Federal Register** on June 12, 1979 (44 FR 33768). The Department's agency-specific NPRM was published September 24, 1979 (FR 55108). Comment period ended November 23, 1979.. G. *Regulatory Flexibility Analysis Required:* No	Frank E.G. Weil, Office for Civil Rights, Office of Program Development, 330 Independence Ave., S.W., Rm. 5524, Washington, D.C. 20201, (202) 245-1821. *Legal Basis:* 42 U.S.C. 6101 et seq.
OCR-2—Nondiscrimination on the basis of Sex and Religion in Block Grant Programs.	A. *Description:* The regulation will prohibit discrimination on the basis of sex and religion in block grant programs. B. *Why Significant:* The regulations will provide guidance in an area in which discrimination has hitherto not been prohibited. C. *Regulatory Analysis:* Not required D. *Need:* The prohibitions against discrimination on the basis of sex and religion cover new ground, and regulations are required in order to make enforcement possible. E. *Legal Basis:* Maternal and Child Health Services Block Grant: Omnibus Budget Reconciliation Act of 1981. Pub. L. 97-34 (OBRA) § 2191; 95 Stat 818; 42 U.S.C. 708. Preventive Health and Health Services Block Grant: OBRA: § 1908; 95 Stat 542; 42 U.S.C. 300w-7. Primary care Block Grant: OBRA § 901, 1903; 95 Stat 558; 42 U.S.C. 300y-9 Low-Income Home Energy Assistance: OBRA § 2602, 2606; 95 Stat 900; 42 U.S.C. 8625. Alcohol and Drug and Mental Health Services Block Grant: OBRA § 1918; 95 Stat 543; 42 U.S.C. 300x-7. Community Services Block Grant: OBRA § 677, 677; 95 Stat 516; 42 U.S.C. 9906.. F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Frank E. G. Weil, Office for Civil Rights, Office of Program Development, 330 Independence Ave., S.W., Rm. 5524, Washington, D.C. 20201, (202) 245-1821.
Equipment Acquired Under Pubic Assistance Programs.	A. *Description:* Revision and consolidation of current program regulations on the allowability of equipment costs under public assistance programs (e.g., Medicaid, AFDC, etc.) and on the management and disposition of equipment under the programs. B. *Why Significant:* Regulation would substantially liberalize and simplify current regulations on the subject. C. *Regulatory Analysis:* Not required D. *Need:* To establish a more realistic threshold for determining whether equipment costs can be claimed at the time of purchase or must be depreciated. Also needed to eliminate duplicative coverage in individual program regulations, and to simplify and clarify regulations. E. *Legal Basis:* Sec. 1102, 49 Stat. 647, 45 U.S.C. 1302 F. *Chronology:* NPRM Published 7/81 G. *Regulatory Flexibility Analysis Required:* No	Edward Tracy, Office of Grant and Contract Financial Management, Room 533-H, Humphrey Bldg., 200 Independence Avenue, SW. Washington, D.C. 20201, 202-245-7411.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Sanctions Applicable to Letter of Credit Administration.	A. *Description:* The regulations will govern the imposition of sanctions against grantees holding letters of credit under programs administered by HHS. B. *Why Significant:* Sets forth conditions that may prompt HHS to seek remedial action against a grantee operating under a letter of credit and the procedures that will be used to reach a final decision regarding the imposition of a sanction against a grantee. C. *Regulatory Analysis:* Not Required D. *Need:* Regulations are necessary in order to permit HHS to carry out its cash management responsibilities under the letter of credit system. E. *Legal Basis:* 5 U.S.C. 301 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	David V. Dukes, Deputy Assistant Secretary for Finance, Room 705D, Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C. 20201, 202-245-7085.
Unallowability of Costs of Influencing Congressional Legislation and Related Amendments.	A. *Description:* The regulation will draw attention to and implement a statutory provision prohibiting payment of grant funds for costs of influencing legislation of the U.S. Congress. B. *Why Significant:* Will provide for consistent interpretations about the effect of the statutory prohibition and what constitutes "influencing legislation". C. *Regulatory Analysis:* Not Required D. *Need:* To help ensure that grantees are aware of the statutory provision and to avoid disputes about its meaning. E. *Legal Basis:* 5 U.S.C. 301 and Sec. 407 of Pub. L. 95-480, 92 Stat. 1589 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Joel Feinglass, Director, Division of Assistance Policy, Room 513D, Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C. 20201, 202-245-7565.
Grants and Subgrants to For-Profit Organizations.	A. *Description:* Will announce final decision to make for-profit organizations eligible for grants in programs in which they are not statutorily barred from receiving grants and will provide regulations for grants and subgrants to for-profit organizations. B. *Why Significant:* The regulation will be the final step in reversing previous policy of not awarding grants to for-profit organizations and will provide for orderly administration of grants and subgrants to those organizations. C. *Regulatory Analysis:* Not Required. D. *Need:* To bring Departmental policy into conformity with the spirit of Federal Grant and Cooperative Agreement Act, as interpreted by OMB. E. *Legal Basis:* 5 U.S.C. 301 F. *Chronology:* NPRM published 12/3/81 (46 FR 58706) G. *Regulatory Flexibility Analysis:* No	Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C. 20201, 202-245-7565.
Civil Money Penalties	A. *Description:* This regulation would govern the imposition of penalties, and of assessments in lieu of damages, against persons who have made certain prohibited claims under the Medicare, Medicaid, and Maternal and Child Health Services Block Grant programs. B. *Why Significant:* The regulation describes the conditions which may prompt the imposition of a penalty or assessment and the procedures for making and contesting a proposed penalty or assessment. C. *Regulatory Analysis:* Not Required. D. *Need:* To establish an administrative remedy for dealing with program abuse E. *Legal Basis:* 42 U.S.C. 1320a-7a F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Eileen Boyd, Office of Inspector General, 330 Independence Avenue, SW, Washington, D.C. 20201, 202-472-3142.
Availability of Information to the Public	A. *Description:* Proposal to amend HHS regulation implementing the Freedom of Information Act (FOIA) to raise charges for searching for records. Current fees were established in 1967. B. *Why Significant:* The Department is proposing to increase fees for search and reproduction of records in response to FOIA requests. C. *Regulatory Analysis:* Not Required. D. *Need:* The FOIA requires agencies to publish fee schedules and to have a policy to waive or reduce fees in the public interest if disclosure of the requested information would "primarily benefit the general public". E. *Legal Basis:* 5 U.S.C. Section 552(a)(4)(A) F. *Chronology:* NPRM published in FEDERAL REGISTER 4/9/82. G. *Regulatory Flexibility Analysis Required:* No	Russell M. Roberts, Director, FOI/PA Division, Office of Public Affairs, Room 118-F, Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C. 20201, 202-472-7453.
45 CFR Part 5—Availability of Information to the Public Pursuant to Pub. L. 90-23, as amended.	A. *Description:* This is the Department's public information regulation implementing the Freedom of Information Act. It describes the rules under which the public may have access to records or information contained in records of the Department. B. *Why Significant:* This regulation sets forth the procedures for providing records or information contained in records under the Freedom of Information Act. C. *Regulatory Analysis:* Not Required. D. *Need:* The last major revision of the regulation was published in 1974 and amended in 1975. It must be updated to reflect current legislation, case law and policy. E. *Legal Basis:* 5 U.S.C. 552 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Russell M. Roberts, Director, FOI/PA Division, Office of Public Affairs, Room 118-F, Humphrey Bldg, 200 Independence Avenue, SW, Washington, D.C., 20201, 202-472-7453.
Office of Human Development Services		
HDS-4—Developmental Disabilities Program: Notice of Proposed Rulemaking.	A. *Description:* This NPRM, addressing a statutory requirement will govern the 1978 and 1981 Amendments to the Developmental Disabilities Assistance and Bill of Rights Act. These rules will provide maximum flexibility to States in their implementation of a basic formula program to address planning, administration and services as well as a protection and advocacy system and special projects on behalf of persons with developmental disabilities. B. *Why Significant:* This proposed regulation will simplify State administration of the Developmental Disabilities Program and reduce the reporting and paperwork requirements. C. *Regulatory Analysis:* Not required D. *Need:* To implement the statutory requirements of the 1978 amendments to the Developmental Disabilities Assistance and Bill of Rights Act as amended by the 1981 amendments contained in Pub. L. 97-35. E. *Legal Basis:* 42 U.S.C. 6008 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Mrs. Madelyn Schultz, Administration on Developmental Disabilities, Rm. 3650, HHS North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, (202) 472-7213.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HDS-6—Native American Program: General Rules—Notice of Proposed Rulemaking.	A. *Description:* This regulation would simplify and clarify existing regulations and implement significant changes in policies and operation to reflect experience in operating the program. B. *Why Significant:* The Native American Grants provide valuable resources to Native Americans in their efforts to achieve economic and social self-sufficiency. C. *Regulatory Analysis:* Not required D. *Need:* Regulations are needed to make administrative improvements which include a simplified appeals process; improved management control and paperwork reduction; and the removal of unnecessary provisions. E. *Legal Basis:* 42 U.S.C. 2991 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	David Litton, Administration for Native Americans, Rm. 5300, HHS North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, (202) 245-7727.
HDS-7—Child Abuse and Neglect Prevention and Treatment Program: General Rules—Notice of Proposed Rulemaking.	A. *Description:* This regulation will implement statutory amendments to the Child Abuse Prevention and Treatment Act (Pub. L. 95-266) which provides discretionary grants for demonstration and service projects and research projects to private, nonprofit organizations. In addition, it provides special grants to States who meet the eligibility criteria for child abuse prevention and treatment projects B. *Why Significant:* This regulation will revise the definition of child abuse and neglect to include sexual abuse and sexual exploitation as required by the statute. C. *Regulatory Analysis:* Not required D. *Need:* To implement the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. E. *Legal Basis:* 42 U.S.C. 5101 et seq F. *Chronology:* Notice of Proposed Rulemaking published on May 29, 1980 (45 FR 35794). G. *Regulatory Flexibility Analysis Required:* No	Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, Rm. 2030, Donohoe Bldg., P.O. Box 1182, Washington, D.C. 20201, (202) 755-7418.
HDS-16—Adoption Assistance and Child Welfare Act of 1980—Final Rule and Notice of Proposed Rulemaking.	A. *Description:* This regulation will implement the provisions of the Adoption Assistance and Child Welfare Act of 1980 to establish a program of adoption assistance; strengthen the program of foster care assistance for neglected and dependent children; and to improve the child welfare services program. The regulation will be published in two parts. The financial sections will be published as a Final Rule and the programmatic sections will be republished as a second Notice of Proposed Rulemaking. B. *Why Significant:* The regulation will assist States to improve the public foster care program by reducing the number of children in foster care through increased preventive services; better planning for and services to children in care; establishing an adoption assistance program; and instituting greater efforts to enable children to return home. C. *Regulatory Analysis:* Not required D. *Need:* To implement Section 101-103 of Pub. L. 96-272 E. *Legal Basis:* Pub. L. 96-272; 94 Stat. 500 et seq F. *Chronology:* Notice of Proposed Rulemaking published on December 31, 1980 (45 FR 86812). G. *Regulatory Flexibility Analysis Required:* No	Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, Rm. 2030, Donohoe Bldg., P.O. Box 1182, Washington, D.C. 20201, (202) 755-7418.
HDS-28—Grants for State and Community Programs on Aging—Notice of Proposed Rulemaking.	A. *Description:* This regulation will, in part, prescribe requirements State Agencies on Aging must meet to receive formula grants to develop comprehensive and coordinated systems for the delivery of supportive and nutrition services to older individuals. B. *Why Significant:* This regulation will give States greater flexibility in meeting the requirements of the Act, and reduce the reporting and paperwork requirements. C. *Regulatory Analysis:* Not required D. *Need:* To implement the 1981 Amendments to the Older Americans Act, as amended by Pub. L. 97-115. E. *Legal Basis:* 42 U.S.C. 3001 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Floyd Godfrey or Anita Shalit, Administration on Aging, Rm. 4639, HHS North Bldg., 330 Independence Ave., SW, Washington, D.C. 20201, (202) 472-3057.
HDS-29—Grants to Indian Tribes for Supportive and Nutrition Services—Notice of Proposed Rulemaking.	A. *Description:* This regulation will, in part, prescribe requirements Indian tribes must meet to receive grants to develop and deliver supportive and nutrition services to older Indians. B. *Why Significant:* This regulation will give Indian tribes greater flexibility in meeting the requirements of the Act and reduce the reporting and paperwork requirements. C. *Regulatory Analysis:* Not required D. *Need.* To implement the 1981 Amendments to the Older Americans Act, as amended by Pub. L. 97-115. E. *Legal Basis:* 42 U.S.C. 3001 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Floyd Godfrey or Anita Shalit, Administration on Aging, Rm. 4639, HHS North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, (202) 472-3057.
HDS-30—Grants for State and Community Programs on Aging: Deletion of Program Development and Coordination Activities as Allowable Supportive Services Costs—Final Rule.	A. *Description:* This proposed rule would delete program development and coordination activities as allowable supportive service costs. The cost of program development and coordination activities would only be allowable as costs of area agency administration. B. *Why Significant:* This rule is intended to ensure that budget reductions are absorbed through a reduction of administrative costs rather than a reduction in the funding of direct supportive services to the elderly. C. *Regulatory Analysis:* Not required D. *Need:* This action is necessitated by reductions in funding resulting from projected budget decreases, as well as the effects of inflation. E. *Legal Basis:* 42 U.S.C. 3001 F. *Chronology:* Notice of Proposed Rulemaking published on February 5, 1982 (47 FR 5440). G. *Regulatory Flexibility Analysis Required:* Under Consideration	Anita Shalit or Floyd Godfrey, Administration on Aging, Rm. 4639, HHS North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, (202) 472-3057.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	Social Security Administration	
Supplemental Security Income Program: Reductions, Suspensions, and Termination; CFR Part 416, Subpart M.	A. *Description:* These proposed regulations will clarify the rules for reducing suspending and terminating an SSI receipient's benefits. B. *Why Significant:* The proposed rules will describe situations when a person may not receive all or part of his or her SSI benefits. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 1302, 1382, 1382c, 1382d, and 1383. F. *Chronology:* A notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). G. *Regulatory Flexibility Analysis Required:* No.	Charles Campbell, 301-597-3408, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Age 18 Deeming and Alien Deeming; 20 CFR Part 416, Subpart K.	A. *Description:* (1) Deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21; (2) A sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply after September 30, 1980. B. *Why Significant:* (1) Eliminates different treatment of children aged 18 to 21 depending on status as students: (2) Assumes that sponsors will support aliens and sets more rigid rules than apply to other deeming categories. C. *Regulatory Impact Analysis:* None Required. D. *Need:* (1) and (2) implement sections 203 and 504 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382c and 1382j. F. *Chronology:* A Notice Decision to Develop regulations was published on November 14, 1980 (45 FR 75225). A Notice of Proposed Rulemaking was published on December 10, 1981 (46 FR 6047). G. *Regulatory Flexibility Analysis Required:* No.	Rita Hauth, 301-594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Sheltered Workshops (1) and Earned Income Tax Credits (2) 20 CFR Part 416, Subpart K.	A. *Description:* (1) Sheltered workshop remuneration is earned income as of 10/1/80; (2) Earned income tax credits are earned income as of January 1, 1980. B. *Why Significant:* (1) Eliminates need to determine whether sheltered workshops services are employment or therapy—thus earned or unearned income. Earned income is advantageous to beneficiary as it provides greater exclusions and higher benefits; (2) Earned income tax credits did not affect benefit prior to 1980. These credits would have been unearned income as of 1980 and would have resulted in lower benefits, if this law would not have been enacted. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The regulations will provide the criteria to carry out section 202 of Social Security Disability Amendments of 1980 and the Technical Corrections Act of 1979. E. *Legal Basis:* (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382a. F. *Chronology:* A Notice of Proposed Rulemaking was published on January 19, 1981 (46 FR 4949). G. *Regulatory Flexibility Analysis Required:* No.	Rita Hauth, 301-594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Disclosure of Information for Audits; 45 CFR 205.50.	A. *Description:* This interim regulations will permit HHS to disclose information concerning applicants and recipients under title IV-A of the Social Security Act. Disclosure is permitted for purposes of program audits conducted by any governmental entity authorized by law to conduct such audits. B. *Why Significant:* Clarifies existing guidelines on disclosure, so that all States and the Federal Government are consistent. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement section 403 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 94 Stat. 462, Pub. L. 96-265. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Jack Schanberger, 301-594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Program Limitation on Prospective Life of Applications; 20 CFR Parts 404, Subparts C and N.	A. *Description:* Under these proposed regulations, if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision (if there is one) is issued. B. *Why Significant:* These rules should promote final resolution of cases at the hearing stage and help to reserve Appeals Council review more nearly for cases of a genuinely appellate nature. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To comform our regulations to sec. 306 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 402(j)(2), 416(j)(2)(G), and 423(b) as amended by sec. 306 of Pub. L. 96-265. F. *Chronology:* A Notice of Decision to Develop Regulations was published on September 16, 1980 (45 FR 61315). G. *Regulatory Flexibility Analysis Required:* No.	Cliff Terry, 301-594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Program; Extension of Trial Work Period and Reinstatement of Benefits; 20 CFR Parts 404, Subparts P, and 416, Subpart 1.	A. *Description:* These proposed regulations will provide persons who remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulations also extend the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. B. *Why Significant:* Persons who remain disabled and who have exhausted their trial work periods will be encouraged to continue their efforts to return to work. For the first time, the trial work period provisions are extended to widows, widowers, and surviving divorced wives. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed to implement Section 303 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 402, 416, 422, 423, 1382, 1382c, and 1383. F. *Chronology:* A Notice of Decision to Develop Regulations were published on November 14, 1980. G. *Regulatory Flexibility Analysis Required:* No.	Harry Short, 301-594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Old Age, Survivors and Disability Insurance and Supplemental Security Income Program; Deduction of Impairment Related Work Expenses; 20 CFR Parts 404, Subparts P, and 416, Subpart 1.	A. *Description:* These regulations will provide for the deduction from earnings of certain impairment related work expenses in determining: (1) Whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. B. *Why Significant:* The regulation will encourage disabled persons to work by enabling them to deduct certain work expenses. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The proposed regulations are needed to implement Section 302 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 405, 423, 1302, 1382c, and 1383. F. *Chronology:* A Notice of Proposed Rulemaking was published on January 6, 1982 (47 FR 0642). G. *Regulatory Flexibility Analysis Required:* No.	David Smith, 301-594-7336, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Experiments and Demonstration Projects Under Disability Insurance and SSI Programs; 20 CFR Parts 404, Subparts D and P, and 416, Subparts B and 1.	A. *Description:* Amendments of 1980 authorize the Secretary to conduct experiments and demonstration projects under the OASDI and SSI programs. The proposed regulations will alter the requirements for disability benefits and the requirements for SSI benefits when a person has been selected to participate in an experiment or demonstration project under these amendments. B. *Why Significant:* Current regulations provide that in order to be eligible for title II and title XVI benefits, certain requirements must be met. The Social Security Disability amendments of 1980 authorize the Secretary to waive compliance which benefit requirements for title II and title XVIII and waive any of the conditions, requirements, or limitations of title XVI. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* These regulations are needed to implement section 505 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 1310; Section 505 of Pub. L. 96-265. F. *Chronology:* A Notice of Proposed Rulemaking was published on April 12, 1982. G. *Regulatory Flexibility Analysis Required:* No.	Henry Lerner, 301-594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors, and Disability Insurance Program; Benefits for Certain Prisoners; 20 CFR Part 404, Subparts D, E, and P.	A. *Description:* The proposed regulations place certain restrictions on the payment of disability benefits to persons who have been convicted of a felony and are imprisoned. B. *Why Significant:* The proposed regulations are significant because they specify the conditions under which disability benefits will not be paid to an imprisoned felon and how a finding of disability may be affected. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* Required by Section 5 of the Amendments to the Social Security Program (Pub. L. 96-473). E. *Legal Basis:* Pub. L. 96-473. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	William Ziegler, 301-594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs; Changes to the Retirement Test; 20 CFR, Part 404, Subpart E.	A. *Description:* These regulations will contain the rules that will eliminate some of the harsh and unintended effects of the Social Security Amendments of 1977. They are retroactively effective as of January 1978. B. *Why Significant:* The provisions of the regulations (1) permit the use of the monthly earnings test for certain beneficiaries in the year that entitlement terminates for a reason other than death, (2) exclude for the purposes of the annual earnings test, self-employment income received in a year after the initial year of entitlement not attributable to services performed after the month of entitlement; and (3) provide all beneficiaries the use of the monthly earnings test in at least one year after 1977. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* These regulations are needed so we can give the public clear rules and make them aware of the changes that are required by sections 1, 3, and 4 of the 1981 Amendments to the Social Security Program. E. *Legal Basis:* Secs 1, 3, and 4 of Pub. L. 96-473, 94 Stat. 2263. F. *Chronology:* An Interim Regulation was published on February 10, 1982 (47 FR 5999). G. *Regulatory Flexibility Analysis Required:* No.	Clara Barrett Powell, 301-594-7459, Legal Assistant Office of Regulations 6401 Security Boulevard, Baltimore, Maryland 21235.
Federal Coal Mine Health and Safety Act of 1969, Title IV—Black Lung Benefit (1969-); Withholding Part B Black Lung Benefits to Recover Part C Overpayments, Regulations 410, Subpart E.	A. *Description:* This regulation will authorize SSA to withhold Part B Black Lung Benefits to recover Part C benefits which were paid for periods for which Part B benefits were later determined payable. B. *Why Significant:* This regulation will enable recovery from recipients who usually are otherwise unable to repay large overpayments. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* Many claims for Part B benefits are payable for the same months Part C benefits have been paid, thereby creating overpayments. E. *Legal Basis:* 42 U.S.C. 404, 30 U.S.C. 923. F. *Chronology:* Interiminal Regulation was published on September 16, 1981 (46 FR 45942). G. *Regulatory Flexibility Analysis Required:* No.	Jack Schanriberger, 301-594-6785, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235.
OASDI—Changes in LSDP, Month of Entitlement, Mothers and Fathers Benefits and Student Benefits, Regulations No. 404, Subpart D.	A. *Description:* These regulations conform to certain Social Security provisions of the 1981 Omnibus Budget Reconciliation Act by changing the manner in which lump-sum death payments are made terminating mother's and father's benefits when the child becomes age 16, changing the first month of entitlement for certain benefits and changing the way benefits are payable to students. B. *Why Significant:* The proposed regulations make critical changes in the entitlement requirements for certain benefits. C. *Regulatory Impact Analysis:* Not needed. E. *Legal Basis:* 42 U.S.C. 402, 405, 416, and 1302. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Dave Smith, 301-594-7336, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs, Annual Earnings Test, Regulations No. 404, Subpart E.	A. *Description:* These proposed regulations delay from January 1982 until January 1983 (except certain fiscal year beneficiaries) full implementation of section 302(a), Pub. L. 95-216, which reduced from 72 to 70 the age at which social security benefits are no longer subject to an earnings test. B. *Why Significant:* delays for one year the removal of all earnings test restrictions for workers at age 70. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* To conform existing regulations to reflect new statutory provisions enacted by section 2204 of Pub. L. 97-35.	Marval L. Cazer, 301-594-7463, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	E. *Legal Basis:* 42 U.S.C. 1302 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No.	
Aid to Families With Dependent Children; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System; 45 CFR Part 205.	A. *Description:* These regulations will provide that 90 percent Federal matching funds will be available for the design, development, installation, and implementation of computerized AFDC Statewide mechanized claims processing and information retrieval systems. This increased matching will also include the cost of purchasing or renting computer equipment and software used for the operation of the system. B. *Why Significant:* The regulations will reduce cost to both the State and Federal governments in the operation of the AFDC program because of the systems implemented. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations will implement section 406 of the Social Security Disability Amendment of 1980. E. *Legal Basis:* 94 Stat. 465, 466, 467, Pub. L. 96-265 F. *Chronology:* Interim regulations were published on September 30, 1981 (46 FR 47784). G. *Regulatory Flexibility Analysis Required:* No	Pat O'Hare, (202) 245-0043, Policy Specialist, Office of Family Assistance, 2110 Switzer Building, 330 C Street SW., Washington, D.C. 20201.
Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Payments to States for Successful Rehabilitation Services; 20 CFR Parts 404 V and 416 V.	A. *Description:* These regulations will implement provisions of the Omnibus Budget Reconciliation Act of 1981. These provisions provide for replacement of the system under which State VR agencies were given a lump sum advance to cover costs they might incur in attempting to rehabilitate beneficiaries under titles II and XVI with a system under which States or other participants wil be paid on a case-by-case basis though they may continue to get lump sum advances. The regulations will limit reimbursement for VR services to cases of successful rehabilitation attributable to VR agency involvement. B. *Why Significant:* These regulations will serve as the basis for reimbursement of the States for successful VR. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are required to implement sections 2209 and 2344 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Pub. L. 97-35 (2209) and (2344) 42 U.S.C. 402 and 1382d F. *Chronology:* A Notice of Proposed Rulemaking was published on October 14, 1981 (46 FR 50756). G. *Regulatory Flexibility Analysis Required:* No	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Approved Vocational Rehabilitation Plans; 20 CFR Parts 404, Subparts D, J, and P, and 416, Subparts M and N.	A. *Description:* These regulations will provide for continued payment of cash benefits to persons whose disabilities have ended if they are participating in certain approved vocational rehabilitation programs and it is determined that continued participation will increase the likelihood that a person may be permanently removed from the disability rolls. B. *Why Significant:* These proposed regulations will affect those people who medically recover from their disabilities during the course of their vocational rehabilitation programs and who, because of the loss of their benefits, are forced to discontinue their participation in the program and seek substantial gainful work activity. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are required to implement Section 301 of the Social Security Disability Amendments of 1980. (Pub. L. 96-265). E. *Legal Basis:* 42 U.S.C. 425, 1382c, and 1383. 94 Stat. 450 F. *Chronology:* A Notice of Decision to Develop Regulations was published on November 26, 1980 (45 FR 78726). A Notice of Proposed Rulemaking was published on October 30, 1981 (46 FR 53684). G. *Regulatory Flexibility Analysis Required:* No	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions; 20 CFR Part 404, Subpart J, and Part 416, Subpart N.	A. *Description:* Provides time limits for issuing hearing decisions and for certain actions by the Appeals Council as ordered by the U.S. District Court for the Western District of Kentucky in the Blankenship and Finch cases (except for SSI non-disability hearings, for which time limits already exist). B. *Why Significant:* Would, for the first time, establish by regulations time limits for these actions in OASDI and SSI appeals (except SSI non-disability hearings). C. *Regulatory Impact Analysis:* Not required D. *Need:* To meet requirements of the court orders E. *Legal Basis:* 42 U.S.C. 405(a), 1302, 1320c, 1383, and 1395 F. *Chronology:* NPRM was published 2/27/80 (45 FR 12837) G. *Regulatory Flexibility Analysis Required:* No	Joy Loving, (703) 235-8524, Director, Division of Program Development, Office of Policy and Procedures, Office of Hearing and Appeals, 106 Webb Bldg., 4040 N. Fairfax Dr., Arlington, Va. 22203.
Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Experiment to Improve the Hearing Process through the Involvement of SSA Representatives; 20 CFR Part 404, Subpart J, and Part 416, Subpart N.	A. *Description:* Provides an experiment for hearings involving the issue of disability, with the use of SSA representatives who will appear at hearings where the claimant is represented to present SSA's views on the case. Claimants would retain all rights and protections provided under existing regulations. B. *Why Significant:* Makes a major change in the hearing stage of the OASDI and SSI appeals process. C. *Regulatory Impact Analysis:* Not required D. *Need:* To determine whether SSA representation in the hearing will contribute toward improving the quality of hearing decisions and the timeliness of case disposition. E. *Legal Basis:* 42 U.S.C. 405(a), 1302, and 1383 F. *Chronology:* NPRM published 1/11/80 (45 FR 2345); withdrawal notice published 7/14/80 (45 FR 47162); NPRM reinstated by notice published 2/18/82 (47 FR 7261). G. *Regulatory Flexibility Analysis Required:* No	Joy Loving, (703) 235-8524, Director, Division of Program Development, Office of Policy and Procedures, Office of Hearings and Appeals, 106 Webb Bldg., 404 N. Fairfax Dr., Arlington, Va. 22203.
Supplemental Security Income Program; Disposing of Resources for Less Than Fair Market Value; 20 CFR Part 416, Subpart L.	A. *Description:* These regulations will provide that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have the uncompensated value of those disposed of resources counted toward the resource limit for 24 months from the date of disposal. The disposal of a resource at less than fair market value is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the disposal was exclusively for some other purpose.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	B. *Why Significant:* These regulations will affect an individual's eligibility for SSI benefits when the individual disposes of a resource for less than fair market value. C. *Regulatory Impact Analysis:* Not required D. *Need:* To implement section 0005 of Pub. L. 96-611 E. *Legal Basis:* 42 U.S.C. 1382b, 94 Stat. 3567 F. *Chronology:* A Notice of Proposed Rulemaking was published on October 22, 1981 (46 FR 51778). G. *Regulatory Flexibility Analysis Required:* No	
Aid to Families With Dependent Children Program—Quality Control Reviews—General Administration, 45 CFR Part 205.	A. *Description:* These regulations will require States to submit to SSA findings from their monthly AFDC sample reviews according to the following schedule: (1) 90% or all but 5 cases from a State's monthly active case reviews and 90% or all but 5 cases from a State's monthly negative case reviews within 75 days after the end of the sample month, and (see attached sheet). B. *Why Significant:* This change will assure more rapid availability of quality control data. This will enable SSA to complete reports on a more timely and updated basis. Timely data on payment error rates will assist administrators in determining where funds are being lost and in taking action to correct problems. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations will implement an administrative decision E. *Legal Basis:* 42 U.S.C. 302, 602, 1202, 1352, and 1382 Note F. *Chronology:* A Notice of Decision to Regulate was published on June 15, 1979 (44 FR 34606). A Notice of Proposed Rulemaking was published on October 24, 1980 (45 FR 70521). G. *Regulatory Flexibility Analysis Required:* No	Sean Hurley, (202) 245-0976, Program Policy Specialist, Office of Family Assistance, Room 1416, Switzer Bldg., 330 C Street, SW., Washington, D.C. 20201.
Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions Agreements, Payments; 20 CFR Part 416 Subpart B, D, K, L, and T.	A. *Description:* These regulations will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. B. *Why Significant:* These regulations will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. C. *Regulatory Impact Analysis:* None D. *Need:* The regulations are needed to implement statutory provisions E. *Legal Basis:* Pub. L. 97-35 Section 2341 F. *Chronology:* A Notice of Proposed Rulemaking was published on October 29, 1981 (46 FR 53449). G. *Regulatory Flexibility Analysis Required:* No	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children Program; Proration of Shelter Utilities and Similar Expenses for AFDC Children Living With Ineligible Relatives; 45 CFR Part 233.	A. *Description:* The regulations will provide that a State may prorate the shelter, utilities, and similar needs of specified assistance units living with closely related family members who are ineligible for AFDC. States may prorate if the total income of assistance unit members and closely related family members equals or exceeds the State's AFDC need standard for an FDC assistance unit of comparable size. B. *Why Significant:* The regulation will provide that if a State chooses to prorate, it must follow a formula specified in the regulation. Under prior law, States had complete flexibility in determining need and payment standards. C. *Regulatory Impact Analysis:* Not required D. *Need:* The statute is extremely complex and regulations are needed to insure that all States interpret the statute in the same way. E. *Legal Basis:* Section 303 of Pub. L. 96-272 F. *Chronology:* A Notice of Decision to Regulate was published on December 16, 1980 (45 FR 82681). A Notice of Proposed Rulemaking was published on October 31, 1981 (46 FR 53720). G. *Regulatory Flexibility Analysis Required:* No	Roy Simon, (202) 245-2021, Policy Specialist, Office of Family Assistance, Room B-416, Transpoint Building, 2100 Second St. SW., Washington, D.C. 20024.
Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Representative Payee; 20 CFR Part 404, Subpart Q, and Part 416, Subpart F.	A. *Description:* These regulations will include the rules used in determining when a beneficiary needs a representative payee, how a representative payee is selected, and how we assure that the representative payee uses payments in the best interest of the beneficiary. B. *Why Significant:* The guidelines for the use of representaive payees are important for members of the public to know. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 405, 1302, 1383 F. *Chronology:* A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). A Notice of Proposed Rulemaking was published on December 1, 1980 (45 FR 79501). G. *Regulatory Flexibility Analysis Required:* No	Phil Berge, (301) 594-7452, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance Program—Coverage of Employees of State and Local Governments, 20 CFR Part 404, Subpart M.	A. *Description:* These proposed regulations will expand the current rules on including employees of State and local governments and interstate instrumentalities in the social security program. B. *Why Significant:* These proposed regulations will reflect the policies States must follow in applying for coverage of its employees and those of its local subdivisions, how to terminate its agreements, when it must pay its social security contributions, file wage reports, etc. C. *Regulatory Impact Analysis:* Under consideration D. *Need:* The current regulations need to be organized into a logical sequence and to be updated to reflect many policies which all parties have been following for many years. We will be reviewing all policies in this area to reduce recordkeeping burdens and to assess their impact on the trust funds. E. *Legal Basis:* 42 U.S.C. 418 F. *Chronology:* A Notice of Decision to Regulate was published on September 28, 1979 (44 FR 55899). On September 26, 1980 we published a Notice of Availability of a working draft of these Regulations (45 FR 63868). G. *Regulatory Flexibility Analysis Required:* Under consideration	Armand Esposito, (301) 594-7455, Legal Assistant, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Old-Age, Survivors, Disability Insurance Program—Filing of Applications and other Forms, Withdrawal of an Application, 20 CFR Part 404, Subpart G.	A. *Description:* The proposed regulations would permit a person eligible for widow's or widower's benefits to withdraw a deceased worker's application for reduced old-age benefits if the worker died before payment of benefits were certified by SSA. B. *Why Significant:* These proposed regulations would avoid the reduction in widow's or widower's benefits that is required by the Social Security Act where the worker was entitled to old-age benefits that were reduced because of the worker's age at the time the worker's entitlement began. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Existing regulations prohibit withdrawal of an application for benefits after death of the claimant. After the law was amended to require reduction of widow's or widower's benefits where the worker had been entitled to old-age benefits that were reduced for age, some widows and widowers would have benefits reduced even though the worker died before any benefit payments were certified to him or her. Permitting withdrawal after the worker's death avoids this inequity. E. *Legal Basis:* 42 U.S.C. 405 and 1302. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Cliff Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance Program—Repeal of OASDI Minimum Benefit Provision, and Revisions on Rounding of Benefit Amounts 20 CFR Part 404, Subparts C, D, and E.	A. *Description:* These proposed regulations will explain that, effective January 1982, there is no longer a minimum primary insurance amount (PIA). Instead, the PIA is the amount computed, based on the individual's earnings. The regulations will also explain the amended rules on rounding. B. *Why Significant:* These proposed regulations will explain how and why we are implementing the repeal of the minimum benefit and the amended rules on rounding. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement certain sections of the Omnibus Budget Reconciliation Act of 1981 and related legislation. E. *Legal Basis:* 95 Stat. 830; Pub. L. 97-35, sections 2201 and 2206; Pub. L. 97-123, section 2. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; 45 CFR 205, 206, 233, 234, 235.	A. *Description:* These regulations will effect a number of provisions of the AFDC program. They will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, State training plans, durational period of incapacity, and others that will result in a "least costly" approach to the administration of AFDC. B. *Why Significant:* The dollar savings as well as the relief of administrative burdens that we expect to accrue. C. *Regulatory Impact Analysis:* Under consideration. D. *Need:* There is a need to revise certain provisions in order to promote proper and efficient administration and enhance fiscal responsibility. E. *Legal Basis:* 42 U.S.C. 602, 605, 606. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance Program; Megacap DIB Reduction; 20 CFR Part 404, Subpart E.	A. *Description:* These proposed regulations would implement cost reduction provisions in the SSA disability program by offsetting disability benefits with related payments in addition to workmen's compensation by increasing the period of offset through age 64 and by changing the first month for which offset is made. B. *Why Significant:* Some disability insurance beneficiaries and their families receive more total benefits because of the disability than they were earning before the disability. These proposed regulations would provide for expanded reduction of the SSA disability benefit in these cases to eliminate this "windfall" and reduce costs to the disability fund. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement section 2208 of Pub. L. 97-35 as it applies to section 224 of the Social Security Act. E. *Legal Basis:* 42 U.S.C. 424; Pub. L. 97-35. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Duane Heaton, (301) 594-7951, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs Limitations in Cases Involving Felonious Homicide Regs. No. 404, Subparts D and J.	A. *Description:* This regulation reflects a recent change in policy that will deny survivor's payment to juveniles who in proceedings by the Juvenile Justice System, have been found to have intentionally caused the death of the worker. B. *Why Significant:* This regulation would prevent juveniles, like everyone else, from gaining a benefit as a result of intentionally causing someone's death. Under SSA's previous policy most juveniles in these instances were paid benefits because under the juvenile justice system in most States, juveniles are not convicted of crimes. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To reflect the recent policy change. E. *Legal Basis:* Based on common law principle that an individual should not profit from deliberately causing another's death. F. *Chronology:* A Notice of Proposed Rulemaking was published on March 30, 1982. G. *Regulatory Flexibility Analysis Required:* No.	Clara Barrett Powell, 301-594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235.
Old Age, Survivors Disability Insurance Program; Revised Medical Criteria for the Determination of Disability—Appendix 1 of Subpart P—20 CFR Part 404.	A. *Description:* The regulations revise the medical evaluation criteria used in making disability determinations under title II and XVI of the Social Security Act. These changes reflect advances in medical treatment of some conditions and in the methods of evaluating certain impairments. B. *Why Significant:* These regulations will affect all applicants for disability benefits under Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Blind and Disabled. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These medical criteria must be periodically updated to reflect medical advances in diagnosis and treatment and recent changes in methods used to evaluate the severity of particular impairments. These criteria were last revised in 1979. E. *Legal Basis:* Regulatory authority is contained in 42 U.S.C. 405, 1302, and 1383.	William Ziegler, (301) 594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Aid to Families with Dependent Children Program: Adjustment for Federal Share for uncashed checks, 45 CFR Part 205.	F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No A. *Description:* The regulations will reinforce present policy which requires States to return to the Federal government its share of uncashed or canceled assistance checks. The regulations will establish a uniform refund policy in contrast to the present discretionary procedures allowed to the States. B. *Why Significant:* A GAO audit in 1979 found many instances where Federal Matching funds for assistance payments had not been refunded to the Federal government after checks were uncashed or canceled. Retaining unused Federal funds is contrary to Treasury regulations. C. *Regulatory Impact Analysis:* Not required D. *Need:* The regulations are needed to assure prompt refund of Federal funds. E. *Legal Basis:* 42 U.S.C. 403(a) F. *Chronology:* A Notice of Decision to Regulate was published on November 14, 1980 (45 FR 75243). G. *Regulatory Flexibility Analysis Required:* No	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235.
Office of Child Support Enforcement		
OCSE-1—Office of Child Support Enforcement—Federal Financial Participation in the Costs of Cooperative Agreements with Courts, 45 CFR Part 304.	A. *Description:* These final regulations will expand the availability of Federal funding of the costs of courts under cooperative agreements with child support agencies to include costs associated with judicial determinations. The expanded funding will be available in costs that exceed calendar year 1978 costs. Federal funding of costs of the judicial decisionmaker, however, will continue to be prohibited. B. *Why Significant:* The expanded Federal funding should encourage more courts to enter into cooperative agreements with child support enforcement agencies. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 404 of Pub. L. 96-265, the Social Security Disability Amendments of 1980, which apply to court costs incurred on or after July 1, 1980. E. *Legal Basis:* Pub. L. 96-265, 42 U.S.C. 655(c) F. *Chronology:* A notice of proposed rulemaking was published in the FEDERAL REGISTER on June 4, 1981. G. *Covered by the Regulatory Flexibility Act:* No	Eileen Brooks, (301) 443-5350, Chief, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-2—Office of Child Support Enforcement—Deletion of Title IV-D State Plan and Audit Requirements, 45 CFR Parts 302 through 306.	A. *Description:* These interim final regulations with a comment period will reduce the scope of the State plan under title IV-D of the Social Security Act and the annual compliance audits of State Child Support Enforcement programs by eliminating non-statutory State plan requirements and corresponding audit provisions. B. *Why Significant:* These regulations will limit State plan requirements to those required by title IV-D of the Act and eliminate audit review of activities which were originally included in the audit and which are no longer considered appropriate for scrutiny in annual program audits. C. *Regulatory Analysis:* Not required D. *Need:* To reduce the burden on States and to concentrate program audit resources on those areas of the State plan that are required under section 454 of the Act E. *Legal Basis:* 42 U.S.C. 1302 F. *Chronology:* None G. *Covered by Regulatory Flexibility Act:* No	Elizabeth Matheson, (301) 443-5350, Program specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-3—Office of Child Support Enforcement—Requests to Use the Federal Parent Locator Service in Parental Kidnapping and Child Custody Cases, 45 CFR Parts 302, 303, and 304.	A. *Description:* The final regulations provide that a State may enter into an agreement with the Office of Child Support Enforcement to obtain Federal Parent Locator Service (PLS) information for use in parental kidnapping and child custody cases. B. *Why Significant:* These regulations could be of significant benefit to individuals who have no other hope of locating children taken in violation of a valid custody order because they permit access to locate information from the Federal PLS. C. *Regulatory Analysis:* Not required D. *Need:* To implement the requirements of Section 9 of Pub. L. 96-611, the Parental Kidnapping Prevention Act of 1980. E. *Legal Basis:* Pub. L. 96-611, 42 U.S.C. 654, 655, and 663 F. *Chronology:* A final regulation with comment period was published in the FEDERAL REGISTER on November 3, 1981. G. *Covered by Regulatory Flexibility Act:* No	Judy Hagopian, (301) 443-5350, Program Specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-4—Office of Child Support Enforcement-Availability of Incentive Payments to State—Which Enforce and Collect on Their Own Behalf, 45 CFR Part 302.	A. *Description:* These final regulations will extend the availability of incentive payments on assigned child support collections to any State which makes these collections on its own behalf. B. *Why Significant:* The expanded availability of incentives to States will encourage States to improve their Child Support Enforcement programs. C. *Regulatory Analysis:* Not required D. *Need:* To implement the requirements of Section 307 of Pub. L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, which took effect on June 17, 1980. E. *Legal Basis:* Pub. L. 96-272, 42 U.S.C. 658 F. *Chronology:* A notice of proposed rulemaking was published in the FEDERAL REGISTER on May 8, 1981. G. *Covered by Regulatory Flexibility Act:* No	Michael Fitzgerald, Program Specialist, (301) 443-5350, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852
OCSE-5—Office of Child Support Enforcement—Recovery of Assigned Child Support Payments Received Directly and Retained by AFDC Recipients, 45 CFR Part 302 and 303.	A. *Description:* These interim final regulations with comment period will establish procedures for the recovery by IV-D agencies of assigned support payments which are received directly and retained by AFDC recipients. B. *Why Significant:* These regulations will establish Federal policy in the area of recovery of direct payments, and will permit States the flexibility to handle these situations through either their IV-A or IV-D agencies.	Elizabeth Matheson, (301) 443-5350, Program Specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	C. *Regulatory Analysis:* Not required D. *Need:* To clarify Federal policy in this matter in which the respective responsibilities of IV-A and IV-D agencies have been a source of some confusion among the States. E. *Legal Basis:* 42 U.S.C. 652(a), 42 U.S.C. 1302 F. *Chronology:* Interim instructions were provided by a joint action transmittal issued by OCSE and the Office of Family Assistance (SSA-AT-81-7 (OFA) and OCSE-AT-81-7, dated March 27, 1981). G. *Covered by the Regulatory Flexibility Act:* No	
OCSE-6—Office of Child Support Enforcement—Collection of Past-Due Support from Federal Tax Refunds.	A. *Description:* These final regulations will require child support enforcement agencies to have and use procedures to obtain payment of past-due support from overpayments of Federal income tax. These regulations will also contain procedures for agencies to follow in implementing this tax refund offset collection method. B. *Why Significant:* Collection of support by Federal tax refund offset should significantly increase support collections made via the Child Support Enforcement program. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 2331 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Pub. L. 97-35, 42 U.S.C. 664 and 654(18) F. *Chronology:* An interim final regulation was published in the FEDERAL REGISTER on February 19, 1982. G. *Covered by the Regulatory Flexibility Act:* No	Eileen Brooks, (301) 443-5350, Chief, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852
OCSE-7—Office of Child Support Enforcement—Collection of Support for Certain Adults.	A. *Description:* These interim final regulations with comment period will permit child support enforcement agencies to collect support for the spouse or former spouse with whom a child is living, if support is also being collected for the child. B. *Why Significant:* This collection of spousal support should result in increased offset of AFDC program costs. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 2332 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Pub. L. 97-35, 42 U.S.C. 651; 42 U.S.C. 652(a) (1), (7), (10)(C); 42 U.S.C. 652(b); 42 U.S.C. 653(c)(1); 42 U.S.C. 654 (4)(B), (5), (90) (C), (11), (16); 42 U.S.C. 657 (b), (c); 42 U.S.C. 660. F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Elizabeth Mathison, (301) 443-5350, Program Specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-8—Office of Child Support Enforcement—Cost of Collection and Other Services for non-AFDC Families.	A. *Description:* These proposed regulations would prohibit child support enforcement agencies from charging an application fee when a non-AFDC family requests that the agency only collect the support which is due on its behalf. These regulations would also prohibit agencies from recovering costs from support collections made on behalf of non AFDC families. Instead, the regulations would require agencies to collect a fee of 10 percent of the support obligation from the individual who owes the support to a non-AFDC family. No amounts collected may satisfy the fee owed until the total support obligation has been satisfied. Finally, States would be required to offset their program expenditures by any income earned under the program before filing claims for expenditures. B. *Why Significant:* These regulations would provide for recovery of costs of collection of support for non-AFDC families from the individual owing the support rather than from the family. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 2333 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Pub. L. 97-35, 42 U.S.C. 654 (6), (19); 42 U.S.C. 655(a) F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Michael Fitzgerald, (301) 443-5350, Program Specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-9—Office of Child Support Enforcement—Child Support Intercept of Unemployment Benefits.	A. *Description:* These proposed regulations would require child support enforcement agencies to collect unmet support obligations through the withholding of unemployment compensation benefits by State employment security agencies. The amount withheld would be determined by an agreement with the individual or through legal process. The child support enforcement agency will be required to reimburse the State employment security agency for the administrative costs of carrying out the withholding activities. B. *Why Significant:* This new procedure should result in increased collections of support. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 2335 of Pub. L. 97-35, the Omnibus Budget Reconciliation ACt of 1981. E. *Legal Basis:* Pub. L. 97-35, 42 U.S.C. 654(20) F. *Chronology:* A notice of intent to publish regulations was published in the FEDERAL REGISTER on February 2, 1982. G. *Covered by the Regulatory Flexibility Act:* No	Eileen Brooks, (301) 443-5350, Chief, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-10—Office of Child Support Enforcement—Computerized Child Suport Enforcement System, 45 CFR Parts 302, 303 and 304.	A. *Description:* these final regulations will increase Federal financial participation (FFP) to 90 percent for the costs of developing and enchancing certain approved computerized child support enforcement systems (CSES). They specify when FFP is available at the 75 percent rate for CSESs and conditions which States must meet to quaify for 90 percent FFP. B. *Why Significant:* The expanded Federal funding should encourage more States to develop or enhance CSESs. C. *Regulatory Analysis:* Not Required D. *Need:* To implement the requirements of Section 405 of Pub. L. 96-265, the Social Security Disability Amendments of 1980, which had an effective date of July 1, 1981. E. *Legal Basis:* Pub. L. 96-265, 42 U.S.C. 652 (d) and (e), 664 (16) and 655 (a) F. *Chronology:* An interim final regulation was published in the FEDERAL REGISTER on September 30, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Michael Fitzgerald, (301) 443-5350, Program Specialist, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Requirements Applicable to Projects for Family Planning Services (42 CFR Part 59).	A. *Description.* Regulations at 42 CFR Part 59, Subpart A, establish procedures governing the award of grants under Title X of the Public Health Service Act to assist in the establishment and operation of voluntary family planning projects. The regulations are being amended to implement a statutory amendment requiring planning projects to encourage family participation in the provision of services by the projects to the extent practical. B. *Why Significant:* The Secretary of Health and Human Services has proposed to require Title X projects when they initially provide an unemancipated minor, age 17 or under, with prescription drugs or devices, to notify the minor's parents or guardian within the next ten working days, except where the project director determines that notification will result in physical harm to the minor by the parents or guardians. In addition, where state law requires family planning providers to provide Title X services to unemancipated minors only with notification to or the consent of their parents, projects would be required to comply with that law. C. *Regulatory Analysis:* Not Required D. *Need:* To implement a statutory amendment to Title X of the Public Health Service Act. E. *Legal Authority:* Title X of the Public Health Service Act (42 U.S.C. 300 et seq.). F. *Chronology:* Notice of Proposed Rulemaking published on February 22, 1982 (47 FR 7699). G. *Regulatory Flexibility Analysis Required:* No.	Majory Mecklenburg, Acting Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Ave. SW., Washington, D.C. 20201, 202-472-9093.
Health Maintenance Organizations (42 CFR Part 110).	A. *Description.* The existing regulations will be revised to conform with the HMO amendments in the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). B. *Why Significant:* The amended rules will enhance the marketing of the HMOs' health plans by removing certain requirements. These revisions should also encourage private sector investment in HMOs. C. *Regulatory Impact Analysis:* Not required D. *Need:* To amend the existing regulations to conform with the HMO law, as amended, and to remove burdensome requirements which hinder the establishment and growth of HMOs. E. *Legal Authority:* Public Health Service Act. Sections 215 (42 U.S.C. 216) and 1301-1318 (42 U.S.C. 300e-300e-17). F. *Chronology.* None G. *Regulatory Flexibility Analysis Required:* No	Frank H. Seubold, Ph. D., Director, Office of Health Maintenance Organizations, Park Building, 12420 Parklawn Drive, Rockville, Maryland 20857 (301/443-4106).
Confidentiality of Alcohol and Drug Abuse Patient Records, minimum requirements for protecting.	A. *Description:* These regulations apply to the records of the identity diagnosis, prognosis, or treatment of alcohol, and drug abuse patients. They require that records be kept confidential and be disclosed only (1) with the written consent of the patient, (2) pursuant to an authorizing court order based upon a finding of good cause, or (3) without either a written consent or an authorizing court order in the following limited circumstances: For a medical emergency, for the conduct of scientific research, an audit, or program evaluation. B. *Why Significant:* This rule applies to alcohol and drug abuse patient records maintained in connection with any alcohol abuse or drug abuse program conducted, regulated, or directly or indirectly assisted by any department or agency of the United States. It implements statutory requirements which encourage alcohol and drug abusers to seek treatment by means of providing confidentiality for patient records. C. *Regulatory Analysis:* Not required D. *Need:* These regulations are required by section 333(g) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, and by section 408(g) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended. E. *Legal Basis:* Section 408 of Pub. L. 92-255, the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1175), as amended by section 303 of Pub. L. 92-282 (88 Stat. 137); and section 333 of Pub. L. 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4582), as amended by section 122(a) of Pub. L. 93-282 (88 Stat. 131). F. *Chronology:* Final Rule, published July 1, 1975 (40 FR 27802), was reviewed and a decision made to recodify. Notice of Decision to Develop Regulations was published January 2, 1980 (45 FR 53) with a 60-day comment period. G. *Regulatory Flexibility Analysis Required* No	Judith T. Galloway, Legal Assistant, Alcohol, Drug Abuse, and Mental Health, Administration, Room 13C06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-3200.
Specification for Medical Examinations of Underground Coal Miners (42 CFR Part 37).	A. *Description:* The National Institute for Occupational Safety and Health administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment would enable X-ray readers in the Department's medical surveillance program for underground coal miners to classify miners' chest X-rays more accurately in accordance with the latest standards. B. *Why Significant:* The existing regulations currently provide for the use of the 1971 version of the International Labor Office (ILO) system for classifying radiographs (X-rays) of the pneumoconioses. The amendment would adopt the 1980 revision of the ILO classification system which has now become the recognized international standard for classifying this type of disease. C. *Regulatory Analysis:* Not required D. *Need:* To update the existing regulations to adopt the recognized international standard for classifying the pneumoconiosis. E. *Legal Authority:* Section 203 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 843). F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Ms. Mitzie Martin, Chief, Receiving Center Section, Examinations Processing Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, (304) 599-7301, or FTS: 923-7301.
Project Grants for Preventive Health Services (42 CFR Part 51b); Subpart B—Grants for Childhood Immunization Programs and; Subpart D—Grants for Venereal Disease Control Programs.	A. *Description:* Regulations at 42 CFR Part 51b establish requirements that eligible applicants must meet to receive various Public Health Service grants. Revisions to these regulations, to be included with the final rule establishing a new Subpart F to Part 51b, will eliminate burdensome and unnecessary reporting and recordkeeping requirements. B. *Why Significant:* These existing regulations are being reviewed to identify and remove burdensome and unnecessary requirements in regulations for categorical grants that were not included in the block grants authorized by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).	Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, (404) 329-3771, or FTS: 236-3771.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	C. *Regulatory Analysis:* Not required D. *Need:* To remove burdensome and unnecessary requirements in existing Public Health Service regulations governing various categorical grants. E. *Legal Authority:* Sections 317 and 318 of the Public Health Service Act, as amended. F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	
Project Grants for Preventive Health Services (42 CFR Part 51b); Subpart F—Grants for Research, Demonstrations, and Public Information and Education for the Prevention and Control of Venereal Disease.	A. *Description:* The final rule establishes requirements for research, demonstrations, and public information and education grants for the prevention and control of venereal disease. It also implements an amendment to Section 318 of the Public Health Service Act that at least 5 percent of grant funds appropriated under Section 318 for the prevention and control of venereal disease be expended for this program. B. *Why Significant:* Provides a regulatory base to expand capability to refine venereal disease prevention and control technology. C. *Regulatory Analysis:* Not required D. *Need:* To implement changes made to Section 318(b) of the Public Health Service Act by the Health Services and Centers Amendments of 1978. E. *Legal Authority:* Section 318 of the Public Health Service Act (42 U.S.C. 274c), as amended. F. *Chronology:* Notice of Decision to Develop Regulations published April 13, 1979 (44 FR 22133). NPRM published July 17, 1980 (45 FR 47878). G. *Regulatory Flexibility Analysis Required:* No	Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, (404) 329-3771, or FTS: 236-3771.
Fees for Direct Training, Centers for Disease Control (42 CFR Part 65).	A. *Description:* Under Section 311(b) of the Public Health Service Act, the Centers for Disease Control provides technical training to help ensure that health workers throughout the country possess the necessary skills and knowledge to achieve the objectives of disease control programs. The existing regulations set forth a fee policy for this training and provide for a fee schedule. A waiver procedure to permit States time to include training costs in their budgets was included in the final rule. The waiver procedure required a written request for waiver of fees. Changes in the legislation have eliminated the need for waiver of fees. Therefore, the proposed revision will delete the requirement in the regulations. B. *Why Significant:* The proposed revision clarify the policy regarding tuition for training and will specify who shall pay tuition for training. The outdated waiver provision will be removed from the existing regulations. C. *Regulatory Analysis:* Not required D. *Need:* To update the existing regulations to delete the procedure requiring written requests for waiver of fees. Section 311(b) of the Public Health Service Act was amended by Pub. L. 94-317 (June 1976) to eliminate the need for waivers. E. *Legal Authority:* Section 311(b) of the Public Health Service Act (42 U.S.C. 243). F. *Chronology:* Notice of Decision to Develop Regulations published December 19, 1980 (45 FR 83579). G. *Regulatory Flexibility Analysis Required:* No.	Dr. Seth N. Leibler, Acting Director, Center for Professional Development and Training, Centers for Disease Control, Atlanta, Georgia 30333, (404) 262-6671, or FTS: 236-6671.
Foreign Quarantine: Quarantine, Inspection, Licensing—Subchapter F (42 CFR Part 71).	A. *Description:* The esisting regulations were developed to implement the provisions of the Public Health Service Act in preventing the introduction, transmission, or spread of communicable disease from foreign countries into the United States. The NPRM would update the regulations to reflect current concepts of disease surveillance, investigation, and control. B. *Why Significant:* The procedures affect all international traffic arriving in the United States by ship, aircraft, or land conveyances. C. *Regulatory Analysis:* Not required D. *Need:* To update the regulations in accordance with current concepts of disease surveillance, investigation, and control. E. *Legal Authority:* Section 361 of the Public Health Service Act (42 U.S.C. 264) F. *Chronology:* Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37963). G. *Regulatory Flexibility Analysis Required:* No	Dr. Laurence S. Farer, Acting Director, Quarantine Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, (404) 329-2501, or FTS: 236-2501.
Revised Inspection Frequency; Licensed Biologics Establishments—FDA.	A. *Description:* This proposed regulation would reduce the frequency of inspections for licensed biologics establishments from once every year to at least once every two years. B. *Why Significant:* The proposed regulation would provide a uniform frequency of inspection for licensed biologics establishments and other registered drug establishments. C. *Regulatory Impact Analysis:* Not required D. *Need:* To establish a uniform inspecton frequency for all registered drug establishments. E. *Legal Basis:* 21 U.S.C. 321, 360, 371, 374; 42 U.S.C. 262 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Rada Proehl, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.
New Drug Approval Process; Revision of IND/NDA Regulations—FDA.	A. *Description:* Under section 5(a)(3) of E.O. 12291 and the Regulatory Flexibility Act (Pub. L. 96-354) FDA is reviewing and will propose to revise the existing regulations for investigational new drugs (IND's) and new drug applications (NDA's) to improve the efficiency of FDA's operation and to update and refine its internal policies in reviewing, processing, and communicating with sponsors and applicants on IND's and NDA's. B. *Why Significant:* These revisions are intended to improve the approval process and the accompanying dialogue between FDA and sponsors of IND's and NDA's. The improvements will benefit consumers through earlier availability of new drugs. C. *Regulatory Impact Analysis:* Yes D. *Need:* Experience with these regulations after a number of years and comments by members of Congress, regulated industries, consumer groups, and the general public have identified areas where the IND and NDA procedures and requirements need updating and improving. E. *Legal Basis:* 21 U.S.C. 355, 357, 371(a) F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	IND Regulations: Steven Unger, General Regulations Branch (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5200. NDA Regulations: Michael McGrane, General Regulations Branch (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5200.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Patient Package Inserts for Prescription Drug Products—FDA.	A. *Description:* Under section 5(a)(3) of E.O. 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), FDA is reviewing this existing regulation (21 CFR Part 203) that requires manufacturers of designated prescription drug products to prepare and distribute labeling that is intended for the patient. The regulation requires the dispenser of the product to provide the labeling to the patient when the product is dispensed. B. *Why Significant:* As originally promulgated, the regulation would have required that pharmacists maintain and distribute inserts to consumers. Our review of the 10-drug pilot program developed last year showed it to have significant limitations and imposed unreasonable constraints on the health care system. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To permit further review of questions that continue to be raised about the actual costs and benefits of the program. E. *Legal Basis:* 21 U.S.C. 352, 353, 355, 357, 371; 42 U.S.C. 262. F. *Chronology:* In the FEDERAL REGISTER of April 28, 1981 (46 FR 23739 and 23815), FDA stayed the effective dates of its patient package insert program. On September 30, 1981 and October 1, 1981, FDA held public meetings to receive information and views from interested persons. In 1982 (47 FR 7200), FDA issued a proposal to revoke the regulation. G. *Regulatory Flexibility Analysis Required:* No.	Eileen Hodkinson, General Regulations Branch (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Ln, Rockville, MD 20857, 301-443-5200.
Antibiotic Drugs—FDA.	A. *Description:* Under section 5(a)(3) of E.O. 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), FDA has reviewed and will propose to revise the existing antibiotic drug and new animal drug regulations with respect to the requirements for batch certification. B. *Why Significant:* The proposed revision under consideration would exempt all classes of antibiotic drugs as well as antibiotic susceptibility devices from batch certification. Under such an exemption manufacturers would not be required to obtain, before marketing, certification of each batch of antibiotic drug. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Because of the high level of manufacturers' compliance with existing standards, FDA has tentatively determined that batch-by-batch testing by FDA is not necessary to ensure the safety and efficacy of antibiotic drugs and antibiotic susceptibility devices. E. *Legal Basis:* 21 U.S.C. 355, 357, 360b(n), 371(f) and (g). F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Theodore E. Herman, Regulations Policy Staff (HFC-10), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3480.
Over-the-Counter (OTC) Drug Review—FDA.	A. *Description:* These proposed regulations would provide for monographs that specify which OTC drug ingredients are generally recognized as safe and effective. B. *Why Significant:* These regulations would assure consumers that OTC drug products on the market have their claimed effect and bear adequate labeling for safe and effective use. C. *Regulatory Impact Analysis:* Threshold assessment planned for each monograph. D. *Need:* To review all OTC drug ingredients and labeling claims to determine which of these can be considered generally recognized as safe and effective. E. *Legal Basis:* 21 U.S.C. 321, 352, 355, 371. F. *Chronology:* (Key: ANPRM—Advance notice of proposed rulemaking; NPRM—Notice of proposed rulemaking) Alcohol (Topical) Products—no chronology; Boil Ointments—no chronology; Oral Health Care Products—no chronology; Pediculicide Products—no chronology; Relief of Oral Discomfort Products—no chronology; Anthelmintic Products—ANPRM published September 9, 1980 (45 FR 59541); Antibiotic First Aid Products—ANPRM published April 1, 1977 (42 FR 17642); Anticholinergic/Expectorant Products—ANPRM published September 9, 1976 (41 FR 38312); Camphorated Oil Products—NPRM published September 26, 1980 (45 FR 63869); Cholecystokinetic—ANPRM published February 12, 1980 (45 FR 9286); Upset Stomach Products (Antacid Amendment)—NPRM published June 4, 1974 (39 FR 19862); Upset Stomach Products (In-Vitro Test-Antacid Amendment)—NPRM published June 4, 1974 (39 FR 19862). G. *Regulatory Flexibility Analysis Required:* Under consideration.	William E. Gilbertson, Director of OTC Drug Evaluation, (HFD-510), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-4960.
Infant Formula Recalls—FDA.	A. *Description:* This proposed regulation would establish recall procedures for removing adulterated infant formula from the marketplace. B. *Why Significant:* There is considerable public interest in infant formulas due to medical poroblems in infants resulting from inadequate amounts of essential nutrients. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To protect the public health. E. *Legal Basis:* 21 U.S.C. 350a, 371(a). F. *Chronology:* Notice of proposed rulemaking published January 15, 1982 (47 FR 9331). G. *Regulatory Import Analysis Required:* No.	Howard Pippin, Guidelines and Compliance Branch (HFF-312), Bureau of Foods, Food and Drug Administration, 200 C Street, SW., Washington, D.C. 20204, (202) 245-3092.
Labeling of Sodium Content of Foods—FDA.	A. *Description:* This proposed regulation would provide for including sodium content in nutrition labeling and would define the terms "reduced sodium," "moderately low sodium," and "low sodium". B. *Why Significant:* There is substantial public health need for and public interest in consumers being able to regulate intake of sodium. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To give consumers an opportunity to regulate their own intake of sodium. E. *Legal Basis:* 21 U.S.C. 321 (n) and (s), 342(a)(2)(C), 343(a), 348(c)(1)(A), and 371(a). F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Allen Forbes, Associate Director for Nutrition and Food Sciences (HFF-200), Bureau of Foods, Food and Drug Administration, 200 C Street, SW, Washington, D.C. 20204 202-245-1561.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
Bubble Bath Products—FDA	A. *Description:* Under section 5(a)(3) of E.O. 12291 and the Regulatory Flexibility Act (Pub. L. 96-354), FDA is reviewing this existing regulation (21 CFR 740.17) that requires labels of cosmetic bubble bath products to bear a prescribed caution statement and adequate directions for their safe use. B. *Why Significant:* Petitions from two trade associations assert, among other things, that the requirements of the regulation are unjustified and place an undue burden on industry. C. *Regulatory Impact Analysis:* Not required D. *Need:* FDA has concluded that the trade associations' petitions raise issues that should be given further consideration. E. *Legal Basis:* 21 U.S.C. 321(n), 362(a), 371(a) F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Heinz J. Eierman, Division of Cosmetic Technology (HFF-440), Bureau of Foods, Food and Drug Administration, 200 C Street, SW, Washington, D.C. 20204, 202-245-1530.
User Labeling for Menstrual Tampons—FDA	A. *Description:* This proposed regulation would establish labeling requirements for menstrual tampons about the dangers of toxic shock syndrome (TSS) a rare, but sometimes fatal, disease that affects menstruating women. B. *Why Significant:* The regulation would provide women with information on the risks of TSS. C. *Regulatory Impact Analysis:* Not required D. *Need:* To inform consumers of the risk of TSS, a serious and sometimes fatal disease. E. *Legal Basis:* 21 U.S.C. 321(n), 352, 371(a) F. *Chronology:* Notice of proposed rulemaking published October 21, 1980 (45 FR 69840). G. *Regulatory Flexibility Analysis Required:* No	Joseph Sheehan (HFK-70), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7114.
Reasonable Volume of Uncompensated Services to Persons Unable to Pay (42 CFR Part 124, Subpart F).	A. *Description:* Existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the Public Health Service Act must meet to assure that they will make available, in the facility or portion of the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. B. *Why Significant:* We are considering proposed rule to relieve the Federal regulatory burden on Titles VI and XVI health facilities by providing them greater flexibility in meeting their Federal obligations, including a reduction of the procedural, recordkeeping, and reporting burden. C. *Regulatory Analysis:* No D. *Need:* To provide greater flexibility and reduced procedural burden to obligated facilities in meeting their assurance of reasonable volume of uncompensated services to persons unable to pay. E. *Legal Authority:* Public Health Service Act, Sections 215 (42 U.S.C. 216), 1610 (42 U.S.C. 300r), 1620(3) (42 U.S.C. 300s), and 1627 (42 U.S.C. 300s-6). F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources Administration, 3700 East-West Highway, Hyattsville, MD 20782, (301) 436-7700.
Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities (42 CFR Part 124, Subpart C).	A. *Description:* Sections 603(b) and 1620(2) of the Public Health Service Act require the Secretary to issue regulations containing standards for construction, modernization and equipment for medical facilities assisted under Titles VI and XVI of the Act. The current standards are contained in a manual entitled "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities," which are incorporated by reference into regulation at 42 CFR Part 124, Subpart C. B. *Why Significant:* An NPRM is being developed to remove the standards from regulation. As revised, portions of the manual will be reissued as guidance material. C. *Regulatory Analysis:* No D. *Need:* These standards have a regulatory impact only in their application to any new Federal assistance under Title VI or XVI of the PHS Act, as incorporated by reference in Subpart C. Since there is no present appropriation for this program, nor anticipation of future activity, deregulation of these standards is appropriate. E. *Legal Authority:* Public Health Service Act, Sections 215 (42 U.S.C. 216), 603(b) (42 U.S.C. 291c), and 1620(2) (42 U.S.C. 300s). F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources Administration, 3700 East-West Highway, Hyattsville, MD 20782, (301) 436-7700.
Certificate of Need	A. *Description:* Certificate of Need regulations, intended to control rising hospital costs, have themselves been costly and appear to have restrained competition within the health care industry. Extensive justification is required for expansion of facilities and services, or acquisition of new equipment. These regulations are being reviewed and ways explored to reduce regulatory burden by making these regulations more flexible and more cost-effective. B. *Why Significant:* Current Certificate regulations are overly prescriptive. These regulations are being revised to remove non-statutory requirements and to give State Agencies a maximum degree of flexibility to develop programs that conform to the Federal standard and more appropriately address the needs of the individual State. C. *Regulatory Analysis:* No D. *Need:* To relieve the Federal regulatory burden on health planning agencies and health care providers and to implement the provisions of Pub. L. 96-79, Pub. L. 96-538, and Pub. L. 97-35. E. *Legal Authority:* Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); sections 1501-1532 of the Public Health Service Act, 93 Stat. 592-630 (42 U.S.C. 300k-1—300n-1). F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	William R. Berry, Acting Director, Bureau of Health Planning, HRA Center Building, 3700 East-West Highway, Hyattsville, MD 20782, (301) 436-6850.
Limitation on Federal Participation for Capital Expenditures.	A. *Description:* We are considering amendments to regulations for the capital expenditure review program to reduce administrative burden on participating States. B. *Why Significant:* Controls health care costs through State and local review of health services and expenditures. C. *Regulatory Analysis:* No D. *Need:* Existing regulations are burdensome, partly because they do not conform as closely as possible to regulations governing the related certificate of need review process.	William R. Berry, Acting Director, Bureau of Health Planning, HRA Center Building, 3700 East-West Highway, Hyattsville, MD 20782, (301) 436-6850.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	E. *Legal Authority:* Section 1122, Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	
National Guidelines for Health Planning, Rescission of CT Scanning Standard.	A. *Description:* The Guidelines consist of national health standards respecting the supply, distribution and organization of health resources. This regulation would remove the CT scanner standard from the regulations, and updated, more flexible technical guidelines for voluntary use. B. *Why Significant:* The rescission of this standard from regulations will allow the market place forces to prevail, while publication of revised technical guidance will assure up-to-date information for public use. C. *Regulatory Analysis:* Not required. D. *Need:* Standards now exist in regulations, which are obsolete and do not reflect state-of-the-art. E. *Legal Basis:* Section 1501, PHS Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Lyman Van Nostrand, Acting Associate Administrator for Planning, Evaluation and Legislation, HRA, Center Building, Room 10-22, 3700 East-West Highway, Hyattsville, MD 20782, (301) 436-7270.
Project Grants for Establishment of Departments of Family Medicine.	A. *Description:* To make grants to schools of medicine and osteopathy to assist in the costs of establishing maintaining or improving academic administrative units which provide instruction in family medicine. B. *Why Significant:* Promotes the adequate supply and equitable distribution of health manpower throughout the United States. These final regulations also will conform to Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981, which extends the authority of Sec. 780 of the PHS Act with several changes. C. *Regulatory Impact Analysis:* No. D. *Need:* These regulations implement Section 780 of the PHS Act, by finalizing the Notice of Proposed Rulemaking published in October 1980, while adding significant changes to conform to Pub. L. 97-35. E. *Legal Basis:* Section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); Section 780 of the Public Health Service Act, 90 Stat. 2311 (42 U.S.C. 295g) as amended by 95 Stat. 221 (42 U.S.C. 295g). F. *Chronology:* Notice of Proposed Rulemaking, October 16, 1980. *Regulatory Flexibility Analysis Required:* No.	Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, HRA, Center Building, 3700 East-West Highway, Hyattsville, MD 20782 (301) 436-6418.
Area Health Education Centers.	A. *Description:* These regulations govern programs designed to promote better distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system and to encourage the regionalization of educational responsibilities of health professions schools. B. *Why Significant:* Promote the adequate supply and equitable distribution of health manpower throughout the United States. C. *Regulatory Impact Analysis:* No. D. *Need:* Required by statute to implement section 781 of the Public Health Service Act. These regulations finalize the Notice of Proposed Rulemaking while implementing provisions of Pub. L. 97-35. E. *Legal Basis:* 42 U.S.C. 295g-1. F. *Chronology:* Interim-final regulations published November 27, 1978. G. *Regulatory Flexibility Analysis Required:* No.	Kenneth Moritsugu, Bureau of Health Professions, HRA, Center Building, 3700 East-West Highway, Hyattsville, MD 20782 (301) 436-6418.
Grants for Nurse Practitioner Traineeships Programs.	A. *Description:* These regulations set forth requirements for grants to schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other nonprofit entities to meet the costs of traineeships for the training of nurses as nurse practitioners. Specifically, these regulations will conform existing regulations to significant changes as set forth in Sec. 2755, Pub. L. 97-35. B. *Why Significant:* Promotes the adequate supply and equitable distribution of health manpower throughout the United States by giving special consideration to applicants who are residents of health manpower shortage areas, and provides flexibility in the allowance of waiver/suspension of obligation for service or repayment. C. *Regulatory Impact Analysis:* No. D. *Need:* Department of Health and Human Services policy to implement grants programs (Section 822(b) of the Public Health Service Act) through regulations. E. *Legal Basis:* Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec 822(b) of the Public Health Service Act, 91 Stat. 393 (42 U.S.C. 296m); as amended by 95 Stat. 930 (42 U.S.C. 294e). F. *Chronology:* Interim-final regulations published May 6, 1980. G. *Regulatory Flexibility Analysis Required:* No.	Dr. Mary S. Hill, Division of Nursing, Bureau of Health Professions, HRA, Center Building, 3700 East-West Highway, Hyattsville, MD 20782 (301) 436-6681.
Persons to whom services will be provided.	A. *Description:* Amends 42 CFR 36.12 to specify eligibility of certain non-Indians to correct the current illegal sex-discrimination clause and put into regulations current policy dealing with services to non-Indians found in the IHS manual. B. *Why Significant:* The regulation will amend basic eligibility criteria and, therefore, affect delivery of IHS services to the Indian population. C. *Regulatory Analysis:* Not required. D. *Need:* To amend current regulation because OGC and the Justice Department have advised that the current regulation which provides eligibility only for non-Indian wives of eligible Indians is discrimination based on sex and OGC has also advised that IHS policy of serving dependent members of an eligible Indians' household both Indian and non-Indian should be provided for in regulation rather than only in the IHS manual. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act). F. *Chronology:* Intent to issue a NPRM dealing with these issues was published in the preamble to the final regulations for Contract Health Services, 42 CFR Part 36, Subpart C, 43 FR 34649, August 4, 1978. NOI published April 13, 1979 (44 FR 22132); NPRM published December 16, 1980. G. *Covered by the Regulatory Flexibility Act:* No.	Richard J. McCloskey, Indian Health Service, Rm. 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-1116).
Grants for Migrant Health Services.	A. *Description:* This regulation would reduce unnecessary and burdensome provisions and implement provisions of Pub. L. 95-626. B. *Why Significant:* Simplification of regulations. C. *Regulatory Analysis:* Not required. D. *Need:* Management priorities for regulations simplification and to implement provisions of Pub. L. 95-626. E. *Legal Basis:* Sec. 101, 102 and 103 of Pub. L. 95-626, "Health Services and Centers Amendments of 1978".	James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Community Health Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	F. *Chronology:* NPRM published December 19, 1980 (45 FR 83556) G. *Regulatory Flexibility Analysis Needed:* No	
National Health Service Corps Scholarship Regulations.	A. *Description:* The regulations will provide notification to participants regarding fulfillment of service obligation and sets forth rights and liabilities of applicants and participants. B. *Why Significant:* The regulations will assure timely and clear notification to applicants and participants regarding type of service obligation; permits scholarship recipients to fulfill obligation through participation in the National Research Service Awards Program. C. *Regulatory Impact Analysis:* None required D. *Need:* To set forth criteria as prescribed in Pub. L. 97-35, Omnibus Reconciliation Act of 1981, Sections 2709(a)-(c); 2709(e); 2709(g)-(h). E. *Legal Basis:* Public Health Service Act, Sections 338A-338G. F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Allan Noonan, M.D., Bureau of Health Personnel and Development Service, 6525 Belcrest Road, Hyattsville, MD 20782, 301-436-5789.
National Health Service Corps Regulations	A. *Description:* The regulations permit scholarship recipients to elect the private practice option and provides greater incentives to service-obligated individuals to select the PPO. B. *Why Significant:* The regulations implement the new private practice provisions and outline authority and policies for assignment of Corps members. C. *Regulatory Impact Analysis:* Not needed D. *Need:* To set forth criteria for private practice provisions as prescribed in Pub. L. 97-35, Omnibus Reconciliation Act of 1981, Sections 2701-2708, 2709(d); 2709(f). E. *Legal Basis:* Public Health Service Act, Sections 331-338 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* Not necessary	Blanche Keller, Bureau of Health Personnel and Development Service, 6525 Belcrest Road, Hyattsville, MD 20782, 301-436-5780.
Health Education Assistant Loan (HEAL) Regulation.	A. *Description:* These regulations will amend the interim-final regulations under which the program has been operating since August 3, 1978. In addition, the regulations will implement the changes incorporated in Pub. L. 97-35: higher loan limits, participation of students from additional disciplines, and other technical changes. B. *Why Significant:* The regulation will describe program authority and policies and the rights and liabilities of applicants and participants in the HEAL program. C. *Regulatory Impact Analysis:* No D. *Need:* To set forth criteria as prescribed in Pub. L. 97-35, Omnibus Reconciliation Act of 1981, Sections 2726-2733, and to put in final form the interim-final regulations. E. *Legal Basis:* Public Health Sective Act Sections, 727-739 F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No	Alice Swift, Bureau of Health Personnel and Development Service, 3700 East-West Highway, Hyattsville, MD 20782, 301 436-7227.
Protection of Human Subjects: Regulations on Research Involving Children.	A. *Description:* We are considering regulations that would provide additional protections for children who are research subjects of DHHS supported research. B. *Why Significant:* These regulations define the circumstances under which such research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects. C. *Regulatory Analysis:* Not required D. *Need:* The National Research Act, requires the Secretary to publish all recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in the FEDERAL REGISTER, to solicit public comment, to consider the recommendations and relevant comments and to take appropriate administrative actions with respect to the recommendations. After reviewing the recommendations and comments the Secretary decided to issue regulations on this subject. E. *Legal Authority:* 5 U.S.C. 301 F. *Chronology:* Recommendations of the Commission regarding children published January 13, 1978 (43 FR 2084). Comment period ended March 14, 1978. NPRM published July 21, 1978 (43 FR 31786). Comment period originally ended September 19, 1978, but was extended by the NPRM on IRBs to November 12, 1979. G. *Regulatory Flexibility Analysis Required:* No	William Dommel, Jr., J.D., Assistant Director for Regulations, Office for Protection from Research Risks, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-7163.
National Library of Medicine Programs	A. *Description:* There are 4 NLM regulations undergoing revision. The regulations at 42 CFR Part 4 relate to the access of facilities and library collections. Those at 42 CFR Part 59a deal with the NLM extramural programs. These rules provide guidance for applying for grants for establishing, expanding and improving basic library resources and for establishing Regional Medical Libraries. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM. B. *Why Significant:* These proposed amendments will bring up to date the SLM regulations by (1) improving readability and (2) allowing for inclusion of updated nondiscrimination language. In addition, the regulations at 42 CFR Part 59a will be revised to remove the requirement of providing photocopies of biomedical materials without charge to users. C. *Regulatory Analysis:* Not required D. *Need* The regulations have been clarified and reduced in size by eliminating information that is available in 45 CFR Part 75. E. *Legal Authority:* 42 U.S.C. 216, 42 U.S.C. 276 and 42 U.S.C. 280b-2 F. *Chronology:* Notice of Decision to Regulate was published November 21, 1979 (44 FR 66852). G. *Covered by the Regulatory Flexibility Act:* No	Kenneth Carney, Acting Executive Officer, National Library of Medicine, Bethesda, Md. 20209, (301) 496-6491.
National Institutes of Health Center Grants	A. *Description:* These regulations would cover grants by the National Institutes of Health for the support of research and demonstration centers. These regulations would replace existing regulations covering just centers supported by the National Heart, Lung, and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH. B. *Why Significant:* Legislation has authorized research and demonstration centers for other diseases such as arthritis and diabetes. C. *Regulatory Analysis:* Not required	Lowell D. Peart, NIH Regulations Officer, Division of Management Policy, National Institutes of Health, Bethesda, Md. 20205, (301) 496-4606.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	D. *Need:* To implement legislation that extend to other NIH programs the present regulations regarding research and domonstration centers for the National Heart, Lung, and Blood Institute. E. *Legal Authority:* Section 415(b) of the Public Health Service Act; Pub. L. 93-354; and Pub. L. 93-640. F. *Chronology:* Notice of Decision to Regulate was published July 17, 1978 (43 FR 31583). G. *Covered by the Regulatory Flexibility Act:* No	
National Research Service Awards	A. *Description:* These regulations at 42 CFR Part 66 which pertain to the National Research Service Award Program (NRSA) are being amended. The technical amendments eliminate payback obligation for the first 12 months of support under a NRSA; relieves prebaccalaureate candidate holders of Minority Access to Research Careers support under the NRSA of further payback obligations for this research training; increases emphasis on the research training of physicians and eliminates alternate service in a health-related activity in lieu of engaging in biomedical research and/or teaching as an optional form, of fulfulling the payback obligation for individuals entering the NRSA program. B. *Why Significant:* These final technical amendments are intended to comply with statutory changes mandated by the Omnibus Budget Reconciliation Act of 1981. C. *Regulatory Analysis:* Not needed D. *Need:* To implement Pub. L. 97-35 E. *Legal Authority:* Section 472 of the PHS Act (472 U.S.C. 289l-1); Pub. L. 97-35. F. *Chronology:* None G. *Regulatory Flexibility Analysis Required:* No.	William Raub, Ph. D., Associate Director for Extramural Research and Training, National Institutes of Health, Bethesda, Md. 20205, (301) 496-1096.
Health Care Financing Administration		
HCFA—Medicaid: Conditions of Approval and Reapproval for Medicaid Management Information Systems (MMIS), BPO-11.	A. *Description:* This regulation implements the amendment to Sec. 1903 of the Social Security Act made by the Mental Health Systems Act. B. *Why Significant:* This regulation is part of HCFA's regulatory reform plan to promote efficiency and reduce costs. C. *Regulatory Analysis:* Not required D. *Need:* To help ensure that MMIS' are being used effectively to manage the Medicaid programs and reduce program costs. E. *Legal Basis:* Secs. 1102, 1902(a)(4), 1903(a)(3) and 1903(r) F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Robert Outoosian, Branch Chief, BPP, PSB, 1445 ME, 6300 Security Blvd., Baltimore, MD 21207 (301) 594-8040.
HCFA—Medicare Carrier Contracts and Evaluations, BPO-18.	A. *Description:* This regulation will provide for dissemination of standards for carrier evaluation through administrative issuances rather than by publication in the FEDERAL REGISTER. B. *Why Significant:* This regulation would change the method by which criteria are promulgated and streamline the entire process. C. *Regulatory Impact Analysis:* Not required D. *Need:* To provide quicker response time for changes in evaluation methods and standards. E. *Legal Basis:* Sec. 14 of Pub. L. 95-142 F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Newton Dickoff, Director, DS, OSPE, 1445 ME, 6300 Security Blvd., Baltimore, MD 21207 (301) 594-8190.
HCFA—Medicare/Medicaid: Withholding of Federal Share of Payments for Certain Medicare Providers, BPO-20.	A. *Description:* This regulation implements provisions from the 1980 and 1981 Reconciliation Acts which allow withholding the Federal share of Medicare or Medicaid payments from providers and physicians in order to recover overpayments that cannot be recovered because of certain circumstances. B. *Why Significant:* This regulation woud improve the financial management, efficiency, and accountability for certain Medicare provider overpayments. C. *Regulatory Impact Analysis:* Not required D. *Need:* To implement Sec. 905 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980", and Sec. 2104 of "Omnibus Reconciliation Act of 1981". E. *Legal Basis:* To implement Sec. 905 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980", and Sec. 2104 of "Omnibus Budget Reconciliation Act of 1981". F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Guy Harriman, Chief, REB, DRRRE, BPO, 1B2 ME, 6300 Security Blvd., Baltimore, MD 21207 (301) 594-8193.
HCFA—Medicaid: Offset Based on Third Party Liability Recoveries Against Reductions in Medicaid Payments, BPO-27.	A. *Description:* This regulation implements a provision of the 1981 Reconciliation Act which provides for offsets against reductions in Federal matching payments for FY 82 through FY 84. States will qualify for offsets if they meet certain conditions. B. *Why Significant:* This regulation contains policies as to when offsets against the reductions will be made and how States can qualify for the offsets. C. *Regulatory Impact Analysis:* Not required D. *Need:* To implement Sec. 2161 of the Omnibus Budget Reconciliation Act of 1981. E. *Legal Basis:* Sec. 2161 of Pub. L. 97-35 (95 Stat. 803) F. *Chronology:* An NPRM was published on September 30, 1981 G. *Regulatory Flexibility Analysis:* No	Charles Schreibels, Director, Div. of Budgets, OPA, BPO, 368 ME, 6300 Security Blvd., Baltimore, MD 21207, (301) 597-1702.
HCFA—Medicare: Assignment and Reassignment of Freestanding Home Health Agencies to Regional Intermediaries, BPO-29.	A. *Description:* To comply with a court order, these rules set forth and describe the method to be employed regarding transfer of freestanding home health agencies to regional intermediaries. B. *Why Significant:* These rules would implement Section 930(o) of Pub. L. 94-499, the Omnibus Budget Reconciliation Act of 1980. C. *Regulatory Impact Analysis:* Not required D. *Need:* These rules are necessary to implement Section 930(o) of Pub. L. 96-499 and to comply with a court order concerning that provision. E. *Legal Basis:* Section 1816(c)(1), (2), and (4), and Section 930(o) of Pub. L. 96-499, the Omnibus Budget Reconciliation Act of 1980. F. *Chronology:* An NPRM was published on April 9, 1982 G. *Regulatory Flexibility Analysis Needed:* Not required	John Jansak, Director, OPA, BPO, HCFA, Room 343, Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-9470.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicaid: Adoption Assistance, BPP-113.	A. *Description:* This regulation implements a 1980 statute which provides that children receiving payments under the Adoption Assistance or Foster Care (Title IVE) programs are categorically eligible under Medicaid. B. *Why Significant:* Children for whom payments are made under Title IVE will be protected by Medicaid eligibility. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement the Adoption Assistance and Foster Care Acts of 1980. E. *Legal Basis:* Pub. L. 96-272. F. *Chronology:* An NPRM was published on 12/31/80. G. *Regulatory Flexibility Analysis Needed:* No.	Marinos Svolos, Acting Director, DMEP, BPP, 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-9050.
HCFA—Medicare: Depreciation—Continued Use of Useful Lives Method, BPP-125.	A. *Description:* This regulation implements a 1981 statutory provision and clarifies HCFA policy regarding useful life guidelines to assure an asset's useful life is considered when depreciation is computed. B. *Why Significant:* This regulation would prohibit use of investment incentive depreciation proposals which accelerate depreciation. C. *Regulatory Impact Analysis:* Not required. D. *Need:* This regulation would prevent waste and inefficiency in the Medicare program. E. *Legal Basis:* This regulation implements Sec. 203 of Pub. L. 97-34, Economic Recovery Tax Act of 1981. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Bernard Pateshnik, Director, DISR, BPP, IA5 ELR, 6325 Security Blvd., Baltimore, MD 21207, (301) 597-1334.
HCFA—Medicaid: Deeming of Parental Income to Institutionalized Child, BPP-132.	A. *Description:* This regulation would give the (209(b)) States a greater degree of latitude in determining deemed income for institutionalized children. B. *Why Significant:* Rules currently in effect were adopted because of a court order, now-overturned. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To give States flexibility and fiscal relief. E. *Legal Basis:* Sec. 1902(f) of the Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Marinos Svolos, Acting Director, DMEP, BPP, 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-9050.
HCFA—Medicare: Preadmission Diagnostic Services Involving a Single Hospital, BPP-140.	A. *Description:* This regulation implements a 1980 Reconciliation Act provision concerning Medicare payments to physicians and hospitals for certain preadmission diagnostic services furnished on an outpatient basis. Specifically, it provides 100% reimbursement (subject to a deductible paid by the beneficiary) for those services when they are furnished in or by a hospital to which a patient is admitted within 7 days of receiving the services. B. *Why Significant:* Implementing the provisions of this regulation would result in cost savings benefits. C. *Regulatory Impact Analysis:* Not required. D. *Need:* This regulation must be implemented in order to attain the cost savings provisions. E. *Legal Basis:* 42 U.S.C. 1302, 1395 et seq. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Anthony Lovecchio, BPP, DMSCP, 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-8561.
HCFA—Medicaid: Payment for Long Term Care Facility Services and Inpatient Hospital Services, BPP-148.	A. *Description:* This regulation implements a 1980 Reconciliation Act provision which revises the Federal role with regard to rates paid by States to nursing homes and hospitals. It gives the State the flexibility to pay through rates which the State finds, and makes satisfactory to the Secretary, to be reasonable and adequate to meet the costs that efficiently and economically-operated facilities incur to provide care in conformity with applicable Federal and State laws, regulations, and quality and safety standards. B. *Why Significant:* Increases State flexibility to determine rates appropriate to their needs. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To revise rules in response to public comments requesting further clarification. E. *Legal Basis:* Sec. 1902 of the Social Security Act, and Sec. 962 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980", and Sec. 2173 of Pub. L. 97-35, "Omnibus Budget Reconciliation Act of 1981". F. *Chronology:* An interim final rule with comment period was published on September 30, 1981 (46 FR 47964). G. *Regulatory Flexibility Analysis Needed:* No.	Alan Spielman, Chief, SPB, ORP, BPP, IA1 ELR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-4010.
HCFA—Medicare: Differential Reimbursement, BPP-166.	A. *Description:* This regulation implements 1980 and 1981 Reconciliation Act provisions which authorize reimbursement at the State Medicaid intermediate care facility or skilled nursing facility rate where the patient requires a lower level of care, but is inappropriately placed in a hospital. B. *Why Significant:* This regulation will refine institutional reimbursement policies to assure more efficient delivery of needed health care. C. *Regulatory Impact Analysis:* Not required. I. *Need:* To implement Sec. 902(a) and (b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980", and Sec. 2102 of "Omnibus Budget Reconciliation Act of 1981". E. *Legal Basis:* Secs. 1158, 1161, 1861(v)(1)(G), 1883, 1902, and 1913 of the Social Security Act, Secs. 902 and 904 of Pub. L. 96-499. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* Under consideration.	Bill Coeller, Branch Chief, CRP, DISR, RPB, ELR, 6325 Security Blvd., Baltimore, MD 21207, (301) 597-1802.
HCFA—Medicaid: Freedom of Choice; Waivers of and Exceptions to State Plan Requirements, BPP-181.	A. *Description:* This regulation implements a 1981 Reconciliation Act provision which revises in several ways the current requirements regarding a Medicaid beneficiary's option to choose among participating providers of covered items or services. B. *Why Significant:* This regulation revises current Medicaid regulations to provide maximum flexibili;ty to States and to make them less burdensome to States. C. Regulatory Impact Analysis: Not required. D. *Need:* To implement Sec. 2175 of Pub. L. 97-35, "Omnibus Budget Reconciliation Act of 1981". E. *Legal Basis:* Sec. 1102 of the Social Security Act (42 U.S.C. 1302). F. *Chronology:* A final rule with comment period was published and effective on October 1, 1981 (46 FR 48523). The comment period closed on December 30, 1981.	Dave Holstein, Health Insurance Policy Specialist, TPB, DTPL, BPP, 2nd Floor, DWW, 1848 Gwynn Oak Ave., Baltimore, MD 21207, (301) 594-9305.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicaid: Home and Community-Based Services, BPP-182.	A. *Description:* This regulation implements a 1981 Reconciliation Act provision which permits States to offer, under a Sceretarial waiver, a wide array of home and community-based services that an individual may need in order to avoid institutionalization. B. *Why Significant:* This regulation allows States to reduce expenses and give beneficiaries an opportunity to live at home and receive services. C. Regulatory Impact Analysis: Not required D. *Need:* To implement Sec. 2176 of Pub. L. 97-35, "Omnibus Budget Reconciliation Act of 1981". E. *Legal Basis:* Sec. 1102 of the Social Security Act (42 U.S.C. 1302) F. *Chronology:* A final rule with comment period was published and effective on October 1, 1981 (46 FR 48531). The comment period closed on December 30, 1981. G. *Regulatory Flexibility Analysis Needed:* N.	Robert Wren, Director, DPSCP, OCP, BPP, 405 EHR, 6325 Security Blvd., Baltimore, MD 21207.
HCFA—Medicare: Reimbursement of Hospital-Based Physicians, BPP-192.	A. *Description:* This regulation would revise the regulations that govern Medicare coverage and reimbursement for services of physicians who are based in institutional providers (hospitals and skilled nursing facilities). B. *Why Significant:* These regulations would set forth basic conditions for reasonable charge reimbursement, clarify determinations of reasonable cost reimbursement for physicians services, and establish more specific conditions for payment of certain physician specialties. C. *Regulatory Impact Analysis:* Not required D. *Need:* Revised regulations are needed to help ensure that Medicare payments for services of physicians in insititutional providers are determined accurately and are reasonable in amount. E. *Legal Basis:* Sec. 1861 of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	William Birnie, Chief, PPRS, PPRB, BPP, IE5 ELR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-5431.
HCFA—Medicare: Hospital Reimbursement Reform, BPP-198.	A. *Description:* This regulation implements, in part, a 1981 Reconciliation Act provision which provides the first stage in development of a prospective methodology for reimbursement of Medicare providers. B. *Why Significant:* This regulation would have a significant effect on the nature of Medicare hospital reimbursement by changing from a retrospective cost basis for reimbursement. C. *Regulatory Impact Analysis:* Under consideration D. *Need:* This regulation will foster competition, restrain costs, encourage efficiency and appropriate use of health services. E. *Legal Basis:* Sec. 1861(v)(1) of the Social Security Act, and Sec. 2173 of Pub. L. 97-35. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	Mike Maher, Director, ORP, BPP, 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-9760.
HCFA—Medicare/Medicaid: Miscellaneous Amendments, BPP-197.	A. *Description:* This regulation will implement several provisions of the Omnibus Reconciliation Act of 1980, which: (1) Make it possible for proprietary home health agencies to participate in Medicare; (2) provide that a doctor of podiatric medicine may be considered a physician for the purposes of home health services; (3) authorize a speech pathologist to establish a plan of treatment for outpatient speech pathology services; and (4) authorized the Secretary to specify which edition of a fire safety code must be met by SNF's that participate in Medicare. B. *Why Significant:* This regulation will implement Sec. 915, 944(a), 930(n), 951 and 930(e) of the Omnibus Reconciliation Act of 1980. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are intended to broaden participation in Medicare and provide greater flexibility in meeting fire safety requirements under both Medicare and Medicaid. E. *Legal Basis:* To implement Sec. 915, 944(a), 930(n), 951, and 930(e) of Pub. L. 96-499. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Stefan Miller, Acting Branch Chief, DLAS, HSQB, 2nd Floor, DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-9741.
HCFA—Medicare: Review and Recomputation of Periodic Interim Payments to Providers of Services, BPP-202.	A. *Description:* The regulation would revise the frequency of mandatory review and recomputation by fiscal intermediaries of periodic interim payments to providers of health care services. B. *Why Significant:* This regulation would reduce costs and reporting burden for both intermediaries, providers, and Federal costs will decrease and will allow a more cost effective use of industry resources. C. *Regulatory Impact Analysis:* Not required D. *Need:* This rule will change a requirement that no longer serves a compelling Federal interest. E. *Legal Basis:* Sec. 1815(a) of the Social Security Act F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Bernard Patashnik, DISR, IAS, ELR, 6325 Security Blvd., Baltimore, MD 21207 (301) 597-1335.
HCFA—Medicare: Reimbursement for Charity Care in Hill-Burton Facilities, BPP-203.	A. *Description:* This regulation clarifies Medicare policy regarding reimbursement for services provided on a charitable basis in Hill-Burton facilities. B. *Why Significant:* Will address reimbursement for treatment of charitable care C. *Regulatory Impact Analysis:* Not required. D. *Need:* To establish clarified and consistent policy to avoid misinterpretation and inaccurate Medicare payments. E. *Legal Basis:* Sec. 1801(v) of the Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Bernard Patashnik, Director, DISR, BPP, IAS ELR, 6325 Security Blvd., Baltimore, MD 21207 (301) 597-1334.
HCFA—Medicare: Interest Assessment on Overpayments to Providers and Suppliers of Services, BPP-205.	A. *Description:* The regulation would establish specific rules for assessing interest on overpayments to providers and suppliers of Medicare services, and would make the Medicare rules consistent with those of GAO and Department of Justice. B. *Why Significant:* These regulations would be consistent with standard business practices and should encourage providers and suppliers of services to repay debts more promptly. C. *Regulatory Impact Analysis:* Not required D. *Need:* These revisions are necessary to make HCFA regulations consistent with existing rules issued by the General Accounting Office (GAO) and the Department of Justice under the Federal Claim Collection Act. E. *Legal Basis:* Federal Claim Collection Act	Guy Harriman, Chief, RAB, IH2 ME 6300 Security Blvd., Baltimore, MD 21207 (301) 594-8193.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
	F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	
HCFA—Medicaid: Deeming of Income Between Spouses; BPP-214.	A. *Description:* This regulation will establish the deeming rules for spouses in 1902(f) States for categorically-needy couples. B. *Why Significant:* Rules currently in effect were adopted because of a court order, now revised by the Supreme Court. C. *Regulatory Impact Analysis:* Not required D. *Need:* To return to the 1977 regulations E. *Legal Basis:* Sec. 1902(a)(17)(b) F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Marinos Svolos, Acting Director, DMEP, BPP, 416 EHR, 6325 Security Blvd., Baltimore, MD 21207 (301) 594-9050.
HCFA—Medicare: Elimination of Duplicate Medicare Payments for Service in Outpatient Departments BPP-215.	A. *Description:* This regulation would eliminate duplicate payments of overhead expenses of physicians providing care in hospital outpatient departments. B. *Why Significant:* This would result in significant savings by more appropriately reflecting reasonable charges for services provided in outpatient departments. C. *Regulatory Impact Analysis:* Under consideration D. *Need:* To reduce Medicare expenses by eliminating the duplicate payment of overhead expenses to physicians in outpatient departments. E. *Legal Basis:* Sec. 1861(v) of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	Carl Slutter, Director, DHOOC, ORP, BPP, 190 EHR, 6325 Security Blvd., Baltimore, MD 21207 (301) 594-9344.
HCFA—Medicare: Elimination of the Medicare Private Room Subsidy, BPP-216.	A. *Description:* This regulation would eliminate the Medicare private room subsidy by subtracting from a hospital's allowable cost, the differential costs for private rooms over semi-private rooms. B. *Why Significant:* This regulation is expected to result in savings from hospital reimbursement. C. *Regulatory Impact Analysis:* Not required D. *Need:* Reimbursement currently indirectly includes the cost of private rooms, even though Medicare is supposed to cover only the cost of semi-private rooms. E. *Legal Basis:* Sec. 1861(v) of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Assalysis Needed:* No	Bernard Patashnik, Director, DISR, CPP, IA5, ELR, 6325 Security Blvd., Baltimore, MD 21207 (301) 597-1334.
HCFA—Medicaid: Regulatory Reform of Miscellaneous Provisions, BPP-502.	A. *Decription:* The regulation revises several Medicaid provisions including those pertaining to the training programs in Medicaid agencies, and encouragement of provider participation. B. *Why Significant:* This requlation is part of HCFA's regulatory reform effort C. *Regulatory Impact Analysis:* Not required D. *Need:* This regulation will reduce operational burdens on State E. *Legal Basis:* Sec. 1902(a)(4) and 1902(a)(28) of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	William Long, BPP, AG3, ELR, 6325 Security Blvd. Baltimore, MD 21207(301) 594-8060.
HCFA—Medicaid: Cost Sharing BPP-509	A. *Description:* This regulation would revise Medicaid regulations concerning cost sharing. B. *Why Significant:* This regulation would provide greater flexibility to States in establishing cost sharing rates for Medicaid recipients within statutory limits, subject to assurances that the rates would not impede a recipient's access to necessary medical services. C. *Regulatory Impact Analysis:* Not required D. *Need:* To provide greater flexibility for States to deter institutionalization and overutilization of services. E. *Legal Basis:* Sec. 1904(a)(14) of the Social Security Act F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No	Marinos Svolos, Deputy Director, SMSCP, OCP, BPP, 469 EHR, 6325 Security Blvd., Baltimore, MD 21207 (301) 594-6719
HCFA—Medicaid: State Residency for Institutionalized Individuals, BPP-510.	A. *Description:* These regulations extend the time period in which a State must furnish Medicaid to a beneficiary who is institutionalized in that State and who, under other provisions of the regulations, would be considered a resident of another State. B. *Why Significant:* The extension of the time period will reduce State administrative complexities and hardships on recipients and their families. C. *Regulatory Impact Analysis:* Not required D. *Need:* To reduce State administrative complexities and hardships on recipients and their families. E. *Legal Basis:* Sec. 1102 of the Social Security Act, 42 U.S.C. 1302 F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Marinos Svolos, Acting Director, DMEP, BPP, 416 EHR, 6325 Security Blvd., Baltimore, MD 21207 (301) 594-9050.
HCFA—Medicaid: Recovery of Long Term Care Cost, BPP-511.	A. *Description:* This regulation will allow States to require adult children of an institutionalized Medicaid recipients to contribute to the cost of their parent's care. B. *Why Significant:* This regulation will simplify and enhance current State efforts to recover Medicaid costs. C. *Regulatory Impact Analysis:* Not required D. *Need:* To focus Medicaid expenditures on the most needy E. *Legal Basis:* 1902(a)(17)(d) F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Marinos Svolos, Acting Director, DMEP, BPP, 416 EHR, 6325 Security Blvd., Baltimore, MD 21207 (301) 594-9050.
HCFA—Medicaid: Claims Processing Reviews Under Medicaid Quality Control System, BQC-500.	A. *Description:* These regulations revise the requirements for conducting reviews of claims processing under the Medicaid Quality Control system. They also revise the sampling periods and reporting procedures to give States additional flexibility in operating the system. B. *Why Significant:* The revision to these regulations is part of the Department's effort to increase State flexibility in administering programs and to reduce reporting burdens. C. *Regulatory Impact Analysis:* Not required D. *Need:* To meet our regulatory reform objectives E. *Legal Basis:* Sec. 1102 of the Social Security Act, 42 U.S.C. 1302 F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Jeanette Keenan, Program Analyst: HRB, BQC, 2M1 ELR, 6325 Security Blvd., Baltimore, MD 21207 (301) 597-1307.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicare/Medicaid: Provider Agreements; Notice of Exclusion from Medicaid, HSQ-55.	A. *Description:* This regulation clarifies policy on provider agreements, incorporates related statutory provisions, and modifies certain requirements regarding providers with deficiencies. B. *Why Significant:* Eliminate inconsistencies between Medicare and Medicaid policies on when a provider agreement begins and reimbursement is permitted to make Medicare regulations simpler and clearer; and provide greater flexibility with respect to participation of long-term care facilities. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement new statutory requirements; revise a final rule with comment period in response to public comments. E. *Legal Basis:* Secs. 1102, 1866, and 1915 of the Social Security Act; Sec. 2153 of Pub L. 97-35, Omnibus Budget Reconciliation Act of 1981," and Sec. 308 of Pub. L. 96-272, "Adoption Assistance and Child Welfare Act of 1980". F. *Chronology:* A proposed rule on provider agreements was published February 5, 1979 (44 FR 6958); a final rule with comment period was published April 4, 1980 (45 FR 22933). A proposal to delete certain provisions pertaining to deficiencies was published on March 14, 1980 (45 FR 16505). An integrated final rule is currently under review. G. *Regulatory Flexibility Analysis Needed:* No.	Jim Conrad, Branch Chief, DPO, HSQB, 1st Floor, DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-7940.
HCFA—Medicare: Conditions of Participation for Home Health Agencies—Home Health Aides, HSQ-92.	A. *Description:* This regulation implements a provision of the 1980 Reconciliation Act and sets forth requirements for a formal training program for home health aides. B. *Why Significant:* This regulation would assure that home health agency services are of appropriate quality. C. *Regulatory Impact Analysis:* Not required. D. *Need:* This regulation would implement, in part, Sec. 930 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1102, 1861, and 1871, of the Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* Under consideration.	Royal Crystal, Director, DLAS, OSC, HSQB, 2nd Floor DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-7910.
HCFA—Medicare: Licensure Requirements for Providers and Suppliers of ESRD Services, HSQ-101.	A. *Description:* This regulation would revise requirements for entry of new ESRD facilities into the ESRD program. B. *Why Significant:* This regulation would reduce HCFA's administrative costs and the paperwork and reporting requirements for new facilities seeking to enter the ESRD program. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To reduce the Federal role in facility approval process, reduce the paperwork and reporting burden of applicants and rely upon an existing evaluation process being conducted by the States.. E. *Legal Basis:* Sec. 1881 of the Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Margaret Van Amaringe, Div. Director, HSQB, DHS, 2nd Floor DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-9736.
HCFA—Medicare: Conditions of Coverage of ESRD Services: Special Purpose Renal Facility, HSQ-104-F.	A. *Description:* This amendment provides for time limited approval of special purpose renal dialysis facilities. B. *Why Significant:* This regulation will permit approval of special purpose renal dialysis facilities which will be permitted to provide dialysis services on a short-term basis. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Information provided in the Inspector General's Services Delivery Assessment of ESRD patients revealed a need to provide dialysis services to certain ESRD patients on a rehabilitative or emergency basis. E. *Legal Basis:* To implement Pub. L. 95-292. F. *Chronology:* The proposed rule was published January 15, 1981. G. *Regulatory Flexibility Analysis Needed:* No.	Margaret Van Amaringe, Director, DHS, HSQB, 2E3 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-9712.
HCFA—Professional Standards Review Organizations (PSROs), HSQ-105.	A. *Description:* This regulation makes several changes in the PSRO program requirements mandated by 1980 and 1981 statutory amendments. B. *Why Significant:* Codifies statutory changes, one of which allows States flexibility to determine the extent of review in accordance with their needs. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To clarify and make technical changes in response to public comments.. E. *Legal Basis:* Secs. 1102, 1152, 1153, 1154, 1155, 1158, 1159, 1162, 1168, 1902 and 1903 of the Social Security Act; Secs. 2111, 2112, 2113 of Pub. L. 97-35. F. *Chronology:* An interim final rule with comment period was published October 1, 1981 (46 FR 48564). G. *Regulatory Flexibility Analysis Needed:* No.	Patricia Booth, OPDC, HSQB, 1K1, DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-1832.
HCFA—Medicare/Medicaid: Conditions of Participation for Hospitals, HSQ-500.	A. *Description:* This regulation reduces Federal requirements, simplifies and clarifies regulations, and provides maximum flexibility in administration, while protecting patient health and safety. B. *Why Significant:* This regulation will eliminate unnecessary procedural requirements for complying with conditions. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To meet our Regulatory Reform objectives to reduce burden. E. *Legal Basis:* Sec. 1861(e)(9) of the Sovial Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No.	Margaret Van Anringe, Director, DHS, HSQB, 2E3 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 594-9712.
HFCA—Medicare/Medicaid: Health Care Institution Survey and Certification, HSQ-502.	*Description:* This regulation would streamline, simplify, and integrate, to the extent possible, survey and certification procedures for providers and suppliers under Medicare and Medicaid. Department's regulatory principles I, II, III, IV, V and VI. B. *Why Significant:* Survey and certification requirements affect health care providers and are critical to ensuring health and safety of patients. Effective monitoring may be accomplished with greater flexibility to States without loss of quality of health services. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To promote State flexibilty, reduce costs, and maintain quality standards. E. *Legal Basis:* Titles XVIII and XIX of the Social Security Act. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Required:* No.	Tom Morford, Director, HSQB, OSC, 2A3 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207 (301) 597-2750.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicare/Medicaid: Claims Collection and Compromise, OMB-1.	A. *Description:* This regulation will establish the authority for the Administrator to collect or compromise all Agency claims. B. *Why Significant:* The rule will enable HCFA to aggressively seek repayment of outstanding claims. C. *Regulatory Impact Analysis:* Not required D. *Need:* This will result in program savings E. *Legal Basis:* 31 U.S.C. 951-953 (Federal Claims Collection Act) F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	John Zurad, OMB, B8 CO, 6300 Security Blvd., Baltimore, MD 21207 (301) 594-.
HCFA—Medicare/Medicaid Programs: Exclusion of Health Care Professionals, BQC-15.	A. *Description:* This regulation will amend the current rule that excludes physicians and practitioners convicted of crimes from participation in the Medicare and Medicaid programs. This regulation will broaden this rule so that the provisions would also apply to other categories of health professionals, such as administrators of health care institutions. B. *Why Significant:* This regulation will clarify HCFA's authority to bar certain professionals from participation in the Medicare and Medicaid programs. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 913 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1128 1862(e) 1902(a)(39), and 2003(d)(1) of the Social Security Act Pub. L. 95-142 and Pub. L. 96-499. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	James F. Patton, Director, DVPS OPV, BOC Rm. 2-E-5 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-694-8213.
HCFA—Medicaid/Medicare Program: Alternatives to Decertification of Long Term Care Facilities, HSQ-96.	A. *Description:* This regulation will set forth provisions under Medicare and Medicaid for alternatives to the decertification of long term care facilities (skilled nursing facilities and intermediate care facilities) that are out of compliance with the conditions of participation. The regulation will also authorize HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. This regulation is part of HCFA's regulatory reform activity. B. *Why Significant:* This regulation will make penalties for non-compliance more reasonable. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 916(a), (b) and (c) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1866, 1902, and 1910 of the Social Security Act F. *Chronology:* None G. *Analysis Needed:* No	Robert Javec, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg. 1849 Gwynn Oak Ave., Baltimore MD 21207, 301-594-3314.
HCFA—Medicare Program: Home Health Agency Bonding, BPP-150.	A. *Description:* This regulation will set forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet in order to minimize financial risk. B. *Why Significant:* This regulation will assure that home health agencies are financially viable enough to participate in the program. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 930(n) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861 of the Social Security Act and Sec. 930 of Pub. L. 96-499. F. *Chronology:* None G. *Analysis Needed:* Under consideration	Bill Goeller Branch Chief, RPB Room 1-D-1 ELR 6401 Security Blvd. Baltimore, MD 21207, 301-597-1802
HCFA—Medicare Program: Outpatient Surgery, BPP-135.	A. *Description:* This regulation will provide for 100 percent reimbursement for surgical sevices performed in free-standing ambulatory surgical centers and in physicians' offices subject to certain restrictions. It will also set forth health and safety standards for ambulatory surgical centers participating in the Medicare program. B. *Why Significant:* This regulation would provide incentives for delivering services in lower cost settings. C. *Regulatory Analysis:* Not required D. *Need:* To implement Secs. 934 (a) and (b) of Pub. L. 96-499. "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1832, 1833, 1863 and 1864 of the Social Security Act and Sec. 934 of Pub. L. 96-499. F. *Chronology:* The proposed rule was published on March 23, 1982. The final regulation will be published upn completion of review of public comments. G. *Analysis Needed:* No	Robert Stremer, Chief DARS, BPP, Room 1-A-1 EHF, 6401 Security Blvd., Baltimore, MD 21207, 301-597 1337.
HFCA—Medicare Program: Optometrists Service, BPP-158.	A. *Description:* This regulation would provide coverage for previously uncovered service furnished by optometrists related to the condition of aphakia (absence of the natural lens of the eye). B. *Why Significant:* The regulation would extend coverage to a previously uncovered service. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 937 of Pub. L. 95-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1661(r)4 of the Social Security Act and Sec. 937 of Pub. L. 96-499. F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* No	Henry Hehir, Director, DMSCP, BPP, Room 489 EHF, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8561.
HFCA—Medicare Program: Access to Books and Records to Subcontractors, BQC-14.	A. *Description:* The regulation would prohibit Medicare reimbursement to providers for services furnished under contracts (whose cost or value over 12 months is $10,000 or more) to subcontractors unless the Secretary has access to books and records necessary to verify costs. B. *Why Significant:* This regulation would strengthen HFCA's capacity to effectively preclude or detect fraud and abuse and conform Medicare practice to that of other Federal agencies which buy services. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 952 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(v)(1) of the Social Security Act. Pub. L. 96-499 F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	James F. Patton, Director DVPS, OPV, BOC, Room 2-E-5 ELR 6401 Security Blvd., Baltimore, MD 21207, 301-594-8213.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HFCA—Medicare Program: Provider Reimbursement Review Board (PRRB) Expedited Judcial, BPP-136.	A. *Description.* This regulation will require the PRRB to determine within 30 days whether it has jurisdiction over an issue brought before it by a provider and authorize judicial review without further administrative review where the Board decides it lacks jurisdiction. B. *Why Significant:* This regulation will expedite the administrative appeals process. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 955 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1878 of the Social Security Act and Sec. 955 of Pub. L. 96-499. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Stanley Katz, Chief DTPL, BPP, 2nd Floor Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.
HFCA—Medicare Program: Beneficiary Not at Fault, BPP-143.	A. *Description:* This regulation would require that payment be made for inpatient services under Part A where a beneficiary requiring a higher level of care is erroneously placed in a distinct part of an institution that provides a lower level of care. B. *Why Significant:* This regulation would reimbuse at the appropriate level when a beneficiary received covered care but was in an erroneous placement through no fault of his own. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 958 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1879 of the Social Security Act and Sec. 956 of Pub. L. 96-499. F. *Chronology:* NPRM published in the FEDERAL REGISTER 2 G. *Regulatory Flexibility Analysis Needed:* No	Stanley Katz, Chief, DTPL, BPP, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.
HFCA—Medicare Program: Disputed Medicaid Claims: Interest Charge on Final Determination, BPO-16.	A. *Description:* This regulation would set forth the requirement for interest payments on disputed Medicaid funds after a final determination of allowability. B. *Why Significant:* This regulation would establish the payment of interest as an equitable solution to the use of funds pending a final determination of allowability. It would also expedite the processing of State appeals from notices of disallowances. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 961 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1903(d) of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	David McNally, Director, DFO, OPA, BPO, Rm. 350, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1397.
HCFA—Medicare/Medicaid Program: Nurse-Midwife Services, BPP-133.	A. *Description:* This regulation will specify Federal requirements under Medicaid (title XIX of the Social Security Act) for the provision of nurse-midwife services. This regulation will define nurse-midwife services and specify how States are to provide for these service. B. *Why Significant:* Revised requirements will improve access to a cost-effective source of maternity care. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 965 of Pub. L. 86-499,"Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1906 of the Social Security Act and Sec. 965 of Pub. L. 96-400. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	Marinos Svolos, Deputy Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-6719.
HCFA—Medicaid Program: Expanded Phase Out Provisions of Intermediate Care Facilities for the Mentally Retarded (ICF/MR); Correction Plans, HSQ-98.	A. *Description:* This regulation extends compliance deadlines currently in regulations if ICF's MR can show good faith effort. B. *Why Significant:* This regulation protects facilities from unnecessary disruption of Federal funding. C. *Regulatory Analysis:* Not required D. *Need:* To provide incentives for deinstitutionalization of residents in ICFs/MR and ensure that the health and safety of residents remaining in ICFs/MR is protecteD. E. *Legal Basis:* Secs. 1102, 1905(c) and (d) of the Social Security Act (42 U.S.C. 1302, 1396(c) and (d). F. *Chronology:* NPRM published on August 24, 1981 G. *Regulatory Flexibility Analysis Needed:* No	Wayne Smith, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7651.
HCFA—Transfer of Resources, BPP-160	A. *Description:* This regulation will impose a new eligibility requirement on aged, blind, and disabled applicants for Medicaid. It will allow States to deny Medicaid to individuals who dispose of assets for less than fair market value. B. *Why Significant:* This regulation will assure that available income and assets are applied to medical needs before Medicaid is granted. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 5 of Pub. L. 96-611 E. *Legal Basis:* Sec. 1613 of the Social Security Act (42 U.S.C. 1382b) and Sec. 5 of Pub. L. 96-611. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Elmer Smith, Director, OEP, BPP, Room 440 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9050.
HCFA—Conditions of Coverage of Suppliers: End Stage Renal Disease (ESRD), HSQ-73.	A. *Description:* This regulation revises the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services. B. *Why Significant:* This regulation will recognize recent developments in medical practices. C. *Regulatory Analysis:* Not required D. *Need:* Clarify and expand the types of dialysis service facilities that will be approved to furnish and facilitate program administration, and encourage competition. E. *Legal Basis:* Secs. 226A, 1102, 1871, 1861 of the Social Security Act (42 U.S.C. 426-1, 1302, 1395hh, 1395rr). F. *Chronology:* The proposed rule was published on January 15, 1981 (46 FR 3794). The comment period closed on March 16, 1981. G. *Regulatory Flexibility Analysis Needed:* No	Bob Moore. Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9736.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicare Program: Incentive Reimbursement for ESRD Dialysis Services, BPP-126.	A. *Description:* This regulation establishes an incentive-based prospective reimbursement for outpatient maintenance and self-care dialysis training furnished to Medicare beneficiaries. B. *Why Significant:* This regulation implements portions of the ESRD amendments of 1978, and section 2145 of the "Omnibus Reconciliation Act of 1981". C. *Regulatory Analysis:* Yes D. *Need:* This regulation will encourage economies in the delivery of outpatient dialysis and self-care dialysis training services. E. *Legal Basis:* Sec. 1881(b)(II)(B)(ii) of the Social Security Act, Pub. L. 95-292, Pub. L. 97-35. F. *Chronology:* NPRM published on February 12, 1982 G. *Regulatory Flexibility Analysis Needed:* Yes	Bernadeete Schumacher, Chief, ARSB, BPP, Rm. 1-C-1, ELR, 6401 Security Blvd., Balto. MD 21207, (301) 597-1048.
HCFA—Medicare/Medicaid Programs: Swing Bed Reimbursement, BPP-149.	A. *Description:* This regulation will provide reimbursement for small rural hospitals which have been granted a certificate of need for provision of long term care services. B. *Why Significant:* This regulation will refine institutional reimbursement policies to assure more efficient delivery of needed health care. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 904(a) and (b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1158, 1161, 1861(v)(1)(G), 1853, 1902 and 1913 of the Social Security Act. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under Consideration	Bill Goeller, ORP, DISR, RPB, Branch Chief, Rm. 1-D-1, ELR, 6401 Security Blvd., Balto., MD 21207, (301) 597-1802.
HCFA—Medicare/Medicaid Programs: Requirements Applicable to Hysterectomes, BPP-501.	A. *Description:* This regulation waives the requirement that in order to obtain a Federally-funded hysterectomy, a woman must acknowledge receit of information about the effects of a sterilization even if she is beyond child-bearing age or sterile for other reasons. B. *Why Significant:* This regulation is part of HCFA's regulatory reform activity C. *Regulatory Analysis:* Not required D. *Need:* This regulation well reduce administratively-burdensome procedures not needed to protect patients. E. *Legal Basis:* Secs. 1102, 1902(a)(13), 1905(a)(4)(C) of the Social Security Act F. *Chronology:* Proposed rule published 1/19/81 G. *Regulatory Flexibility Analysis Needed:* No	Raymond Johnson, Branch Chief, BPP, OCP, Rm 455, EHR, 6401 Security Blvd., Baltimore, Md. 21207, (301) 504-9370.
HCFA—Medicare Program: Comprehensive Outpatient Rehabilitation Facilities, BPP-145.	A. *Description:* This regulation recognizes comprehensive outpatient rehabilitation facilities as Medicare "providers" for purposes of reimbursement, and will provide a source of comprehensive rehabilitation services. B. *Why Significant:* This regulation is part of HCFA's regulatory plan to promote efficiency and reduce costs. C. *Regulatory Impact Analysis:* No D. *Need:* This regulation implements Sec. 933 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* 1832(a)(2)(E), 1835(a)(2)(E), 1861(cc)(dd)(3), 1863(a) of the Social Security Act. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	Henry Hehir, BPP, DMSCP, Rm. 489, EHR, 6401 Security Blvd., Baltimore, Md. 21207, (301) 594-8561.
HCFA—Medicare Program: Third Party Liability and ESRD Exclusion, BPP-164.	A. *Description:* This regulation establishes that Medicare would be the secondary payor for the first 12 months for health care received by ESRD beneficiaries who are under age 65 and who are also covered by an employer group health plan, and also establishes that Medicare would be the secondary payor for services covered under an automobile, liability or no-fault insurance policy or plan. B. *Why Significant:* This regulation is part of HCFA's regulatory plan to promote efficiency and reduce costs. C. *Regulatory Impact Analysis:* No D. *Need:* This regulation implements Sec. 2146 of Pub. L. 97-35, "Omnibus Reconciliation Act of 1981" and Sec. 953 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1862(h) of the Social Security Act, Sec. 963 of Pub L. 96-499 and Sec. 2146 of Pub. L. 97-35. F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Herb Pollack, Branch Chief, BPP, OEP, Rm. 474, EHR, 6401 Security Blvd., Baltimore, Md. 21207, (301) 594-4978.
HCFA—Medicaid Program: Definition of Persons with Related Conditions—Mental Retardation, BPP-106.	A. *Description:* This regulation deletes the reference in Medicaid regulations that defines persons with conditions related to mental retardation in terms of "developmental disability" and establishes a new definition for Medicaid purposes. B. *Why Significant:* This regulation is part of HCFA's regulatory plan to promote efficiency and reduce costs. C. *Regulatory Analysis:* Not required D. *Need:* This regulation is required as a result of amendments to the Developmental Disabilities Assistance and Bill of Rights Act which could have an undesirable effect on Medicaid. E. *Legal Basis:* Sec. 1102 of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Ruth Foster, Chief, BPP, OCP, Rm. 428, EHR, 6301 Security Blvd., Balto., Md. 21207, (301) 594-9442
HCFA—Medicare Program Withholding Payments to Practitioners, Providers and Suppliers of Services, BQC-4.	A. *Description:* This regulation will clarify due process procedures that must be followed when payments to practitioners, providers and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation. B. *Why Significant:* The regulation will clarify existing procedures by providing timely notice and administrative review. C. *Regulatory Analysis:* Not required D. *Need:* Current regulations do not provide clear notification and review procedures. This regulation will establish procedures to safeguard Federal financial interest as well as the interests of the affected party. E. *Legal Basis:* Secs. 1102 and 1871 of the Social Security act (42 U.S.C. 1302 and 1395). F. *Chronology:* The proposed rule was published on 12/1/81. The comment period closed on 1/30/81. G. *Regulatory Flexibility Analysis Needed:* No	James Patton, Director, DVPS, OPV, BQC. Rm 2-E-5 ELR. 6401 Security Blvd., Balto. Md. 21207. (301) 594-8213.

DEPARTMENT OF HEALTH AND HUMAN SERVICES SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact
HCFA—Medicaid Program Overpayment Reporting Requirements, BPO-7.	A. *Description:* This regulation would require States to establish procedures to identify overpayments made to providers of services and report them to HCFA on a timely basis. B. *Why Significant:* This rule will contribute toward program efficiency C. *Regulatory Impact Analysis:* Not required D. *Need:* This regulation is needed to reduce State and Federal Medicaid program costs. E. *Legal Basis:* Sec. 1903(d)(2) of the Social Security Act F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* No	Guy Hamman, Branch Chief, BPO, OSPE. Rm. 1-C-1 ME. 6305 Security Blvd., Balto., Md. 21207. (301) 594-8193.
HCFA—Medicare-Medicaid Program Rural Health Clinics—Prospective Reimbursement, BPP-167.	A. *Description:* This regulation would establish a prospective reimbursement payment method for rural health clinic services. B. *Why Significant:* This regulation will improve the efficiency of the Medicaid and Medicare programs.. C. *Regulatory Flexibility Analysis:* Not required D. *Need:* This will refine institutional reimbursement policies to assure the most efficient delivery of health care. E. *Legal Basis:* Sec. 1833(a)(3) of the Social Security act F. *Chronology:* None. G. *Regulatory Flexibility Analysis Needed:* Unider consideration	Bernie Truffer, Section Chief, ORP, BPP. Rm. 1-C-1 ELR. 6401 Security Blvd., Balto., Md. 21207. (301) 597-1369.
HCFA—Medicare Program Medigap Certification of Supplemental Health Insurance Policies, BPP-91.	A. *Description:* This regulation establishes a mechanism for Federal review of Medicare supplemental health insurance policies in States without a regulatory program or one that is not approved by the Supplemental Health Insurance Panel. B. *Why Significant:* This regulation will enable beneficiaries to identify Medigap policies that provide adequate benefits. C. *Regulatory Analysis:* Not required D. *Need:* To implement, in part, Sec. 507 of Pub. L. 96-265 E. *Legal Basis:* Sec. 1882 of the Social Security Act, Sec. 507 of Pub. L. 96-265... F. *Chronology:* The proposed rule was published on 1/21/81. G. *Regulatory Flexibility Analysis Needed:* Under consideration	Thomas Hoyer, Staff Assistant, BPP, OCP. Rm. 401 EHR. 6401 Security Blvd., Balto., Md. 21207. (301) 594-9690.
HCFA—Medicare: Schedule of Limits on HHA Costs BPP-189.	A. *Description:* This notice would revise the schedule of limits and the methodology used in calculating the limits currently in force on HHA costs. B. *Why Significant:* This notice will replace the current schedule of limits, as of 07/01/82, on home health agency costs, which will be outdated as of 06/30/82. C. *Regulatory Impact Analysis:* Not required D. *Need:* This notice gives providers updated cost limit factors in accordance with the Secretary's previous regulatory commitments. E. *Legal Basis:* Sec. 1861(v)(1) of the Social Security Act, as amended by Sec. 223 of the Social Security Amendments of 1972 (Pub. L. 92-601). F. *Chronology:* None G. *Regulatory Flexibility Analysis Needed:* Under consideration	Carl Slutter, Director, DHCCC, ORP, BPP, 190 EHR, 6325 Security Blvd., Baltimore, MD 21207, (301) 594-9344.

[FR Doc. 82-11624 Filed 4-29-82; 8:45 am]

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federal register

Friday
April 30, 1982

Part V

Department of Commerce

Semiannual Agenda of Regulations

DEPARTMENT OF COMMERCE

13 CFR Ch. III

15 CFR Subtitles A, Chs. I, III, IV, IX, XIII

37 CFR Ch. I

41 CFR Ch. XIII

50 CFR Chs. II, III, IV, VI

SEMIANNUAL AGENDA OF REGULATIONS

AGENCY: Commerce Department.

ACTION: Semiannual agenda of regulations.

SUMMARY: In compliance with Executive Order 12291, "Federal Regulation," the Department of Commerce (DOC) publishes twice a year an Agenda of regulatory actions under consideration by its units. The Agenda also complies with the requirements of the Regulatory Flexibility Act (Pub. L. No. 96-354). The purpose of the regulatory Agenda is to provide information to the public on regulations being reviewed, proposed to be issued, or issued by the Department and to facilitate comments and views by interested members of the public.

The closing date for information submitted for inclusion in this Agenda was March 24, 1982. Regulatory activities initiated after that date are not included.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulatory action contained in the Agenda, contact the individual identified as the contact person. Comments or inquiries of a general nature about the Agenda should be directed to: Robert T. Miki, Director of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-2482.

For information on this edition of the Agenda contact: William B. Sullivan, Office of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-3725.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order No. 12291, "Federal Regulation." The Executive Order requires that all executive agencies publish semiannually an Agenda of regulations which are under consideration. The Executive Order directs Government agencies to provide in the Agenda the following information regarding major regulations under consideration: A summary of the proposal, objectives and legal basis for the agency's action, the name and telephone number of a knowledgeable agency official, and an approximate schedule for completing action on the proposal. Major regulations require a regulatory impact analysis (RIA).

The Department's Agenda also complies with the informational requirements of the Regulatory Flexibility Act. Regulatory actions having a significant economic impact on a substantial number of small entities require a regulatory flexibility analysis (RFA).

In addition to those regulations which have been identified as requiring a RIA or RFA, the Department will develop brief economic analyses for several of its pending regulatory actions which have been determined important. The analyses will be performed even though the proposed actions may not be "major" under Executive Order No. 12291.

As required by the Executive Order, a list of regulations to be reviewed is provided in the Agenda. The Department's Agenda includes all regulatory actions that will be considered over the 12-month period May 1, 1982 to April 30, 1983.

Explanation of Information Contained in the Agenda

The Department has 11 primary operating units in addition to departmental offices. Operating units, such as the National Oceanic and Atmospheric Administration have major regulatory activities whereas other operating units, such as the Minority Business Development Agency (MBDA), currently have no regulations in effect. Departmental offices, such as the Office of Investigations and Security and the Office of Administrative Services, have few regulations.

The abbreviations and names of the Department units which have reported regulatory activities in this Agenda are as follows:

ADMIN—Assistant Secretary for Administration
EA—Assistant Secretary for Economic Affairs
  BEA—Bureau of Economic Analysis
  CENSUS—Bureau of the Census
EDA—Economic Development Administration
ITA—International Trade Administration
NOAA—National Oceanic and Atmospheric Administration
  NMFS—National Marine Fisheries Service
  OCZM—Office of Coastal Zone Management
  OME—Ocean Minerals and Energy
NTIA—National Telecommunications and Information Administration
OPSP—Office of Product Standards Policy
PTO—Patent and Trademark Office

Schedule A lists major as well as non-major regulatory actions under consideration. Regulations under consideration include new regulations being proposed and changes, additions, or deletions to existing rules and regulations. The schedule indicates whether the regulation is major and thus requires a regulatory impact analysis, whether a regulatory flexibility analysis is required, and the date (month or season) the next regulatory action(s) is anticipated. The name and telephone number of a person familiar with the regulation is provided. Additional information relating to major actions, including those significantly impacting small entities, is provided in the appendix to the Agenda. The information contained in the appendix complies with the informational requirements under Executive Order No. 12291 and the Regulatory Flexibility Act. Similar information relating to non-major regulations is on file with the Office of Regulatory Policy.

Schedule B lists existing regulations scheduled for review by Department units over the next 12 months.

Schedule C lists regulations in previous agendas which have been deleted from Schedules A and B. The reasons for deletion are given. For example, a regulation previously under consideration was adopted, or the scheduled review of an existing regulation was completed. Where appropriate, a **Federal Register** citation is provided.

The Department's Agenda contains 97 regulations. Of the total, 67 are regulations under consideration (Schedule A) and 30 are existing regulations scheduled for review (Schedule B).

Of the 67 regulations under consideration, 3 are determined to be "major" by agency heads under Executive Order No. 12291 and will therefore require preparation of regulatory impact analyses. Fifty-eight are considered not major. The importance of 6 regulations has not been determined. Eleven regulations will significantly impact small entities. Regulatory flexibility analyses will be prepared for these proposals. In addition, Department units have or will undertake economic analyses of 8 regulations listed in the Agenda even though these are not major actions. In these instances, the agency involved, in conjunction with the Office of Regulatory Policy, has determined that an analysis will contribute to the

development of cost effective regulations.

A large number of the regulations presented in the Agenda deal with fishery management programs under NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS's programs, a section on "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS's Regulatory Entries

The Fishery Conservation and Management Act of 1976 (Act), 16 U.S.C. 1801 *et seq.*, requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

The Act requires that certain standards be met in regulated fisheries. The optimum yield of the fisheries is one factor that must be specified. This requires the development of appropriate plans to ensure sound management of involved stocks while taking into account biological, social, and economic factors. Domestic fishermen are given a preferred status by the Act.

However, for those fisheries in which the optimum yield is greater than the domestic harvest, foreign nations are permitted to fish, provided certain conditions are met. For each fishery, the total allowable level of foreign fishing (TALFF) is determined. The TALFF is allocated among foreign nations by the Secretary of State. Governing International Fishery Agreements are executed between the United States and nations desiring to fish. Allocations are based on standards such as historic fishing rights and reciprocal fishing privileges. Also, vessels of foreign nations are to apply for and receive permits to fish in the FCZ.

Classes of domestic fishermen may be allocated shares of the harvest in fisheries regulated under FMPs. Such allocations are not to be discriminatory and must relate to the conservation and management of the fishery. There can be allocations between the commercial and recreational sectors of the fishery.

In the allocation of fish stocks, fish caught as a result of directed effort (target catch), and fish caught incidentally (incidental catch), are taken into account. Management tools used to regulate fisheries include limitations based on certain types of gear (e.g., bottom trawls, longlines), seasons, and the necessity of opening or closing areas to fishing based upon gear conflicts, conditions of the stocks, or other factors.

The initiation of FMPs is the responsibility of the eight Councils. Guidelines for the development of the FMPs are published in the **Federal Register**. In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for the NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory Agenda is published. Frequently, the NMFS does not have specific plan objectives or alternatives for management since the Councils have neither approved nor submitted plans to the Secretary of Commerce for review, adoption and implementation.

Malcolm Baldrige,

Secretary of Commerce.

BILLING CODE 3510-BT-M

Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis: Yes	No	Unknown	Regulatory Flexibility Analysis: Yes	No	Unknown
ADMIN	Section 504 of Rehabilitation Act of 1973 (Implementation)	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993		X			X	
ADMIN	Age Discrimination Act of 1975, (Implementation)	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993		X			X	
ADMIN	Public Information; Freedom of Information (Business Information (15 C.F.R. Part 4)	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217		X			X	
ADMIN	Public Information; Freedom of Information (Fees) (15 C.F.R. 4.9) Privacy Act (Fees) 15 C.F.R. 4b.11)	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217		X			X	
ADMIN	Procurement; Debarred, Suspended and Ineligible Bidders) (41 C.F.R. Subpart 13-1.6)	John H. Dammeyer Ofc. of Procurement Services (202) 377-4248		X			X	
EA/CENSUS	Regulations Relating to Commerce and Foreign Trade; Foreign Trade Statistics; Census and Customs Access to Records Kept in Normal Business Practice (15 C.F.R. Part 30)	Harold L. Blyweiss Foreign Trade Division (301) 763-5526		X			X	
EA/CENSUS	Regulations Relating to Commerce and Foreign Trade; Foreign Trade Statistics; Foreign Trade Zones (15 C.F.R. Part 30)	Harold L. Blyweiss Foreign Trade Division (301) 763-5526		X			X	
EDA	Establishment and Organization, Description of Organization (13 C.F.R. Subpart 301 C)	James F. Marten Ofc. of the Chief Counsel (202) 377-5441		X			X	
EDA	Public Works and Development Facilities Program; Disbursement of Funds for Grant and Loan Projects, (Alternate Criteria) (13 C.F.R. Subpart 305 F)	James F. Marten Ofc. of the Chief Counsel (202) 377-5441		X			X	

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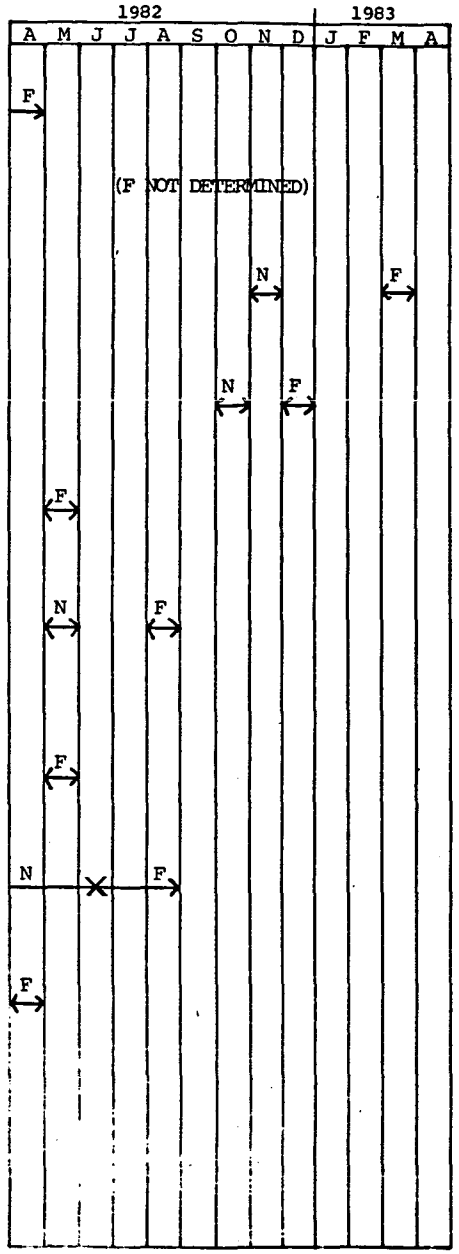

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes	No	Unknown	Regulatory Flexibility Analysis Yes	No	Unknown
EDA	General Requirements for Financial Assistance; Standards for Suspending or Terminating Collection Action (13 C.F.R. Part 309.30)	James F. Marten Ofc. of the Chief Counsel (202) 377-5441		x			x	
ITA	Energy Regulation 1: Priorities and Allocations (old 32A C.F.R. Part 671)	Rodney A. Joseph Ofc. of Industrial Resource Administration (202) 377-2233		x			x	
ITA	Regulations Relating to Commerce and Foreign Trade; Miscellaneous Regulations, Instruments and Apparatus for Educational and Scientific Institutions (Duty-Free Entry) (15 C.F.R. Part 301)	Frank Creel Statutory Import Programs Staff (202) 377-1660		x			x	
ITA	Regulations Relating to Commerce and Foreign Trade; Industrial Mobilization Regulations; Defense Materials System and Defense Priorities System (DMS/DPS); (To Establish a New Defense Priorities and Allocations System (DPAS) Regulation) (15 C.F.R. Parts 330-32, 340-43, and 350-54)	Rodney R. Joseph Ofc. of Industrial Resource Administration (202) 377-2233		x			x	
ITA	Regulations Relating to Commerce and Trade; Foreign Trade Zones Board: General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure (15 C.F.R. Part 400)	John L. Evans Ofc. of Import Administration (202) 377-1780		x			x	
ITA	Regulations Relating to Commerce and Foreign Trade; Miscellaneous Regulations; Adjustment Assistance for Firms and Industries Adversely Affected by Imports (15 C.F.R. Part 320)	Harold W. Williams Ofc. of Trade Adjustment Assistance (202) 377-0150		x			x	
ITA	Regulations Relating to Commerce and Trade; Export Administration Regulations, Restrictive Trade Practices or Boycotts (15 C.F.R. Part 369)	William V. Skidmore Ofc. of Antiboycott Compliance (202) 377-5914		x			x	

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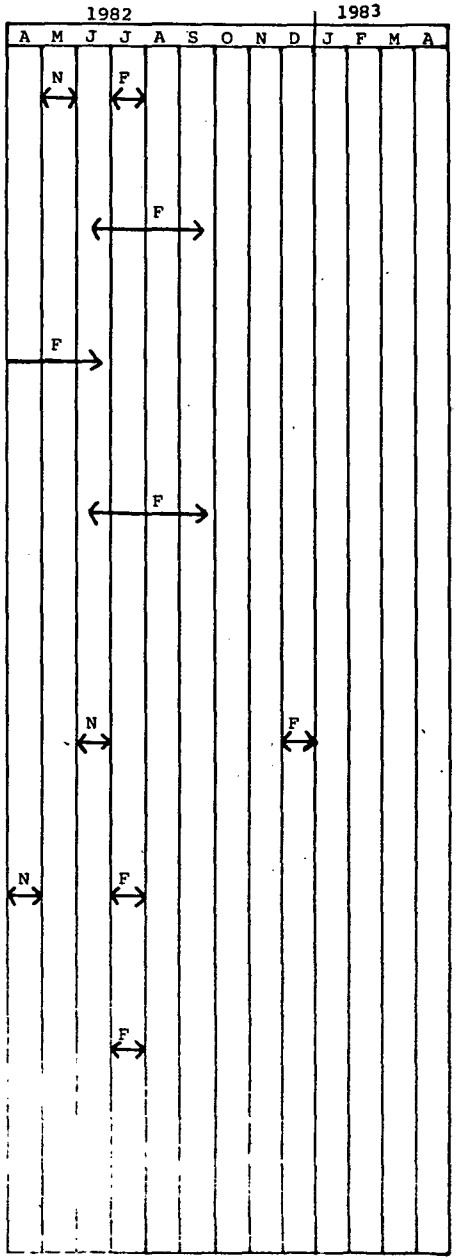

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis: Yes	No	Unknown	Regulatory Flexibility Analysis: Yes	No	Unknown	Anticipated Date of Regulatory Action (A = ANPRM, N = NPRM, I = Interim, F = Final)*
NOAA/ NMFS	Commercial/Recreational Salmon off California, Oregon and Washington Fishery Management Plan (FMP) (50 C.F.R. Part 661) (Extension for 1982 Fishery)	Herbert Larkins Northwest Region (206) 527-6140			X 2/	X			I/N, F
NOAA/ NMFS	Designation of Critical Habitat for the Hawaiian Monk Seal (50 C.F.R. Part 222)	Alan W. Ford Southwest Region (213) 548-2575			X			X	(NOT DETERMINED)
NOAA/ NMFS	Requirements and Procedures for Federal Agency Compliance with Fish and Wildlife Coordination Act	Kenneth Roberts Ofc. of Habitat Protection (202) 634-7490	X				X		(F NOT DETERMINED)
NOAA/ NMFS	Precious Coral Western Pacific Fishery Management Plan (FMP)	Alan W. Ford Southwest Region (213) 548-2575		X 1/			X		F
NOAA/ NMFS	Reef Fish Resources of the Gulf of Mexico Fishery Management Plan (FMP)	Jack T. Brawner Southeast Region (813) 893-3141		X 1/				X	N, F
NOAA/ NMFS	Spiny Lobster, Puerto Rico and Virgin Islands Fishery Management Plan (FMP)	Jack T. Brawner Southeast Region (813) 893-3141		X 1/				X	N, A
NOAA/ NMFS	Coastal Migratory Pelagic Fishery Management Plan (FMP)	Jack T. Brawner Southeast Region (813) 893-3141		X 1/		X			N, F
NOAA/ NMFS	Tanner Crab Alaska Fishery Management Plan (FMP) Amendment No. 7	Robert W. McVey Alaska Region (907) 586-7221		X			X		F
NOAA/ NMFS	Whaling (Subsistence Hunting in Alaska of Bowhead Whales by U.S. Eskimos) (50 C.F.R. Part 230)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461			X			X	(NOT DETERMINED)
NOAA/ NMFS	Spiny Lobster Western Pacific Fishery Managment Plan (FMP)	Alan W. Ford Southwest Region (213) 548-2575		X 1/				X	N, F
NOAA/ NMFS	High Seas Salmon Fishery Management Plan (FMP) - Amendment No. 3	Robert W. McVey Alaska Region (907) 586-7221		X 2/		X			I/N, F

1/ A brief economic analyses of the regulation was performed even though the regulation is not a "major" action under Executive Order 12291.

2/ A brief economic anlayses of the regulation will be performed even though the regulation may not be a "major" action under Executive Order 12291.

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NOAA/ NMFS	Bering Sea Groundfish Fishery Management Plan (FMP) - Amendment No. 4	Robert W. McVey Alaska Region (907) 586-7221		X			X		N, F
NOAA/ NMFS	Hake Fisheries of the Northwest Atlantic Preliminary Fishery Management Plan (FMP) (Extension for 1982 Fishery)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X			X		N, F
NOAA/ NMFS	Stone Crab Fishery of the Gulf of Mexico Fishery Management Plan (FMP) - Amendment No. 1	Jack T. Brawner Southeast Region (813) 893-3141		X			X		N, F
NOAA/ NMFS	Coral and Coral Reefs in Gulf of Mexico and South Atlantic Fishery Management Plan (FMP)	Jack T. Brawner Southeast Region (813) 893-3141		X		X			N, F
NOAA/ NMFS	Guidelines for the Development of Fishery Management Plans (FMPs) (National Standards) (50 C.F.R. Part 602.2)	Daphne White Ofc. of Resource Conservation & Mgmt. (202) 634-7218		X			X		N, F
NOAA/ NMFS	Determination of Critical Habitat of Endangered and Threatened Species of Sea Turtles in Mosquito Lagoon, Florida (50 C.F.R. Part 226)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461			X			X	(NOT DETERMINED)
NOAA/ NMFS	Scientific Research and Public Display Permits (Proposed 50 C.F.R. Part 223)	R. B. Brumsted Ofc. of Marine Mammals & Endangered Species (202) 634-7529		X			X		N
NOAA/ NMFS	Financial Aid Program Procedures: (Amendments to Allow Use of Financial Assistance Programs to Construct Combination Vessels for Fishing Overutilized Species) (50 C.F.R. Part 251)	Michael L. Grable Financial Svcs. Div. (202) 634-7496		X			X		(NOT DETERMINED)
NOAA/ NMFS	Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic Fishery Management Plan (FMP)	Jack T. Brawner Southeast Region (813) 893-3141	X			X			F

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1982: A M J J A S O N D — 1983: J R M A

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis: Yes	Regulatory Impact Analysis: No	Regulatory Impact Analysis: Unknown	Regulatory Impact Analysis: Yes	Regulatory Impact Analysis: No	Regulatory Impact Analysis: Unknown
NOAA/ NMFS	Guidelines for the Development of Fishery Management Plans (FMPs) (Content and Format) 50 C.F.R. Part 602)	Daphne White Ofc. of Resource Conservation & Mgmt. (202) 634-7218	X				X	
NOAA/ NMFS	Whaling (Annual Amendments to the Schedule of the International Convention for the Regulation of Whaling) (50 C.F.R. Part 351)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461			X			X
NOAA/ NMFS	Termination of Utility Services (Pribilot Islands) (50 C.F.R. Part 215)	Walter Kirkness Northwest Region (206) 442-7777		X				X
NOAA/ NMFS	Atlantic Billfishes and Sharks Preliminary Fishery Management Plan (FMP) - Amendment	Jack T. Brawner Southeast Region (813) 893-3141		X		X		
NOAA/ NMFS	Fishing Vessel Obligation Guarantee Program Procedures (50 C.F.R. Part 255)	James D. Meehan Financial Svcs. Div. (202) 634-7496		X			X	
NOAA/ NMFS	Fishery Conservation and Management: Confidentiality of Statistics (50 C.F.R. Part 603)	B. G. Thompson Resource Statistics Division (202) 634-7415		X			X	
NOAA/ NMFS	King Crab Bering Sea/Aleutian Islands Fishery Management Plan (FMP)	Robert W. McVey Alaska Region (907) 586-7221		X		X		
NOAA/ NMFS	Mackerel, Squid and Butterfish Fishery Management Plan (FMP) - Amendment No. 3	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X			X	
NOAA/ NMFS	Sea Scallops Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X 1/		X		
NOAA/ NMFS	Restricted Fishing Areas and Gear Requirements to Protect Sea Turtles (50 C.F.R. Part 227.72)	Charles Oravetz Southeast Region (813) 893-3366	X			X		
NOAA/ NMFS	Groundfish of the Gulf of Alaska Fishery Management Plan (FMP) - Amendment No. 10	Robert W. McVey Alaska Region (907) 586-7221		X			X	

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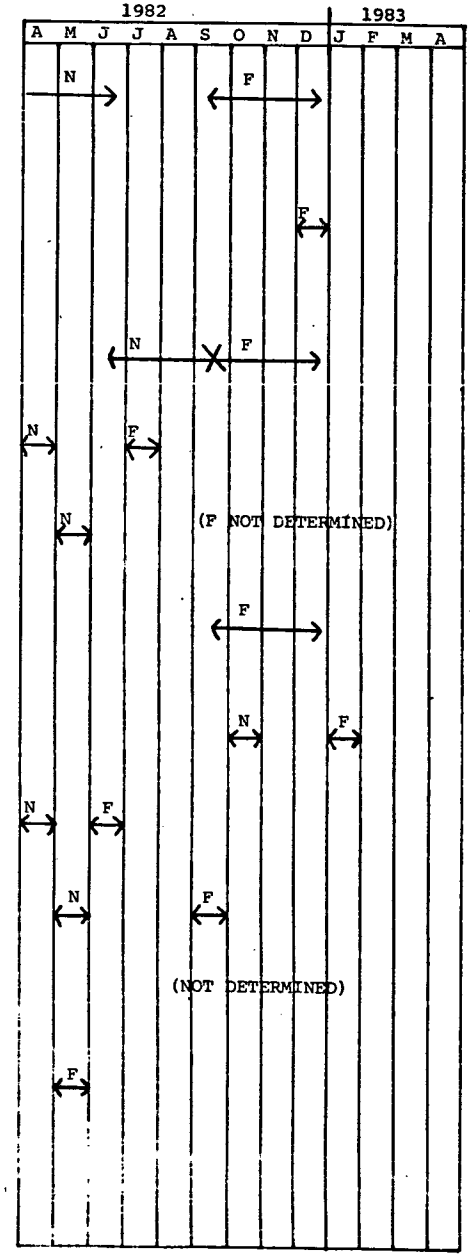

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NOAA/ NMFS	Atlantic Herring Fishery of the Northwest Atlantic Fishery Management Plan (FMP) - Amendment No. 4	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		x				x
NOAA/ NMFS	Atlantic Groundfish Interim Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		x		x		
NOAA/ NMFS	Pacific Coast Groundfish Fishery Management Plan (FMP)	Herbert Larkins Northwest Region (206) 527-6140		x 1/		x		
NOAA/ NMFS	Interagency Cooperation - Endangered Species Act of 1973, as amended (50 C.F.R. Part 402) (Regulations to be issued jointly with Department of the Interior)	Charles Karnella Ofc. of Marine Mammals & Endangered Species (202) 634-7471		x			x	
NOAA/ OCZM	General Regulations; Estaurine Sanctuary Guidelines (15 C.F.R. Part 921)	Nancy Foster Sanctuary Programs Office (202) 634-4236		x			x	
NOAA/ OCZM	General Regulations; Marine Sanctuaries (15 C.F.R. Part 922)	Nancy Foster Sanctuary Programs Office (202) 634-4236		x			x	
NOAA/ OCZM	Key Largo Coral Reef National Marine Sanctuary (15 C.F.R. Part 929)	Nancy Foster Sanctuary Programs Office (202) 634-4236		x			x	
NOAA/ OCZM	Proposed La Parguera National Marine Sanctuary, Puerto Rico	Nancy Foster Sanctuary Programs Office (202) 634-4236		x			x	
NOAA/ OCZM	Proposed Mona and Monito Islands National Marine Sanctuary, Puerto Rico	Nancy Foster Sanctuary Programs Office (202) 634-4236		x			x	
NOAA/ OCZM	Implementation of the Coastal Zone Management Act of 1980	Jane P. Rogers Policy, Evaluation, & External Relations Staff (202) 634-4245		x			x	

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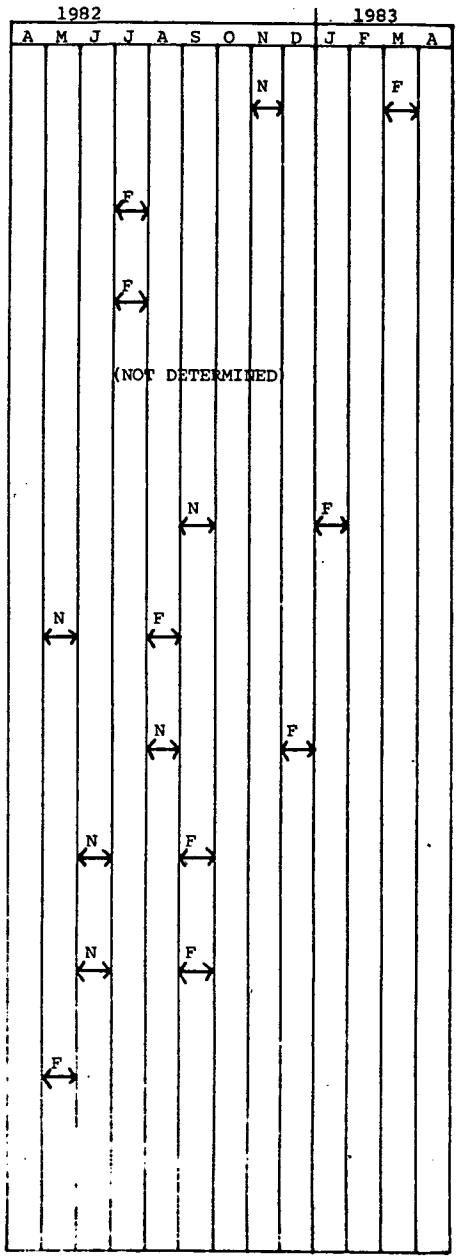

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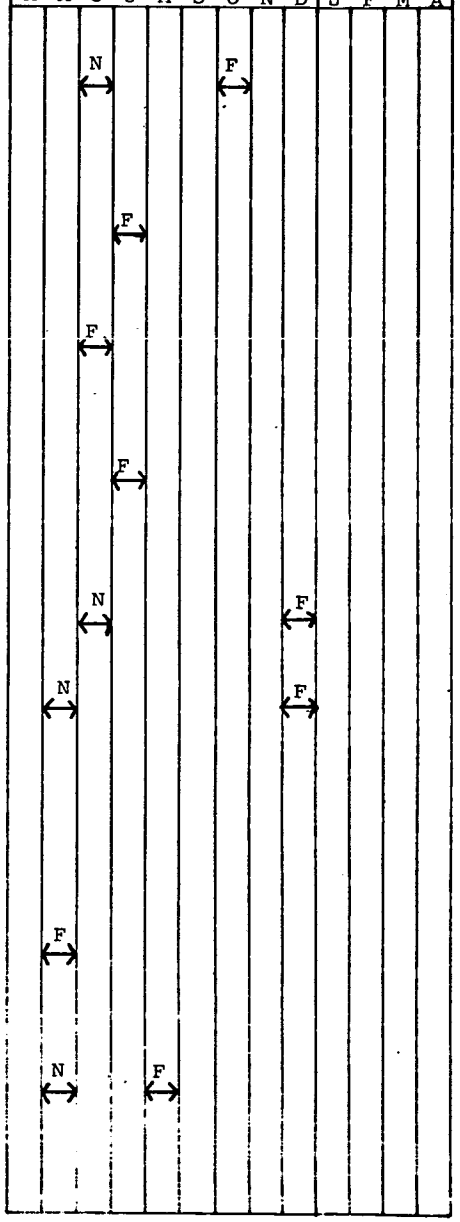
NOAA/ OMB	General Regulations; Policies and Procedures Regarding Disclosure of Information and NOAA Employee Testimony in Litigation Not Involving the U. S. (15 C.F.R. Part 909)	John S. Brookbank, Jr. Ofc. of the General Counsel (301) 427-7053	X				X		N, F
NTIA	Regulations Relating to Telecommunications and Information; Public Telecommunications Facilities Program (PTFP) (15 C.F.R. Part 2301)	Robert M. Hunter Ofc. of the Chief Counsel (202) 377-1816	X				X		F
PTO	File Wrapper; Continuing Application Procedure (37 C.F.R. Parts 1.62 and 1.138)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X		F
PTO	Continuation-In-Part Application Oath or Declaration (37 C.F.R. Parts 1.65, 3.18 and 3.18(a))	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X				X		F
PTO	Request for Identifiable Records (37 C.F.R. Part 1.15)	John W. Dewhirst Associate Solicitor (703) 557-3542	X				X		N, F
PTO	Ex Parte Prosecution of Trademark Applications, Inter Partes Proceedings Before the Trademark Trial and Appeal Board, Petitions to the Commissioner and Post-Registration Requirements (37 C.F.R. Parts 2.20 2.27, 2.63, 2.65, 2.81, 2.88, 2.94-2.117, 2.120-2.132, 2.134, 2.135, 2.142, 2.146-2.148, 2.165, 2.173, 2.184, and 2.186)	Janet E. Rice Member, Trademark Trial & Appeal Board (703) 557-3551	X				X		N, F
PTO	Reissue, Reexamination, Protest and Examination Procedures in Patent Cases (37 C.F.R. Parts 1.11, 1.56, 1.106, 1.175, 1,176, 1.291, 1.555, 1.556)	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054	X				X		F
PTO	Revised Fee Schedule (37 C.F.R. Parts 1.21 and 2.6)	Bradford R. Huther Asst. Commissioner for Finance and Planning (703) 557-1572			X			X	N, F



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PTO	Trademark Applications; Filing Dates (37 C.F.R. Parts 2.21, 2.52, 2.54, 2.55 and 2.57)	Paula Hairston Ofc. of Asst. Commissioner for Trademarks (703) 557-7464		X			X	
PTO	Advertising Permitted by Practitioners (37 C.F.R. Parts 1.344, 1.845, 2.131 and 2.14)	Harry I. Moatz Office of the Solicitor (703) 557-2238		X			X	

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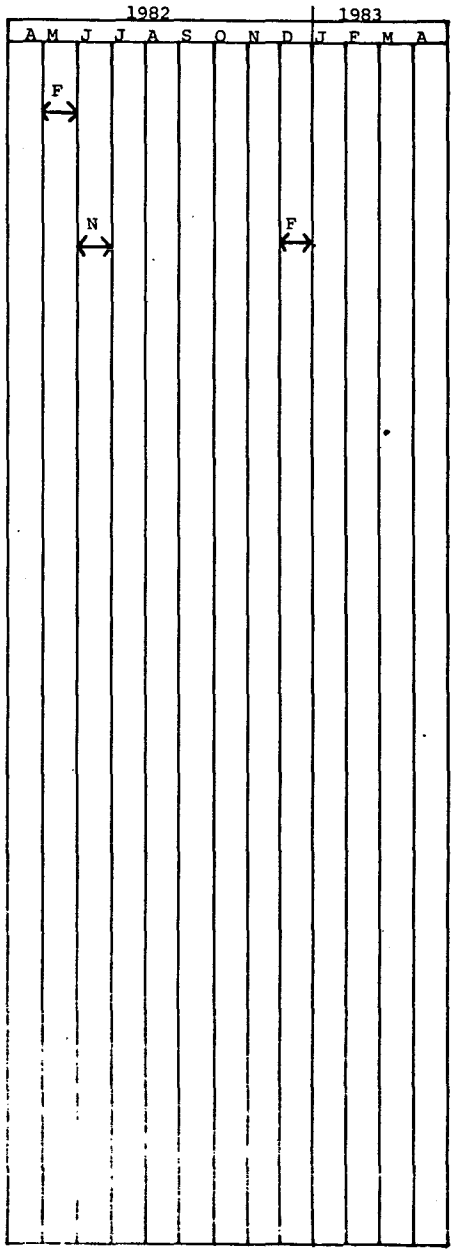

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SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Non-Discrimination in Federally-Assisted Programs of the DOC - Implementation of Title VI of the Civil Rights Act of 1964 (15 C.F.R. Part 8)	ADMIN	42 U.S.C. 2000-1	Under Review	Summer 1982	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993
Export Administration Regulations	ITA	50 U.S.C. App. 2401 et seq.	May 1982	May 1984	Vincent F. DeCain Office of Export Administration (202) 377-4293
Marine Mammals: Pribilof Islands (50 C.F.R. Subparts 215 A and C)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	Summer 1982	Fall 1982 1/	Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Walter Kirkness, Northwest Region (206) 442-7777
Marine Mammals: Pribilof Islands Public Display of Living Fur Seals (50 C.F.R. Subpart 215 B)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	November 1981	August 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Introductions and Prohibitions (50 C.F.R. Subparts 216 A and B)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407	November 1981	March 1982	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Notice and Hearing on Section 103 Regulations (50 C.F.R. Subpart 216 G)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1982	Not Determined	Ronald Naveen Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Approval and Review of State Laws and Regulations (50 C.F.R. Subpart 216 H)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Fall 1981	Summer 1982	Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Ronald Naveen Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Taking by State and Local Government Officials (50 C.F.R. Part 216.22)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	March 1983	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529

1/ Regulatory Flexibility Analysis to be developed.

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Regulations Governing the Taking and Importing of Marine Mammals: Native Exceptions (50 C.F.R. Part 216.23)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	March 1983	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Collection of Certain Marine Mammal Parts (50 C.F.R. Part 216.26)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	March 1983	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Scientific Research Permits and Public Display Permits (50 C.F.R. Part 216.31)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	August 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Procedures for Issuance of Permits and Modifications, Suspension, or Revocation Thereof (50 C.F.R. Part 216.33)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	August 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Possession of Permits (50 C.F.R. Part 216.34)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	November 1981	August 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Provisions (50 C.F.R. Part 217)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 88 Stat. 905	November 1981	March 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Permit Procedures (50 C.F.R. Subparts 220 A, B, C, and D)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	November 1981	August 1983	Patricia Montanio Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Interagency Cooperation - Endangered Species Act of 1973 (50 C.F.R. Part 402) (Joint regulations with the Department of the Interior)	NOAA/NMFS	16 U.S.C. 1531, et seq.	Summer 1981	Not Determined	Ronald Naveen Ofc. of the General Counsel (202) 634-4224
Marine Mammals: Federal/State Cooperation in the Conservation of Endangered and Threatened Species (50 C.F.R. Part 225)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 16 U.S.C. 1531-1543	Not Determined	Not Determined	Charles Karnella Ofc. of Marine Mammals & Endangered Species (202) 634-7471

SCHEDULE: B REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Fish Steaks (50 C.F.R. Part 262)	NOAA/NMFS	7 U.S.C. 1621-1630	Winter 1981-1982	Spring 1983 1/	James R. Brooker, Seafood Research, Inspection and Consumer Services Division (202) 634-7458
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks and Products Made Therefrom (Grades of Frozen Fried Fish Portions) (50 C.F.R. Subpart 246 G)	NOAA/NMFS	7 U.S.C. 1621-1630	Fall 1981	Spring 1983	James R. Brooker, Seafood Research, Inspection and Consumer Services Division (202) 634-7458
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Crustacean Shellfish Products (Frozen Raw Headless Shrimp) (50 C.F.R. Subpart 265 A)	NOAA/NMFS	7 U.S.C. 1621-1630	Fall 1981	Winter 1982-1983 1/	James R. Brooker, Seafood Research, Inspection and Consumer Services Division (202) 634-7458
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Fish Fillets (50 C.F.R. Part 263)	NOAA/NMFS	7 U.S.C. 1621-1630	Fall 1981	Summer 1983	James R. Brooker, Seafood Research, Inspection and Consumer Services Division (202) 634-7458
General Regulations; Uniform Relocation Assistance and Real Property Acquisition Policies (15 C.F.R. Part 916)	NOAA/OMB	5 U.S.C. 301, 41 U.S.C. 4601 and 4633	Not Determined	Not Determined	Barbara Webster, Acquisition and Grants Management Division (301) 443-8503
General Regulations; Coordination of Federal and Federally Assisted Programs and Projects (15 C.F.R. Part 905)	NOAA/OMB	42 U.S.C. 3334, 42 U.S.C. 4231-4233, 42 U.S.C. 4332(2)(C)	Not Determined	Not Determined	Barbara Webster, Acquistion and Grants Management Division (301) 443-8503
General Regulations; Public Information; Public Accesibility to NOAA Information Under the Administrative Procedure Act and the Freedom of Information Act (15 C.F.R. Part 903)	NOAA/OMB	5 U.S.C. 552 and 553, 15 U.S.C. 311 nt	June 1982	Not Determined	Irma Lee Westrell, Directives Management Branch (301) 443-8192
Procedures for Listing and Delisting Voluntary Standards Bodies and Their Standards-Developing Groups	OPSP	OMB Circular A-119	Not Determined	Not Determined	Alan Farrar Ofc. of the General Counsel (301) 921-2425
Rules of Practice in Patent Cases (37 C.F.R. Part 1)	PTO	35 U.S.C. 6	Under Review	June 1982	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054
Forms for Patent Cases (37 C.F.R. Part 3)	PTO	35 U.S.C. 6	Under Review	[illegible] 1982	R. Franklin Burnett Ofc of Asst. Commissioner for Patents (703) 557-3054

1/ Regulatory Flexibility Analysis to be developed.

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Government Inventions Jurisdiction (37 C.F.R. Subchapter B)	PTO	Executive Order 10096 as amended by Executive Order 10930	Under Review	May 1982	O. A. Neumann Ofc. of Government Employee Inventions (703) 577-3539
Procedures for Enforcing Regulations Relating to the Use of Patent and Trademark Office Records Facilities (Published in Fed. Reg. (43 F.R. 21345))	PTO	40 U.S.C. 486(c) 41 C.F.R. 101-20.3	Under Review	May 1982	Theresa Brelsford Ofc. of Asst. Commissioner for Administration (703) 557-2290
Register of Government Interests in Patents (37 C.F.R. Part 7)	PTO	Executive Order 9424	Under Review	July 1982	Kenneth L. Cage Special Laws Administration Group (703) 557-2877

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA OR ISSUED WITHOUT PRIOR LISTINGS

Department Unit	Title of Regulation	Prior Agenda Listing 1/	Reason for Deletion from Agenda
EA/BEA	Foreign Direct Investment Survey (15 C.F.R. Part 806)	Not Listed	Published in Fed. Reg. in final form March 29, 1982 (47 F.R. 13138).
EA/BEA	Survey of Foreign Direct Investment in U. S. Fish and Seafood Processing Industries (15 C.F.R. Part 806)	UC	Published in Fed. Reg. in final form on December 9, 1981 (46 F.R. 60191).
EDA	Standards for Designation of Redevelopment Areas; Special Economic Development and Adjustment Assistance Grants (13 C.F.R. Parts 302 and 308)	Not Listed	Published in Fed. Reg. in final form on February 10, 1982 (47 F.R. 5997).
ITA	Effects of Imported Articles on the National Security (15 C.F.R. Part 359)	UC	Published in Fed. Reg. in final form on April 6, 1982 (47 F.R. 14692).
ITA	Official U.S. Government Recognition of and Participation in International Expositions Held in U.S.	UR	Published in Fed. Reg. in final form on November 24, 1981 (46 F.R. 57456).
ITA	Antidumping Duties and Countervailing Duties (19 C.F.R. Parts 353 and 355)	UC/UR	Resources needed to perform review and revisions not available
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Penalties and Procedures for Their Assessment (50 C.F.R. Subpart 216 F)	UR	Regulations repealed and replaced by consolidated procedures published in Fed. Reg. in final form December 18, 1981, as 15 C.F.R. Subparts 904 B and C (46 F.R. 61643).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Excepted Marine Mammals and Marine Mammal Products (50 C.F.R. Parts 216-25)	UR	Review completed without any changes to the regulations.
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Importation at Designated Ports (50 C.F.R. Part 216.40)	UR	Review completed without any changes to the regulations.
NOAA/NMFS	Endangered Species: Permits Involving Endangered or Threatened Sea Turtles (50 C.F.R. Subpart 220 H)	UR	Review completed without any changes to the regulations.
NOAA/NMFS	Endangered Species: Importation and Exportation at Designated Ports (50 C.F.R. Part 221)	UR	Review completed without any changes to the regulations.

1/ Listed in prior Agenda as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA

Department Unit	Title of Regulation	Prior Agenda Listing 1/	Reason for Deletion from Agenda
NOAA/NMFS	Threatened Fish and Wildlife - Permits (50 C.F.R. Part 227.72)	UR	Review completed without any changes to the regulations.
NOAA/NMFS	Fishery Conservation and Management: Civil Procedures (Magnuson Fishery Conservation and Management Act) (50 C.F.R. Part 621)	UR	Subparts B and C were replaced by consolidated procedures published in Fed. Reg. in final form on December 18, 1981 as 15 C.F.R. Part 904 (46 F.R. 61643).
NOAA/NMFS	Fishery Marketing Cooperatives: Issuance of Cease and Desist Orders by the Government (50 C.F.R. Part 290)	UR	Review completed without any changes to the regulations.
NOAA/NMFS	Interim Fishing Vessel Capital Construction Fund (50 C.F.R. Part 259.31)	UC	Published in Fed. Reg. in final form November 3, 1981 (46 F.R. 54563).
NOAA/NMFS	Extension of Commercial/Recreational Salmon off California, Oregon and Washington Fishery Management Plan (FMP) (Fishing Year 1981) (50 C.F.R. Part 661)	UC	Published in Fed. Reg. in final form September 9, 1981 (46 F.R. 44989).
NOAA/NMFS	Bering Sea and Aleutian Islands Groundfish Fishery Management Plan (FMP)	UC	Published in Fed. Reg. in final form December 31, 1981 (46 F.R. 63295).
NOAA/NMFS	High Seas Salmon Fishery Management Plan (FMP) - Amendment No. 2	UC	Published in Fed. Reg. in final form November 23, 1981 (46 F.R. 57299).
NOAA/NMFS	American Lobster Fishery Management Plan (FMP)	UC	Efforts to develop plan suspended. Anticipated dates when action will be resumed are too tentative and/or too far in the future to make inclusion in this agenda meaningful.
NOAA/NMFS	Surf Clam and Ocean Quahog Fishery Management Plan (FMP) - Amendment No. 3	UC	Published in Fed. Reg. in final form January 29, 1982 (47 F.R. 4268).
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) - Amendment No. 2	UC	Published in Fed. Reg. in final form September 24, 1981 (46 F.R. 47079).

1/ Listed in prior Agenda as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA

Department Unit	Title of Regulation	Prior Agenda Listing 1/	Reason for Deletion from Agenda
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) (Alaska) - Amendment No. 6	UC	Published in Fed. Reg. in final form November 23, 1981 (46 F.R. 57302).
NOAA/NMFS	Groundfish of the Gulf of Alaska Fishery Management Plan (FMP) - Amendment No. 9 (50 C.F.R. Parts 611 and 672)	UC	Published in Fed. Reg. in final form October 6, 1981 (46 F.R. 49128).
NOAA/NMFS	Northern Anchovy Fishery Management Plan (FMP) - Amendment for 1980	UC	Published in Fed. Reg. in final form January 6, 1982 (47 F.R. 629).
NOAA/NMFS	Gulf of Alaska Groundfish Fishery Management Plan (FMP) - Amendment No. 8, Part 5	UC	Part 5 of Amendment No. 8 was disapproved.
NOAA/NMFS	Preemption of State Authority Under Section 306(b) of the Fishery Magnuson Conservation and Management Act	UC	Published in Fed. Reg. in final form on March 22, 1982 (47 F.R. 12181).
NOAA/OCZM	Regulations for Proposed St. Thomas, Virgin Islands National Marine Sanctuary	UC	Site removed from marine sanctuary list of active candiates on March 10, 1982 (47 F.R. 10271).
NOAA/OCZM	Regulations for Channel Islands National Marine Sanctuary	UR/UC	Provisions of the regulations relating to offshore hydrocarbon activities were suspended until March 30, 1982 pending completion of a Regulatory Impact Analysis. Based on the findings of the Regulatory Impact Analysis and a review of the Administrative record on the sanctuaries, NOAA will not recommend futher suspension or alteration of the regulations, which will, therefore, become effective on March 31, 1982.
NOAA/OCZM	Regulations for Point Reyes/ Farallon Islands National Marine Sanctuary	UR/UC	Provisions of the regulations relating to offshore hydrocarbon activities were suspended until March 30, 1982 pending completion of a Regulatory Impact Analysis. Based on the findings of the Regulatory Impact Analysis and a review of the Administrative record on the sanctuaries, NOAA will not recommend further suspension or alteration of the regulations, which will, therefore, become effective on March 31, 1982.

1/ Listed in prior Agenda as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA

Department Unit	Title of Regulation	Prior Agenda Listing 1/	Reason for Deletion from Agenda
PTO	Patent Interference Proceedings	UC	Published in Fed. Reg. in final form on October 27, 1981 (46 F.R. 52362).
PTO	Secrecy of Certain Inventions and Licenses to File Applications in Foreign Countries	UC	Deferred pending revision of ASPAB rules.

1/ Listed in prior Agenda as regulation under consideration (UC) or existing regulation under review (UR).

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APPENDIX

National Marine Fisheries Service, NOAA

Atlantic Billfishes and Sharks Preliminary Fishery Management Plan (PMP) Amendment

(a) *Description and Need:* The current PMP does not contain sufficient management measures to control the foreign bycatch of billfish and sharks in the directed tuna longline fishery in the fishery conservation zone (FCZ). The effects of the foreign bycatches are to diminish the value of the U.S. fishermen's right to the first opportunity to harvest Atlantic billfish and sharks in the FCZ, as permitted under the Magnuson Act.

(b) *Objectives:* To increase availability of billfishes and sharks to U.S. fishermen; reduce conflict between domestic and foreign fishermen; conserve billfish resources within the FCZ; and provide reasonable opportunity for foreign nations to fish for tunas under international agreements.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: April 1982.

(ii) In final form: July 1982.

(f) *Tentative Plan for Obtaining Comments:* Public hearings will be held. Proposed regulations will be published in the **Federal Register** for comment.

(g) *Major Issues:* The design of the management measures to reduce the foreign bycatches of tuna.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: April 1982.

(iii) Other Documents: Atlantic Billfishes and Sharks Preliminary Fishery Management Plan.

(i) *Agency Contact:* Jack T. Brawner, Acting Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702, (813) 893-3141.

King Crab (Bering Sea/Aleutian Islands) Fishery Management Plan (FMP)

(a) *Description and Need:* This FMP covers the king crab fishery in the Bering Sea/Aleutian Islands area. Non-resident Alaskan fishermen will have some more effective input to fishery management. There is a need for enforcement of minimum size limits to prevent overharvesting the king crab optimum yield and harvesting under-sized crab.

(b) *Objectives:* To ensure effective conservation and management of king crab stocks in the Bering Sea and Aleutian Islands area while providing continued active participation of State of Alaska in management of these fisheries.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: October 1982.

(ii) In final form: January 1983.

(f) *Tentative Plan for Obtaining Public Comments:*

Proposed regulations will be published in **Federal Register** for 45-day public comment period.

(g) *Major Issues:* Why is a framework FMP desirable? Would non-residents benefit?

Is this FMP necessary for conservation and management of king crab fisheries?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory flexibility analysis (yes X, no —, unknown —).

Anticipated Date of Draft: January 1982.

(iii) Other Documents: Draft Environmental Impact Statement/ Regulatory Impact Review/Fishery Management Plan for the Bering Sea/ Aleutian Island King Crab Fishery.

(i) *Agency Contact:* Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586-7221.

Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) ((50 CFR Part 661) (Fishing Year 1982))

(a) *Description and Need:* The problems facing the Pacific salmon fisheries in 1982 are similar to the problems present in the fisheries since the FMP was implemented in 1977. The 1982 amendment addresses two fundamental and interrelated problems: conservation of the salmon resource and allocation of the resource among fishery participants.

(b) *Objectives:* To evaluate current status of coastwide salmon stocks; reveiw 1981 ocean salmon management regime alternatives for 1982 fisheries; protect and enhance long-term productivity of salmon resources; and to meet 1982 fishery management plan goals.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no —, unknown X).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: May 1, 1982 (Interim Emergency and Proposed).

(ii) In final form: August 1982.

(f) *Tenative Plan for Obtaining Public Comments:*

Public hearings were held on February 26, 27, and March 1, 1982. Proposed regulations will be published in the **Federal Register** for a 45-day public review.

(g) *Major Issues:* (1) Will the regulations implementing the FMP allow enough salmon to escape the ocean fisheries to meet spawning goals and Federal obligations under Indian treaties? (2) Will the ocean harvest be shared equitably between commercial and sport fishermen, as the FMP intended?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no —, unknown X).

Anticipated Date of Draft: Not determined.

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: April 1982.

(iii) Other Documents:

Commercial and Recreational Salmon FMP Amendments, 1979, 1980, 1981;

Commercial and Recreational Salmon FMP, 1978;

Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California FMP, 1977;

Regulatory Impact Review, April 1981.

(i) *Agency Contact:* Herbert Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, Seattle, Washington 98115, (206) 527-6140.

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic Fishery Management Plan (FMP)

(a) *Description and Need:* A fishery management plan is needed to prevent overfishing; increase the yield from the fishery; reduce user-group conflicts; and obtain the basic information required for improved management of the fishery.

(b) *Objectives:* The main objective is to establish a cooperative State/Federal management regime for the spiny lobster fishery to resolve problems in the most cost-effective manner.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

Timetable: Anticipated Dates for **Federal Register** Publication:.

(i) In proposed form: March 12, 1982 (47 FR 10878).

(ii) In final form: July 1982.

(f) *Tentative Plan for Obtaining Public Comments:*

Public hearings will be held. Proposed regulations were published in the **Federal Register** on March 12, 1982 (47 FR 10878).

(g) *Major Issues:* Will the regulations implementing the FMP make enforcement of conservation measures in the fishery conservation zone (FCZ) effective and result in increased annual yield?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: November 1981.

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: November 1981.

(iii) Other Documents:

Fishery Management Plan/ Environmental Impact Statement and Regulatory Impact Review for Spiny Lobster in The Gulf of Mexico and South Atlantic.

(i) *Agency Contact:* Jack T. Brawner, Acting Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702, (813) 893-3141.

Pacific Coast Groundfish Plan

(a) *Description and Need:* Implementation of this fishery management plan (FMP) is needed to prevent overfishing of groundfish stocks off the coasts of California, Oregon, and Washington region.

(b) *Objectives:* (1) Promote availability of quality seafood to the consumer; (2) provide a favorable climate for existing domestic commercial and recreational groundfish fisheries within limitations of other objectives and guidelines, (3) provide for foreign participation in fishery, (4) prevent overfishing of stocks which can be managed as a unit, including those stocks which are now depleted, (5) minimize gear conflicts among users.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: February 10, 1982 (47 FR 6043).

(ii) In final form: July 1982.

(f) *Tentative Plan for Obtaining Public Comments:* Proposed regulations were published in the **Federal Register** for public comment on February 10, 1982 (47 FR 6043). Regional Fishery Management Council hearings were held.

(g) *Major Issues:* The need to prevent overfishing while achieving on a continuing basis the optimum yield for the fishery.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: October 1981.

(iii) *Other Documents:* Pacific Coast Groundfish Plan, Regulatory Impact Review, October 1981.

(i) *Agency Contact:* Herbert Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 San Point Way, NE, Seattle, Washington 98115, (206) 527-6140.

Interim Plan for the Management of Atlantic Groundfish

(a) *Description and Need:* The domestic fishery for cod, haddock, and yellowtail flounder, which occurs in the U.S. fishery conservation zone of the northwestern Atlantic, has been managed for the past four years under the Fishery Management Plan (FMP) for Atlantic Groundfish. The management program was designed to allocate groundfish among different vessel classes over the fishing season. This program, however, has been viewed as too restrictive and inequitable by certain vessel classes.

(b) *Objectives:* (1) The protection of concentrations of spawning cod, haddock, and yellowtail flounder (regulated species); (2) reduction of the risk of recruitment overfishing of regulated species; and (3) the acquisition of reliable data on normal fishing patterns of the industry and the biological attributes of the stocks as may be determined from commercial activities (in support of the development of the future comprehensive plan).

(c) *Legal Authority* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no X, unknown —).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: March 11, 1982 (47 FR 10605).

(ii) In final form: July 1982.

(f) *Tentative Plan for Obtaining Public Comments:* Proposed regulations were published in the **Federal Register** for public comment. The New England Fishery Management Council held public hearings during the summer of 1980 and during July 1981.

(g) *Major Issues:* What will be the effects of the new management system on the stocks of cod, haddock, and yellowtail flounder and the implications for (1) fishermen's and processors' earnings, especially the distribution of income between small and large vessels, and (2) availability and price of fish to the consumer? Will fishing trip limits be necessary to prevent market gluts and wide fluctuations in exvessel prices? What effects will the new U.S. groundfish management regime have on Canadian vessels fishing on Georges Bank in the disputed area? Will adequate provision be made for fishermen to pursue other fisheries using small mesh nets within the designated large mesh groundfish area?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory Flexibility Impact Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(iii) Other Documents: Interim Plan for Atlantic Groundfish.

(i) *Agency Contact:* Allen E. Peterson, Jr., Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, (617) 281-3600.

High Seas Salmon Fishery Management Plan (FMP)—Amendment No. 3

(a) *Description and Need:* The 1982 amendment (Amendment No. 3) is needed to respond to the following problems: depressed naturally spawning stocks of Southeast Alaska and Pacific Northwest chinook salmon; and continuing deficit in salmon obligations to treaty Indian tribes of the Pacific Northwest.

(b) *Objectives:* To promote conservation of ocean salmon resource, while allowing utilization of these stocks for food production, by adjusting the annual harvest level off Southeast Alaska down to the low end of the optimum yield range.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: May 15, 1982.

(ii) In final form: August 1982.

(f) *Tentative Plan for Obtaining Public Comments:* A public meeting will be held on the draft amendment on March 24–26, 1982. Emergency interim regulations with request for public comment (tantamount to proposed regulations) will be published in the **Federal Register.**

(g) *Major Issues:* What management measures are necessary to prevent overfishing, depletion of the stocks, and to equitably allocate salmon among user groups?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date for Draft: April 1982.

(iii) *Other Documents:* High Seas Salmon Fishery Management Plan; Regulatory Impact Review, April 1982; Final Supplemental Environmental Impact Statement, April 1982.

(i) *Agency Contact:* Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586–7221.

Fish and Wildlife Coordination Act, uniform procedures for Complinace

(a) *Description and Need:* Defines requirements and proedures that must be met by Federal agencies for complying fully with the Fish and Wildlife Coordination Act (FWCA).

(b) *Objective:* Provide that fish and wildlife and their habitats are given full consideration in proposals affecting waters of the United States.

(c) *Legal Authority:* President's Water Policy Memorandum issued July 12, 1978, Fish and Wildlife Coordination Act (16 U.S.C. 661, Fish and Wildlife Act of 1956 (16 U.S.C. 742–(a–K)).

(d) *Importance:*

(i) Major (yes X, no —, unknown —).

(ii) Small Entity Impact (yes —, no X, unknown —).

(e) *Timetable—Actual and Anticipated Dates for Federal Register Publication:*

(i) In proposed form: May 18, 1979.

(ii) In reproposed form: December 11, 1980.

(iii) In final form: Being held pending completion of regulatory review.

(f) *Tenative Plan for Obtaining Public Comments:* Proposed rules were published in the **Federal Register** May 18, 1979, in response to the President's water policy directive issued July 12, 1978, and were distributed widely to State governments, Federal agencies, and public groups known to be interested. Public hearings were held in six regions during June 26–28, 1979. Approximately 450 written comments were received and evaluated. A determination was made on August 17, 1979, to prepare an environmental impact statement (EIS) and notice of such intent was published for public comment (44 FR 48305). A public hearing was conducted September 14, 1979. On November 6, 1979, a Notice of Intent to Prepare an EIS on the proposal and reissue draft rules was published (44 FR 64097). An open scoping meeting was conducted on November 19, 1979. Reproposed rules and a draft EIS were jointly published by the Departments of the Interior and Commerce on December 18, 1980 (45 FR 83412). Per action under Presidential Task Force on Regulatory Relief, on September 18, 1981, public, local, state, and Federal comments were sought on the proposed rulemaking (46 FR 46411).

(g) *Major Issues:* (1) Applicability of FWCA to a variety of Federal activities including Outer Continental Shelf oil and gas leases, permits, licenses, grants, financial or technical assistance, or other projects affecting waters of the United States and oceanic waters; (2) assessment methods to be used to evaluate wildlife resource values and project effects on those values; (3) establish a definition of "equal consideration of wildlife" in planning projects and "justifiable measures" for wildlife conservation; (4) degree of involvement by National Marine Fisheries Service field biologists in the planning process of Federal construction and regulatory agencies.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(ii) Regulatory Flexibility Analysis (yes —, no X, unknown —).

(iii) Other Documents: Notice of Review by Presidential Task Force on Regulatory Relief, January 13, 1982 (47 FR 1702).

(i) *Agency Contact:* Kenneth Roberts, Acting Director, Office of Habitat Protection, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634–7490.

Coastal Migratory Pelagic Fishery Management Plan (FMP)

(a) *Description and Need:* The fishery management plan covers coastal pelagic resources located in the fishery conservation zone (FCZ) in the Gulf of Mexico and the South Atlantic. The species of primary interest are King mackerel, Spanish mackerel, and cobia.

The purpose of this FMP is to respond to gear conflicts between commercial fishermen and user conflicts between commercial and recreational fishermen. In addition, the rapid increase in effort in the King and Spanish mackerel fisheries could lead to overfishing.

(b) *Objectives:* To develop management measures to prevent the catch from exceeding the maximum sustainable yield in the fishery; minimize gear conflicts among user groups; and establish a mandatory statistical reporting system for monitoring the catch.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no x, unknown —).

(ii) Small Entity Impact (yes x, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: March 1982.

(ii) In final form: August 1982.

(f) *Tentative for Obtaining Public Comments:* Public hearings will be held (location and dates to be published in **Federal Register).** Proposed regulations will be published in the **Federal Register** for public comment.

(g) *Major Issues:* What should be the total allowable catch? What should be the commercial/recreational allocation and the allocation between commercial fishermen using different types of gear? What are the different types of reporting systems for monitoring this fishery? What is the least cost enforcement strategy for the fishery?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no x, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: March 1982.

(iii) Other Documents: Coastal Migratory Pelagic Fishery Management Plan, Regulatory Impact Review, March 1980.

(i) *Agency Contact:* Jack T. Brawner, Acting Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702, (813) 893–3141.

Sea Scallops Fishery Management Plan (FMP)

(a) *Description and Need for Regulation:* An FMP for Atlantic Sea Scalloops is needed to protect sea scallops from overfishing.

(b) *Objectives:* The long-term objectives are to maximize over time the joint social and economic benefits from harvesting and use of the resources by restoring adult stocks in terms of their abundances and age distribution, and increasing age at entry to increase yield per recruit by over 20 percent.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(1) Major (yes —, no X, unknown —).

(ii) Small entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication;*

(i) In proposed form: May 1982.

(ii) In final form: September 1982.

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings will be held on the FM:. Proposed regulations will be published in the **Federal Register** for public comment.

(g) *Major Issues:* Is it appropriate and desirable to establish an exact level of allowable catch within the FMP to serve as an upper limit on annual harvest? Should shares of harvests (or the opportunity to harvest) be left to free market forces or to the introduction of explicit systems for distributing shares among user groups? Is it desirable to control participation (limited vessel entry) in the sea scallop fishery?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no x, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(iii) Other Documents: Atlantic Sea Scallops Fishery Management Plan, Regulatory Impact Review, April 1981.

(i) *Agency Contact:* Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, (617) 281-3600.

Fishery Management Plan for Coral and Coral Reefs in Gulf of Mexico and South Atlantic

(a) *Description and Need:* This FMP is needed to control the harvest of coral and coral reefs in the Gulf of Mexico and South Atlantic Ocean. Although harvest is at a very low level, rapid increases in effort can lead to extensive destruction of the habitat.

(b) *Objective:* To develop more and better data and to optimize benefits generated from the coral resource while conserving the coral and coral reefs.

(c) *Legal Authority:* 16 U.S.C. 1801 *et seq.*

(d) *Importance:*

(i) Major (yes —, no X, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: October 1982.

(ii) In final form: April 1983.

(f) *Tentative Plan for Obtaining Public Comments:* Proposed regulations will be published in the **Federal Register** for a 45-day public comment period.

(g) *Major Issues:* Is the FMP justified and cost-effective?

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no X, unknown —).

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: October 1982.

(iii) Other Documents: Draft Fishery Management Plan for the Coral and Coral Reefs of the Gulf of Mexico and South Atlantic.

(i) *Agency Contact:* Jack T. Brawner, Acting Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702, (813) 893-3141.

Regulations Establishing Restricted Fishing Areas and Gear Requirements to Protect Sea Turtles (50 CFR Part 227) (Subpart D, 227.72)

(a) *Description and Need:* To modify existing regulations by establishing restricting fishing areas and gear requirements such as the turtle excluder device.

(b) *Objective:* To reduce incidental catch of sea turtles caused by commercial shrimp industry in the southeastern United States.

(c) *Legal Authority:* Endangered Species Act of 1973 (Pub. L. 93-205) (87 Stat. 884) (16 U.S.C. 1531-1543)

(d) *Importance:*

(i) Major (yes X, no —, unknown —).

(ii) Small Entity Impact (yes X, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: Not determined.

(ii) In final form: Not determined.

(f) *Tentative Plan for Obtaining Public Comments:* Public hearing.

(g) *Major Issues:* Scope of regulations—others will be examined in the draft environmental impact statement.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(ii) Regulatory Flexibility Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(iii) Other Documents or Analyses (Specify): Draft supplemental environmental impact analysis.

(i) *Agency Contact:* Charles Oravetz, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702, (813) 893-3366.

Guidelines for Development of Fishery Management Plans (FMP's) (50 CFR 602.2) National Standards

(a) *Description and Need:* Revise existing 602 regulations to conform with current agency policy with regard to standards, procedures, content, format, and integration of other statutory requirements in the development of FMP's by Regional Fishery Management Councils.

(b) *Objective:* To give the Regional Fishery Management Councils a better and more uniform understanding of the basis for Secretarial review and approval of fishery management plans.

(c) *Legal Authority:* 16 U.S.C. 1851.

(d) *Importance:*

(i) Major (yes X, no —, unknown —).

(ii) Small Entity Impact (yes —, no X, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: Spring 1982.

(ii) In final form: Fall 1982.

(f) *Tentative Plan for Obtaining Public Comments:* Consultation with Council members and staff; publication as proposed regulations in **Federal Register** with comment periods appropriate to the significance of the regulation.

(g) *Major Issues:* None.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes X, no —, unknown —).

Anticipated Date of Draft: Not determined.

(ii) Regulatory Flexibility Analysis (yes—, no X, unknown —).

(iii) Other Documents: 50 CFR 602 and amendments published in 1979 (44 FR 7708) and 1977 (42 FR 36981).

(i) *Agency Contact:* Daphne White, Office of Resource Conservation and Management, National Marine Fisheries Service, Washington, D.C. 20235, (202-634-7218.

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federal register

Friday
April 30, 1982

Part VI

Department of the Interior

Bureau of Land Management

North-Atlantic Outer Continental Shelf; Proposed Oil and Gas Lease Sale No. 52

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

North-Atlantic Outer Continental Shelf

Proposed Oil and Gas Lease Sale No. 52

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 52 in the waters offshore the North Atlantic States. This notice is hereby published as a matter of information to the public.

James M. Parker
Director, Bureau of Land Management

Date: [illegible] 1982

Approved:

Donald Paul Hodel
Donald Paul Hodel
Under Secretary of the Interior

PROPOSED SALE NOTICE

OCS Sale No. 52, North Atlantic

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered either by mail or in person, to the above address until 4:30 p.m., e.s.t., August 23, 1982; or by personal delivery to

New York, N.Y., between the hours of 8:30 a.m., e.s.t., and 9:30 a.m., e.s.t., August 24, 1982. Bids received by the Manager later than the time and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., August 24, 1982. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published at 47 FR 14785; April 6, 1982.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas lease (insert number of tract), not to be opened until 10:00 a.m., e.s.t., August 24, 1982" must be

submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to no more than five decimal places after the decimal point, e.g., 50.12345 percent, as well as submit a sworn statement that the bidder is qualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized. (Note: Bidders are advised that in order to comply with the requirement for the use of alternative bidding systems in Section 8(a)(5)(B) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(5)(B)), the Notice of Sale may contain a different distribution of tracts among the same bidding systems listed below in this Proposed Notice of Sale).

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 52-1 through 52-7, 52-220 through 52-224, 52-226 through 52-243, 52-246, 52-251, 52-252, 52-253, 52-255, and 52-256 must be submitted on a cash bonus bid basis with the percent royalty due, in amount or value of production, fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than $15.929026 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

$b = 9.0$

ln = natural logarithm

Vj = the value of production in quater j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 17.10773 percent). This calculation will incorporate the adjusted value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding February, 1980. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64 and Sec. 6(b) of the lease form. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on tracts 52-110 through 52-112, 52-123 through 52-127, 52-137 through 52-142, 52-148 through 52-157, 52-163 through 52-219, 52-259, 52-268, 52-269, 52-278 through 52-285, 52-293 through 52-301, 52-310 through 52-317, and 52-320 through 52-540 must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., August 24, 1982, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as

Figure 1
Form of the Sliding Royalty Schedule

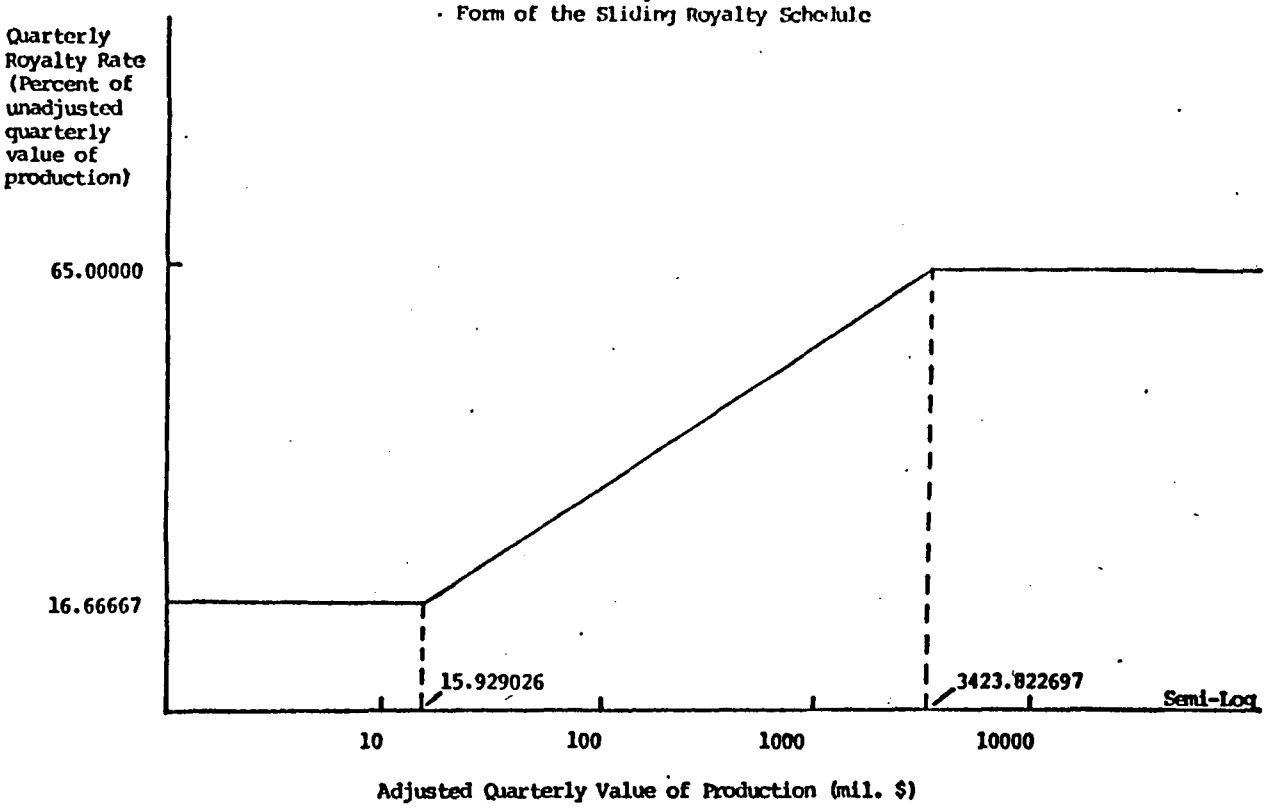

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	223.3	4/3	7.500000	16.66667	1.666667
30.000000	223.3	4/3	22.500000	19.77502	5.932506
90.000000	223.3	4/3	67.500000	29.66253	26.696277
270.000000	223.3	4/3	202.500000	39.55004	106.785108
810.000000	223.3	4/3	607.500000	49.43755	400.444155
10.000000	279.2	5/3	6.000000	16.66667	1.666667
30.000000	279.2	5/3	18.000000	17.76673	5.330019
90.000000	279.2	5/3	54.000000	27.65424	24.888816
270.000000	279.2	5/3	162.000000	37.54175	101.362725
810.000000	279.2	5/3	486.000000	47.42926	384.177006

1 Column (B) divided by 167.5 (the value of GNP fixed weighted price index for the quarter preceding Feb. 1980).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Section 14, below, "Information to Lessees."

6. Bid Opening. Bids will be opened on August 24, 1982, beginning at 10:00 a.m., e.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, August 24, 1982, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, bank drafts, or certified checks, submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Widthdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof. (The Department of the Interior is considering increasing the minimum bid on a tract by a substantial amount over the current $62.00 per hectare.)

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office, at the first address stated in paragraph 2, at a cost of $2.00 each.

(a) Outer Continental Shelf Official Protraction Diagram No. NK 19-9 (Approved March 20, 1975).

(b) Outer Continental Shelf Official Protraction Diagram No. NK 19-11 (Approved October 31, 1974).

(c) Outer Continental Shelf Official Protraction Diagram No. NK 19-12 (Approved April 29, 1975).

(d) Outer Continental Shelf Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

(e) Outer Continental Shelf Official Protraction Diagram No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).

12. Tract Descriptions. The tracts offered for bids are as follows

Tentative Tract List
Proposed Sale No. 52

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-9
(Approved March 20, 1975)

Tract	Block	Description	Hectares
52-1	930	All	2304
52-2	932	All	2304
52-3	973	All	2304
52-4	976	All	2304
52-5	978	All	2304
52-6	979	All	2304
52-7	980	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-8	124	All	2304
52-9	127	All	2304
52-10	128	All	2304
52-11	171	All	2304
52-12	213	All	2304
52-13	215	All	2304
52-14	216	All	2304
52-15	257	All	2304
52-16	300	All	2304
52-17	301	All	2304
52-18	302	All	2304
52-19	341	All	2304
52-20	342	All	2304
52-21	343	All	2304
52-22	344	All	2304
52-23	345	All	2304
52-24	346	All	2304
52-25	383	All	2304
52-26	384	All	2304
52-27	385	All	2304
52-28	386	All	2304
52-29	387	All	2304
52-30	388	All	2304
52-31	389	All	2304
52-32	390	All	2304
52-33	391	All	2304
52-34	427	All	2304
52-35	428	All	2304
52-36	429	All	2304
52-37	430	All	2304
52-38	431	All	2304
52-39	432	All	2304
52-40	433	All	2304
52-41	434	All	2304
52-42	435	All	2304
52-43	471	All	2304
52-44	472	All	2304
52-45	473	All	2304
52-46	474	All	2304
52-47	475	All	2304
52-48	476	All	2304
52-49	477	All	2304
52-50	478	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-51	479	All	2304
52-52	480	All	2304
52-53	515	All	2304
52-54	516	All	2304
52-55	517	All	2304
52-56	518	All	2304
52-57	519	All	2304
52-58	520	All	2304
52-59	521	All	2304
52-60	522	All	2304
52-61	523	All	2304
52-62	524	All	2304
52-63	558	All	2304
52-64	559	All	2304
52-65	560	All	2304
52-66	561	All	2304
52-67	562	All	2304
52-68	563	All	2304
52-69	564	All	2304
52-70	565	All	2304
52-71	566	All	2304
52-72	567	All	2304
52-73	568	All	2304
52-74	601	All	2304
52-75	602	All	2304
52-76	603	All	2304
52-77	604	All	2304
52-78	605	All	2304
52-79	606	All	2304
52-80	607	All	2304
52-81	608	All	2304
52-82	609	All	2304
52-83	610	All	2304
52-84	611	All	2304
52-85	612	All	2304
52-86	644	All	2304
52-87	645	All	2304
52-88	646	All	2304
52-89	647	All	2304
52-90	648	All	2304
52-91	649	All	2304
52-92	650	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-93	651	All	2304
52-94	652	All	2304
52-95	653	All	2304
52-96	654	All	2304
52-97	655	All	2304
52-98	656	All	2304
52-99	687	All	2304
52-100	688	All	2304
52-101	689	All	2304
52-102	690	All	2304
52-103	691	All	2304
52-104	692	All	2304
52-105	693	All	2304
52-106	694	All	2304
52-107	695	All	2304
52-108	696	All	2304
52-109	697	All	2304
52-110	698	All	2304
52-111	699	All	2304
52-112	700	All	2304
52-113	730	All	2304
52-114	731	All	2304
52-115	732	All	2304
52-116	733	All	2304
52-117	734	All	2304
52-118	735	All	2304
52-119	736	All	2304
52-120	737	All	2304
52-121	738	All	2304
52-122	739	All	2304
52-123	740	All	2304
52-124	741	All	2304
52-125	742	All	2304
52-126	743	All	2304
52-127	744	All	2304
52-128	774	All	2304
52-129	775	All	2304
52-130	776	All	2304
52-131	777	All	2304
52-132	778	All	2304
52-133	779	All	2304
52-134	780	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (Cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-135	781	All	2304
52-136	782	All	2404
52-137	783	All	2304
52-138	784	All	2304
52-139	785	All	2304
52-140	786	All	2304
52-141	787	All	2304
52-142	788	All	2304
52-143	818	All	2304
52-144	819	All	2304
52-145	820	All	2304
52-146	821	All	2304
52-147	822	All	2304
52-148	823	All	2304
52-149	824	All	2304
52-150	825	All	2304
52-151	826	All	2304
52-152	827	All	2304
52-153	828	All	2304
52-154	829	All	2304
52-155	830	All	2304
52-156	831	All	2304
52-157	832	All	2304
52-158	861	All	2304
52-159	862	All	2304
52-160	863	All	2304
52-161	864	All	2304
52-162	865	All	2304
52-163	866	All	2304
52-164	867	All	2304
52-165	868	All	2304
52-166	869	All	2304
52-167	870	All	2304
52-168	871	All	2304
52-169	872	All	2304
52-170	873	All	2304
52-171	874	All	2304
52-172	875	All	2304
52-173	876	All	2304
52-174	905	All	2304
52-175	906	All	2304
52-176	907	All	2304
52-177	908	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (Cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-178	909	All	2304
52-179	910	All	2304
52-180	911	All	2304
52-181	912	All	2304
52-182	913	All	2304
52-183	914	All	2304
52-184	915	All	2304
52-185	916	All	2304
52-186	917	All	2304
52-187	918	All	2304
52-188	945	All	2304
52-189	946	All	2304
52-190	949	All	2304
52-191	950	All	2304
52-192	951	All	2304
52-193	952	All	2304
52-194	953	All	2304
52-195	954	All	2304
52-196	955	All	2304
52-197	956	All	2304
52-198	957	All	2304
52-199	958	All	2304
52-200	959	All	2304
52-201	960	All	2304
52-202	961	All	2304
52-203	962	All	2304
52-204	989	All	2304
52-205	990	All	2304
52-206	991	All	2304
52-207	992	All	2304
52-208	993	All	2304
52-209	994	All	2304
52-210	995	All	2304
52-211	996	All	2304
52-212	997	All	2304
52-213	998	All	2304
52-214	999	All	2304
52-215	1000	All	2304
52-216	1001	All	2304
52-217	1002	All	2304
52-218	1003	All	2304
52-219	1005	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-220	6	All	2304
52-221	8	All	2304
52-222	9	All	2304
52-223	10	All	2304
52-224	11	All	2304
52-225	45	All	2304
52-226	50	All	2304
52-227	51	All	2304
52-228	52	All	2304
52-229	53	All	2304
52-230	54	All	2304
52-231	55	All	2304
52-232	94	All	2304
52-233	95	All	2304
52-234	96	All	2304
52-235	139	All	2304
52-236	140	All	2304
52-237	183	All	2304
52-238	184	All	2304
52-239	226	All	2304
52-240	227	All	2304
52-241	228	All	2304
52-242	268	All	2304
*52-243	272	All	2304
52-244	278	All	2304
52-245	279	All	2304
52-246	314	All	2304
52-247	321	All	2304
52-248	322	All	2304
52-249	323	All	2304
52-250	324	All	2304
52-251	355	All	2304
52-252	358	All	2304
52-253	361	All	2304
52-254	368	All	2304
52-255	399	All	2304
52-256	405	All	2304
52-257	411	All	2304
52-258	412	All	2304
52-259	413	All	2304

*This tract is currently the subject of litigation arising out of an OCS Sale No. 42 bid rejection. It may be necessary to delete this tract from OCS Sale No. 52 if the litigation has not ended by the date that bids are opened, specified in paragraph 6, above.

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (Cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-260	441	All	2304
52-261	442	All	2304
52-262	446	All	2304
52-263	449	All	2304
52-264	450	All	2304
52-265	453	All	2304
52-266	454	All	2304
52-267	455	All	2304
52-268	456	All	2304
52-269	457	All	2304
52-270	485	All	2304
52-271	486	All	2304
52-272	487	All	2304
52-273	488	All	2304
52-274	489	All	2304
52-275	490	All	2304
52-276	491	All	2304
52-277	494	All	2304
52-278	495	All	2304
52-279	496	All	2304
52-280	497	All	2304
52-281	498	All	2304
52-282	499	All	2304
52-283	500	All	2304
52-284	501	All	2304
52-285	502	All	2304
52-286	529	All	2304
52-287	530	All	2304
52-288	531	All	2304
52-289	532	All	2304
52-290	533	All	2304
52-291	534	All	2304
52-292	535	All	2304
52-293	538	All	2304
52-294	539	All	2304
52-295	540	All	2304
52-296	541	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (Cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-297	542	All	2304
52-298	543	All	2304
52-299	544	All	2304
52-300	545	All	2304
52-301	546	All	2304
52-302	573	All	2304
52-303	574	All	2304
52-304	575	All	2304
52-305	576	All	2304
52-306	577	All	2304
52-307	578	All	2304
52-308	579	All	2304
52-309	580	All	2304
52-310	581	All	2304
52-311	582	All	2304
52-312	583	All	2304
52-313	584	All	2304
52-314	585	All	2304
52-315	586	All	2304
52-316	587	All	2304
52-317	588	All	2304
52-318	617	All	2304
52-319	618	All	2304
52-320	619	All	2304
52-321	620	All	2304
52-322	621	All	2304
52-323	622	All	2304
52-324	623	All	2304
52-325	624	All	2304
52-326	625	All	2304
52-327	626	All	2304
52-328	627	All	2304
52-329	628	All	2304
52-330	629	All	2304
52-331	661	All	2304
52-332	662	All	2304
52-333	663	All	2304
52-334	664	All	2304
52-335	665	All	2304
52-336	666	All	2304
52-337	667	All	2304
52-338	668	All	2304
52-339	669	All	2304
52-340	670	All	2304
52-341	671	All	2304
52-342	705	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (Cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-343	706	All	2304
52-344	707	All	2304
52-345	708	All	2304
52-346	709	All	2304
52-347	710	All	2304
52-348	711	All	2304
52-349	712	All	2304
52-350	713	All	2304
52-351	714	All	2304
52-352	715	All	2304
52-353	749	All	2304
52-354	750	All	2304
52-355	753	All	2304
52-356	754	All	2304
52-357	755	All	2304
52-358	756	All	2304
52-359	757	All	2304
52-360	758	All	2304
52-361	759	All	2304
52-362	793	All	2304
52-363	797	All	2304
52-364	798	All	2304
52-365	799	All	2304
52-366	800	All	2304
52-367	801	All	2304
52-368	802	All	2304
52-369	803	All	2304
52-370	839	All	2304
52-371	840	All	2304
52-372	841	All	2304
52-373	842	All	2304
52-374	843	All	2304
52-375	844	All	2304
52-376	845	All	2304
52-377	846	All	2304
52-378	847	All	2304
52-379	885	All	2304
52-380	886	All	2304
52-381	887	All	2304
52-382	888	All	2304
52-383	889	All	2304
52-384	890	All	2304
52-385	891	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-1, BLOCK CANYON
(Approved June 22, 1977)

Tract	Block	Description	Hectares
52-386	83	All	2304
52-387	84	All	2304
52-388	85	All	2304
52-389	119	All	2304
52-390	120	All	2304
52-391	121	All	2304
52-392	122	All	2304
52-393	123	All	2304
52-394	124	All	2304
52-395	125	All	2304
52-396	126	All	2304
52-397	127	All	2304
52-398	128	All	2304
52-399	129	All	2304
52-400	130	All	2304
52-401	131	All	2304
52-402	132	All	2304
52-403	163	All	2304
52-404	164	All	2304
52-405	165	All	2304
52-406	166	All	2304
52-407	167	All	2304
52-408	168	All	2304
52-409	169	All	2304
52-410	170	All	2304
52-411	171	All	2304
52-412	172	All	2304
52-413	173	All	2304
52-414	174	All	2304
52-415	175	All	2304
52-416	176	All	2304
52-417	209	All	2304
52-418	210	All	2304
52-419	211	All	2304
52-420	212	All	2304
52-421	213	All	2304
52-422	214	All	2304
52-423	215	All	2304
52-424	216	All	2304
52-425	217	All	2304
52-426	218	All	2304
52-427	219	All	2304
52-428	220	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-429	8	All	2304
52-430	9	All	2304
52-431	14	All	2304
52-432	15	All	2304
52-433	16	All	2304
52-434	17	All	2304
52-435	18	All	2304
52-436	19	All	2304
52-437	20	All	2304
52-438	21	All	2304
52-439	22	All	2304
52-440	23	All	2304
52-441	24	All	2304
52-442	25	All	2304
52-443	26	All	2304
52-444	27	All	2304
52-445	28	All	2304
52-446	36	All	2304
52-447	46	All	2304
52-448	47	All	2304
52-449	53	All	2304
52-450	54	All	2304
52-451	55	All	2304
52-452	58	All	2304
52-453	59	All	2304
52-454	60	All	2304
52-455	61	All	2304
52-456	62	All	2304
52-457	63	All	2304
52-458	64	All	2304
52-459	65	All	2304
52-460	66	All	2304
52-461	67	All	2304
52-462	76	All	2304
52-463	77	All	2304
52-464	80	All	2304
52-465	89	All	2304
52-466	90	All	2304
52-467	91	All	2304
52-468	92	All	2304
52-469	93	All	2304
52-470	94	All	2304
52-471	95	All	2304
52-472	96	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-473	97	All	2304
52-474	98	All	2304
52-475	99	All	2304
52-476	100	All	2304
52-477	101	All	2304
52-478	102	All	2304
52-479	103	All	2304
52-480	104	All	2304
52-481	105	All	2304
52-482	106	All	2304
52-483	107	All	2304
52-484	108	All	2304
52-485	121	All	2304
52-486	122	All	2304
52-487	123	All	2304
52-488	124	All	2304
52-489	133	All	2304
52-490	134	All	2304
52-491	135	All	2304
52-492	136	All	2304
52-493	137	All	2304
52-494	138	All	2304
52-495	139	All	2304
52-496	140	All	2304
52-497	141	All	2304
52-498	142	All	2304
52-499	143	All	2304
52-500	144	All	2304
52-501	145	All	2304
52-502	146	All	2304
52-503	147	All	2304
52-504	148	All	2304
52-505	149	All	2304
52-506	150	All	2304
52-507	165	All	2304
52-508	166	All	2304
52-509	167	All	2304
52-510	168	All	2304
52-511	177	All	2304
52-512	178	All	2304
52-513	179	All	2304
52-514	180	All	2304
52-515	181	All	2304
52-516	182	All	2304
52-517	183	All	2304
52-518	184	All	2304
52-519	185	All	2304
52-520	186	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-521	187	All	2304
52-522	188	All	2304
52-523	189	All	2304
52-524	212	All	2304
52-525	221	All	2304
52-526	222	All	2304
52-527	223	All	2304
52-528	224	All	2304
52-529	225	All	2304
52-530	226	All	2304
52-531	227	All	2304
52-532	228	All	2304
52-533	253	All	2304
52-534	254	All	2304
52-535	255	All	2304
52-536	256	All	2304
52-537	297	All	2304
52-538	298	All	2304
52-539	299	All	2304
52-540	300	All	2304

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for tracts 52-125, 52-126, 52-140 through 52-142, 52-153 through 52-157, 52-165, 52-168 through 52-173, 52-181 through 52-187, 52-191 through 52-203, 52-205, 52-206, 52-208 through 52-219, 52-283 through 52-285, 52-297 through 52-301, 52-312 through 52-317, 52-326 through 52-330, 52-333, 52-335 through 52-341, 52-343, 52-344, 52-346 through 52-385, 52-395, 52-399 through 52-428, 52-436 through 52-446, 52-454 through 52-464, 52-473, and 52-477 through 52-540 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, at the first address stated in paragraph 2.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 6 Royalty on Production. (a) The lessee agrees to pay the lessor royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than $15.929026 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822697 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b[\ln (Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be rounded to five decimal places (for example, 17.10773 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DMMOFO refers to the Deputy Minerals Manager, Offshore Field Operations, of the Minerals Management Service, and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DMMOFO has reason to believe that a site, structure or object of historical or archeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement or any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the DMMOFO and to the Manager, for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DMMOFO on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and technique as deemed necessary by the DMMOFO, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archeologist shall be submitted to the DMMOFO and the Manager, for their review. Should the DMMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DMMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DMMOFO, and make every reasonable effort to preserve and protect the cultural resource from damage until the DMMOFO has given directions as to its preservation.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the DMMOFO in the leasing area, the DMMOFO will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the DMMOFO, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The DMMOFO shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the DMMOFO on a case-by-case basis.

Based on any surveys or studies which the DMMOFO may require of the lessee, the DMMOFO may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DMMOFO that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the DMMOFO may require of the lessee, the DMMOFO may also require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the DMMOFO, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DMMOFO provides written directions to the lessee, with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DMMOFO provides written instructions to the lessee with regard to the biological populations or habitats identified. Operations, including siting, must be conducted as specified by the DMMOFO and so as to insure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Intergovernmental Planning Program for Outer Continental Shelf Oil and Gas Leasing, Transportation, and Related Facilities, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that

might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawl gear to pass over the structure without snagging or damaging the structure or fishing gear.

If, due to the criteria outlined above, pipelines are required, then no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency, following the completion of pipeline installation. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DMMOFO. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying crude oil to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Stipulation No. 4

The DMMOFO may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the DMMOFO, or by transporting the material to disposal sites approved by the Environmental Protection Agency. The DMMOFO shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to Stipulation No. 2, and from other relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from surveys and studies established pursuant to Stipulation No. 2, as well as data from other relevant sources, the DMMOFO may require the lessee to reinject formation waters. The DMMOFO shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

The lessee shall include in his exploration and development plans submitted under 30 CFR 250.34 a proposed fisheries training program for review and approval by the DMMOFO pursuant to this stipulation. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations); and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry and the methods of offshore fishing operations and the potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by qualified and experienced instructors in the kinds of fishing activities, methods of communication and navigational safety.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 52-99, 52-100, 52-113 through 52-116, 52-128 through 52-132, 52-143 through 52-148, 52-158 through 52-164, 52-174 through 52-180, 52-188 through 52-196, 52-204 through 52-214, 52-386 through 52-445, 52-447 through 52-461, 52-465 through 52-484, 52-489 through 52-506, 52-511 through 52-523, and 52-525 through 52-532).

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, Virginia 23460, or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in Section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee agrees that prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, Virginia 23460. Such coordination and instructions will provide for positive control of boats and aircraft operating in the warning areas at all times.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, Virginia 23460, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing, or operational activities conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors will be effected by the commander of the appropriate onshore military installation

conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6a

(To be included only in leases resulting from this sale for tracts 52-386 through 52-388, 52-393 through 52-401, 52-408 through 52-416, 52-420 through 52-428, 52-511, 52-525, and 52-526).

The lessee agrees to coordinate and provide timely notification of all drillship, platform or pipeline location and planned movements to the Commander, Submarine Group 2, Naval Submarine Base, Groton, Conn. (phone 203-449-3676) in order to minimize danger to submerged operations in the area.

Stipulation No. 7

(Leases for the following tracts will include this stipulation, which will apply only to operations within the designated portions of such tracts:

Tracts Showing Evidence of Mass Movement

Tracts	Blocks in NJ 19-1
52-389	- 119 E 1/2 SE 1/4
52-390	- 120 SW 1/4
52-403	- 163 NE 1/4 SE 1/4, S 1/2 SE 1/4
52-404	- 164 SW 1/4
52-412	- 172 S 1/2 NE 1/4, N 1/2 SE 1/4
52-413	- 173 S 1/2 NW 1/4, N 1/2 SW 1/4
52-418	- 210 NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4
52-419	- 211 NW 1/4, NW 1/4 SW 1/4

Tracts Showing Evidence of Shallow Gas

Tracts	Blocks in NK 19-12
52-316	- 587 SW 1/4 NW 1/4
52-345	- 708 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4)

Portions of this tract may be subject to unstable slopes (mass movement of sediments) or shallow gas. Exploratory drilling operations, emplacement of structures or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DMMOFO's satisfaction that mass movement of sediment is unlikely or that exploratory drilling operations, structures, casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. The extension of these surveys may be required outside of the leased block. If emplacement of structures or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DMMOFO also may require soil testing before exploration and production operations are allowed.

Stipulation No. 8

(To be included only in the leases resulting from this sale for the fixed sliding scale royalty tracts identified in paragraph 4(a) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only 1 year at a time and reduction of royalty rates will not be approved unless production has been under way for 1 year or more.

(b) Although the royalty rate specified in Section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in Sec. 15(d); the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

14. Information to Lessees.

(a) Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors, will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and International Treaties. The lessee or its contractors should be aware that disturbance of wildlife could be determined to constitute harassment and thereby be in violation of existing laws. Violations under these acts and treaties may be reported to the National Marine Fisheries Service, or U.S. Fish

and Wildlife Service, as appropriate. Harassment of seabird breeding colonies, migratory waterfowl, and the only known gray seal colony in the region, would be less likely to occur if existing and suggested minimum altitude restrictions are adhered to. The U.S. Fish and Wildlife Service, under the authority of the Code of Federal Regulations (50 CFR 27.34), has requested that aircraft operating over designated National Wildlife Refuge boundaries maintain a 2,000 ft. minimum altitude at all times. The Federal Aviation Administration (FAA) is responsible for making this minimum altitude a requirement, and for enforcing it. For the protection of the gray seal colony on Muskeget Island, the National Oceanic and Atmospheric Administration (NOAA) recommends that aircraft should maintain a 1,000 ft. minimum altitude at all times when in transit over the island. The approximate locations of the existent National Wildlife Refuges in the region, and the gray seal colony, are depicted on Visual No. 2, available from the Manager, New York OCS Office, at the first address stated in paragraph 2. Areas with special altitude requirements are indicated in FAA aeronautical charts and in pilot advisories.

(b) In the enforcement of Stipulation No. 2 with respect to tracts within an area defined by tracts 52-63, 52-75, 52-88, 52-102, and 52-117 on the west and the 200 meter isobath on the south, the Deputy Minerals Manager, Offshore Field Operations (DMMOFO), will receive recommendations from a Biological Task Force (BTF) composed of designated representatives of the Bureau of Land Management, Fish and Wildlife Service, Minerals Management Service, the National Marine Fisheries Service, and the Environmental Protection Agency. The Task Force may consult with representatives of the affected States before making recommendations to the DMMOFO. The DMMOFO will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys by lessees, and on the appropriate course of action after the surveys have been conducted.

(c) Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(d) At least 20 days prior to moving a rig on-site, the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region I, J.F. Kennedy Federal Building, Boston, MA. 02203, in writing, stating on what date a rig is to be moved on-site.

(e) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(f) Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor

will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate.

(g) Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

(h) For those tracts listed in paragraph 13(a), above, providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan, where required, or a general statement of exploration intentions prior to the end of the tenth lease year.

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15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all North Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

federal register

Friday
April 30, 1982

Part VII

Department of the Interior

Bureau of Land Management

Geothermal Resources Leasing; General; Amendments to Geothermal Resources Leasing Program

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3200, 3210, 3220, 3230, 3240, and 3250

Geothermal Resources Leasing; General; Amendments to the Geothermal Resources Leasing Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would eliminate provisions in the existing geothermal resources leasing regulations that are considered unnecessary, burdensome, counterproductive, incorrect or outdated. It would also modify the diligent exploration requirement on existing leases, increase minimum annual rentals for future leaser and would amend the existing power plant licensing provisions to allow nonelectrical geothermal resource uses on Federal lands.

DATE: Comments by June 29, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public inspection in Room 5555 of the above address during regular working hours 7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Karl Duscher (202) 343-7722.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management's operation of the geothermal resources leasing program since the promulgation of the existing regulations has revealed a number of changes that need to be made in the regulations to make them easier to understand and fulfill by both the public and the Government. Further, certain provisions of the regulations are no longer needed and should be removed. This proposed rulemaking would make the necessary changes. The specific changes are as follows:

(1) Section 3200.0-6, Which describes preleasing procedures, would be amended to delete the implied requirement that a multi-agency, exhaustive environmental review be completed prior to lease issuance. In many instances, full discussion and examination of environmental impacts and mitigation measures are more efficiently accomplished when a lessee submits a proposed plan of development. At that time, the nature of the geothermal resource is better known and the technology and methods of development and utilization of that particular resource can be identified. The proposed rulemaking would allow discretion as to the timing of environmental reviews that would be carried out in compliance with the National Environmental Policy Act.

(2) Section 3201.1-5(b) restricted geothermal development in patented lands where the United States had reserved the mineral rights. The restriction was necessary at the time the regulations were promulgated because ownership of the geothermal resource in such lands had not been established. However, the question of ownership was resolved in *United States v. Union Oil Company of California*, 549 F. 2nd 127 (9th Cir.), *cert denied* 434 U.S. 930 (1977), and § 3201.1-5(b) would be deleted.

(3) Section 3201.2(d) (3) and (4) would be deleted. As written, these provisions reflect a misinterpretation of section 7 of the Geothermal Steam Act of 1970 in that they apply the maximum lease acreage limitation to lease applications. Deletion of these paragraphs would clarify the point that the acreage limitation applies only to leases.

(4) Section 3203.5 currently requires that diligent exploration be performed until there is production in commercial quantities from the lands under lease. In the sixth through tenth lease years, specific minimum dollar per acre expenditures are required and expenditures must be reported annually by lessees. Failure to perform the minimum requirement in those years subjects a lease to possible cancellation. However, if the minimum requirement is exceeded for any lease year, the lessee can obtain a refund of escalating rentals required under § 3205.3-3.
The Bureau of Land Management considers these provisions to be extremely complex and cumbersome to lessees and very costly to all parties. The proposed rulemaking would, therefore, eliminate the diligence requirement for all future geothermal leases and rely instead on a higher rental to serve as an incentive for early development. The higher rental would take effect in the sixth year of the lease and continue unitl such time as production was commenced. For existing leases, lessees would have the option of performing diligence or paying the higher lease rentals. For the benefit of these lessees, § 3203.5 would be rewritten to make the diligence requirement easier to understand.

(5) Sections 3204.1 and 3204.2 identify certain terms and conditions which must be complied with by lessees and require that reports, verifying compliance with those terms and conditions, be submitted by lessees. However, the terms and conditions involved already appear on the standard lease form which binds lessees to compliance. The proposed rulemaking would eliminate the terms and conditions provisions by referencing the standard lease form and it would eliminate the unnecessary reporting requirement.

(6) An editorial correction would be made in § 3205.3-1.

(7) Section 3206.8 presently limits the use of nationwide or statewide oil and gas bonds for geothermal operations to those in effect at the date the regulations became effective. This proposed rulemaking would remove the limitation to allow joint bonding for oil and gas and geothermal leases.

(8) An editorial correction would be made in § 3209.3.

(9) Sections 3210.1 (a) and (b), in part, established an initial 30-day period during which lease applications received by the Government were considered simultaneously filed. Paragraph (a) and the first and last two sentences of paragraph (b) are now outdated and would be deleted by this proposed rulemaking.

(10) Section 3210.2-1(d), part of §§ 3211.1(d), 3211.2(g) and part of § 3220.6(d) require prelease plans of exploration or development. These have served no useful purpose. The proposed rulemaking would delete these requirements.

(11) Section 3210.2-2 references the initial filing period established in § 3210.1(b), which this proposed rulemaking would delete. Therefore, the first clause of the first sentence and the entire third sentence would be deleted. In addition, the word "be" would be inserted in the first sentence between "shall" and "submitted."

(12) Section 3210.3(c) would be clarified and merged with paragraph (d). The existing provision is inconsistent with the filing periods established for receipt of geothermal lease applications and failed to anticipate situations where lands formerly classified known geothermal resource areas were to be made available for noncompetitive leasing.

(13) Part 3230 concerns rights to convert valid leases, permits or mining claims to geothermal leases or applications for geothermal leases. The Geothermal Steam Act required that applications for conversion be made within 180 days of its enactment. Part 3230 is, therefore, no longer necessary and would be deleted by the proposed rulemaking.

(14) Section 3241.1-1(c) presently allows adjustment of environmental terms and conditions prior to approval of leases assignments. However, section 8 of the Geothermal Steam Act limits such adjustments to the extent that they may not be made at less than ten year intervals beginning ten years after the date steam is produced. Section 3241.1-1(c) is, therefore, inconsistent with the Geothermal Steam Act and would be deleted.

(15) Section 3241.2-1 would be amended by this proposed rulemaking to clarify that "validation" of instruments of transfer or assignment of lease interests is subject to a $50 service fee. This provision has been misread as meaning that only transfers or assignments requiring "approval" are subject to the service fee. Assignments or transfers of overriding royalty interests, while not receiving formal approval, must nevertheless be examined and found valid by the Government.

(16) Part 3250 would be amended by this proposed rulemaking to include licensing of nonelectrical geothermal projects. Present regulations already contain provisions for issuing licenses for power plants on Federal geothermal leases. However, no procedures have been established for licensing other types of geothermal utilization sites such as those used for fish farming, crop drying, gasohol production, frozen food processing, greenhousing, etc. The proposed rulemaking would allow these uses to be licensed in a manner similar to that established for power plant sites.

(17) Section 3250.3 in the existing regulations specifies the type of environmental review that is to be done prior to the issuance of a license for either electrical or nonelectrical utilization sites. The section would be amended to give the authorized officer flexibility as to the type of environmental review that would be used to comply with the requirements of the National Environmental Policy Act.

(18) The minimum annual rental for power plant licenses is $100 per acre. Section 3250.6-3 would be amended to provide that the minimum annual rental for nonelectrical licenses be $10 per acre. The proposed lower minimum rental recognizes that surface use for nonelectrical projects will generally be more localized and not affect surrounding lands to the extent that a power plant and transmission lines would.

(19) The surety bond required for a power plant license is $100,000. The proposed rulemaking would amend § 3250.7 to make the requirement and the amount of the bond discretionary for nonelectrical licenses. This is proposed since the potential for unforeseen environmental damage from nonelectrical uses is considered to be much less than from power plants.

In addition to the foregoing specific changes, the Bureau of Land Management invites comments on the existing definition of the term "competitive interest" appearing in § 3200.0-5(k)(3) and any suggestions for a new definition. The existing definition which states that competitive interest exists whenever two or more noncompetitive leases applications are filed for the same lands in the same filing period resulted in over 300,000 acres being classified as known geothermal resource areas at the commencement of the leasing program in 1974. However, over one-half of those lands have received no bids after repeated offerings at competitive lease sales, indicating that the original applicant did not consider the potential of the lands sufficient to justify submitting bonus bids and paying the higher lease rentals required for competitive leases. However, the Geothermal Steam Act requires that some test of "competitive interest" serve as a criterion for establishing known geothermal resource areas. Options for a new definition which might better reflect valid competitive interest include increasing the requisite number of overlapping applications received during the same filing period before a known geothermal resource area is created. Also, competitive interest might be defined as existing when ten or more applicants file applications in the same filing period for lands within a 20 square mile area.

The principal author of this proposed rulemaking is Karl Duscher, Division of Mineral and Geothermal Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The information collection requirements contained in 43 CFR Part 3250 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063. No other information collection requirements are contained in this revision.

Under the authority of the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025), it is proposed to amend Group 3200, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

1. Section 3200.0-6 is revised to read:

§ 3200.0-6 Preleasing procedures.

When an area is initially considered for geothermal leasing or when the need arises, the authorized officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

§ 3201.1-5 [Amended]

2. Section 3201.1-5 is amended by removing paragraph (b) in its entirety and removing the designation "(a)" at the beginning of the first paragraph of that section.

§ 3201.2 [Amended]

3. Section 3201.2(d) is amended by removing subparagraphs (3) and (4) in their entirety.

4. Section 3203.5 is revised to read:

§ 3203.5 Diligent exploration.

Each geothermal lease issued prior to the effective date of this subpart includes provisions for diligent exploration until there is production in commercial quantities applicabe to the lands under lease. Diligent exploration means exploration operations (subsequent to the issuance of the lease) on or related to the leased lands, including but not limited to, operations such as geochemical surveys, heat flow measurements, core drilling or drilling of a test well. To qualify as diligent exploration, operations shall be submitted to and approved by the supervisor as benefitting the leased lands. In addition, exploration operations, to qualify as diligent exploration after the fifth year of the primary lease term, shall exceed minimum per acre expenditures in accordance with the following table:

Lease year	Expenditure per acre
6	$4
7	6
8	8

Lease year	Expenditure per acre
9	10
10-15	12

Any expenditures for diligent exploration during the first 5 years of the lease, and any expenditures during any subsequent year in excess of the minimum requirement for that year, shall be credited against the requirement for successive years by the authorized officer. However, in lieu of performing diligent exploration, the lessee may exercise the option of paying an escalated rental on or before the anniversary date of the lease in accordance with § 3205.3 of this title. In the event the escalated rental is not submitted on or before the anniversary date and sufficient credit has not already been obtained to meet the diligent exploration requirement for the lease year involved, the authorized officer shall notify the lessee that unless the required diligent exploration has been performed by the end of the lease year, the lease shall be cancelled.

5. Section 3204.1 is revised to read:

§ 3204.1 General.

A lessee shall comply with all of the standard lease terms and conditions, any special lease stipulations added by the authorized officer and all Geothermal Resource Operational Orders issued pursuant to 30 CFR 270.11

§ 3204-2 [Removed]

6. Section 3204.2 is removed in its entirety.

§ 3204.3 [Redesignated as § 3203.9]

7. Section 3204.3 is renumbered § 3203.9.

§ 3204.4 [Redesignated as § 3203.7]

8. Section 3204.4 is renumbered § 3203.7.

§ 3204.5 [Redesignated as § 3203.8]

9. Section 3204.5 is renumbered § 3203.8.

§ 3204.6 [Removed]

10. Section 3204.6 is removed in its entirety.

11. The last sentence of § 3205.3-1 is revised to read "If the annual rental established for the lease to be issued is more than $1 per acre or fraction thereof, the applicant shall submit the additional rental due within 30 days of notice or the application shall be rejected."

12. Section 3205.3-3 is revised to read:

§ 3205.3-3 Escalating rental rates.

To encorage the orderly and timely development of geothermal leases, all leases issued after the effective date of the regultions in this group shall provide that, beginning with the sixth year and for each year thereafter until the lease year beginning on or after the commencement of production of geothermal resources in commercial quantities, the annual rental shall be set by the authorized officer as the rental in the amount specified in the lease plus an escalated rental of not less than $3 per acre or fraction thereof.

§ 3206.8 [Amended]

13. Section 3206.8 is amended by revising the first sentence to read "The provisions of these regulations may be made applicable to any oil and gas nationwide or statewide bond by filing in the proper BLM office a written consent to that effect and an agreement to be bound by the provisions of this section executed by the principal and surety."

§ 3209.3 [Amended]

14. Section 3209.3 is amended by revising the last sentence to read "Within 90 days after the filing of such 'Notice of Completion,' the authorized officer shall notify the party who had conducted the operations whether all the terms and conditions set out by the regulations in this subpart and in the Notice of Intent have been met, or whether additional measures shall be taken to correct any unacceptable damage to the lands, specifying the nature and extent of such measures."

PART 3210—NONCOMPETITIVE LEASES

15. Section 3210.1 is revised to read:

§ 3210.1 Availability of lands.

Lands which are available for noncompetitive leasing and which were included in cancelled, relinquished, expired or terminated leases shall be available for leasing only subject to the provisions of subpart 3211 of this title. All other lands available for noncompetitive leasing shall be available for leasing only subject to the provisions of this subpart.

§ 3210.2-1 [Amended]

16. Section 3210.2-1 is amended by removing paragraph (d) in its entirety and renumbering paragraph (e) as paragraph (d).

§ 3210.2-2 [Amended]

17. Section 3210.2-2 is amended by revising the first sentence to read "Applications for leases under this subpart shall be submitted only during application filing periods." and by removing the third sentence in its entirety.

§ 3210.3 [Amended]

18. Section 3210.3 is amended by:

(a) Removing paragraph (c) in its entirety; and

(b) Renumbering paragraph (d) as paragraph (c) and amending it by adding to the end of the paragraph the following "However, lands formerly classified as KGRA lands which were reclassified for failure to receive any bids under the procedure outlined in § 3220.5(a) of this title shall not be subject to competitive interest as defined in § 3200.0-5(k)(3) of this title. If more than 1 application to lease such lands is received during the same filing period, the right of priority to such lands and the order of processing shall be determined by a drawing."

§ 3211.1 [Amended]

19. Section 3211.1(d) is revised to read: "(d) Requirements for a complete application."

§ 3211.2 [Amended]

20. Section 3211.2 is amended by removing paragraph (g) in its entirety and redesignating paragraph (h) as paragraph (g).

PART 3220—COMPETITIVE LEASES

§ 3220.6 [Amended]

21. Section 3220.6(d) is amended by revising the first sentence to read "If the lease is awarded, 3 copies of the lease shall be sent to the successful bidder who shall execute them within 30 days from receipt thereof, pay the first year's rental and file the required bond(s)."

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES [REMOVED]

22. Part 3230 is removed in its entirety.

PART 3240—RULES GOVERNING LEASES

§ 3241.1-1 [Amended]

23. Section 3241.1-1 is amended by removing paragraph (c) in its entirety.

§ 3241.2-1 [Amended]

24. Section 3241.2-1 is amended by inserting in the first sentence immediately after the word "approval" the words "or validation."

25. The title of subpart 3250 is revised to read:

Subpart 3250—Utilization of Geothermal Resources

PART 3250—UTILIZATION OF GEOTHERMAL RESOURCES

§ 3250.0-1 [Amended]

26. Section 3250.0-1 is amended by removing the phrase "for the purpose of generating electric power" at the end of the paragraph.

§ 3250.0-3 [Amended]

27. Section 3250.0-3 is amended by revising the last sentence to read "The right to use lands under geothermal lease for the purpose of utilizing geothermal resources may be exercised in accordance with these regulations."

28. Section 3250.0-5(d) is revised to read:

§ 3250.0-5 Definitions.

* * * * *

(d) "Utilization site" means that tract of Federal lands under geothermal lease authorized for utilization of geothermal energy including, but not limited to, substations, switch yards, waste disposal and storage facilities, utility service lines, transmission lines, loading docks, processing plants, greenhouses, gasohol plants, crop dryers and appurtenant structures.

* * * * *

29. Section 3250.0-6 is amended by removing from the last sentence the phrase "a power plant site" and replacing it with the phrase "any proposed utilization."

30. Section 3250.1-1 is amended by revising the introductory text, paragraphs (d)(2) and (d)(3) to read:

§ 3250.1-1 Requirements for application.

Any lessee or any part to a joint utilization agreement or a sales contract who has completed a producible well(s) and desires a license to use the surface of lands under Federal geothermal lease for construction of utilization facilities, other than as provided in 30 CFR Part 270 and § 3250.4 of this title, shall file an application for such license with the authorized officer."

* * * * *

(d) * * *

(1) * * *

(2) A map or maps showing the boundaries of the site and the location and dimensions of buildings, cooling towers or ponds, waste disposal or storage sites, switch yards, roads, pipelines, utility service lines, transmission lines and all other structures or facilities used in connection with the utilization of the geothermal steam and associated geothermal resources. In addition, the authorized officer may require maps showing the general location of proposed facilities to be used in connection with utilization of the geothermal resources but outside the license area.

(3) A description of the proposed facility including pertinent information about any substations included in the facility, indicating whether the proposed facility is to be interconnected with other facilities and whether the energy produced is to be sold to others or used by the applicant.

* * * * *

31. Section 3250.3 is revised to read:

§ 3250.3 Environmental analysis.

The authorized officer shall complete, in a timely manner, any environmental review determined to be necessary to conform with the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

§ 3250.5-1 [Amended]

32. Section 3250.5-1 is amended by removing from the first sentence of both paragraph (a) and paragraph (b) the phrase "a power plant site utilizing" and replacing it with the phrase "utilization facilities for".

§ 3250.5-2 [Amended]

33. Section 3250.5-2 is amended by removing the phrase "a power plant site utilizing" and replacing it with the phrase "utilization facilities for".

34. Section 3250.6-1 is revised to read:

§ 3250.6-1 Area covered by license.

(a) The area approved for the proposed utilization site shall be reasonably compact as determined by the authorized officer and shall be limited to as much of the surface of the lands applied for as the authorized officer determined necessary for the adequate utilization of the geothermal resources.

(b) Prior to commencing any surface disturbance activities related to the construction of a utilization facility licensed under provisions of this group, a permit to construct and operate a utilization facility shall be obtained from the Area Geothermal Supervisor. The application for such permit shall be filed in triplicate under the regulations in 30 CFR Part 270.

§ 3250.6-2 [Amended]

35. Section 3250.6-2 is amended by removing from paragraph (a) the phrase "an electrical power plant" and replacing it with the phrase "a utilization facility" and by removing from paragraph (c) the phrase "power plant" and replacing it with the phrase "utilization facility".

§ 3250.6-3 [Amended]

36. Section 3250.6-3 is amended by revising the first sentence to read "Rental at a rate to be determined by the authorized officer shall be paid annually, but said rental shall not be less than $100 per acre if the utilization facility is for electrical generation, or not less than $10 per acre if the utilization facility is for nonelectrical purposes."

37. Section 3250.7 is amended by revising paragraph (c)(2) to read:

§ 3250.7 Bonds.

(a) *Surety bond.* The licensee of an electrical generating facility shall furnish and maintain a surety bond of not less than $100,000, conditioned upon compliance with all the terms and conditions of the license. The licensee for a nonelectrical utilization facility may be required to furnish a surety bond in an amount specified by the authorized officer. The authorized officer may determine not to require a surety bond in circumstances where it is determined that the nonelectrical uses have a low potential for causing damage to the environment.

* * * * *

(c) * * *

(2) indemnify the United States against any liability for damages or injury to life, person or property arising from the occupancy or use of the lands under license. Where a utilization facility license is granted under this subpart to a State or other governmental agency which does not have the authority to assume such liability with respect to damages caused by it to lands or property, such agency shall be responsible for repair or all such damages.

* * * * *

David C. Russell,

Acting Assistant Secretary of the Interior.

April 8, 1982.

[FR Doc. 82-11866 Filed 4-29-82; 8:45 am]

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federal register

Friday
April 30, 1982

Part VIII

Department of Health and Human Services

Food and Drug Administration

Enforcement Policy; Infant Formula Recalls

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 7

[Docket No. 81N-0053]

Enforcement Policy; Infant Formula Recalls

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its enforcement policy regulations to add recall requirements for infant formula. The regulations, established in accordance with the Infant Formula Act of 1980, specify recall procedures to be used by manufacturers in removing from the marketplace an infant formula that does not provide the nutrients required by the Federal Food, Drug, and Cosmetic Act or that is otherwise adulterated or misbranded within the meaning of the act.

EFFECTIVE DATE: June 1, 1982.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The final rule set forth below contains requirements for the recall of infant formula from the marketplace. Although the decision to initiate a recall is within a manufacturer's discretion, once a manufacturer initiates a recall it must comply with the final rule. A recalling firm is required to notify FDA promptly, devise a written recall strategy, prepare a written health hazard evaluation, notify all direct accounts, and submit reports to FDA. The recalling firm may comply with the final rule by any reasonable means. FDA has the authority to require the manufacturer to change the recall or keep it open under certain circumstances. FDA believes, based on its experience in dealing with recalls, including its experience with the most recent infant formula recalls, that these final regulations, if followed, will ensure that infant formulas subject to a recall will be adequately removed from the market. Also, FDA can, on its own initiative, request that an infant formula manufacturer initiate an infant formula recall.

FDA has a responsibility to monitor infant formula recalls and to take appropriate actions to ensure that violative infant formulas are removed from the marketplace. The agency will independently evaluate the health hazard associated with a product being recalled, and will review the health hazard evaluation and recall strategy submitted to the agency by the recalling firm. FDA will notify the recalling firm of any serious deficiencies. Upon request, FDA will assist a manufacturer in devising an appropriate recall strategy. The agency will review a recalling firm's termination recommendation and decide whether the recall has been effective and can be terminated.

The Infant Formula Act of 1980 (Pub. L. 96-359, 94 Stat. 1190-1192) amended the Federal Food, Drug, and Cosmetic Act (the act) by adding a new section 412 (21 U.S.C. 350a) which provides for more stringent regulatory control over infant formula manufacturing and processing. Section 412(d)(1) of the act provides that if a manufacturer conducts a recall of its infant formula, the recall must be carried out in accordance with requirements prescribed by the Secretary of Health and Human Services. (21 CFR 5.11; see 46 FR 26052; May 11, 1981.) Section 412(d)(2) of the act requires the Secretary to prescribe by regulation the scope and extent of infant formula recalls as "necessary and appropriate for the degree of risk to human health presented by the formula subject to the recall."

In the **Federal Register** of January 15, 1982 (47 FR 2331), FDA, as required by the act, published a proposal designed to expedite the retrieval from the marketplace of infant formulas that do not contain all required nutrients or that may otherwise present a health hazard. In addition, the provisions of the proposed regulations were designed to enable FDA to monitor more fully recalls of infant formulas.

Twelve comments were received in response to the proposed recall requirements, including comments from the Infant Formula Council, State health organizations, consumers, consumer groups, and a former manufacturer of infant formula. The Infant Formula Council stated that its members manufacture most of the infant formula sold in the United States.

A summary of the issues raised in the comments and FDA's responses are discussed in the following paragraphs.

1. Several comments objected that the proposed rule does not impose requirement on an infant formula manufacturer until after the manufacturer has determined that a formula is in violation of the act and has decided to initiate a recall. Some comments asserted that the proposed rule delegated the responsibility for determining the "scope and extent of recalls of infant formulas" to the very people who are responsible for a possible violation of the law.

FDA does not have the authority under the act to require a firm to initiate a recall. The decision to conduct a recall is within the discretion of the responsible firm. Once a manufacturer decides to initiate an infant formula recall, however, the firm must comply with this final rule. The agency believes that the final rule properly defines the responsibilities of the recalling firm. A manufacturer's failure to comply with the final rule is a prohibited act under section 301(s) of the act (21 U.S.C. 331(s)).

Despite the statutory allocation of responsibilities, FDA recognizes its responsibilities to ensure a safe and wholesome food supply for infants. FDA may request that a manufacturer recall a product at any time if FDA has information that the product is adulterated or misbranded and presents a risk to human health. If a manufacturer refuses to recall a product, FDA may initiate seizure or other court actions to remove the product from the marketplace. FDA also has a responsibility to monitor any product recall. The proposed rule, however, was primarily designed to express the obligations and responsibilities of the recalling firm, and not those of FDA. In the interest of clarity, the agency has revised § 7.70(a) to include a statement describing the agency's involvement in the recall process.

2. Two comments urged that the proposed rule be revised to require manufacturers to notify FDA at the time a recall is being considered, rather than after the firm has decided to initiate a recall. One comment suggested that the term "recall" be defined to include a manufacturer's deliberation about a possible recall before its initiation, whether or not such deliberation leads to a decision to recall. Another comment suggested that the term "recall" be defined to include retrieval or correction of a product that has not been marketed or that has not left the direct control of the manufacturer.

The Infant Formula Act of 1980 requires manufacturers to notify FDA promptly after deciding to initiate a recall. FDA believes that a requirement for notification at an earlier time is unnecessary. It is generally in a manufacturer's own interest to act quickly to remove hazardous products from the marketplace. However, FDA can at any time request that a firm recall an FDA-regulated product, including an infant formula, if based on the available scientific data the agency believes that the product represents a hazard to

health. FDA can take appropriate regulatory action should such a product remain in commercial distribution.

FDA advises that it is unnecessary for the final rule to include within its scope withdrawals of infant formula that have not been distributed and have not left the manufacturer's control. Such withdrawals do not present the same risks to consumers as do products in commercial distribution. They are not within the meaning of the term "recall" as it is commonly understood or as it is defined in § 7.3(g) (21 CFR 7.3(g)) of FDA's general recall guidelines.

3. Several comments criticized proposed § 7.71(a) for requiring the health hazard evaluation to be conducted by the recalling firm and not by FDA. The comments suggested that FDA retain its role in analyzing the hazard posed by a defective product and not delegate this responsibility to the firm.

The agency emphasizes that it will independently evaluate the health hazard associated with a recalled product and, if necessary, will require modification of the recall strategy or its implementation to ensure that the recall is effective. As discussed in paragraph 1 above, FDA has added a sentence to § 7.70(a) concerning FDA's responsibility.

4. Two comments opposed the requirement in proposed § 7.70(a) that the health hazard evaluation be in writing. These comments argued that such a requirement is unnecessary and may be detrimental to the efficient execution of a recall.

The agency disagrees with the comments. FDA needs the written health hazard evaluation to carry out its responsibility under the act to monitor infant formula recalls. The evaluation of the health hazard presented by a recalled infant formula is vital and necessary in determining the specific course of action that will be taken by the recalling firm, provides a basis for the agency to begin its own health hazard evaluation, and demonstrates that the firm has been responsible in its considerations and actions in conducting an efficient recall. A written health hazard evaluation will also decrease the possibility of misunderstandings or disagreements between the recalling firm and the agency concerning the magnitude of the hazard presented by the infant formulas. The agency does not believe that this requirement will delay a recall, as the implementation of a recall need not await completion of the written health hazard evaluation.

5. Two comments suggested that firms be required to apply the criteria in § 7.41 (21 CFR 7.41) of FDA's general recall guidelines in the preparation of a health hazard evaluation and that "disease or injury" in proposed § 7.71(a) be defined to include non-nutritional effects such as diarrhea and vomiting.

FDA advises that the intent of proposed § 7.71(a) was that "disease or injury" be broadly interpreted to include conditions such as diarrhea and vomiting. FDA has in the interest of clarity revised § 7.71(a) of the final rule to read "* * * disease, injury, or other adverse physiological effect * * *".

As stated in § 7.75 of the final rule, the firm conducting an infant formula recall may satisfy the requirements of the regulations by any reasonable means. In determining what criteria should be applied in evaluating the health hazard, a firm may wish to consider the detailed criteria outlined in § 7.41, as well as other relevant information. FDA believes that the criteria set forth in § 7.41 need not be made a part of the final rule. In carrying out its responsibility to monitor recalls of infant formula products, the agency will review and, when necessary, comment on the information submitted in the written health hazard evaluation.

6. Several comments opposed proposed § 7.71(b) because it requires the recall strategy to be developed by the recalling firm and not by FDA. Those comments argued that such a requirement is inconsistent with the existing recall guidelines and that FDA should either develop the recall strategy or include in the firm's obligations specific requirements for depth of recall, warnings, disposition of the product, and effectiveness checks. One comment suggested that at a minimum FDA should determine the level of the effectiveness checks. One comment argued that, because the Infant Formula Act of 1980 and its legislative history make it clear that Congress wanted FDA to "prescribe the scope and extent" of infant formula recalls, FDA—and not the manufacturer—should devise the recall strategy.

Under the Infant Formula Act of 1980, the manufacturer and not FDA is responsible for the initiation and implementation of a recall. FDA will upon request assist manufacturers in developing a recall strategy. Section 7.42 (21 CFR 7.42) of FDA's general recall guidelines already provides a list of the essential elements of a recall strategy and a list of factors that may be considered in devising a recall strategy. FDA is not requiring manufacturers to adhere to those guidelines in devising a recall strategy because the responsible firm, with its knowledge of its own distributions, consignees, and marketing structure, is best able to decide the strategy for a recall. The agency will, however, take the guidelines into account in determining whether the firm's actions adequately protect the public health. FDA will review the recall strategy and notify the recalling firm of any serious deficiency. Because each recall is a special case, the agency believes that no uniform standard would be applicable to all types of recalls and that it would be more appropriate to monitor each recall on a case-by-case basis.

The Infant Formula Act's grant of authority to the Secretary to prescribe the "scope and extent" of infant formula recalls pertains specifically to the promulgation of regulations and not to the conduct of a particular recall. The agency believes that this final rule adequately prescribes the "scope and extent" of infant formula recalls and will promote the public health.

7. One comment requested that the recall strategy specify the type of recall notification required and the persons who are to receive the notification. This comment argued that the recall communication should not be sent only to consignees but should be communicated to consumers at the point of purchase if necessary. The comment suggested that the recall strategy include direction and assistance for consignees in notifying retail purchasers.

The agency believes that § 7.71(c) provides sufficient guidance about the nature of recall communications to enable manufacturers to devise a proper recall strategy. The agency will review the recall strategy and notify the recalling firm of any serious deficiencies, including deficiencies in recall communications.

When notification of consumers is required, FDA believes, based on its experience with product recalls over the years, that announcements in the public media generally are more efficient than point of purchase communications.

8. One comment opposed the provision in proposed § 7.71(c) that requires that a followup communication be sent to every consignee that fails to respond to a recall communication. The comment stated that a recalling firm should have the discretion to determine when additional communications are required, and that its suggestion is consistent with the intent of the Infant Formula Act of 1980.

FDA disagrees with that interpretation of the Infant Formula Act's legislative intent, and also disagrees that it is appropriate for the recalling firm to decide unilaterally

when additional communications are required. An infant formula manufacturer has the discretion under the Infant Formula Act to determine whether a recall should be initiated. The act provides, however, that once a recall has been initiated "the recall shall be carried out in accordance with such requirements as the Secretary may prescribe * * *." FDA believes that the requirement that the recalling firm send a followup recall communication to consignees that do not respond to the initial communication is both necessary and reasonable.

9. One comment objected to the reporting requirements of proposed §§ 7.71(d), 7.72(b) and (c), and 7.73 on the ground that these reports should be directed to the appropriate FDA district office rather than to the Division of Regulatory Guidance of FDA's Bureau of Foods in Washington, DC. Another comment stated that reports should be sent to both the appropriate district office and the Division of Regulatory Guidance.

FDA agrees that reports should be sent to the appropriate district office and has revised the final rule accordingly. FDA's district offices will be instructed to forward reports by the fastest means to the Division of Regulatory Guidance. It is not necessary to require a recalling firm to send reports to both the district office and the Division of Regulatory Guidance.

10. One comment suggested that proposed § 7.71(d) be revised to clarify that "recall communications" include only public recall communications directed to consignees and other members of the public, and do not include a manufacturer's internal communications about recall matters. The comment pointed out that the preamble to the proposal indicated that § 7.71(d) is intended to cover only "recall communications that have been sent" (47 FR 2333).

FDA agrees with the comment and has, in the interest of clarity, revised § 7.71(d) accordingly.

11. Three comments contended that the requirement in proposed § 7.72(b) concerning the submission of an initial report containing "all relevant information about the infant formula that is being recalled" is too vague. Two of the comments were from consumer organizations, and one was from the Infant Formula Council.

After considering the suggestions made in the comments, the agency concludes that although not all information that might be relevant to a recall could or should be specified in § 7.72(b), additional guidance should be included. One consumer group and the Infant Formula Council suggested language based on the agency's existing recall guidelines (21 CFR 7.46(a)). The agency has decided to include several items from those guidelines in § 7.72(b) of the final rule. FDA advises, however, that this list is not intended to be exhaustive, but is intended to specify only the minimum information that must be submitted to FDA.

12. One comment suggested that proposed § 7.72(c) be revised to read in part "The status report shall describe the steps taken by the recalling firm to carry out the recall since that last report and the results of those steps." The comment stated that its suggestion would avoid duplication in successive reports.

FDA agrees with the comment and has revised § 7.72(c) accordingly.

13 One comment objected to the provision in proposed § 7.73 that requires a recalling firm to implement the recall strategy until FDA notifies the firm in writing that the recall has been terminated. This comment suggested that a recall should terminate automatically 15 days after the recalling firm submits a termination recommendation unless FDA notifies the firm in writing that the recall may not be terminated. This comment argued that, in the absence of such a revision, FDA could keep the recall open simply by failing to act on the firm's termination recommendation.

The agency believes that a recall should remain open until the recalling firm receives written notification of termination from FDA. FDA's Division of Regulatory Guidance, Bureau of Foods, will respond within 15 days of receipt to any termination request by a recalling firm. A 15-day response period may not in all cases provide sufficient time for FDA to have completed its audits, compiled and analyzed data, and reached a conclusion on the recommended termination of a recall.

14. Two comments requested revision of proposed § 7.73(a) to state that a recall can be kept open only if a "significant" number of distributors of the recalled product has failed to respond to the recall. The proposal provided that a recall could be kept open if stocks of the recalled product—without qualification as to amount—remained in retail outlets. The comments argued that a recall should not necessarily remain in effect until all recalled products has been removed from the marketplace.

FDA must evaluate each recall on a case-by-case basis, taking into account the factors involved in the health hazard evaluation. The agency must have the discretion to decide whether a particular recall has been effective. The extent of recalled product remaining in the marketplace, and possible reasons for its failure to be retrieved, are factors the agency will consider in deciding whether a recall may be terminated.

15. Two comments on proposed § 7.73 suggested that the manufacturer should have the burden of proof in justifying that a recall should be terminated, rather than placing the burden on FDA to justify keeping a recall open.

The agency agrees in principle with the comments but believes that it is implicit in proposed § 7.73 that the recalling firm must justify that a recall has been effective and can be terminated. In the interest of clarity, FDA has revised § 7.73 to require a manufacturer's termination recommendation to include information concerning the effectiveness of the recall strategy.

16. One comment suggested that FDA specify the criteria to be used in determining whether a recall has not been effective. Another comment stated that the intent of proposed § 7.73(b) is unclear and that the section should be modified.

Proposed § 7.73, which stated the circumstances under which FDA may conclude that a recall has not been effective, was unclear. The agency believes that a recall has not been effective if the recalling firm's distributors have failed to retrieve the product, or if stocks of the recalled product remain at the distribution level from which the product was recalled. The agency has revised § 7.73 accordingly.

17. Several comments objected to the provisions of proposed § 7.74(a) that would require FDA to have "scientific evidence" that the health hazard is greater than that asserted by the manufacturer before FDA could change the depth of a recall. The comments argued that FDA may not be able to meet the burden of producing such scientific evidence in the short time span within which a recall must be carried out. One comment suggested that FDA be able to require changes in the depth of recall or any other part of the recall strategy if it has a reasonable belief that the measures being taken by the firm are inadequate.

FDA agrees with the thrust of the comments. The development of rigorous scientific evidence concerning the degree of health hazard associated with a recalled product may be a time-consuming task. Moreover, the precise nature and extent of the health hazard associated with a deficiency of some required nutrients, as established by

rigorous scientific studies, are not yet known. If based on the available scientific data, FDA believes that the health hazard is greater than that reported by the manufacturer, it should not have to wait until it has more rigorous scientific evidence before requiring the manufacturer to change the recall depth. Based on the available scientific data, FDA will evaluate the reported health hazard to the fullest extent possible. FDA has revised § 7.74(a) accordingly.

18. Three comments stated that the proposed regulations do not make adequate use of the existing recall guidelines, codified in 21 CFR Part 7, Subpart C. The comments also stated that under the proposal FDA's role in infant formula recalls is too passive. The comments suggested that the existing guidelines be supplemented with additional regulations necessary for the proper recall of an infant formula. In addition, one comment argued that the infant formula recall procedures, being expressly required by statute, should be tied to the notification procedures of section 412(c) of the act so that the Commissioner of Food and Drugs would be notified of every event that could eventually create the need for a recall.

FDA agrees that the infant formula recall provisions of the act are unique. For that reason, the agency has proposed and is now issuing final regulations that establish requirements for infant formula recalls, rather than simply relying on existing recall guidelines. The agency believes that these regulations are adequate to protect the public health and will help ensure that any future infant formula recalls are successful and are handled as expeditiously and effectively as possible. Furthermore, the agency's responsibility to monitor and supervise recalls, now referred to in § 7.70 of the final rule, will contribute to this success.

FDA does not believe that these regulations need to be tied specifically to the notification procedures established by the act. FDA does, however, review all information submitted in accordance with the notification procedures of section 412(c) of the act and will take that information into account whenever it becomes relevant to a recall or possible recall of an infant formula. Furthermore, the agency will monitor each recall to assure that the recall is being adequately pursued.

19. One comment pointed out that the proposal fails to state whether requests for revisions of a recall can be based on FDA's review of the recall strategy. The comment stated that proposed § 7.74 provides for revisions of the recall based on the 14-day status reports required by the act or on FDA's observation of the recall, but not on FDA's review of the recall strategy.

It was the intent of the proposal to permit FDA to request revision based on FDA's review of the recalling firm's recall strategy, health hazard evaluation, or periodic reports. Section 7.74 is revised accordingly.

20. One comment suggested that proposed § 7.74 be revised to specify FDA's authority if a manufacturer refuses to comply with the agency's "request" to change the recall to correct a serious deficiency.

As stated in the preamble to the proposal, a recalling firm is not required to remedy all deficiencies that FDA brings to its attention. Section 7.74 lists several circumstances in which FDA can require changes in a recall. As discussed in the preamble to the proposal, those situations involve recall deficiencies that, unless corrected, threaten the recall's integrity. Failure to correct such deficiencies is a violation of the regulation and, therefore, of the act. FDA has reconsidered the language of proposed § 7.74 and has concluded that the sentence "The agency may request the firm to change the recall to correct any such deficiency" is unnecessary. FDA has removed that sentence from the final rule. In light of that revision, the clarification requested by the comment is unnecessary.

21. One comment suggested that proposed § 7.73 be revised to provide that FDA may not terminate a recall unless all reasonable efforts have been made to recover recalled infant formula from ultimate users.

FDA disagrees that revision of proposed § 7.73 is needed. As discussed in the preamble to the proposal, "the depth of recall" refers to the level of product distribution to which the recall is to extend. There are three basic options: (1) consumer or user level, (2) retail level, and (3) wholesale level. In cases where the hazard to health is so great that exposure to the product should be prevented to the fullest extent possible, the depth of recall will ordinarily be to the consumer or user level, which would include, for example, physicians and hospitals. It is not necessary in every recall to make all reasonable efforts to recover product from the consumer or user level. The agency agrees, however, that recalls should not be terminated prematurely and will take appropriate action to see that a manufacturer's recall strategy is implemented fully before a recall is terminated.

22. One comment suggested that the final regulations specify how a manufacturer should correct or dispose of the recalled product.

Proposed § 7.71(b) provides that the written recall strategy devised by the firm should take into account the disposition of the recalled product. FDA believes that this provision is adequate and is therefore retaining it in the final regulations.

The agency has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA carefully analyzed the economic effects of the proposal before its publication in the **Federal Register.** A threshold assessment supporting the conclusion that the proposed rule, if finalized, would not be a major rule under Executive Order 12291 and that neither a regulatory flexibility analysis nor a regulatory impact analysis would be required is on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. No comments on the proposal addressed its economic impact. The agency believes that its original conclusions are still valid.

The preamble to the proposal stated, erroneously, that the reporting requirements of this final rule are subject to clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Because the recordkeeping and reporting requirements of the final rule will affect fewer than 10 firms, they are not subject to OMB clearance under the Paperwork Reduction Act of 1980.

List of Subjects in 21 CFR Part 7

Administrative practice and procedure, Consumer protection, Infant formula recalls.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190-1192 (21 U.S.C. 350a, 371(a))) and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), Part 7 of Title 21 of the Code of Federal Regulations is amended by adding new Subpart D to read as follows:

PART 7—ENFORCEMENT POLICY

Subpart D—Infant Formula Recalls

Sec.
7.70 Scope and effect.
7.71 Elements of an infant formula recall.
7.72 Reports about an infant formula recall.
7.73 Termination of recall.
7.74 Revision of recall.
7.75 Compliance with this subpart.

Authority: Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190-1192 (21 U.S.C. 350a, 371(a)).

Subpart D—Infant Formula Recalls

§ 7.70 Scope and effect.

(a) The criteria in this subpart apply

to a recall of an infant formula initiated by a manufacturer under section 412(d) of the act. The requirements of this subpart apply only when a manufacturer has determined to remove from the market an infant formula that has been distributed, that is no longer subject to the control of the manufacturer, and that is in violation of the laws and regulations administered by the Food and Drug Administration and against which the agency could initiate legal or regulatory action. The Food and Drug Administration will monitor continually the recall action and will take appropriate actions to ensure that the violative infant formula is removed from the marketplace.

(b) The failure of a recalling firm to comply with the regulations of this subpart is a prohibited act under section 301(s) of the act.

§ 7.71 Elements of an infant formula recall.

A recalling firm shall conduct an infant formula recall with the following elements:

(a) The recalling firm shall evaluate in writing the hazard to human health associated with the use of the infant formula. This health hazard evaluation shall include consideration of any disease, injury, or other adverse physiological effect that has been or that could be caused by the infant formula and of the seriousness, likelihood, and consequences of the disease, injury, or other adverse physiological effect.

(b) The recalling firm shall devise a written recall strategy suited to the individual circumstances of the particular recall. The recall strategy shall take into account the health hazard evaluation and specify the following: the depth of the recall; if necessary, the public warning to be given about any hazard presented by the infant formula; the disposition of the recalled infant formula; and the effectiveness checks that will be made to determine that the recall is carried out.

(c) The recalling firm shall promptly notify each of its affected direct accounts about the recall. The format of a recall communication shall be distinctive and the content and extent of a recall communication shall be commensurate with the hazard of the infant formula being recalled and the strategy developed for the recall. The recall communication shall instruct consignees to report back quickly to the recalling firm about whether they are in possession of the recalled infant formula and shall include a means of doing so. The recall communication shall also advise consignees of how to return the recalled infant formula to the manufacturer or otherwise dispose of it. The recalling firm shall send a followup recall communication to any consignee that does not respond to the initial recall communication.

(d) The recalling firm shall furnish promptly to the appropriate Food and Drug Administration district office listed in § 5.115 of this chapter, as they are available, copies of the health hazard evaluation, the recall strategy, and all recall communications directed to consignees, distributors, retailers, and members of the public.

§ 7.72 Reports about an infant formula recall.

(a) *Telephone report.* When a determination is made that an infant formula is to be recalled, the recalling firm shall promptly telephone the appropriate Food and Drug Administration district office listed in § 5.115 of this chapter and shall provide relevant information about the infant formula that is to be recalled.

(b) *Initial written report.* Within 14 days after the recall has begun, the recalling firm shall provide a written report to the appropriate Food and Drug Administration district office. The report shall contain relevant information, including the following cumulative information concerning the infant formula that is being recalled:

(1) Number of consignees notified of the recall, and date and method of notification.

(2) Number of consignees responding to the recall communication and quantity of recalled infant formula on hand at the time it was received.

(3) Quantity of recalled infant formula returned or corrected by each consignee contacted and the quantity of recalled infant formula accounted for.

(4) Number and results of effectiveness checks that were made.

(5) Estimated time frames for completion of the recall.

(c) *Status reports.* The recalling firm shall submit to the appropriate Food and Drug Administration district office a written status report on the recall at least every 14 days until the recall is terminated. The status report shall describe the steps taken by the recalling firm to carry out the recall since the last report and the results of those steps.

§ 7.73 Termination of recall.

The recalling firm may submit a recommendation for termination of the recall to the appropriate Food and Drug Administration district office listed in § 5.115 of this chapter for transmittal to the Division of Regulatory Guidance, Bureau of Foods, for action. Any such recommendation shall contain information supporting a conclusion that the recall strategy has been effective. The agency will respond within 15 days of receipt by the Division of Regulatory Guidance, Bureau of Foods, of the request for termination. The recalling firm shall continue to implement the recall strategy until it receives final written notification from the agency that the recall has been terminated. The agency will send such a notification unless it has information, from FDA's own audits or from other sources, demonstrating that the recall has not been effective. The agency may conclude that a recall has not been effective if:

(a) The recalling firm's distributors have failed to retrieve the recalled infant formula.

(b) Stocks of the recalled infant formula remain at the distribution level from which the infant formula was recalled.

§ 7.74 Revision of recall.

If after a review of the recalling firm's recall strategy, health hazard evaluation, or periodic reports or other monitoring of the recall, the Food and Drug Administration concludes that the actions of the recalling firm are deficient, the agency shall notify the recalling firm of any serious deficiency. The agency may require the firm to:

(a) Change the depth of the recall, if the agency believes on the basis of the available scientific data that the health hazard of the recalled infant formula is greater than that described in the health hazard evaluation, or if the agency concludes that the depth of recall is not adequate in light of the health hazard evaluation submitted by the firm.

(b) Carry out additional effectiveness checks, if the agency's audits, or other information, demonstrate that the recall has not been effective.

(c) Issue additional notifications to the firm's direct accounts, if the agency's audits, or other information, demonstrate that the original notifications were not received, or were disregarded, in a significant number of cases.

§ 7.75 Compliance with this subpart.

A recalling firm may satisfy the requirements of this subpart by any means reasonably calculated to meet the obligations set forth above. The recall guidelines in Subpart C of Part 7 specify procedures that may be useful to a recalling firm in determining how to comply with these regulations.

Effective date. June 1, 1982.

(Secs. 412, 701(a), 52 Stat. 1055, 94 Stat. 1190–1192 (21 U.S.C. 350a, 371(a)))

Dated: April 9, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: April 12, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-11752 Filed 4-29-82; 8:45 am]

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federal register

Friday
April 30, 1982

Part IX

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1983

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1983

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of the Wheat Industry Council Budget for Fiscal Year 1983.

SUMMARY: This notice presents the proposed July 1982 through June 1983 budget of the Wheat Industry Council. Publication of budget information in the **Federal Register** is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to allow the wheat end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund a wheat research and nutrition education program, an opportunity to reserve the right to seek a refund of assessments paid.

FOR FURTHER INFORMATION CONTACT: Lowry Mann, Livestock, Meat, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2650.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program. This notice contains the second annual budget of the Wheat Industry Council—the organization responsible for carrying out the program.

Prior **Federal Register** documents concerning Wheat and Wheat Foods Research and Nutrition Education include: (1) Decision and Order published December 14, 1979 (44 FR 72866); (2) Final Order published May 5, 1980 (45 FR 32572); (3) Rules and Regulations published April 21, 1981 (46 FR 22882); and (4) Wheat Industry Council budget for Fiscal Year 1982 published June 1, 1981 (46 FR 29450).

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order authorizes a program of research and nutrition education for wheat and wheat based foods to be administered by a 20-member Wheat Industry Council. In October 1980 the Secretary of Agriculture appointed the initial 20-member Wheat Industry Council which is divided equally among representatives of producers, processors, end product manufacturers, and consumers. USDA's Agricultural Marketing Service monitors the program.

The Order requires that all non-exempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limits the assessments to 1 cent per hundredweight during the first 2 years of the program. Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products are not assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all non-exempt wheat end product manufacturers to register with the Wheat Industry Council, Suite 203, 6000 Executive Boulevard, Rockville, Maryland 20852 (Phone: (301) 984-1300). Any firms have not yet registered must register as soon as possible. Assessments of 1 cent per hundredweight of processed wheat purchased began to accrue as of the first day of each non-exempt firm's first accounting period beginning on or after June 1, 1981. Assessments were due and payable to the Wheat Industry Council on or before the 30th day following the end of the first reporting period and are due on a quarterly basis thereafter.

The Rules and Regulations provide that wheat and product manufacturers who wish to reserve the right to request refunds of assessments paid during the Council's upcoming fiscal year must submit such notification to the Wheat Industry Council by registered or certified mail within 60 days after publication of this notice in the **Federal Register.** In order to receive a refund of assessments paid, an end product manufacturer must first reserve that right, then pay the assessment, complete the refund portion of the assessment-refund form, and submit the completed form to the Council within 60 days after the end of the quarter or other reporting period during which the assessment obligation accrued.

This document includes a summary of the Wheat Industry Council's plans and projects for research and nutrition education based on research. The Act and the Order restrict Council activities to research and nutrition education based on research and provide that individual projects must be approved by the U.S. Department of Agriculture before they are implemented.

Nutrition education is defined in the Act and the Order as "any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products." A proponent of the Order described the scope of the Council's authority to engage in nutrition education based on research at the public hearing on the Order as follows: " * * * nutrition education activities must be based on the results of research (whether conducted by the Wheat Industry Council or others). They would not include promotion efforts based solely on the desirability of wheat, processed wheat or end products. Such activities that encourage consumption for its own sake without imparting any knowledge of nutritional facts or economic value are clearly not intended under the Act and its legislative history, and they would not be included under this definition."

The Wheat Industry Council budget for Fiscal Year 1983 is as follows:

WHEAT INDUSTRY COUNCIL

[July 1, 1982 to June 30, 1983, Budget]

Income:		
Assessments		$700,000
Expenditures, Program Expenditures—Nutrition Education:		
Consumer		335,532
National spokesman or spokeswoman, Training, placement of national spokesperson on TV in five major markets	$47,500	
Regional spokesman and spokeswomen, Special orientation, placement of 18 to 20 regional spokespersons on three media appearances each and development of audio-visual materials for use by spokespersons	77,000	

WHEAT INDUSTRY COUNCIL—Continued

[July 1, 1982 to June 30, 1983, Budget]

Nutrition education literature, Writing and production of source book and development of brochures for distribution to public		55,000	
Press materials and conferences, Prepare press kits, informational packets and news releases to be used at three national press conferences		33,000	
Radio Vignettes, Write and produce 12 vignettes, 2½ to 3 minutes in length, distribute		23,000	
Mat Releases, Write, produce, and distribute articles to daily and weekly newspapers, includes photography		39,032	
Press clippings, Use of clipping service to pick up all releases		8,000	
Agency, Nutrition consultants, advisors, free lance writers, and media placement		58,000	
Industry Relations			22,000
Quarterly newsletter, postage, and labels		2,000	
Print and mail budget and brochure stating purpose, objectives, and program activities		5,000	
Design and develop materials for special industry functions		15,000	
Compliance and Administrative Expenditures			281,468
Salaries/Benefits		117,000	
Personnel costs	$106,000		
Fringe benefits	11,000		
Rent		18,000	
Insurance, liability		668	
Telephone		7,200	
Office equipment		3,500	
Office supplies/xeroxing		3,500	
Printing/artwork		7,700	
Postage		3,500	
Lockbox		500	
Council meetings		22,000	
Travel expenses		13,000	
Legal Fees		2,000	
Memberships and subscriptions		900	
Audit		2,000	
USDA—charges		80,000	
Loan Repayment			61,000
Grand total, expenditures			700,000

Done at Washington, D.C. April 27, 1982.

William T. Manley,

Acting Administrator.

[FR Doc. 81-11633 Filed 4-29-82; 8:45 am]

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federal register

Friday
April 30, 1982

Part X

Department of Agriculture

Food and Nutrition Service

National School Lunch Program, State Administrative Expense Funds; Revisions to Interim Assessment Improvement and Monitoring Systems (AIMS)

DEPARTMENT OF AGRICULTURE

7 CFR Parts 210 and 235

National School Lunch Program, State Administrative Expense Funds; Revisions to Interim Assessment Improvement and Monitoring System (AIMS)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim Rule.

SUMMARY: On September 26, 1980, the Department published the interim Assessment, Improvement, and Monitoring System (AIMS) in the **Federal Register** (45 FR 64068). AIMS is a management tool designed to assess school lunch program management, foster improvement in program management, monitor the use of Federal funds, and protect the nutritional integrity of meals served under the program. After implementation of AIMS and during the initial phase of the public comment period, several comments were received from State agencies and Regional Offices which suggested methods to simplify the interim AIMS rule and facilitate further implementation of that rule. This interim rule responds to those State agency and Regional Office suggestions and to recent legislative changes mandated by Pub. L. 97-35.

DATE: Effective July 1, 1982. To be assured of consideration, comments must be postmarked on or before (60 days after publication). In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and/or recordkeeping requirements that are included in § 210.14(a)(4)(1) of this interim rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

ADDRESS: Comments should be sent to Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS-USDA, Alexandria, Virginia 22302. All written submissions will be available for public inspection in Room 509, 3101 Park Center Drive at the address listed above, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, at the above address or by calling (703) 756-3620. The draft impact analysis describing the options considered in developing this interim rule is available from School Programs Division at the above address.

SUPPLEMENTARY INFORMATION:

Classification

This interim rule has been reviewed under Executive Order 12291 and has not been classified as "major" because it does not meet any of the three criteria identified in the Executive Order. The rule will not have an annual effect on the economy of $100 million or more, it is expected to decrease administrative costs for State and local levels; and it is not expected to have a significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

This interim rule has been reviewed with regard to the requirements of Pub. L. 96-354. The Administrator of the Food and Nutrition Service, has certified that this interim rule does not have a significant economic impact on a substantial number of small entities. This rule is expected to simplify the AIMS requirements currently placed on State agencies. In addition, this rule will reduce the reporting and recordkeeping burden facing local and State agencies.

Background

AIMS was designed to assess school lunch program management; foster improvement in program management; monitor the use of Federal funds; and protect the nutritional integrity of meals served under the program.

In order to achieve these goals, the following five performance standards were established for monitoring each school's administration of the program:

(1) *Certification*—All applications for free and reduced price meals are correctly approved or denied.

(2) *Claims*—The numbers of free and reduced price meals claimed for reimbursement in each school are less than or equal to the number of children in that school correctly and currently approved for free and reduced price meals, respectively, times the days of operation for the reporting period.

(3) *Counting*—The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both the School Food Authority (SFA) and school levels yields correct claims.

(4) *Components*—Meals claimed for reimbursement contain food components as required by regulations.

(5) *Costs*—Reimbursement claimed for meals is limited to allowable costs as documented by reviewable records.

The interim rule provided the States the option of using a review system or an audit system to monitor compliance with these performance standards. If the review option is chosen, Performance Standards 1-4 are reviewed. If the audit option is chosen, all five performance standards are covered. State agencies (SA) may combine the review and audit systems to meet the AIMS requirements and may utilize these systems on a School Food Authority (SFA) or performance standard basis.

Under the review option, all SFAs must receive a first AIMS review every four years. A second review is required of all large SFAs and 25 percent of the small SFAs if one or more of the following tolerances are exceeded on the first review:

(1) *Certification*—10 percent or more of the free and reduced price applications reviewed in a SFA were incorrectly approved or denied;

(2) *Claims*—a specified number of schools reviewed in a SFA claim more free or reduced price meals than the correctly and currently approved applications on file;

(3) *Counting*—a specified number of schools reviewed in a SFA do not have an adequate counting system or the SFA does not use valid procedures for consolidating claims; or

(4) *Components*—10 percent or more of the total meals observed in a SFA are missing one or more components.

If a SFA exceeded any of the above tolerances, it would be required to formulate a corrective action plan and it would also be eligible for a second review. The SA is encouraged to take fiscal action on the first AIMS review. If, however, a SFA violates Performance Standard 3 by incorrectly compiling individual meal counts into a consolidated claim, fiscal action must be taken on the first review. Should a second review of the SFA take place, schools must be chosen on a random basis.

In addition to fiscal action for any degree of violation of Performance Standards 2 through 4 is required on the second review. If error tolerances are exceeded on the second review, the corrective action plan must be amended and extended. The State agency must inform FNSRO of the type and extent of regulatory violations on the second review for referral to the Office of Inspector General, USDA.

Under the audit option, all SFAs must be reviewed once every two years. Since no second review or corrective action plan is required, fiscal action is required for any degree of violation for Performance Standards 2 through 5. In

addition, the State Agency is required to: (a) Document an approved system for achieving corrective action in its State Plan; (b) use the USDA audit guide or have its State audit guide approved by the USDA Office of the Inspector General; and (c) select schools within a SFA based upon generally accepted audit principles.

Rationale for Changes to Interim AIMS

The above-described interim rule provided for public comment through June 30, 1981. This public comment period was extended to December 31, 1981, to enable commentors to gain additional operating experience.

In comments received thus far, State agencies and Regional Offices have indicated some concerns regarding the interim AIMS rule, including: (a) The duplication of effort and complexity of the AIMS audit option and inconsistent coverage of Performance Standard 5 (not covered if the review option is chosen); (b) the increased workload imposed on the reviewer resulting from the requirement that *all* applications be reviewed under Performance Standard 1; (c) the inflexibility imposed by the requirement to select schools randomly for second reviews; and (d) the adverse impact of the Performance Standard 1 error tolerance level on small SFAs.

In addition to the changes resulting from these concerns, the Omnibus Reconciliation Act of 1981 (OMA), Pub. L. 97-35, enacted on August 13, 1981, requires three major changes to the National School Lunch Program which affect AIMS implementation. These changes include: (a) The elimination of the State Plan requirement for all School Nutrition Programs except State Administrative Expense Funds (SAE) (section 812, OMA); (b) the elimination of most references to cost and cost based accountability for the National School Lunch and School Breakfast Programs (sections 801 and 819, OMA); and (c) extension of eligibility for cash reimbursement to schools which, in the past, were limited to the receipt of commodities (section 813, OMA). Each of these changes are addressed in separate regulatory actions.

In June 1981, FNS established a Regulatory Task Force on Review/Oversight to review, among other issues, the AIMS interim rule. The Task Force made several recommendations. FNS has considered those recommendations and has determined that this interim rule would be the appropriate vehicle to implement, to varying degrees, three of the four recommendations. Those recommendations include: (a) Allow State agencies to use statistically valid random sampling in the review of free and reduced price meal applications. One hundred percent of the applications would be reviewed on second reviews only in the event that an error rate greater than 10 percent is found in the initial sampling; (b) allow State agencies to choose the schools for a second AIMS review based on State established criteria rather than on a random basis; and (c) allow State agencies to extend from 60 to 90 days the required time for submission of the AIMS corrective action plan with States empowered to extend the timeframes beyond 90 days with justification to the Regional Office.

A fourth recommendation would allow State agencies to implement AIMS or develop their own compliance system as part of the State Plan. FNS believes that consideration of this recommendation should be delayed until the preparation of a final AIMS rule. FNS would like to allow the State agencies and local SFAs sufficient time to gain operational insight into the interim rule prior to making such a major change. In addition, the statutory elimination of the State Plan would require a reassessment of this recommendation.

In order to give all interested parties an opportunity to provide their views, we are again publishing these changes as interim rules and soliciting comments prior to making the AIMS regulations final. Further changes to the AIM System will be addressed in future rulemaking.

Changes to the Interim Rule

As a result of the commentor concerns, legislative changes, and Task Force recommendations, this interim rule amends the AIMS interim rule (45 FR 64068). The amendments provide for the following:

1. *Elimination of Performance Standard 5*—Pub. L. 97-35 eliminates most of the cost accounting requirements for the National School Lunch Program (NSLP). Deletion of this standard will resolve concerns regarding duplicate coverage in monitoring allowable costs by AIMS, State audit, and OMB audit requirements.

2. *Changes Performance Standard 1 to require a review of the number of children whose applications were correctly approved or denied.* Performance Standard 1 currently requires that "All applications for free and reduced price meals are correctly approved or denied." Several operational difficulties have come to our attention which have arisen because of the wording of this performance standard.

When conducting reviews, some States are considering an incorrectly approved application as one error, despite the fact that the application covers more than one child. Some or all of the children listed on the application may attend the school under review. In practice, an incorrectly approved application which covers four children actually results in four meals served to ineligible children, if all four children attend the school under review. Similarly, an incorrectly denied application would deprive those four children of meals to which they are entitled. Therefore, the wording of Performance Standard 1 is changed to clarify its meaning. Performance Standard 1 is changed to read as follows: "Each child's application for free or reduced price meals is correctly approved or denied."

In reviewing this standard, reviewers must determine the number of children attending the school under review whose applications for free or reduced price meals were correctly approved or denied and how many were incorrectly approved or denied.

3. *Changes the error tolerance level for Performance Standard 1.* The error tolerance level for Performance Standard 1 must be revised to reflect the preceding change in the performance standard. Rather than monitoring an application regardless of the number of children it represents, the standard will assess the eligibility of each child represented on the application. In addition to this change, the tolerance level is being changed to provide relief to small SFAs with less than 100 free and reduced price applicants. The error tolerance level will now be considered exceeded if the greater of 10 children or 10 percent of all children listed on reviewed applications and attending reviewed schools in the SFA are incorrectly approved or denied for free or reduced price meal benefits.

4. *Provides State agencies the option of reviewing a statistically valid sample of children for whom application is made on AIMS reviews or audits.* This rule will provide State agencies the option of reviewing the eligibility of all children for whom application is made or reviewing a statistically valid sample of such children on AIMS reviews or audits. This approach is intended to save reviewers and auditors time, particularly in schools with a large number of free and reduced price applicants, while ensuring substantiation of fiscal action. State agencies selecting this option must ensure that, at a minimum, the sample size is large enough so that there is a 95 percent chance that the actual error rate is not less than 2 percentage points less

than the error rate found in the sample (i.e., the lower bound of the one-sided 95 percent confidence interval is no more than two percentage points less than the point estimate). State agencies will assess the need for a second review and base fiscal action on the error rate found in the sample (i.e., point estimate). State agencies selecting this option must maintain documentation of compliance with these requirements at the State agency office for review by FNS Regional staff. Guidance will be provided by FNS upon request. This provision responds to commentor concerns and Task Force recommendations.

5. *Allows State agencies to determine school selection criteria for a second review.* This rule responds to Task Force recommendations and commenter concerns regarding the inflexibility of the interim provision that required State agencies to select schools for a second review by random sampling. This rule will allow schools to be selected according to State agency criteria rather than random sample. This approach encourages the maximum use of limited State agency resources and provides the flexibility requested by State agencies. The Department, however, strongly encourages State agencies to return to those schools evidencing the most serious problems on the first review.

6. *Extends AIMS coverage to commodity only schools.* In the past, commodity only schools were eligible for only surplus removal (Section 32) and price support (Section 416) commodities. They were not eligible to receive commodities that the Department purchases on the open market specifically to meet school preferences (Section 6), nor were they guaranteed any specific level of commodity assistance. They received no cash assistance. They were required to meet some nutritional requirements, but those requirements were much broader than the requirements for schools in the National School Lunch Program (NSLP). Section 813 of Public Law 97-35 radically changed the nature of commodity-only schools (hereafter, called commodity schools). Commodity schools are now eligible for Section 6 commodities, have a specified level of commodity assistance, receive special cash assistance for free and reduced price meals, and must meet the nutritional requirements prescribed for schools in the NSLP. The one major distinction between commodity schools and NSLP schools is that commodity schools receive extra commodities equal in value to the national average level of general cash assistance (Section 4) in place of the general cash assistance. Previously, "commodity-only" schools were not covered by the AIMS rule. Since the requirements of Parts 210 are being applied to commodity schools, they are now bound by the AIMS requirements.

7. *Extends the timeframes for submission of the corrective action plan.* The AIMS interim rule § 210.14(a)(v)(C) requires that the corrective action "plan shall be written, signed by the School Food Authority, and submitted to and approved by the State agency within 60 days following the exit conference of a review." The Task Force recommended that 90 days should be provided for the approval of the corrective action plan with States empowered to extend the time beyond 90 days with justification to and approved by FNSRO. FNS concurs with the Task Force's recommendation in the expectation that more comprehensive and thoughtful plans can be developed.

8. *Miscellaneous.* This rule also amends the regulations to ensure that AIMS requirements and, as a result, the AIMS discretionary SAE allocation formula apply only to those SFAs participating in the National School Lunch Program and the Commodity School Program.

List of Subjects

7 CFR Part 210

Food assistance programs, National School Lunch Program, Grant programs—social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 235

Food assistance programs, National School Lunch Program, School Breakfast Program, Special Milk Program, Grant administration, Intergovernmental relations, Reporting and recordkeeping requirements, Administrative practice and procedure.

Accordingly, for the reasons set out in the preamble, Parts 210 and 235 of Chapter II of Title 7, Code of Federal Regulations are amended as set forth below.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. Section 210.2 is amended by removing paragraph (b-3)(5) and by revising paragraphs (b), (b-1), the introductory text of paragraph (b-3) and paragraphs (b-3)(1), (b-4), (h-6) and (q-2) as follows:

§ 210.2 Definitions.

* * * * *

(b) "AIMS" means the Assessment, Improvement and Monitoring System. This is a management improvement system used in the National School Lunch Program and the Commodity School Program.

(b-1) "AIMS Audits" means on-site evaluations of all School Food Authorities participating in the National School Lunch Program or Commodity School Program, by State auditors or State contracted auditors once every two years, with a minimum of 33⅓ percent of all School Food Authorities being reviewed in the first year of the first two year AIMS cycle, for compliance with AIMS Performance Standards 1 through 4, and which are conducted in accordance with USDA's audit guide or an audit guide approved by FNS and USDA's Office of the Inspector General.

* * * * *

(b-3) "AIMS Performance Standards" means the following four standards which measure compliance with existing regulations: (1) Each child's application for free and reduced price meals is correctly approved or denied; * * *

(b-4) "AIMS reviews" means on-site evaluations of all School Food Authorities participating in the National School Lunch Program or Commodity School Program once every four years by the State agency or State auditors with at least 20 percent of all School Food Authorities reviewed in each of the first two years of the first four year cycle, for compliance with the AIMS Performance Standards and follow-up reviews as required.

* * * * *

(h-6) "Large School Food Authority" means (1) Any School Food Authority participating in the National School Lunch or Commodity School Programs with an enrollment of 40,000 students or more; and (2) In any State with less than two School Food Authorities participating in the National School Lunch or Commodity School Programs with an enrollment of 40,000 students or more, each of the two largest School Food Authorities in the State that have enrollments of at least 2,000 students.

* * * * *

(q-2) "Small School Food Authority" means a School Food Authority participating in the National School Lunch or Commodity School Programs which is not a large School Food Authority.

* * * * *

2. Section 210.14 is amended by revising the second and third sentence of paragraph (a)(3) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * * States using a combination of AIMS reviews and AIMS audits to monitor for compliance with performance standards shall review/audit AIMS Performance Standards 1–4. In the course of an AIMS review or audit, the State agency shall: analyze local approval procedures for free and reduced price meals, determine the adequacy of the application process by an examination of the eligibility determination for a statistically valid sample of or for all children for whom application is made attending the schools reviewed, ensure that the sample size is large enough so that there is a 95 percent chance that the error rate is not less than 2 percentage points less than the error rate found in the sample (i.e., the lower bound of the one-sided 95 percent confidence interval is no more than two percentage points less than the point estimate) and assess the need for a second review and base fiscal action upon the point estimate, and ensure that the system to update applications is adequate; * * *

* * * * *

3. Section 210.14 is amended by removing the last two sentences of paragraph (a)(3)(iii) and adding the following sentence to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * *

(iii) * * *

On a second AIMS review, the State agency shall choose schools using State agency criteria, which may include random selection.

* * * * *

4. Section 210.14 is amended by revising paragraph (a)(3)(iv)(A) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * *

(iv) * * *

(A) For AIMS Performance Standard 1, either 10 or 10% or more, whichever is greater, of the children listed on reviewed applications and attending reviewed schools in a SFA are incorrectly approved or denied for free or reduced price meal benefits; and/or

* * * * *

5. Section 210.14 is amended by revising paragraph (a)(3)(v)(C) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * *

(v) * * *

(C) The plan shall be written, signed by the School Food Authority, and submitted to and approved by the State agency within 90 days following the exit conference of a review. State agencies may extend this deadline, for cause, with written justification to and approval by FNSRO.

* * * * *

6. Section 210.14 is amended by revising the second sentence of paragraph (a)(3)(vii) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * *

(vii) * * * If the State agency chooses this option, the audit must ensure that the four performance standards listed under § 210.2 of this part are being complied with by the audited School Food Authority * * *

* * * * *

7. Section 210.14 is amended by revising paragraphs (a)(3)(vii) (C) and (D) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(3) * * *

(vii) * * *

(C) take fiscal action against a School Food Authority for any degree of violation for performance standards 2 through 4 using its own methodology which reflects the longevity and severity of the problem; (D) have a documented system for achieving corrective action; * * *

* * * * *

8. Section 210.14 is amended by revising the third sentence of paragraph (a)(4)(i) to read as follows:

§ 210.14 Special responsibilities of State agencies.

(a) * * *

(4) * * *

(i) * * * Additionally, the State agency must have on file: (A) its criteria for selecting schools on first and second reviews, if the selection is not random; (B) its system for selecting small School Food Authorities for second review; and (C) documentation demonstrating compliance with the statistical sampling requirements specified in § 210.14(a)(3).* * *

* * * * *

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

1. Section 235.4 is amended by revising paragraph (b)(3)(ii) and the portion of the first sentence of paragraph (b)(3)(iv) up to the first proviso to read as follows:

§ 235.4 Allocation of funds to States.

* * * * *

(b) * * *

(3) * * *

(ii) The ratio of the number of School Food Authorities participating in the National School Lunch or Commodity School Programs within the State to such School Food Authorities in all States times twenty (20) percent of the funds designated by FNS for AIMS.

* * * * *

(iv) Equal shares of twenty (20) percent of the funds designated by FNS for AIMS for each School Food Authority participating in the National School Lunch or Commodity School Programs which has an enrollment of 40,000 or more; *Provided, however,* * * *

* * * * *

(Catalog of Federal Domestic Assistance Program Nos. 10.555 and 10.560)

(Sec. 7(a), Pub. L. 95–627, 92 Stat. 3622, 42 U.S.C. 1751)

Signed on April 27, 1982.

Samuel J. Cornelius,

Administrator, Food and Nutrition Service.

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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.

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 April 20, 1982