Government contractor or subcontractor.

(d) A contractor may be suspended for any of the above causes based on a suspension by another agency where the original suspension does not have Government-wide effect.

§ 1–1.606–3 Procedures.

(a) *Investigation and referral.* Each agency shall prescribe procedures for the prompt reporting, investigation, and referral to the the debarring official of matters appropriate for that official's consideration.

(b) *Decision-making process.*

(1) Each agency shall prescribe procedures governing its suspension decision-making process, which shall be as informal as practicable, consistent with principles of fundamental fairness. These procedures shall afford the contractor (and any specifically named affiliates) an opportunity, following the imposition of suspension, to submit, in person, in writing or through a representative, information and argument in opposition to the suspension.

(2) In actions not based on an indictment or a suspension by another agency, if it is found that the contractor's submission in opposition raises a dispute over facts material to the suspension and if no determination has been made, on the basis of advice received from the Department of Justice or a state prosecuting official, that substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced, fact-finding shall be conducted. The official conducting fact-finding shall:

(i) Afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the agency presents; and

(ii) Ensure that a record of the fact-finding is transcribed and made available at cost to the contractor upon request, unless the contractor and the agency, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of suspension.* When contractors and any specifically named affiliates are suspended, they shall be informed immediately by certified mail return receipt requested, as follows:

(1) A decision to suspend has been made and that the suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government, or (ii) seriously reflecting on the propriety of further Government dealings with the contractor; any such irregularities shall be described in terms sufficient to place the contractor on notice without disclosing Government evidence.

(2) The suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue.

(3) The cause(s) relied upon under § 1–1.606–2 for imposing suspension.

(4) The effect of the suspension (see §§ 1–1.604–1(a) and 1–1.606–1(d)).

(5) The contractor, within 30 days after receipt of the notice, may submit, in person, in writing or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts.

(6) Fact-finding to determine disputed material facts will be conducted unless (i) the action is based on an indictment or another agency's suspension or (ii) a determination is made, on the basis of the advice of a Department of Justice or a state prosecuting official, that the substantial interests of the Government or the state in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(d) *Suspending official's decision.*

(1) In actions (i) based on an indictment or a suspension by another agency, (ii) in which the contractor's submission does not raise a dispute over material facts; or (iii) in which fact-finding to determine disputed material facts has been denied on the basis of the advice of the Department of Justice or a state prosecuting official, the suspending official's decision shall be based on all the information in the administrative record, including any submission made by the Contractor.

(2) In actions in which fact-finding is necessary as to disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(ii) The suspending official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(3) The suspending official may modify or terminate the suspension or leave it in force (see § 1–1.605–4(c)) for the reasons for terminating or reducing the period or extent of debarment). However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other agency or the imposition of debarment by any agency.

(4) A prompt written notice of the suspending official's decision shall be sent to the contractor by certified mail, return receipt requested.

1–1.606–4 Period of suspension.

(a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in § 1–1.606–4.

(b) If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General or a state prosecuting official requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice or the state prosecuting official of the proposed termination of the suspension, at least 30 days before the 12-month period expires to give that agency an opportunity to request an extension.

1–1.606–5 Scope of suspension.

The scope of suspension shall be the same as that for debarment (see § 1–1.605–5), except that the procedures in § 1–1.606–3 shall be used in imposing the suspension.

§ 1–1.607 Agency coordination.

When more than one agency has an interest in the debarment or suspension of a contractor, consideration shall be given to designating one agency as the lead agency for making the decision. Agencies are encouraged to establish methods and procedures for coordinating their debarment or suspension actions.

Ray Kline,

Acting Administration of General Services.

[FR Doc. 82–27208 Filed 10–1–82; 8:45 am]

BILLING CODE 6820–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-854; RM-3898]

FM Broadcast Station in Sebewaing and Tawas City, Michigan; Changes Made in Table Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 280A to Sebewaing, Michigan, and substitutes Chanel 257A for Channel 280A at Tawas City, Michigan, in response to a petition filed by Gaeth/Hofmeister, Inc. Station WKJC, on Channel 280A at Tawas City, is modified to specify operation on the newly-assigned channel. The assignment at Sebewaing could provide a first local aural service to that community.

DATE: Effective November 29, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 17, 1982.

Released: September 27, 1982.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sebewaing and Tawas City, Michigan), BC Docket No. 81-854 RM-3898.

1. The Commission herein considers the *Notice of Proposed Rule Making and Order to Show Cause*, 46 Fed. Reg. 61677, published December 18, 1981, proposing the assignment of Channel 280A to Sebewaing, Michigan, as its first FM assignment, and the substitution of Channel 257A for Channel 280A at Tawas City, Michigan. Comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. Comments and a request for hearing were filed by Carroll Enterprises, Inc. ("Carroll"), licensee of FM Station WKJC, Tawas City, Michigan, to whom the *Order to Show Cause* was directed. Petitioner and Carroll filed reply comments.

2. Sebewaing,[1] in Huron County, is located approximately 150 kilometers (95 miles) north of Detroit. It presently is devoid of local service.

3. As stated in the *Notice*, petitioner's engineering study revealed that the proposed assignment of Channel 280A to Sebewaing would provide a first FM (and a second nighttime aural) service to 943 persons in an area comprised of 30 square kilometers (11.8 square miles), and a second FM service to 3,005 persons in an area of 168 square kilometers (64.8 square miles).

4. Since there is no FM channel available which could be assigned to Sebewaing without changing existing assignments at other communities, petitioner urges the substitution of Channel 257A for 280A at Tawas City, Michigan (occupied by Station WKJC), as a technically feasible means of providing Sebewaing with a first assignment with the least disturbance to existing assignments and stations. Its showing demonstrates that Channel 280A would meet technical requirements for assignment and use at Sebewaing, if deleted at Tawas City, provided a site restriction of 5 miles is imposed. Additionally, it established that Channel 257A would be a technically satisfactory replacement for Channel 280A at Tawas City since it could be utilized from the present WKJC transmitter site.

5. In response to the *Notice and Order to Show Cause*, Carroll requested a hearing, or alternatively suggested that it be reimbursed by the petitioner herein, who could then seek reimbursement by the ultimate Sebewaing licensee (should another party receive the permit) or it suggested that all applicants place reimbursement monies in escrow pending a decision. If the Commission is unwilling to grant this relief, it requests that it not be required to switch until a permit is granted at Sebewaing. In its comments petitioner advises of its willingness to reimburse Carroll for reasonable expenses in accordance with Commission policy, if it is granted a license for Channel 280A at Sebewaing.

6. In reply comments, Carroll asked that the proceeding be dismissed because it could not find a submission of comments from Gaeth/Hofmeister after a search of the records. However, the Commission did receive a statement from petitioner in accordance with the Commission's filing requirements which require us to deny Carroll's motion to dismiss.

7. Based on the provision of a first local and a first and second service to outlying areas, we find that the assignment of Channel 280A to Sebewaing is warranted. We also have substituted channels at Tawas City consistent with our normal practice of making the change effective at its license expiration date of October 1, 1982. In view of our action delaying the modification of license of Station WKJC, a hearing will not be necessary. See, *Transcontinent Television Corporation* v. *F.C.C.*, 308 F. 2d 339 (D.C. Cir. 1962).

8. Established Commission policy provides for reimbursement for reasonable costs of a channel change in a station's frequency from the party benefitting from a new channel assignment. We believe that equitable considerations dictate that Carroll should be reimbursed for such costs from the ultimate Sebewaing permittee. Assisted by guidelines which we have furnished in similar cases, such as *Circleville, Ohio*, 8 F.C.C. 2d 159 (1967), the appropriate costs constituting a "reasonable" reimbursement figure are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of disagreement. See also, *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976).

9. Additionally, as to Carroll's alternate request to be permitted to operate Station WKJC on its present channel until such time as a construction permit is issued for the Sebewaing channel, we shall grant that request. See, *International Falls, Minnesota*, 49 R.R. 2d 1083 (1981); *Knoxville, Tennessee, et al.*, 78 F.C.C. 2d 1208, 47 R.R. 2d 1063 (1980); and *Mayfield and Wickliffe, Kentucky, et al.*, 48 R.R. 2d 1232 (1981). We cannot expect a prospective applicant to expend money for reimbursement before it is assured the permit for the channel. See also, *Muncie, Indiana*, 38 R.R. 2d 1327 (1976). Carroll must specify Channel 257A in its renewal application for Station WKJC although it may continue to operate on the existing channel until such time as a construction permit is issued to the ultimate Sebewaing licensee or until Channel 280A (or an adjacent channel) is needed for assignment and use elsewhere. Once the construction permit is issued, Carroll will be expected to complete the frequency change for Station WKJC expeditiously.

10. As explained in the *Notice*, the instant proposal requires a site restriction of 8 kilometers (5 miles) northeast of Sebewaing to avoid short-spacing on the co-channel to Station WOAP-FM, Owosso, Michigan. Further, the proposed allocation of Channel 280A

[1] In view of the Commission's recent adoption of the *Second Report and Order* in BC Docket No. 80-130, 90 F.C.C. 2d 88 (1982), *In the Matter of Revision of FM Assignment Policies and Procedures*, the inclusion of population figures, as well as demographic data are not required for this proposal.

to Sebewaing, Michigan, will create a short-spacing of 24 kilometers (15 miles) to a Canadian allocation on the co-channel at Sarnia, Ontario. However, the Canadian Government has given its concurrence in the proposal.

11. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, that effective November 29, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Sebewaing, Michigan	280A
Tawas City, Michigan	[2]257A, 269A

[2]Effective 3 A.M. local time, October 1, 1982 (concurrently with the expiration of the outstanding license for Station WKJC on Channel 280A at Tawas City, Michigan), or such earlier date as Station WKJC may, upon its request, cease operation on Channel 280A.

12. It is further ordered, pursuant to the authority contained in section 316(a) of the Communications Act of 1934, as amended, that the outstanding license for Station WKJC, held by Carroll Enterprises, Inc. at Tawas City, Michigan is modified effective October 1, 1982, to specify operation on Channel 257A in lieu of Channel 280A, with the condition it will be reimbursed for the the reasonable costs incurred in switching frequencies from the ultimate permittee of Channel 280A at Sebewaing. The renewal application of Station WKJC for the license period commencing October 1, 1982, shall specify operation on Channel 257A. In addition, it shall comply with the following conditions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with section 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to section 1.1301 of the Commission's rules.

13. It is further ordered, That the Secretary of the Commission shall send a copy of this Order by certified mail, return receipt request, to Carroll Enterprises, Inc., 523 Meadow Road, Tawas City, Michigan 48763, and also a copy thereof, by regular mail to its attorney, Julian P. Freret, Esq. of Booth and Freret, 1302–18th Street, N.W., Washington, D.C. 20036.

14. It is further ordered, That the request of Carroll Enterprises, Inc. for a hearing pursuant to section 1.87 of the Commission's rules, is dismissed.

15. It is further ordered That this proceeding is terminated.

16. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–27214 Filed 10–1–82; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 82–124; RM–3782; RM–4107]

FM Broadcast Station in Honolulu, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns three Class C channels to Honolulu, Hawaii, in response to a petition filed by KHVH, Inc.

DATE: Effective November 22, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: September 17, 1982.

Released: September 23, 1982.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Honolulu, Hawaii), BC Docket No. 82–124, RM–3782, RM–4107.

1. Before the Commission is a *Notice of Proposed Rule Making*, 47 FR 10603, published March 3, 1982, proposing the assignment of Class C Channels 253, 258 and 262 to Honolulu, Hawaii. Comments were filed by KHVH, Inc. ("petitioner") and by O'Day Broadcasting Company (licensee of Station KORL (AM), Honolulu), both stating their interest in a Class C channel at Honolulu.[1] Additionally, O'Day Broadcasting submitted a counterproposal. The petitioner filed reply comments.

2. O'Day's counterproposal favors changing the system of allocating frequencies only for Hawaii to a different system in view of the recent Commission's action making some 50 FM channels available for assignment to Hawaii (General Docket 80–710, 87 F.C.C. 2d 962 (1981)). Their suggested procedure would eliminate the rule making process to first assign a channel and then permit applications specifying the assigned frequency. Rather, O'Day would favor having the Commission accept applications for one of the newly available channels immediately and without an allocation. O'Day alleges that its proposal could quickly and efficiently meet those demands for allocations, whereas, under the existing system, a costly, time-consuming and resource wasting comparative hearing would be required to determine the ultimate permittee for an assigned channel. It feels that the two step allocation process in Hawaii is unnecessary with 50 additional channels available for assignment. As an alternative to the present system, O'Day urges the Commission to issue a Notice of Proposed Rule Making to amend § 1.401(d) with regard to Hawaii. However, should the Commission find it necessary to retain the present allocation procedure for Hawaii, it should issue a Notice of Rule Making and cutoff, advising that it proposes to assign FM channels to the extent that it deems necessary—equal to the number of commenting parties indicating their intent to apply for a channel.

3. Petitioner supports the counterproposal (without prejudice to its petition), either as an alternative to its proposal or as a means of assigning channels throughout the State of Hawaii, if and when the demand arises. Petitioner notes that the *Notice* invited further proposals for additional assignments to Honolulu, and in effect, the Commission would seemingly anticipate suggestions similar to the demand approach, stated in O'Day's counterproposal.

4. The *Notice* indicated that additional assignments could be made to Honolulu, based on demand. The intent of the *Notice* was merely to direct any party

[1]In response to the *Notice* comments were also filed by (1) Richard A. Bowers and Thomas F. Muller, requesting the assignment of Channel 256 to Waimea, Hawaii (BC Docket 82–483) (47 FR 35498, published August 10, 1982); (2) by KDEO Associates (licensee of Station KDEO (AM), Waipahu, Hawaii), requesting that one of the proposed allocations for Honolulu be assigned to Waipahu (RM–4111); and (3) by Mauna Kea Broadcasting Company, requesting the reassignment of Channel 242 from Kailua to Honolulu, Hawaii (see BC Docket 82–542, 47 FR 36247, published August 19, 1982). These requests are being considered in separate rule makings since they involve other communities.

interested in utilizing one (or more) of the newly allocated channels in Hawaii, to express that desire in comments (as a counterproposal). It was not the Commission's intent to suggest a different system of applying for new allocations. That determination is a matter outside the scope of the proceeding. It should have been raised in General Docket 80–710, *supra.*

5. Three parties have expressed an interest in operating a Class C facility in Honolulu (KHVH, Inc., O'Day Broadcasting Company and Windward Broadcasting Company).[2] Based on this interest, the Commission is persuaded that the public interest would be served by granting the three Class C assignments, as proposed in the *Notice.*

6. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, that effective November 22, 1982, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Honolulu, Hawaii	226, 230, 234, 238, 248, 253, 258, and 262.

7. It is further ordered, That the counterproposal filed by O'Day Broadcasting Company, is denied.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Montrose H. Tyree, Broadcast Bureau (202) 632–7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82–27213 Filed 10–1–82; 8:45am]

BILLING CODE 6712–01–M

[2] Windward Broadcasting Company participated at an earlier stage and did not file comments in response to our *Notice.*

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–176]

Rail Reorganization Trustees; Organization and Delegation of Powers and Duties

AGENCY: Transportation (DOT).

ACTION: Final rule.

SUMMARY: Department of Transportation (DOT) delegates to the General Counsel of the Department the authority to recommend nominees for the position of trustee of a railroad in reorganization.

DATE: This amendment becomes effective October 4, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

The 1978 codification of the Bankruptcy Act (Pub. L. 95–598; November 6, 1978; 92 Stat. 2549) changed the procedure for selecting the trustee in a railroad reorganization. When a railroad files a petition for reorganization under Chapter 11, the Secretary of Transportation is required to submit to the court considering the petition a list of five candidates from which the court (or the United States Trustee) selects the trustee. (See 11 U.S.C. 1163, 151163) (Under prior law, the court appointed the trustee subject to confirmation by the Interstate Commerce Commission.) Since this authority relates basically to legal proceedings, it is being delegated to the General Counsel of the Department.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

PART 1—[AMENDED]

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended in § 1.57, by adding a new paragraph (q) at the end thereof to read as follows:

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to—

* * * * *

(q) Submit to the court considering a railroad's petition for reorganization under Chapter 11 of the Bankruptcy Act a list of five candidates to serve as trustee, under 11 U.S.C. 1163; and to submit such list of candidates to the appropriate United States Trustee, under 11 U.S.C. 151163.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on September 20, 1982.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 82–27265 Filed 10–1–82; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing the Madison Cave Isopod as a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Madison Cave Isopod (*Antrolana lira*) to be a Threatened species. This action is being taken because this species, which is restricted to a single cave and adjacent fissure in Augusta County, Virginia, is threatened by vandalism and mercury pollution. The rule provides protection to wild populations of this species.

DATE: This rule becomes effective on November 3, 1982.

ADDRESSES: Questions concerning this action may be addressed to: Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: For further information on this final rule, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

On October 6, 1980, the Service published a proposed rule in the **Federal Register** (45 FR 66410–66411) advising that sufficient evidence was on file to support a determination that the Madison Cave isopod was a Threatened species pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). That proposal summarized the factors thought to be contributing to the likelihood that the Madison Cave isopod could become Endangered within the foreseeable future. The earliest known collection of the Madison Cave isopod was made on August 23, 1958, by Dr. Thomas Barr of the University of Kentucky. The species was described and named in 1964 (*International Journal of Speleology,* Vol. 1, pp. 229–236 and plates) by Dr. Thomas E. Bowman of the Smithsonian

Institution. This species has been found only in three small pools of water in Augusta County, Virginia (Holsinger, 1979). Two of these pools are in Madison Cave and the other is in a small nearby fissure. This unique species is the only member of the genus *Antrolana*. Madison Cave has considerable historical significance. The continued existence of this species is threatened by human visitation to the cave and mercury pollution in the South River (Bolgiano, 1980). The proposed rule also specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections, and factual information from any interested person. Included in this proposal was a summary of the status of this species.

A recent study of the Madison Cave isopod (Collins, 1982) has added much to our knowledge of the natural history of this species and confirmed the threats outlined in the Service's proposal of Threatened status for the species.

The Madison Cave isopod was proposed as a Threatened species on January 12, 1977, in a publication in the **Federal Register** (42 FR 2507–2515). That proposal was withdrawn on December 10, 1979 (44 FR 70796–70797) as a result of changes in listing procedures directed by the 1978 amendments to the Endangered Species Act. Subsequent to the withdrawal, the Service received oral communications from the owner of Madison Cave on the condition of the cave and from Dr. John Holsinger of Old Dominion University on the results of his then recent field studies. Also subsequent to the withdrawal, the Service received a report on mercury contamination of the South River (Bolgiano, 1980) which has underground connections with the pools that are the habitat of the Madison Cave isopod. This report and these communications provided significant new information on which the Services reproposal of Threatened status for the Madison Cave isopod on October 6, 1980 (45 FR 66410–66411) was based.

A letter was sent to Governor Dalton of the Commonwealth of Virginia on October 8, 1980, notifying him of the proposed rulemaking for the Madison Cave isopod. On October 6–10, 1980, letters were sent to appropriate Federal agencies, local governments and other interested parties notifying them of the proposal and soliciting their comments and suggestions. Official comments were received from the Office of the Secretary of Commerce and Resources of the Commonwealth of Virginia and the Office of the Chief of Engineers of the Department of the Army.

Summary of Comments and Recommendations

In the October 6, 1980, **Federal Register** proposed rule (45 FR 66410–66411) all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rule.

All public comments received during the period October 6, 1980, through January 5, 1981, were to be considered.

A comment from the Office of the Secretary of Commerce and Resources of the Commonwealth of Virginia, on behalf of Governor Dalton, acknowledged the receipt of the proposal and stated that it had been forwarded to the approprate State officials. No further comments were received from the State.

Office of the Chief of Engineers of the Department of the Army commented that they have no current projects in the vicinity of the Madison Cave isopod's habitat. They further state that the effect of a potential project, the Verona Dam and Lake, would be investigated should study of that potential project be reactivated. The Service responds that detrimental effects of this project, should it be reactivated, on the Madison Cave isopod or its habitat would be unlikely. The project site is on a tributary of the South Fork Shenandoah River that has little or no influence on the locality of the Madison Cave isopod.

Comments in support of listing the Madison Cave isopod as Threatened were received from Dr. John R. Holsinger of Old Dominion University and Dr. Thomas E. Bowman of the National Museum of Natural History. Dr. Holsinger agreed with the Service's decision not to designate Critical Habitat for this species. Dr. Bowman described the great scientific value of this species and emphasized the need to protect its habitat.

After a thorough review and consideration of all the available information, the Director has determined that the Madison Cave isopod (*Antrolana lira*) is Threatened throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

The summary of factors affecting the species, as required by Section 4(a) of the Act and published in the **Federal Register** of October 6, 1980 (45 FR 66410–1), are reprinted below.

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Unauthorized visitation to Madison Cave has resulted in trash accumulation and siltation in the pools of water that are the habitat of the Madison Cave isopod. In addition, persons standing on the steep talus banks of the pools cause the clay talus to creep into the pools (Holsinger, 1979). These factors are reducing the size and quality of the very limited habitat of this species.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable to this species.

3. *Disease or predation.* Not applicable to this species.

4. *The inadequacy of existing regulatory mechanisms.* There are no known local, State, or Federal laws that protect this species.

5. *Other natural or man-made factors affecting its continued existence.* This species is exposed to mercury contamination from the nearby South River (Bolgiano, 1980). Since the water level changes in the pools occupied by the Madison Cave isopod are correlated with those in the South River (Holsinger, 1979), there is apparently a subterranean connection between the pools and river. The original source of the mercury pollution was an E. I. du Pont de Nemours and Company factory at Waynesboro, Virginia, which is no longer active.

Critical Habitat

Designation of Critical Habitat for the Madison Cave isopod would not be prudent. A major threat to this species is visitation of Madison Cave. Designation of Critical Habitat would require publication of a map and a precise description of the locality. Advertising the location of the cave to the general public would likely increase the incidence of unauthorized visitation.

Effect of This Proposal

Regulations published in Title 50 CFR 17.31 set forth a series of general prohibitions and exceptions which apply to all Threatened animal species. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Threatened species under certain circumstances. Regulations governing permits for animals, fish, and wildlife are found at 50 CFR 17.32.

All of these prohibitions and exceptions apply to the Madison Cave isopod through 50 CFR 17.31, except for a special rule promulgated at 50 CFR 17.46 which would allow taking of the species for scientific purposes without Federal permits.

This rule requires Federal agencies to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Madison Cave isopod. Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document 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.*) Based on a review of information received from local landowners, the Cave Commission and State Water Control Board of the Commonwealth of Virginia, the U.S. Army Corp of Engineers, and the Farmer's Home Administration, no adverse economic effects are expected to result from this action.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

No adverse effects on small entities within the area affected by the rule have been identified and none are expected. No direct costs, enforcement costs, or information collection and recordkeeping requirements are imposed on small entities by the designation.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file at 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Primary Author

The primary author of this rule is Dr. Steven M. Chambers, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

References

Bolgiano, R. W. 1980. Mercury contamination of the South, South Fork Shenandoah, and Shenandoah Rivers. Virginia State Water Control Board Basic Data Bulletin 46.

Bowman, T. E. 1964. *Antrolana lira*, a new genus and species of troglobitic cirolanid isopod from Madison Cave, Virginia. International Journal of Speleology 1:229–236.

Collins, T. L. 1982. An ecological study of the troglobitic cirolanid isopod, *Antrolana lira* Bowman, from Madisons Saltpetre Cave and Stegers Fissure, Augusta Co., Virginia.

Faust, B. 1964. Saltpetre caves and Virginia history. Econo Print, Falls Church, Virginia.

Holsinger, J. R. 1979. Freshwater and terrestrial isopod crustaceans (Order Isopoda). Proceedings of the Endangered and Threatened Plants and Animals of Virginia Conference, 1978.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammal, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

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

§ 17.11 [Amended]

1. Section 17.11(h) is amended by adding the following, in alphabetical order under "CRUSTACEANS," to the list of animals.

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Crustaceans:							
Isopod, Madison Cave	*Antrolana lira*	U.S.A. (VA)	N/A	T	122	N/A	17.46

2. § 17.46 is amended by adding a new paragraph (a) as follows:

§ 17.46 Special rules—crustaceans.

(a) Madison Cave isopod (*Antrolana lira*).

(1) All provisions of § 17.31 (a) and (b) apply to this species except that it may be taken for scientific purposes without Federal permits issued pursuant to these regulations: *Provided,* that all other Federal, State, or local laws, regulations, ordinances or other restrictions or limitations have been complied with.

* * * * *

Dated: September 16, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-27223 Filed 10-1-82; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 23

Export of American Ginseng Taken in 1982–84 Seasons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final findings and rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty regulating the international trade of certain wildlife and plant species. Exports of wildlife or plants listed in Appendix II of CITES may occur if a Scientific Authority has advised a permit-issuing Management Authority that such exports will not be detrimental to the survival of the speicies, and if a Management Authority is satisfied that the wildife or plants were not obtained in violation of laws for their protection. American ginseng (*Panax quinquefolius*) is listed on CITES Appendix II.

This notice announces final findings by the Scientific and Management Authorities for the United States concerning the export of American ginseng (*Panax quinquefolius*). These are final determinations on the export of specimens taken in the 1982–84 harvest seasons. Such findings are made on a State-by-State basis.

DATE: These findings are effective on October 4, 1982.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Material received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, at the Office of the Scientific Authority, room 536, 1717 H Street, N.W., Washington, D.C., or at the Federal Wildlife Permit Office, room 621, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:
Scientific Authority Findings—Mr. Joseph J. Dowhan, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 653–5948.
Management Authority Findings—Mr. S. Ronald Singer, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (703) 235–2418.
Export Permits—Ms. Susan Lawrence, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C., 20240, telephone (703) 235–1903.

SUPPLEMENTARY INFORMATION: This is the last of three notices concerning the Service's findings on export of American ginseng taken in the 1982–84 seasons. The first notice (47 FR 14664–14666; April 5, 1982) announced the Service's intention to develop findings on export of specimens of ginseng and other species and invited comment on the guidelines that it proposed to use in making such findings. The second notice (47 FR 38369–38373; August 31, 1982) announced the proposed export findings for each species ln a State-by-State basis. The present notice establishes final export findings for American ginseng based on current information about its population status, management, harvest, and State controls.

Information Considered

For American ginseng, the Service sought the following information in its August 31, 1982, proposal, regarding each affected State:

1. Historic, present, and potential distribution of ginseng on a county basis, using county outline maps, and indicating the source(s) and accuracy of this information. Include also the distribution of preferred habitat on a regional or Statewide basis, indicating recent trends in loss or protection of habitat.

2. Approximate number or density of ginseng populations per county or region, and the approximate number of all known ginseng localties in the State, including also the source of this information.

3. Average population size (i.e., "stand" or "patch") or local abundance of wild ginseng on a county or regional basis in the State, indicating the source(s), general reliability and accuracy of the information. Include also any changes from previous years or differences from historical population sizes.

4. An assessment of population trends on a county or regional basis indicating whether populations of ginseng are believed to be increasing, decreasing, stable, extirpated or unknown. Include source(s) and general reliability and accuracy of this information.

5. Assessment of harvest intensity on a county or regional basis indicating whether the relative intensity is heavy, moderate, light, none, or unknown, and any changes from previous years. Provide also the known or estimated number of ginseng collectors in the State.

6. A county map showing those counties in which ginseng is reported to be commercially cultivated. Include figures on the amount of cultivated ginseng reported to be harvested annually and certified for export from the State.

7. Average number of roots per pound harvested, preferably on a county or regional basis or, if these are not available, on a Statewide basis. Include also an assessment of any trend in root sizes or number of roots per pound over previous years.

8. Describe the State's current research program on ginseng and its progress, including a summary of results so far obtained.

9. Describe harvest practices, including regulations on length of harvest season, any harvest restrictions such as size and age of collected plants, and any seed planting requirements.

10. Information concerning, or a copy of, State law or regulation on: (a) State registration of dealers (cost of registration, season of operation for dealers), (b) dealer maintenance of records, (c) dealer reporting system of ginseng commerce, (d) State certification of legal ginseng take, (e) samples of 1982 dealer certificates, and (f) samples of diggers license, giving cost of license and dates of harvest season.

11. Describe State official certification system for wild and cultivated ginseng legally harvested within the State, including controls to minimize uncertified ginseng from moving into or from the State.

12. Name, address, and telephone number of the State staff person to contact concerning those information needs.

Scientific Authority Advice

American ginseng *(Panax quinquefolius)* is listed on CITES Appendix II. CITES regulates international trade in species included in Appendix II through a system of permits issued by designated Management Authorities in each party nation. Export permits are to be issued only if a Management Authority receives advice from a Scientific Authority that the export will not be detrimental to the survival of the species.

The Endangered Species Act of 1973, as amended in 1979, designates the Secretary of the Interior as both Management Authority and Scientific Authority of the United States for purposes of CITES. These functions are carried out by the Fish and Wildlife Service. Management Authority responsibilities are delegated to the Associate Director-Federal Assistance. Scientific Authority responsibilities are delegated to the Associate Director-Research.

Criteria for Scientific Authority advice were elaborated in the May 26, 1981, **Federal Register.** Advice on the export of American ginseng and other Appendix II species addressed in these findings is given in a general way, applicable to any specimens harvested in particular States in a given season, rather than on a permit-by-permit basis. The reasons for this practice are that (1) the individual exporters who apply for permits are unable to supply much information about the sources of specimens or the effect of their harvest on the populations of the species, (2) the species in question are subject to commercial exploitation, and it would be burdensome to both the industry and the Service to make separate Scientific Authority decisions on each of the many permits, and (3) the development of general advice on a State-by-State basis enables the Service to conduct a comprehensive review of the status of the species in question and the effect of international trade on its survival.

Advice based on such a review is more meaningful than it would be if it were based only on information supplied in connection with individual permit requests.

General criteria used by the Service in determining if export will not be detrimental to the survival of a species are as follows:

1. Whether similar export has occurred in the past and has not reduced the numbers or distribution of the species, nor caused signs of ecological or behavioral stress within the species, or in other species of the affected ecosystem.

2. Whether life history parameters of the species and the structure and function of its ecosystem indicate that the present frequency of export will not appreciably reduce the numbers or distribution of the species, nor cause signs of ecological or behavioral stress within the species or in other species of the affected ecosystem.

3. Whether such export is expected to increase, decrease, or remain constant in frequency.

The Service is applying these criteria in advising on whether export of ginseng will not be deterimental to the survival of the species by evaluating (1) information from each State on past, present, and potential geographic distribution, relative frequency, local abundance, population trends, and harvest intensities on a county-by-county basis, and (2) State research and management programs for this species, including a limited harvest season.

As described in the April 5, 1982, notice (47 FR 14664–14666), the Service is using information complied beginning in 1977 to justify multi-year findings under CITES. Even though multi-year findings are made, the Service will continue to monitor the status of ginseng each year, and will retain the option of revising the findings at any time if new information shows compelling reason for a change.

The OSA has determined that the export of ginseng harvested in the following States during the 1982–84 seasons will not be detrimental to the survival of the species: Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Management Authority Findings

Exports of Appendix II species are to be allowed under CITES only if a Scientific Authority has advised that they will not be detrimental to the survival of the species, and if a Management Authority is satisfied that the animals or plants were not obtained in contravention of laws for their protection.

Management Authority criteria for approval of American ginseng exports, on a State-by-State basis, are that the State has adopted the following regulatory measures: (1) State registration of dealers purchasing ginseng in the State, (2) Requirements that such dealers maintain records of their commerce in ginseng and report their ginseng commerce to the State at specified intervals, and (3) Certification by State officials of ginseng shipped from the State, to authenticate that the ginseng was lawfully taken from wild or cultivated sources within the State.

In 1980, the Service announced that the Management Authority would approve export of artificially propagated ginseng only from the States approved for export of wild-collected ginseng because they had the programs necessary to document the source of the plants (45 FR 80444; December 4, 1980). The Service is continuing this practice, but it will also approve the export of artificially propagated ginseng from other States if they can provide similar documentation to minimize the risk that wild-collected plants are exported as cultivated.

Furthermore, in the notice of August 31, 1982 (47 FR 38369–38373), the Service explained that it was strengthening the "Certification of Legal Take" requirement for ginseng moved from the State of origin. This is being done because experience has shown the value of a State official personally inspecting and certifying ginseng leaving the State of origin. It is by such an inspection of ginseng roots and records of ginseng commerce that the State official can document that the roots in question were legally taken from the wild or were artificially propagated in that State.

Recognizing that certain States might not be able to implemeant such a certification program this season, the Service will accept, for the 1982 harvest season only, other forms of State certification that were approved for the 1981 harvest season.

Beginning with the 1983 harvest season, all States seeking export approval for their wild or cultivated American ginseng will be required to have a legally mandated ginseng program that includes, among items discussed in "Information Considered", provisions for a State official to examine and certify all ginseng moved from the State of origin. This certification must include verification of the State of origin, legal taking, year of take, weight of shipment, whether wild or artificially propagated, date of certification, shipment number, dealer's State registration number, and signatures of both the dealer and State official certifying the ginseng.

It was decided to grant multi-year export approval (1982–84) only to those States having a current ginseng program that included a State inspection and certification system and otherwise now satisfied the criteria of both the Scientific and Management Authorities. Those States are Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated only), and Virginia. States satisfying all criteria of both the Scientific and Management Authorities, except for the State inspection and certification system, will be granted export approval only for the 1982 season. States approved only for 1982 export may not be granted further export approval until a legally mandated ginseng program is developed. Those States are Arkansas, Illinois, Indiana, Iowa, Maryland, Ohio, Missouri, Tennessee, West Virginia, and Wisconsin.

Export Approval

The Service approves export of ginseng lawfully taken during the 1982–84 seasons in the following States, on the grounds that both Scientific Authority and Management Authority criteria have been met:

Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated only) and Virginia.

The Service approves export of ginseng lawfully taken during the 1982 (only) season in the following States:

Arkansas, Illinois, Indiana, Iowa, Maryland, Ohio, Missouri, Tennessee, West Virginia, and Wisconsin.

The Service does not grant general approval for exports of American ginseng taken from any other State during the 1982–84 harvest seasons. For all other States not named above, either the taking of American ginseng is not allowed by the State during 1982–84 seasons, the species does not occur in the State, or the State did not provide the Service with information on which to base Scientific Authority and Management Authority findings. The Service does not grant general approval for international export of American ginseng from such States.

Information from States and records of the Service's evaluation of this information are available for public inspection at the Office of the Scientific Authority (for Scientific Authority advice) or at the Federal Wildlife Permit Office (for Management Authority findings).

The Service holds the view that every attempt should be made to provide the public with the greatest possible opportunity to comment on regulations. On April 5, 1982, the Service published a preliminary notice (47 FR 14664–14666) of its intent to propose findings on American ginseng and other Appendix II species taken during the upcoming harvest season, providing the largest period possible for public comment. On August 31, 1982, the Service published proposed findings (47 FR 38369–38373) for these species, limiting the comment period on ginseng to 20 days in the opinion that a longer period would be impractical and contrary to the public interest. It was also recognized that time would be of the essence to publish final findings at the close of that comment period.

The findings announced in this notice are effective immediately. It is the Service's opinion that a delay in the effective date of these regulations after this final rulemaking is published could

affect the harvest season already begun in several States and adversely impact State conservation programs for this species by, for example, reducing compliance with State certification and documentation requirements. The Service, therefore, finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Based on a review and evaluation of information contained in the attached Environmental Impact Assessment, I have determined that the final findings on the export of American ginseng taken in the 1982–84 seasons are not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on this proposal is not required.

This rule is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.;* 87 Stat. 884 as amended), and was prepared by Joseph J. Dowhan, Office of the Scientific Authority, telephone (202) 653–5948, and S Ronald Singer, Federal Wildlife Permit Office, telephone (703) 235–2418.

Note.—The Department has determined that this is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601). For ginseng, exporters normally derive their product from the ginseng harvest in a number of States. Therefore, the approval or disapproval of export from any one State would not significantly affect the industry.

List of subjects in 50 CFR 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (agriculture), Treaties.

Accordingly, Part 23 of Title 50, Code of Federal Regulations, is amended as set forth below:

PART 23—ENDANGERED SPECIES CONVENTION

Subpart F—Export of Certain of Certain Species

1. In § 23.51, add new paragraph (e) as follows:

§ 23.51 American ginseng (*Panax quinquefolius*)

* * * * *

(e) *1982 through 1984 harvests:* Georgia, Kentucky, Minnesota, North Carolina, Vermont (artificially propagated ginseng only), and Virginia.

1982 harvest only: Arkansas, Illinois, Indiana, Iowa, Maryland, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to State of origin and season of collecting. Wild and artificially propagated roots must be certified by the State as legally collected and such certification must be presented upon export.

Dated: September 22, 1982.

G. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-27207 Filed 10-1-82; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 2510-94]

Inspection and Certification; Fees and Charges

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final Rule.

SUMMARY: This rulemaking revises the fiscal year 1982 rates for voluntary Department of Commerce fishery product grading and certification services. This increase in rates is due to increased program costs.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard V. Cano, Chief, Inspection Services Branch, Seafood Research, Inspection and Consumer Services Division, National Marine Fisheries Service, Washington, D.C. 20235, Phone: (202) 634–7458.

SUPPLEMENTARY INFORMATION: On October 1, 1981, the President, by Executive Order *12330* (46 FR 50921), increased the rates of basic pay of General Schedule employees by 4.8 percent. Title 50 CFR 206.81(a) requires that the hourly rates for inspection fees automatically be increased on the effective date of the pay adjustment by an amount equal to the increase received by the average General Schedule grade level of fishery product inspectors receiving such pay increases. In addition, during the previous year this Agency has incurred added costs for increased inspector training, equipment replacement, and other administrative expenses.

This rulemaking amends the existing regulations to reflect the added costs of the fiscal year 1982 General Schedule pay increase and the additional administrative costs associated with providing fishery product grading and certification services.

Executive Order 12291

An initial determination has been made that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. It is anticipated that these increases will not have a significant economic effect on producers, packers and consumers.

Regulatory Flexibility Act

Since this rulemaking applies exclusively to agency contracts for fishery product inspection services, it is exempt from the notice and comment provisions and therefore, is not subject to the provisions of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act of 1980.

Background

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), § 260.70 of Part 260, Inspection and Certification, is hereby amended by adjusting the rates for fees and charges to provide for the recovery of increased costs to the voluntary Fish and Fishery Products Inspection Program.

List of Subjects in 50 CFR Part 260

Food grades and standards, Food labeling, Seafood.

In § 260.70, paragraphs (b)(1), (2), (3), and (d) introductory text and table, and paragraph (d)(2) are revised as follows:

§ 260.70 Schedule of fees.

* * * * *

(b)(1) Type I—Official establishment and product inspection—contract basis: