Federal Register
Vol. 47, No. 24
Thursday, February 4, 1982

Presidential Documents

Title 3—

The President

Executive Order 12345 of February 2, 1982

Physical Fitness and Sports

By virtue of the authority vested in me as President of the United States of America, and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to expand the program for physical fitness and sports and to continue the President's Council on Physical Fitness and Sports, it is hereby ordered as follows:

Section 1. The Secretary of Health and Human Services shall, in carrying out his responsibilities for public health and human services, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

(a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and others in efforts to promote and improve the fitness of all Americans through regular participation in physical fitness and sports activities.

(b) Initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance.

(c) Strengthen coordination of Federal services and programs relating to physical fitness and sports participation and invite appropriate Federal agencies to participate in an interagency committee to coordinate physical fitness and sports activities of the Federal establishment.

(d) Encourage State and local governments to emphasize the importance of regular physical fitness and sports participation.

(e) Seek to advance the physical fitness of children, youth, adults, and senior citizens by systematically encouraging the development of community recreation, physical fitness, and sports participation programs.

(f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.

(g) Stimulate and encourage research in the areas of sports medicine, physical fitness, and sports performance.

(h) Assist educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.

(i) Assist recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental, and emotional fitness.

(j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.

Sec. 2. *President's Council on Physical Fitness and Sports.* (a) There is hereby continued the President's Council on Physical Fitness and Sports.

(b) The Council shall be composed of fifteen members appointed by the President. The President shall designate one of the members to be the Chairman.

Sec. 3. *Functions of the Council.* (a) The Council shall advise the President and the Secretary concerning progress made in carrying out the provisions of this Order and shall recommend to the President and the Secretary, as necessary, actions to accelerate progress.

(b) The Council shall advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities.

(c) The Council shall also advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

Sec. 4. *Administrative Provisions Concerning the Council.* (a) The Secretary and the Council are authorized to request from any Federal agency such information or assistance deemed necessary to carry out their functions under this Order.

(b) Each Federal agency is authorized, to the extent permitted by law and within available funds, to furnish such information and assistance to the Secretary and the Council as they may request.

(c) The members of the Council shall serve without compensation for their work on the Council. However, members of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service (5 U.S.C. 5701–5707).

(d) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.

(e) The Secretary shall appoint an Executive Director of the Council.

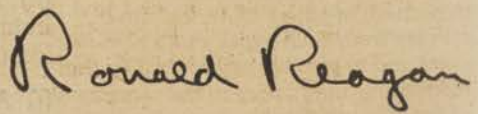
(f) The seal prescribed by Executive Order No. 10830 of July 24, 1959, as amended, shall continue to be the seal of the President's Council on Physical Fitness and Sports continued by this Order.

Sec. 5. *General Provisions Concerning the Council.*

(a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, shall be performed by the Secretary in accordance with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Council shall terminate on December 31, 1982, unless sooner extended.

(c) Executive Order No. 11562, as amended, is revoked.



THE WHITE HOUSE,
February 2, 1982.

[FR Doc. 82-3126
Filed 2-2-82; 3:19 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 24
Thursday, February 4, 1982

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Domestic Quarantine Notices; Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms amendments to the gypsy moth and browntail moth quarantine and regulations which quarantined the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia because of the gypsy moth; designated a certain area within Arkansas as a gypsy moth high-risk area; and designated certain areas within California, Nebraska, Oregon, Washington, and West Virginia as gypsy moth low-risk areas. These amendments are necessary to help prevent the artificial spread of the gypsy moth. The effect of these amendments is to impose restrictions on the interstate movement of gypsy moth regulated articles from such gypsy moth high-risk area, and to provide official notice that restrictions may apply to the movement of gypsy moth regulated articles from gypsy moth low-risk areas.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT:
T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 635, Federal Building, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendments have been determined to be not a "major rule" under Executive Order 12291 and Secretary's Memorandum 1512–1. Based on information compiled by the Department, it has been determined that the amendments will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect 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 appears that almost all of the activities to be regulated under the amendments would relate to the movement of gypsy moth regulated articles from gypsy moth high-risk areas and low-risk areas.

The amendments impose restrictions on the interstate movement of gypsy moth regulated articles from a certain area in Arkansas designated as a gypsy moth high-risk area. It appears that very few, if any, regulated articles are likely to be moved from the area designated as a high-risk area, except for articles moved from one nursery.

The amendments also impose restrictions on the movement of gypsy moth regulated articles from gypsy moth low-risk areas only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession of the article has been so notified by an inspector. It appears that the gypsy moth low-risk areas should have few regulated articles to be inspected under this criteria.

Alternatives were considered in connection with the amendments. In this connection, consideration was given concerning (1) whether to retain the amendments or (2) whether to remove the amendments. Alternative (1) is adopted because it appears that it is necessary to help prevent the interstate spread of the gypsy moth.

Further, it appears that there is no feasible alternative to consider regarding the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that fewer than 6 small entities move such articles interstate from the specified areas in those States. Further, this action will cause no significant economic impact on other types of small entities.

Background

In a document published in the **Federal Register** on October 2, 1981 (46 FR 48627–48629), the Department issued an interim rule amending the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45 *et seq.*) by quarantining the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia because of the gypsy moth; by designating a certain area in Arkansas as a gypsy moth high-risk area; and by designating certain areas in California, Nebraska, Oregon, Washington, and West Virginia as gypsy moth low-risk areas.

The document of October 2, 1981, invited interested persons to submit written comments concerning the amendments on or before December 1, 1981. No written comments were received.

The document of October 2, 1981 also included a notice of a public hearing concerning the amendments. Pursuant to

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 amendments and did not suggest any changes.

The factual situations which were set forth in the document of October 2, 1981, still provide a basis for the amendments. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on October 2, 1981.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162; 37 FR 28464, 28477), as amended (38 FR 19141))

Done at Washington, D.C., this 1st day of February 1982.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-2874 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 4]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises the minimum grade requirements for Florida seedless grapefruit and imported seedless grapefruit by requiring fresh shipments to meet the external requirements of Improved No. 2 grade and the internal requirements of U.S. No. 1 grade. Currently, such shipments are only required to meet Improved No. 2 grade. The change in minimum grades recognizes the quality of the remaining supply of grapefruit and is consistent with the current and prospective demand for grapefruit in the interest of growers and consumers.

EFFECTIVE DATE: February 8, 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 action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been this notice, a public hearing was held on November 3, 1981, in St. Louis, Missouri. One oral comment was presented at the public hearing by a representative of the Arkansas State Plant Board. The comment was in support of the because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information.

The minimum grade requirements, specified herein, reflect the committee's and the Department's appraisal of the need to revise the grade requirements applicable to Florida seedless grapefruit in recognition of the recent freeze in Florida. The freeze resulted in some fruit damage throughout the production area. A more restrictive internal grade requirement (U.S. No. 1) will aid in preventing both domestic and export shipment of freeze damaged fruit. Specification of such requirement assures that the available supply of marketable fruit reaches the consumer.

Under section 8e of the Act (7 U.S.C. 608e-1), whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Thus, grade requirements for imported white and pink seedless grapefruit will also change to conform to the grade requirements for domestic shipments of Florida white and pink seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

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 amendment is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. Handlers have been apprised of such provisions and the effective date.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, it is found that the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6) (46 FR 60170; 60411; 61441; 47 FR 589) are amended by revising the entries in Table I paragraph (a), applicable to domestic shipments, and the entries in Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
*	* * * * * *		*
Grapefruit:			
Seedless, except pink.	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
Seedless, pink	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
*	* * * * * *		*

(b) * * *

TABLE II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
*	* * * * * *		*
Grapefruit:			
Seedless, except pink.	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal)	3 3/16

TABLE II—Continued

Variety	Regulation period	Minimum grade	Minimum diameter (in.)
(1)	(2)	(3)	(4)
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
Seedless, pink	Feb. 8 to Aug. 22, 1982	Improved No. 2 (external) U.S. No. 1 (internal).	3 3/16
	On and after Aug. 23, 1982	Improved No. 2	3 3/16
*	* * * *	* *	*

* * * * * * *

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

Dated: January 29, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-2875 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1004

[Milk Order No. 4; Docket No. AO-160-A57]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changing present provisions of the Middle Atlantic milk order is based on industry proposals which were considered at a public hearing held in September 1981. The amendments reduce for part of the year the proportion of receipts at a distributing plant which must be disposed of as Class I milk, while increasing the percentage of producer milk which may be diverted to nonpool plants. Also, plants that process the market's reserve milk supplies and meet pool performance requirements during certain months of the year will be automatically qualified for pooling for the remaining months. The amendments are necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective March 1, 1982.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of hearing: Issued August 18, 1981; published August 21, 1981 (46 FR 42486).

Order Suspending Certain Provisions: Issued September 30, 1981; published October 6, 1981 (46 FR 49102).

Recommended Decision: Issued November 25, 1981; published December 1, 1981 (46 FR 58337).

Final Decision: Issued January 8, 1982; published January 14, 1982 (47 FR 2118).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1982. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued November 25, 1981, and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued January 8, 1982. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1982, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the

handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA; ORDER AMENDING ORDER

1. In § 1004.7 paragraphs (a) and (e) introductory texts are revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(a) A plant from which during the month a volume not less than 40 percent in the months of September through February, and 30 percent in the months of March through August, of its receipts described in paragraph (a) (1) or (2) of this section is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area.

* * * * *

(e) Subject to the conditions of paragraph (e)(1) of this section, a plant that was qualified pursuant to paragraph (b), (c), or (d) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b), (c), or (d):

* * * * *

2. In § 1004.12 paragraphs (d)(2) (i) and (ii) are revised to read as follows:

§ 1004.12 Producer.

* * * * *

(d) * * *

(2) * * *

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 30 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 30 percent of the total of such nonmember milk delivered to such handler during the month.

* * * * *

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

Effective date: March 1, 1982.

Signed at Washington, D.C., on January 29, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-2953 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Standard Requirement for Pasteurella Multocida Bacterins, Avian Isolates, Type 4

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations by adding new standard requirements for purity, safety, potency, and efficacy for biological products containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4. It also deletes the general requirements for Pasteurella Multocida Bacterins, Avian Isolate, from the standards. General requirements are now incorporated in the introductory paragraphs of the standard requirements for Pasteurella Multocida Bacterin, Avian Isolates, Types 1, 3, and 4. Safety test procedures and potency test terminology in the standard requirements for Types 1 and 3 isolates are revised to be consistent with the new standards for Type 4 isolate.

When standard requirements have been developed by Veterinary Services (VS) through experience with a number of firms' products as specified in Outlines of Production and/or through the development of scientific knowledge at National Veterinary Services Laboratories (NVSL) or elsewhere, such requirements are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licensees. Until now, the requirements for each firm's Pasteurella Multocida Bacterin, Avian Isolate, Type 4, were in the firms' Outlines of Production filed with VS for these products in accordance with 9 CFR 114.8. This amendment makes uniform requirements available to the general public and applicable to all licensees.

EFFECTIVE DATE: This amendment becomes effective March 8, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "nonmajor" rule.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because licensees who prepare this product are already required to conduct these tests, except for the positive controls in the potency test, according to their filed Outlines of Production. This amendment makes testing requirements identical and available to all current and prospective licensees.

Standard requirements consist of test methods, procedures, and criteria established by VS for evaluating biological products for purity, safety, potency, and efficacy. Until standard requirements are developed by VS and are codified in the regulations (9 CFR Part 113), test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensee, confirmed by NVSL, and written into an Outline of Production, which is required to be approved for filing with VS.

When standard requirements for a biological product have been developed by VS, they are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licensees and to the general public. This amendment contains the standard requirements for evaluating all licensed products containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4. These new Type 4 standard requirements were patterned on the current standard requirements for the similar Type 1 and Type 3 products. The new Type 4 potency test was developed from data jointly obtained by the licensees and NVSL.

The codification of this new standard requirement makes most of the general

requirements for Pasteurella Multocida Bacterins, Avian Isolates, found in § 113.101 obsolete. Therefore, the obsolete general requirements are deleted and those requirements that remain applicable are included in the revised § 113.101 and also incorporated into the introductory paragraphs of §§ 113.102 and 113.103, which contain standard requirements for Pasteurella Multocida Bacterin, Avian Isolates, Types 1 and 3, respectively.

The safety test contained in §§ 113.102 and 113.103 is revised to provide flexibility in order to avoid conducting retests when a test bird dies accidentally or shows other unfavorable reactions that are not attributable to the product. This revision makes the present standards for Pasteurella Multocida Bacterin, Avian Isolates, Types 1 and 3, consistent with the new standard for Pasteurella Multocida Bacterin, Avian Isolate, Type 4.

The validity terminology for the potency test contained in §§ 113.102 and 113.103 is amended to be consistent with the new § 113.101 standard type 4 bacterin. This amendment is solely for clarity of meaning.

On October 19, 1979, a notice of proposed rulemaking was published in the **Federal Register** at 44 60306 discussing this revision and soliciting comments. Two reponses were received. Both requested additional time to conduct Type 4 bacterin potency tests using the new VS reference bacterin. This was considered a valid and reasonable request. Therefore, a notice of extension of time for comments was published January 22, 1980, at 45 FR 4359.

Subsequently, two responses were received. Both responses provided data and requested that the potency test requirement for the Type 4 bacterin in proposed § 113.101 be the same as the current potency test requirements in §§ 113.102 and 113.103 for Type 1 and Type 3 products; i.e., at least 70 percent of vaccinates be protected and at least 80 percent of unvaccinated control birds die following challenge for a valid and satisfactory test. The proposed § 113.101 would have required 80 percent protection of vaccinates and 70 percent death among controls.

Additional Type 4 bacterin potency test data developed by NVSL confirmed the licensees' data that at least 80 percent of unvaccinated control birds would routinely die following appropriate challenge. Therefore, this suggestion has been incorporated in the final rule in section 113.101(c) (5), (6), and (7). No other comments were made or exceptions taken to the proposed rules.

PART 113—STANDARD REQUIREMENTS

After consideration of all relevant matters, including the proposal set forth in the above notice, and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as modified from the above notice, is adopted as follows:

1. Section 113.101 is revised to read:

§ 113.101 Pasteurella Multocida Bacterin, Avian Isolate, Type 4.

Pasteurella Multocida Bacterin, Avian Isolate, Type 4 shall be prepared from cultures of *Pasteurella multocida*, avian isolate, Type 4 (Little and Lyons classification), which have been inactivated, and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian Isolate, Type 4, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency, as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test.* Observation of the vaccinated turkeys during the prechallenge period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one turkey, test results shall be determined by observing the remaining 20 turkeys. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more turkeys, but the serial is unsatisfactory if the test is not repeated.

(c) *Potency test.* Bulk or final container samples of completed product shall be tested for potency of the Type 4 strain, using the two-stage test provided in this paragraph. Turkeys at least 6 weeks old obtained from the same source and hatch shall be properly identified and used as provided in this paragraph.

(1) *Vaccinates.* Each of not more than 21 turkeys shall be vaccinated with the dose and by the route recommended on the label. A second dose shall be given after 3 weeks and the turkeys observed for an additional 2-week prechallenge period.

(2) *Positive controls.* Each of not more than 21 turkeys shall be vaccinated with two doses of a reference bacterin available from Veterinary Services upon request.

(3) *Unvaccinated controls.* Each of not more than 21 turkeys shall be held as controls.

(4) *Challenge.* Not less than 14 days after the second dose, each of 20 vaccinates, each of 20 positive controls, and each of 20 unvaccinated controls shall be challenged intramuscularly with virulent *Pasteurella multocida* strain P–1662, Type 4 (Little and Lyons classification), and observed daily for a 14-day postchallenge period. Only dead birds shall be considered in evaluating the product.

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage in not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

2. Section 113.102 is amended by revising the introductory paragraph and paragraph (b), consolidating paragraphs (c) (5) and (6), and renumbering paragraphs (c) (7) and (8) as (c) (6) and (7) to read:

§ 113.102 Pasteurella Multocida Bacterin, Avian Isolate, Type 1.

Pasteurella Multocida Bacterin, Avian Isolate, Type 1, shall be prepared from cultures of *Pasteurella multocida*, avian isolate, Type 1 (Little and Lyons classification), which have been inactivated and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian

Isolate, Type 1, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) * * *

(b) *Safety test.* Observation of the vaccinated chickens during the prechallenged period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one chicken, test results shall be determined by observing the remaining 20 chickens. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more chickens, but the serial is unsatisfactory if the test is not repeated.

(c) * * *

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage is not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

3. Section 113.103 is amended by revising the introductory paragraph and paragraph (b), consolidating paragraphs (c)(5) and (6), and renumbering paragraphs (c)(7) and (8) as (c)(6) and (7) to read:

§ 113.103 Pasteurella Multocida Bacterin, Avian Isolate, Type 3.

Pasteurella Multocida Bacterin, Avian Isolate, Type 3, shall be prepared from culture of *Pasteurella multocida*, avian isolate, Type 3 (Little and Lyons classification), which have been inactivated and are nontoxic. Each serial of biological product containing Pasteurella Multocida Bacterin, Avian Isolate, Type 3, shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency, as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) * * *

(b) *Safety test.* Observation of the vaccinated turkeys during the prechallenge period of the potency test provided in paragraph (c) of this section shall constitute the safety test. If unfavorable reactions that are attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions that are not attributable to the product occur in one turkey, test results shall be determined by observing the remaining 20 turkeys. The test is inconclusive and may be repeated if unfavorable reactions that are not attributable to the product occur in two or more turkeys, but the serial is unsatisfactory if the test is not repeated.

(c) * * *

(5) *Validity requirements.* Twelve or more positive controls must survive and 16 or more unvaccinated controls must die for the test to be valid. If these requirements are met, the potency test results are evaluated according to stage one of the following table. The test is inconclusive and may be repeated if the validity requirements are not met, but the serial is unsatisfactory if the test is not repeated.

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for—	
			Satisfactory serial	Unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(6) The serial shall pass or fail based on the stage one results of the potency test. However, the second stage may be conducted if seven or eight vaccinates die in stage one, but the serial is unsatisfactory if the second stage is not conducted.

(7) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results from the data of both stage tests, a serial shall either pass or fail the second stage.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646, 38 FR 19141)

Done at Washington, D.C. this 28th day of January 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-2702 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Part 354

[Docket No. 82-002C]

Transfer and Redesignation of Department of Agriculture Regulations; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule which was issued jointly by the Food Safety and Inspection Service and the Agricultural Marketing Service, USDA. That rule amended certain sections of Titles 7 and 9 of the Code of Federal Regulations to reflect a departmental reorganization. This correction will only affect that portion of the document pertaining to Title 9 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: S. Paul Ragan, Director, Regulations Office, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-3317.

SUPPLEMENTARY INFORMATION: In the December 31, 1981, **Federal Register** (46 FR 63203), the Food Safety and Inspection Service and the Agricultural Marketing Service jointly published a final rule to amend certain sections of Titles 7 and 9 of the Code of Federal Regulations to reflect changes resulting from a June 17, 1981, Department reorganization.

This document corrects an inadvertent error appearing on page 63204 of the December 31, 1981, **Federal Register**, in the amendments to Title 9 Chapter III, of the Code of Federal Regulations. Item number 2 under Title 9 lists parts affected by the amendment. Part 354 was inadvertently omitted. Therefore, that final rule is corrected by adding Part 354, in numerical order, to the list of Parts in 9 CFR Chapter III which are amended.

All other information contained in the final rule remains unchanged.

Done at Washington, DC, on: January 29, 1982.

L. L. Gast,

Acting Administrator, Food Safety and Inspection Service.

[FR Doc. 82-2871 Filed 2-3-82; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 11

Revision of Access Authorization Fees for Nuclear Industry

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations establishing the scheduling of fees charged NRC licensees for the performance of full field security background investigations. This amendment makes a minor correction in the schedule and increases the fee to cover the increased fee charged the NRC by the Office of Personnel Management which performs these investigations and to cover increasing costs NRC incurs in processing the access authorization that require the investigations.

EFFECTIVE DATE: February 4, 1982.

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, United States Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4415.

SUPPLEMENTARY INFORMATION: 10 CFR Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," was first issued on November 21, 1980 (45 FR 76968). Section 11.15 indicates that access authorization fees for the succeeding year will be published each December and will be applicable to each access authorization request received during the following calendar year. The initial fee schedule for this part was published in the **Federal Register** on November 21, 1980 (45 FR 76968) and first updated along with other minor amendments on November 18, 1981 (46 FR 56598).

These fees are charged for access authorizations processed and services rendered by the Nuclear Regulatory Commission (NRC), at the request of an identifiable recipient of the services, and are authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a).

The only revisions to the fee schedule in this amendment are a deletion of an improper reference to "R" conversions in item (5) and the increased cost for the processing of an NRC "U" access authorization involving a full field background investigation conducted by the Office of Personnel Management (OPM). The charge to NRC by OPM of this investigation has been raised from $1,200.00 to $1,350.00. The new fee recovers this cost plus a part of NRC's overheard associated with the processing of these access authorizations. The fees for an NRC "R" access authorization have not been changed.

When the original Part 11 fee schedule was developed, and again when recently revised, it was recognized that the actual amount charged to NRC by OPM for conducting investigations would be the decisive factor governing future fees charged by NRC. This relationship between the amounts charged by OPM and the resulting fees charged by NRC still exists and was affected by the recent increase announced by OPM. Since the public had the opportunity to comment on this aspect of Part 11 as a proposed rule, it is not felt that any further benefits would be accrued by additional public comment at this time. Under these circumstances, NRC, for good cause, finds that notice of proposed rulemaking and public procedure thereon are unnecessary. The amendments will become effective February 4, 1982.

Pursuant to the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and 5 U.S.C. 553, § 11.15 of Part 11 of Title 10, Chapter I, Code of Federal Regulations, is published as a document subject to codification.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 11 reads as follows:

Authority: Sec. 7, Pub. L. 93-377, 88 Stat. 475; Sec. 161i, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201(i)); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841). Sec. 11.15(e) also issued under the authority of Sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

2. Section 11.15(e) is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

* * * * *

(e) Each application for special nuclear material access authorization, renewal, or change in level must be accompanied by the licensee's remittance payable to the U.S. Nuclear Regulatory Commission according to the following schedule:

(1) New application, "U"	$1,550
(2) New application, "R"	15
(3) Renewal "U" or "R"	15
(4) Change of level "R" to "U" (full fee charged only if an investigation is required)	[1] 1,550
(5) Convert existing NRC or DOE "Q" or "Q(X)" to U	[1] 1,550
(6) Convert existing NRC or DOE "L" or "L(X)" to U	[1] 1,550
(7) Convert existing NRC or DOE "Q", "Q(X)", "L", or "L(X)" to R	[1] 15

[1] Full fee charged only if an investigation is required, i.e., last investigation is more than five years old or does not meet necessary investigative scope.

Material access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the certification of access authorizations and investigative data (which is less than five years old) from other Federal Government agencies which grant personnel access authorization.

Dated at Bethesda, Md., this 19th day of January 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 82-2965 Filed 2-3-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 81-NW-55-AD; AMDT. 39-4310]

14 CFR Part 39

Airworthiness Directives; Lockheed Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Lockheed L-1011 series airplanes which requires initial and repetitive leak tests and visual inspections of fuel line couplings and fittings and the hydraulic servos located in the afterbody compartment. This AD is needed to prevent the accumulation of flammable fluids and/or vapors in the vicinity of the APU exhaust shroud, an area which does not have fire extinguishing nor fire detection systems.

DATE: Effective date March 11, 1982. Compliance schedule as prescribed in