

Board no longer requires prior approval of these types of programs. Second, while the NCUA Board continues to encourage credit unions to adhere to the operational guidelines first enumerated in the policy statements, it notes that these guidelines are now incorporated in the *Accounting Manual for Federal Credit Unions* at pages 5-97 and 5-193. While failure to follow these guidelines would not constitute a violation of law, the NCUA Board continues to believe that the guidelines exemplify safe and sound operating procedures and for this reason, strongly encourages FCU's to follow them. However, the NCUA Board also recognizes that responsibility for program management lies with the individual credit union boards.

4. Accordingly, Interpretative Ruling and Policy Statements, 80-5 (Shared and Proprietary Remote Service Units) and (Correspondent Credit Unioning Programs) are hereby repealed.

By order of the NCUA Board July 15, 1982.
Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 82-21105 Filed 8-4-82; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-71-AD; Amdt. 39-4431]

Bell Model 206 Helicopter With Chadwick, Inc., Model C-22 Fuel System Installed Per STC SH139WE; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires installation of C-22-FM Flow Monitoring Kits on the Chadwick Auxiliary Fuel System installed on Bell 206 helicopters per STC SH139WE. This modification is required to provide early warning of auxiliary fuel transfer pump failure and the associated decrease in usable auxiliary fuel.

DATES: Effective September 1, 1982.

Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Chadwick, Inc., 11969 SW. Herman Road, Sherwood, Oregon 97140. This information also may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle,

Washington 98108, or in the Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Paul F. Hawkins, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA Northwest Mountain Region, Seattle Area Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2520.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt an Airworthiness Directive which requires installation of an auxiliary fuel flow warning light was published in the *Federal Register* on November 27, 1981, (46 FR 57909).

The Chadwick Model C-22 auxiliary fuel system consists of two skid mounted tanks, a fuel pump in each tank, and a cross-feed line between tanks to allow operation with only one pump. In preparation for an extended overwater flight, one operator discovered that the loss of a single auxiliary boost pump decreased the usable auxiliary fuel by 12 to 18 gallons. These results were confirmed by tests at the manufacturer's facility and identified the cross-feed system as limiting. The Auxiliary Fuel System provides no warning of an auxiliary fuel pump failure and the associated decrease in usable auxiliary fuel.

To alleviate this unsafe condition, the C-22-FM Flow Monitoring Kit was developed. This kit installs a pressure switch on the output side of each auxiliary fuel pump and will activate warning lights when either pump stops pumping. Thus, the lights provide the pilot with an early warning of a pump failure and the associated decrease in usable auxiliary fuel.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the Notice of Proposed Rulemaking (NPRM).

After careful review of all available data, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

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

by adding the following new airworthiness directive:

Bell: Applies to Bell Model 206 helicopters with Chadwick C-22 Auxiliary Fuel System installed per Supplemental Type Certificate SH139WE.

Compliance is required as indicated.

To provide early warning of auxiliary fuel transfer pump malfunction and the associated decrease in usable auxiliary fuel, accomplish the following, unless already accomplished:

1. Within 30 days after the effective date of this AD, install a placard, in accordance with Chadwick Service Bulletin 20-81-01 dated October 6, 1981, or FAA approved equivalent limiting usable auxiliary fuel to half the amount in the auxiliary tanks at takeoff.

2. Within 300 hours' time-in-service or 6 months from the effective date of this AD, whichever occurs first, install the C-22-FM Flow Monitoring Kit in accordance with Chadwick Service Bulletin 20-81-01 dated October 6, 1981, or FAA approved equivalent. The placard installed per item 1 above may be removed, provided the revised Flight Manual Supplement, Chadwick Auxiliary Fuel System C-22, dated October 21, 1981, is incorporated in the Rotorcraft Flight Manual.

3. Alternate modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

4. Special flight permits may be issued in accordance with Federal Aviation Regulation Part 21, Sections 21.197 and 21.199 to operate each helicopter to a base for the accomplishment of the modification required by this AD.

This amendment becomes effective September 1, 1982.

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

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

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

Issued in Fort Worth, Texas, on July 22, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-20971 Filed 8-4-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-34]

Wichita Falls, TX; Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Wichita Falls, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Tom Danaher's Lake Wichita Airport, Wichita Falls, TX. This amendment is necessary to provide protection for aircraft executing a new VOR/DME approach to Runway 35 at the Tom Danaher's Airport.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On June 14, 1982, a notice of proposed rulemaking was published in the *Federal Register* (47 FR 25538) stating that the Federal Aviation Administration proposed to alter the Wichita Falls, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., October 28, 1982, as follows:

Wichita Falls, TX [Amended]

* * * And within 4.5 miles each side of the Wichita Falls VORTAC 174° radial extending from the 20-mile radius area to 29 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on July 23, 1982

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-20973 Filed 8-4-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-28]

Monahans, TX; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Monahans, TX. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hurd Memorial Airport. This amendment is necessary to designate controlled airspace for the protection of aircraft executing a standard instrument approach procedure (SIAP) using the Wink VORTAC. Coincident with this action, the Hurd Memorial Airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On May 27, 1982, a notice of proposed rulemaking was published in the *Federal*

Register (47 FR 23179) stating that the Federal Aviation Administration proposed to designate the Monahans, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., October 28, 1982, as follows:

Monahans, TX [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Hurd Memorial Airport (latitude 31°34'54" N., longitude 102°54'25" W.).

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on July 23, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-20972 Filed 8-4-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Parts 140 and 646

[FHWA Docket No. 81-6, Notice 2]

Railroad-Highway Projects; Revision of Policies, Procedures and Reimbursement Provisions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes certain revisions to the FHWA policies, procedures, and reimbursement provisions for advancing Federal-aid and direct Federal projects involving railroad facilities. The revisions are designed to eliminate unnecessary requirements, to eliminate various rate setting requirements, and to update selected requirements as deemed necessary.

EFFECTIVE DATE: October 1, 1982.

However, the FHWA will allow the continued use of the reimbursement rates contained in the regulation being superseded by this issuance, if agreed to by the State, for up to one year after the effective date of this final rule (See **SUPPLEMENTARY INFORMATION** for further explanation).

FOR FURTHER INFORMATION CONTACT:

James A. Carney, Office of Engineering, 202-426-0450, Harvey C. Wood, Office of Fiscal Services, 202-426-0563, or Thomas Holian, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM), FHWA Docket 81-6, (46 FR 45744, September 14, 1981), presented FHWA's proposals for revising certain of its regulations prescribing policies, procedures and reimbursement provisions for advancing Federal-aid and direct Federal projects involving railroad facilities. There were 19 commenters on the NPRM. Comments were received from nine State highway agencies, six railroad companies, one State public utility commission, the Association of American Railroads (AAR), the Associated General Contractors of America, and the Contractual Liability Insurance Committee of the Railroad Insurance Management Association.

Certain commenters were generally supportive of specific changes being proposed. However, several of the commenters were concerned about various changes. Many offered suggestions for FHWA's consideration if it decided to proceed to final rulemaking action. The following discussion covers by topic the comments received and the action FHWA is taking.

1. **Labor Costs:** The overall issue of the FHWA no longer establishing national rates for selected reimbursement items, particularly labor surcharges, generated the most comments. One commenter, a railroad, generally supported this approach. However, nine commenters (seven State highway agencies and two railroads)

were generally opposed. This opposition was based on the assumption that requiring individual States and railroads to reach agreement on various rates would be less cost effective than having FHWA perform this task. There was concern that individual negotiations would result in duplicative efforts, lack of uniformity, cause delays in payment, and increase administrative expenses.

It is recognized that State and railroad efforts to establish rates will entail more administrative costs to the individual State and railroads than are presently incurred. However, it should also be recognized that future FHWA efforts to establish reasonable national rates would also be costly. The FHWA would likely have to collect large quantities of data and solicit opinions and other input from many different sources.

This effort, done within a public forum, would also be time-consuming. The output from this effort would still be only an average rate structure that could vary considerably from the actual costs of individual railroad expenses on specific highway projects. Under the present arrangements the low administrative costs made up in part for any distributional effects caused by discrepancies between the national rate and actual costs. However, if FHWA's future administrative costs are high and approach the costs of negotiating individual rates between the railroads and the States, a national rate determined by FHWA would not necessarily be the most cost-effective approach. In light of this, the FHWA has decided to proceed as originally proposed and the final rule eliminates the national rates.

Several suggestions were offered by commenters. One commenter suggested that the rule allow the establishment of rates on a provisional basis subject to adjustment when the actual rates are determined. This is essentially the method established by the change in the regulation as rates are to be based on historical cost data and then adjustments made when actual costs are determined. This process is expected to be similar to that used by the State in developing payroll additives in accordance with 23 CFR 140, Subpart B.

The commenter also stated that manpower is not available to conduct reviews solely for establishing rates. The commenter seems to be confusing this process with that of developing a cost allocation plan which is contained in OMB Circular A-87 and is not intended for use by railroads in carrying out their responsibilities in the highway program. The change in regulation does not require any type of State review prior to accepting a rate. A State may

accept labor surcharges on the same condition it accepts other charges by the railroads, i.e., subject to audit. The State should, however, request that the railroad provide documentation regarding the rate development method to be used and the rate would then be audited periodically.

Another commenter suggested a transition period which would allow the present rate arrangements to remain in effect for a specific period until the new procedures must be followed. The FHWA agrees the use of a reasonable transition period has merit provided the State is willing to continue to use the existing rates. This will allow for a new rate to be developed to coincide with the railroad company's fiscal year or other accounting period during which the rate is to be applied. Accordingly, FHWA will continue to accept the use of existing rates, if agreed to by the State, for a transition period not to exceed one year from the effective date of this regulation.

It was also suggested that FHWA use the General Managers Association (GMA) schedules and rates for labor surcharges to replace the existing rates. The possible use of GMA of Chicago rates for labor surcharges has previously been considered by FHWA. Based on this previous review it is believed that additional information would need to be obtained from all railroads before a national rate could be established. As a result, FHWA would likely be undertaking an effort comparable to trying to set national rates under present circumstances. As a consequence, the proposal will not be pursued further at this time.

Several commenters were concerned about the administrative burdens as they envisioned every State negotiating individual rates with every railroad. The FHWA does not expect this to happen. Most railroads should have only one labor surcharge rate to be applied company-wide which can be accepted by each State affected by the railroad's operation. One commenter suggested the FHWA designate that the State in which the home office of the railroad is located be the audit agency to work with the railroad in establishing rates. Another commenter suggested FHWA retain a State or audit agency to audit each railroad. This rulemaking action is not intended to include audit standards or techniques as these requirements are presently addressed under 23 CFR Part 12. The FHWA does not plan to secure special audit services nor to designate specific States to perform audits of certain railroads. However, such

arrangements, reached on a voluntary basis, would be acceptable to FHWA.

2. Equipment Costs: Four commenters, one railroad and three State highway agencies, specifically addressed the issue of equipment rates. The major area of concern was whether the phrase "industry rates representative of actual costs" as included in the proposed rule would allow for the continued use of GMA equipment rates. Past FHWA practice has been to accept use of the GMA equipment rates. Under the revised regulation, it is envisioned FHWA would continue to accept use of the GMA equipment rates on individual projects provided the State and railroad agree to this arrangement of reimbursement. In this regard the final rule is being issued as originally proposed.

3. Transportation Costs: Three railroads presented specific comments, all generally favorable, on the proposed changes involving reimbursement for transportation costs. One commenter suggested that actual cost also be allowed as an alternate in determining transportation and associated costs. The FHWA agrees with this suggestion and the final rule includes a modification in this regard.

4. Insurance—Amount of Coverage: Two commenters responded in favor of this change which would modify the specified maximum amount of railroad protective insurance coverage which may be reimbursed with Federal-aid highway funds. No unfavorable comments were received. One additional commenter recommended that the aggregate limit should apply to each annual policy period and not for the entire term of the policy. It was suggested the phrase "for the term of the policy" be replaced with "applying separately to each annual period." The commenter's proposed wording reinforces the intent of FHWA's regulations and this modification has been incorporated into the final rule.

5. Insurance Policy Format: Five commenters (one State highway agency, three railroads, and the Railroad Insurance Association) addressed this issue and all responded unfavorably. For various reasons the commenters felt FHWA should continue to issue standards regarding the language and format of the railroad protective insurance policies. Such reasons as administrative burdens and delays to projects if individual policies had to be developed with various insurance companies were cited in opposition to this change.

Although it is recognized the use of a standard insurance policy format can help ease certain administrative actions,

it is questionable whether the need for this policy format is of the magnitude to require FHWA to mandate the standards to be followed. The original premise for undertaking this change remains valid; namely, FHWA's normal operation and expertise does not lie in the area of developing formats for insurance policies nor should it. As a consequence, FHWA has decided to proceed with this change as originally proposed and rescind those detailed requirements concerning the format of insurance policies. If the railroad industry and State highway agencies believe a standard format is desirable, it is recommended this be an issue that their respective associations, working in cooperation with the insurance industry, address.

6. Outdated Reference: The three comments on this change, which would eliminate a reference to a superseded AAR Bulletin on Recommended Practices for Railroad-Highway Grade Crossing Warning Systems, were favorable. One commenter suggested that Part 646, Subpart B continue to recognize State standards which may also be applicable. It is noted the existing § 646.214(b)(1) contains the phrase "supplemented to the extent applicable by State standards" after the word "Highways." Since it was FHWA's intent to eliminate only the reference to the AAR Bulletin, the above noted phrase is being retained in the final rule.

7. Lump Sum Ceiling: Three commenters expressed support for increasing the ceiling from \$10,000 to \$25,000 for using the lump sum payment arrangement or reimbursement for certain types of railroad work. No objections were raised. The FHWA is proceeding to issue the final rule as originally proposed.

Additionally, another commenter suggested that this section discuss audit requirements for lump sum agreements. This commenter also suggested that this regulation include provisions which would limit audits to a sampling basis on lesser cost railroad adjustments. As noted previously, this regulation is not intended to include audit standards or techniques since these are presently addressed under 23 CFR Part 12. Although FHWA does not waive by regulation audit requirements, certain audit techniques have been accepted as long as the State and Federal interests are adequately protected.

8. Railroad Protective Liability Insurance: The Associated General Contractors of America (AGC) provided information developed by its Minnesota Chapter regarding the cost of this insurance. The AGC's Minnesota Chapter has questioned the need for and

cost of this insurance. The AGC requested our review of this program requirement to determine whether its objectives could be realized through a less costly approach.

As to need, it is believed the railroads have legitimate reasons for requesting the railroad protective liability insurance. This is because railroads face liability exposure in several areas. For instance, under the Federal Employers' Liability Act, the railroad is liable for damages sustained by any person employed by the railroad. Other areas of exposure would result from the railroads being the property owners or as common carriers who are responsible for the care, custody, and control of people and goods being transported. As a result, it does not appear that the railroad protective liability insurance does in fact duplicate other coverages. The railroads have insisted on this coverage, as needed, in the past and in FHWA's opinion will continue to do so. Since the mid-1930's, FHWA procedures have required this insurance, the main reason being that such action helped expedite project advancement by resolving conflicts between the parties involved.

In regard to insurance premiums costs, FHWA has little available information. Based on the 1978 FHWA rulemaking action which changed coverage limits, we have estimated annual premium costs at about \$1 million nationwide. The AGC's Minnesota chapter estimate of \$300,000 for its statewide costs would indicate a higher nationwide figure, say of \$10 to \$15 million. One evident item is that only limited data is available to date.

The purpose of the present action was limited in scope to addressing the issues of amounts of coverage and insurance policy standards. For the broader area of need for and cost of this insurance, FHWA has taken these areas under advisement and if further action appears warranted, it will be proposed via the rulemaking process.

9. Overhead Expenses: One commenter, a railroad, suggested that in addition to the presently allowable labor surcharges, FHWA also allow for reimbursement of overhead expenses which are not directly assignable to a specific project. These indirect expenses would include such items as supervision, procurement, payroll, personnel, accounting, auditing, etc. The present rulemaking action was not undertaken to address this specific issue. However, FHWA has taken this matter under advisement and if further action appears warranted, it will be proposed via the rulemaking process.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. James A. Carney of the program office at the address specified above. Because the anticipated economic impact of these changes is so minimal, it is certified under the criteria of the Regulatory Flexibility Act that this action will not have a significant economic impact on a substantial number of small entities.

This action reduces the number of mandates and requirements found in FHWA regulations which apply to railroad-highway projects. The FHWA is considering additional changes to its railroad-highway regulations which might further reduce regulatory burdens. Interested persons are invited to comment on this matter and to offer suggestions on possible amendments.

Because of the nature of these changes, the effective date of these regulations is being delayed 60 days to afford the States and affected industries an appropriate adjustment period.

In consideration of the foregoing, Part 140, Subpart I, and Part 646, Subparts A and B, to Chapter 1 of Title 23, Code of Federal Regulations, are amended as set forth below.

(23 U.S.C. 109(e), 120(d), 130, 315, and 405; Sec. 203, Pub. L. 93-87, 87 Stat. 283; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

List of Subjects in 23 CFR Parts 140 and 646

Grade crossing improvements, Grant programs—transportation, Highways and roads, Insurance, Railroads—equipment costs, Labor costs, Transportation costs.

Issued: July 28, 1982.

R. A. Barnhart,
Federal Highway Administrator.

PART 140—REIMBURSEMENT

Subpart I—Reimbursement for Railroad Work

1. Paragraph (b) of § 140.906 is revised to read as follows:

§ 140.906 Labor costs.

(b) *Labor surcharges.* (1) Labor surcharges include worker

compensation insurance, public liability and property damage insurance, and such fringe benefits as the company has established for the benefit of its employees. The cost of labor surcharges will be reimbursed at actual cost to the company or a company may, at its option, use an additive rate or other similar technique in lieu of actual costs provided that (i) the rate is based on historical cost data of the company, (ii) such rate is representative of actual costs incurred, (iii) the rate is adjusted at least annually taking into consideration known anticipated changes and correcting for any over or under applied costs for the preceding period, and (iv) the rate is approved by the SHA and FHWA.

(2) Where the company is a self-insurer there may be reimbursement at experience rates properly developed from actual costs, not to exceed the rates of a regular insurance company for the class of employment covered.

2. Paragraph (a) of § 140.910 is revised to read as follows:

§ 140.910 Equipment.

(a) *Company owned equipment.* Cost of company-owned equipment may be reimbursed for the average or actual cost of operation, light and running repairs, and depreciation, or at industry rates representative of actual costs as agreed to by the railroad, SHA, and FHWA. Reimbursement for company-owned vehicles may be made at average or actual costs or at rates of recorded use per mile which are representative of actual costs and agreed to by the company, SHA, and FHWA.

3. Paragraph (b) of § 140.912 is revised to read as follows:

§ 140.912 Transportation.

(b) *Materials, supplies, and equipment.* The most economical movement of materials, supplies and equipment to the project and necessary return to storage, including the associated costs of loading and unloading equipment, is reimbursable. Transportation by a railroad company over its own lines in a revenue train is reimbursable at average or actual costs, at rates which are representative of actual costs, or at rates which the company charges its customers for similar shipments provided the rate structure is documented and available to the public. These rates are to be agreed to by the company, SHA, and FHWA. No charge will be made for transportation by work train other than the operating expenses of the work train. When it is more practicable or

more economical to move equipment on its own wheels, reimbursement may be made at average or actual costs or at rates which are representative of actual costs and are agreed to by the railroad, SHA, and FHWA.

Appendix A [Removed]

4. Appendix A of Part 140, Subpart I, *Rates for Labor Surcharges*, is removed.

PART 646—RAILROADS

Subpart A—Railroad-Highway Insurance Protection

5. Paragraph (a) of § 646.111 is revised to read as follows:

§ 646.111 Amount of coverage.

(a) The maximum dollar amounts of coverage to be reimbursed from Federal funds with respect to bodily injury, death and property damage is limited to a combined amount of \$2 million per occurrence with an aggregate of \$6 million applying separately to each annual period except as provided in paragraph (b) of this section.

* * * * *

§§ 646.113-646.127 [Removed]

6. Sections 646.113, 646.115, 646.117, 646.119, 646.121, 646.123, 646.125, and 646.127 are removed.

Appendix A [Removed]

7. Appendix A of Part 646, Standard Provisions for General Liability Policies, is removed.

§ 646.107 [Amended]

8. In § 646.107 the reference to "§§ 646.109 through 646.127" is revised to read "§§ 646.109 through 646.111."

Subpart B—Railroad-Highway Projects

§ 646.212 [Amended]

9. In paragraph (b)(1) of § 646.212 the phrase "70 percent" is revised to read "75 percent."

§ 646.214 [Amended]

10. Paragraph (b)(1) of § 646.214 is revised to read as follows:

§ 646.214 Design.

* * * * *

(b) *Grade crossing improvements.* (1) All traffic control devices proposed shall comply with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways supplemented to the extent applicable by State standards.

§ 646.216 [Amended]

11. In paragraph (d)(3)(ii) of § 646.216 the "\$10,000" figure is revised to read "\$25,000."

[FR Doc. 82-21124 Filed 8-4-82; 8:45 am]
BILLING CODE 4910-22-M

23 CFR Part 772

[FHWA Docket No. 78-33, Notice 3]

Procedures for Abatement of Highway Traffic Noise and Construction Noise**Correction**

In FR Doc. 18495 appearing at page 29653 in the issue of Thursday, July 8, 1982, make the following change:

On page 29654, in the middle column, in the part heading at the bottom of the page, "PART 722" should be changed to read "PART 772".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE**Parole Commission****28 CFR Part 2****Paroling, Recommitting, and Supervising Federal Prisoners**

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is confirming as a final rule its proposed amendment to its rules at 28 CFR 2.25(c) and 2.27(c) published on May 17, 1982 at 47 FR 21095 that eliminates oral presentations at appellate hearings in cases designated for the Commission's original jurisdiction, and that allows for the holding of regional appellate hearings in other cases. As stated in the proposal, the amendments are intended to promote a more productive use of the Commission's time and to promote a more uniform parole decisionmaking process.

The only public comment received on the proposal was from the Washington Legal Foundation which endorsed the proposal because " * * * it will facilitate a more efficient parole decision process without depreciating the appeal process and inject an enhanced sense of finality in parole proceedings."

EFFECTIVE DATE: September 7, 1982.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, U.S. Parole Commission, Office of General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone: 301-492-5959.

SUPPLEMENTARY INFORMATION:**List of Subjects in 28 CFR Part 2**

Administrative practice and procedure, Prisoners, Probation and parole.

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

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.25, 2.26, and 2.27 are amended as follows:

In § 2.25, the introductory text of paragraph (b) is revised; paragraph (c) is removed; paragraphs (d), (e), and (f) are redesignated as (c), (d), and (e).

§ 2.25 Regional appeal.

(b) The Regional Commissioner may affirm the decision, order a new institutional hearing on the next docket, or reverse or modify the decision. The following actions require the concurrence of two out of three Regional Commissioners:

In § 2.27, paragraph (b) is revised, paragraph (c) is removed; and paragraph (d) is redesignated as paragraph (c).

§ 2.27 Appeal of original jurisdiction cases.

(b) Attorneys, relatives, or other interested parties who wish to submit written information concerning a prisoner's appeal should send such information to the National Appeals Board Analyst, United States Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. Supporting material should be submitted at least two weeks in advance of the meeting at which the appeal will be heard, in order to permit consideration thereof by the Commission.

§ 2.26 [Amended]

The following conforming amendment is necessary:

In 27 CFR 2.26(a) the following phrase in the third sentence is deleted: "at the institutional or regional level".

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

Dated: July 30, 1982.

Benjamin F. Baer,
Chairman, United States Parole Commission.

[FR Doc. 82-21216 Filed 8-4-82; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 100**

[CGD 09-82-20]

1982 Hydro National Championship; Special Local Regulation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard will establish a regulated area in the Niagara River, on 12-15 August, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the Niagara River area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This amendment is effective on August 12-15, 1982.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: The details concerning this year's event were not known in time to publish a proposed rule before the event. Therefore, this regulation is published as a final rule and will become effective in less than 30 days.

Drafting Information

The principal persons involved in drafting this rule are MSTC Bruce Graham, Project Officer, Office of Search and Rescue, and LCDR Michael Gentile, Project Attorney, Legal Office, Ninth Coast Guard District.

Discussion

The Hydro National Championship will be conducted on the Niagara River, Tonawanda Channel, on 12-15 August, 1982. This event will have an estimated 200 hydroplanes which could pose hazards to the navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group, Buffalo, NY).

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area in the Tonawanda Channel of the Niagara River can be opened periodically to allow for the passage of commercial vessels. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in