4-16-81
Vol. 46 No. 73
Pages 22175–22350

federal register

Thursday
April 16, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Norfolk, Va.**, see announcement in the **Reader Aids** section at the end of this issue.

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Highlights

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

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Presidential Documents

Title 3—

The President

Proclamation 4835 of April 14, 1981

Import Quota on Peanuts

By the President of the United States of America

A Proclamation

By Proclamation No. 4807 of December 4, 1980, the quantity of certain peanuts permitted entry into the customs territory of the United States during a quota year was increased 200 million pounds on a temporary and emergency basis.

The increase of quantity was to be effective pending further action; specifically, after receipt of a report of findings and recommendations of the United States International Trade Commission, which was scheduled to conduct an investigation into this matter pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624). The Commission has conducted an investigation and reported its findings and recommendations.

On the basis of the Commission's investigation and report, I find and declare that through July 31, 1981, the entry of 300 million pounds of peanuts—which would otherwise be under the terms and conditions specified in item 951.01 of part 3 of the Appendix to the Tariff Schedules of the United States—in addition to the quota quantity specified for such peanuts in item 951.00 of part 3 of the Appendix to the Tariff Schedules of the United States, will not render or tend to render ineffective, or materially interfere with, the price support operations now being conducted by the Department of Agriculture for peanuts, or reduce substantially the amount of any product processed in the United States from domestic peanuts with respect to which such program is now being undertaken.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim: that item 951.01 of part 3 of the Appendix to the Tariff Schedules of the United States, as added by Proclamation No. 4807, is hereby amended by changing the figure "200 million" to read "300 million" and by changing the date "June 30, 1981" to read "July 31, 1981"; and, that section (2) of Proclamation No. 4807 is amended by changing "July 1, 1981" to read "August 1, 1981."

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred fifth.

Ronald Reagan

[FR Doc. 81-11763
Filed 4-15-81: 11:00 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 518]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 17–April 23, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 17, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 14, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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

1. Section 907.818 is added as follows:

§ 907.818 Navel Orange Regulation 518.

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 17, 1981, through April 23, 1981, are established as follows:

(1) District 1: 1,600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: April 17, 1981

D. S. Kuryloski,

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

[FR Doc. 81-11774 Filed 4-15-81; 11:39 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D; Docket No. R-0355]

Reserve Requirements of Depository Institutions; Time Deposits of Deferred Compensation Plans

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204), which imposes federal reserve requirements on depository institutions that maintain transaction accounts or nonpersonal time deposits. Under the amendment, nontransferable time deposits representing funds of deferred compensation plans established pursuant to subtitle D of the Revenue Act of 1978, Pub. L. No. 95–600, 92 Stat. 2763 (1978), will be regarded as personal time deposits, and thus will not be subject to reserve requirements.

EFFECTIVE DATE: April 30, 1981. Depository institutions may begin reporting time deposits of deferred compensation accounts as personal time deposits during the computation period beginning that date.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Asssociate General Counsel (202/452–3625), Paul S. Pilecki, Senior Attorney (202/452–3281), or Joseph R. Alexander, Attorney (202/452–2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. No. 96–221, 94 Stat. 132) (the "Act"), authorizes the Federal Reserve to impose reserve requirements solely for the purpose of conducting monetary policy on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Under Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204), which implements the provisions of the Act, "nonpersonal time deposits" are defined as transferable time deposits or accounts, or time deposits or accounts which represent funds deposited to the credit of, or in which any beneficial interest is held by, a depositor that is

not a natural person. In adopting Regulation D to implement the Act, the Board determined that IRA and Keogh Plan time deposits and time deposits held by trustees and other fiduciaries should be regarded as personal time deposits where the entire beneficial interest is held by natural persons, even though the funds technically may be held in the name of a trustee who is not a natural person (12 CFR § 204.2(f)). The Board has determined that time deposit accounts held pursuant to unfunded deferred compensation plans of state and local governments and certain private employers authorized by subtitle D of the Revenue Act of 1978, Pub. L. No. 95-600, 92 Stat. 2763 (1978), also should be regarded as personal time deposits for purposes of Regulation D, notwithstanding the IRS requirement that such funds remain solely the property of the sponsoring organization subject only to the claims of its general creditors. Therefore, the Board is amending Regulation D to exempt such accounts from the definition of nonpersonal time deposits. It should be noted that nontransferable time deposits of funded deferred compensation plans generally are regarded as personal time deposits under Regulation D at present as funds held by a trustee or other fiduciary.

The Board believes that this amendment will result in more even application of reserve requirements on time deposits of various types of retirement income arrangements. Consequently, the Board, for good cause, finds that the notice and public procedure provisions of 5 U.S.C. § 553(b) with regard to this action are contrary to the public interest, and that deferral of the effective date pursuant to 5 U.S.C. § 553(d) is not necessary.

Effective April 30, 1981, pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461 *et seq.*, § 204.2(f), subparagraph (2) of Regulation D (12 CFR Part 204) is revised to read as follows:

§ 204.2 Definitions.

* * * * *

(f) * * *

(2) "Nonpersonal time deposit" does not include nontransferable time deposits to the credit of or in which the entire beneficial interest is held by an individual pursuant to an Individual Retirement Account or Keogh (H.R. 10) Plan under 26 U.S.C. (I.R.C. 1954) 408, 401, or nontransferable time deposits held by an employer as part of an unfunded deferred compensation plan established pursuant to subtitle D of the Revenue Act of 1978 (Pub. L. No. 95-600, 92 Stat. 2763).

* * * * *

By order of the Board of Governors, April 10, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-11512 Filed 4-15-81; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Share, Share Draft and Share Certificate Accounts; Correction

AGENCY: National Credit Union Administration.

ACTION: Final Rule, Correction.

SUMMARY: On April 3, 1981, the National Credit Union Administration (NCUA) Board published a final rule to reduce the period between the announcement and the effective date of the ceilings rates of dividends payable on share certificates and on 26 week money market certificates. (46 FR 20154.) The purpose of this action is to correct two inadvertent errors relating to that final rule.

EFFECTIVE DATE: April 7, 1971, the effective date of the final rule.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: James J. Engel, Assistant General Counsel, at the above address; telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Under the final rule published by the NCUA Board on April 3, 1981, (46 FR 20154), the ceiling rates for dividends payable on share certificates and 26 week money market certificates become effective on the day after they are announced. Because ceiling rates are generally announced on Monday, the ceiling rates for dividends will be effective on Tuesday rather than on Thursday, as under the old rule.

In issuing the final rule, the NCUA Board amended § 701.35(h), Maximum Dividend Rate, paragraphs (2) and (3). In the publication of the final rule, however, the amendment appears as a change to § 701.35(g). The purpose of this action is to correct that error. Thus, the final rule published by the NCUA Board on April 3, 1981, was an amendment to paragraphs (h) (2) and (3) of § 701.35.

Additionally, the final rule was intended to affect 26 week money market certificates subject to the maximum rate specified in § 701.35(h)(5). However, because paragraph (h)(5) did not reference a particular day—both paragraphs (h) (2) and (3) specifically referred to "Thursday"—inadvertently no change was made. It has now been brought to the NCUA Board's attention that because paragraph (h)(5) refers to the issuance of U.S. Treasury bills instead of the date of auction (bills are normally auctioned on Monday and issued on Thursday), the present wording of paragraph (h)(5) does not comply with the intent of the recently issued final rule. Therefore, it is necessary to amend paragraph (h)(5) to clearly provide that the ceiling rate for money market certificates becomes effective the day after the new U.S. Treasury bills are auctioned. This action does not constitute a new final rule, but instead carries out the purpose of the April 3, 1981, amendment. The preamble to that amendment addresses the comments applicable to this change.

Accordingly, paragraph (h)(5) of § 701.35 is amended as set forth below.

(Sec. 107, 94 Stat. 132 (12 U.S.C. sec. 1757); sec. 120, 73 Stat. 635 (12 U.S.C. sec. 1766); and sec. 209, 84 Stat. 1104 (12 U.S.C. sec. 1789))

Beatrix D. Fields,

Acting Secretary for the NCUA Board.

April 10, 1981.

Paragraph (h)(5) of § 701.35 is revised to read as follows:

§ 701.35 Share accounts and share certificate accounts.

* * * * *

(h) * * *

(5) On a share certificate account of $10,000 or more having a fixed term or qualifying period of 26 weeks, up to the greater of (i) the rate authorized in paragraph (h)(2) of this section, or (ii) one quarter of one percent above the discount rate (auction average on a discount basis) for 26 week United States Treasury bills, such rate to become effective 1 day after the Treasury bills are auctioned. The maximum dividend rate may be rounded off only by rounding down. If the dividend rate is based upon the discount rate, no compounding of dividends is permitted.

* * * * *

[FR Doc. 81-11464 Filed 4-15-81; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3061]

Owens-Corning Fiberglas Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Toledo manufacturer of glass fiber products, including glass fiber-based asphalt roofing products, to divest to a Commission-approved buyer within 24 months from the effective date of the order, the four specified asphalt roofing plants acquired from the Lloyd A. Fry Roofing Company in 1977. Further, should the company decide to sell the Trumbull asphalt refinery located adjacent to each divested plant, during the ten-year period following the divestiture, it is required, in certain circumstances, to give the owner of the roofing plant the right of first refusal to purchase. Additionally, the firm is barred for ten years, from acquiring without prior Commission approval, any interest in an asphalt roofing plant located in the "Western Market."

DATE: Complaint and order issued March 30, 1981.*

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, January 15, 1981, there was published in the **Federal Register**, 46 FR 3544, a proposed consent agreement with analysis In the Matter of Owens-Corning Fiberglas Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5-20 F.T.C. Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-11476 Filed 4-15-81; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 460

Labeling and Advertising of Home Insulation; Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Partial exemption from the rule for manufacturers of perlite insulation.

SUMMARY: The Federal Trade Commission grants a conditional exemption to manufacturers of perlite insulation from one disclosure requirement of Section 460.12 of its trade regulation rule on labeling and advertising of home insulation (16 CFR Part 460). Section 460.12 requires all home insulation products to be labeled with certain information about R-value. The exemption from one of the disclosure requirements is conditioned upon making an alternative disclosure.

DATE: Effective date: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis Morris, Attorney, 202-724-1394, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On August 31, 1979, the Commission promulgated a trade regulation rule on the labeling and advertising of home insulation (44 FR 50218). On August 15, 1980, the Commission announced that the effective date of the rule would be September 29, 1980 (45 FR 54702).

The Perlite Institute Inc. petitioned the Commission for an exemption from one of the disclosure requirements in Sections 460.12 and 460.13 of the rule. Section 460.12(b)(2) of the rule requires that all loose-fill insulation products other than cellulose be labeled with the following coverage chart information for R-values of 11, 19 and 22: the minimum thickness, maximum net coverage area, and minimum weight per square foot. Section 460.13(c)(1) requires that the same coverage chart information be disclosed on fact sheets available to consumers through retail stores and installers.

The Perlite Institute requested that the Commission exempt manufacturers of perlite insulation from the requirement that they disclose minimum weight per square foot. The requirement in the rule was based on the fact that, for most residential insulation, as the density or weight per square foot decreases, the R-value decreases. Thus, the rule requires that coverage charts specify the minimum weight per square foot necessary to obtain the labeled R-value.

Specifically, the Perlite Institute requested that the requirement that perlite insulation labels and fact sheets disclose minimum weight per square foot to achieve each R-value be changed to require a maximum weight per square foot disclosure. In support of this request, the Institute submitted technical publications which show that, contrary to other insulations, as the density or weight per square foot of perlite insulation increases, R-value decreases. A lighter density perlite will have a higher R-value than one with a heavier density installed at the same thickness. Thus, according to the Perlite Institute, unlike other loose-fill insulations covered by the rule, if perlite insulation is installed at a density greater than the weight per square foot listed on the label, the consumer will not receive the labeled R-value.

Based on petitioners' assertions, the Commission tentatively decided to grant an exemption to manufacturers of perlite insulations which have an inverse relationship between R-value and density or weight per square foot from the requirement in §§ 460.12(b)(2) and 460.13(c)(1) of the rule that they disclose minimum weight per square foot for R-values listed on labels and fact sheets. The exemption from the rule was conditioned upon the alternative disclosure in labels and fact sheets of the maximum weight per square foot for each R-value required to be listed under the rule. The Commission invited written public comments on this tentative decision. At the same time, the Commission temporarily stayed the requirements of §§ 460.12(b)(2) and 460.13(c)(1) insofar as they required manufacturers of perlite insulation which have an inverse relationship between R-value and density or weight per square foot to disclose minimum weight per square foot on labels and fact sheets, respectively, effective September 29, 1980, pending a final Commission decision on the exemption request. The stay was conditioned upon the alternative disclosure of the maximum weight per square foot for the R-values required to be listed on labels and fact sheets. The Commission received no comments on the tentative decision to grant the exemption.

The Commission has decided to make final its tentative decision and to grant

the exemption. Thus, manufacturers of perlite insulations which have an inverse relationship between R-value and density or weight per square foot are exempted from the requirement in §§ 460.12(b)(2) and 460.13(c)(1) of the rule that they disclose minimum weight per square foot for R-values listed on labels and fact sheets. This exemption is conditioned upon the alternative disclosure in labels and fact sheets of the maximum weight per square foot for each R-value required to be listed. In light of its decision granting the exemption, the Commission has lifted the stay which it previously issued pending its final decision on the exemption request.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-11517 Filed 4-15-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 460

Labeling and Advertising of Home Insulation; Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Partial Exemption from the rule.

SUMMARY: The Federal Trade Commission grants a partial exemption from the labeling disclosure requirements of § 460.12 of its trade regulation rule on labeling and advertising of home insulation (16 CFR Part 460) to manufacturers of a type of flat roof insulation. Section 460.12 requires all home insulation products to be labeled with certain information about R-value. The Commission previously issued a temporary stay of § 460.12 insofar as it applies to this type of flat roof insulation (45 FR 68928).

DATE: Effective date: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis Morris, Attorney, 202-724-1394, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On August 31, 1980, the Commission announced that the effective date of the rule would be September 29, 1980 (45 FR 54702).

Two trade associations (The Society of the Plastics Industry, Inc. [SPI] and Thermal Insulation Manufacturers Association [TIMA]) and four manufacturers (Apache Building Products Company, GAF Corporation, Grefco Inc., and the Celotex Corporation) have petitioned the Commission for an exemption from the rule for rigid roof insulation which is used in flat built-up roofs. TIMA and the four manufacturers have requested an exemption from all requirements of the rule, including those requiring disclosures in advertisements (§§ 460.18 and 460.19). SPI has limited its request to an exemption from the labeling requirements of § 460.12 of the rule.

The labeling provisions of § 460.12 require all home insulation products to be labeled with basic information about the type of insulation, its R-value, and the coverage of the product. This type of information was intended to provide consumers purchasing the product directly or through installers with basic information needed to evaluate the thermal performance of the insulation product.

The trade associations and manufacturers state that more than ninety-five percent of the rigid roof insulation boards sold are used in commercial or industrial buildings, and are therefore not covered by the rule. However, some of the product is used in multi-family residential buildings, such as flat-roof apartment or condominium buildings. The trade associations and manufacturers state that they have no way of knowing which products will be used in residential applications, and which will not. If they are required to label their products which go into residential use, they would be required to assume the unnecessary expenses of labeling every package of insulation even though only a small percentage of them would be used in residential applications. Furthermore, since the product can only be used in large, multi-family, flat-roof buildings, they argue that the labeling information is unnecessary because the product generally will be selected by an architect or another professional, not the consumer.

Based on petitioners' assertions, the Commission tentatively decided to grant an exemption to manufacturers of this type of rigid flat-roof insulation board from the requirement in § 460.12 that all insulation materials which might be used in homes be labeled with R-value information. However, the Commission tentatively decided to deny the request for an exemption from any other parts of the rule.

The Commission invited written public comment on the tentative decision. At the same time, the Commission temporarily stayed § 460.12, insofar as it applied to manufacturers of this rigid flat-roof insulation board, effective September 29, 1980, pending a final Commission decision on the exemption requested. The Commission received one comment concerning the proposed exemption. The comment was submitted by the Society of the Plastics Industry, Inc. SPI supports the proposed exemption because of the small percentage of rigid roof insulation used in residential roofing.

In view of all these considerations, the Commission has decided to make its tentative decision final and to grant an exemption from the labeling requirements of § 460.12 of the rule to manufacturers of rigid roof insulation.

In view of its decision granting the exemption, the Commission has lifted the temporary stay it previously issued in this matter pending its final decision on the exemption request.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-11516 Filed 4-15-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 46 and 131

[Docket No. RM 81-26; Order No. 140]

Public Utility Filing Requirement; Order Establishing Format No. FERC 561, Annual Report of Interlocking Positions

Issued: April 9, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby amends the Commission's regulations to provide a standard format, identified as Format No. FERC 561, for the reporting of information respecting interlocking positions held by a person in both a public utility and in certain other specified entities.

This rule makes no substantive changes in the current interlocking directorate reporting requirements; instead, it merely provides a format for these reports.

Information which is uniformly submitted on Format No. FERC 561 will be utilized more efficiently by the Commission for its regulatory purposes. The use of the format will also ease respondent reporting burdens—it will be preprinted for submissions after the initial filing, and only amendments to previously reported items which have since changed—or new data items—will

have to be indicated on this preprinted format.

Immediate promulgation of this rule will allow the persons required to file this data to use the new format before the April 30, 1981 filing deadline occurs. Nevertheless, persons who have already submitted their reports in accordance with the former rule, will not be required to "refile" a report in accordance with this new format.

EFFECTIVE DATE: April 9, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Harland, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 403RB, Washington, DC 20426, (202) 376-1850.

SUPPLEMENTARY INFORMATION:

I. Background and Summary

By this rule, the Federal Energy Regulatory Commission (Commission) implements a specific format for use in reporting information respecting interlocking positions which is required pursuant section 305(c) of the Federal Power Act (16 U.S.C. 792-828c).

Part 46 of the Commission's regulations implements section 305(c) of the Federal Power Act as amended by section 211 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601-2645).

Section 305(c)(2) provides that by January 31 of each calendar year, public utilities shall file, pursuant to Commission regulations, a list of their twenty largest purchasers of electric energy. A final rule to implement this provision was issued on January 11, 1980 (Order No. 67, 45 FR 3569, January 18, 1980; amended to correct technical errors on January 21 and February 4, 1980, 45 FR 6377, January 28, 1980; 45 FR 9729, February 13, 1980). That rule established §§ 46.1 through 46.3 of the Commission's regulations.

Section 305(c)(1) of the Federal Power Act authorizes the Commission to prescribe the "form and manner" of a written statement to be filed on or before April 30 of each year by any person holding interlocking positions in both a public utility and in any of certain other specified entities. Regulations to implement this provision were issued on April 2, 1980 (45 FR 23413, April 7, 1980), which established §§ 46.4 through 46.6.

Pursuant to the instant rulemaking, the contents of the written statement of a person holding such interlocking positions (prescribed in § 46.6) are now incorporated in a standardized format, designated as Format No. FERC 561. Format No. FERC 561 is set out at new § 131.31 of the Commission's regulations.

The reporting requirement itself is not altered by this rulemaking—only the form in which it is submitted.

The Commission has promulgated this format for written statements prescribed in § 46.6 because those persons who submitted the statement in 1980 (the first year the filing of this data was required) did not submit the requisite information in a uniform fashion. The Commission staff found it difficult, in some cases, to coordinate the data for use in its regulatory analyses. Therefore, the Commission has standardized the form of this report to facilitate entry into a computer system and to correspondingly reduce the time and effort necessary to review the reported information.

Not only will the establishment of Format No. FERC 561 and computerization of the reported data improve the Commission's use of this information, it will also reduce the reporting burden of the persons who respond to the requirement. The reports, once submitted to the Commission, will be preprinted and sent to respondents in subsequent year. Respondents will simply have to verify that the data is correct, or in the event of changes, alter only those data elements which have been added to or changed.

II. Effective Date

The promulgation of Format No. FERC 561 amends the Commission's regulations to provide a standard format for the reporting of information which is currently prescribed in section 305(c) of the Federal Power Act. This rulemaking does not otherwise alter the existing requirement to report information pursuant to § 46.4 of the Commission's regulations. In order that as many persons as possible who file a statement pursuant to § 46.4 may benefit from use of the new Format No. FERC 561 before the April 30, 1981 deadline for 1980 reports, the Commission makes this rulemaking effective as of April 9, 1981.

The Commission finds that notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b), and that there is good cause under 5 U.S.C. 553(d) to make the amendments in this rulemaking effective immediately.

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; Federal Power Act, 16 U.S.C. 792-828c; Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645; E.O. 12009, 3 CFR 142 (1978))

In consideration of the foregoing, Title 18 of the Code of Federal Regulations is amended in Parts 46 and 131 as set forth below, effective April 9, 1981.

By the Commission.

Lois D. Cashell,

Acting Secretary.

PART 46—PUBLIC UTILITY FILING REQUIREMENT

1. Section 46.4 is amended by revising the introductory paragraph to read as follows:

§ 46.4 General rule.

A person must file with the Office of the Secretary of the Commission a written statement in accordance with § 46.6, and in the form specified in § 131.31 of this chapter (except that with respect to calendar year 1980, no filings in the form specified in § 131.31 is required if such person has previously filed the statement required for calendar year 1980 in a different form than specified in § 131.31), if such person:

* * * * *

PART 131—FORMS

2. Part 131 is amended by adding a new § 131.31, to read as follows:

§ 131.31 Format No. FERC 562, Annual report of interlocking positions.

[See § 46.4 of this chapter.]

[To be followed, first: by the actual format, and second: by the instructions to the format.]

BILLING CODE 6450-85-M

U.S. DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

Form Approved
OMB No. 1902-0099
(Expires 3-31-83)

ANNUAL REPORT OF INTERLOCKING POSITIONS

This report is mandatory under Section 306(c)(1) of the Federal Power Act. Failure to report may result in criminal fines, civil penalties, and other sanctions as provided by law. The Federal Energy Regulatory Commission does not consider this report to be of a confidential nature. PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE BEFORE COMPLETING THIS FORM.

IDENTIFICATION

1. Full Name (Last, First, and Middle Initial) (35)

2. Business Address (Street, City, State, and Zip Code) (3 lines by 35)

3. Report Year
December 31, 1 9 ☐ ☐

PUBLIC UTILITY DATA

Line No.	DOE USE ONLY	Name of Public Utility (35) (02)	Position Code (03)	DOE USE ONLY	FERC Docket Number, if Applicable (05)	Date Authorized by FERC (06)	DOE USE ONLY
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							

OTHER INTERLOCKING ENTITY DATA

Line No.	DOE USE ONLY	Name of Entity (35) (02)	Type Code (03)	Position Code (04)	FERC Docket Number, if Applicable (05)	Date Authorized by FERC (06)	Total Revenues (nearest $100,000) (07)
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							

CERTIFICATION

State of _____ County of _____

Sworn to me and subscribed before me, a notary public, in said state and county, this _____ day of _____, _____. My commission expires _____. Signature:

The undersigned, being duly sworn, states that all of the statements combined therein are true and correct to the best of his/her knowledge and belief.

Signature:

Format Number FERC 561 (REVISED 3-81)

INSTRUCTIONS FOR COMPLETING ANNUAL REPORT OF INTERLOCKING POSITIONS

GENERAL INFORMATION

Purpose of Report

The data collected by this report will be used by the Federal Energy Regulatory Commission's staff for review and oversight purposes.

Who Must Submit

This report must be completed by all persons holding interlocking positions between public utilities and certain other entities (described in the specific instructions) during any portion of the calendar year.

When to Submit

Submit this report on or before April 30 of each year for the preceding calendar year. (For example, the report for the year 1980 would be filed on or before April 30, 1981.)

What and Where to Submit

Submit an original and two (2) copies of this report to:

Federal Energy Regulatory Commission
Office of the Secretary
Room 3110
Attention: FERC-561
825 North Capitol Street, N.E.
Washington, D.C. 20426

Sanctions

This report is prescribed by Section 305(a)(1) of the Federal Power Act and 18 CFR 46.4. Failure to report may result in certain penalties and other sanctions as provided by law.

GENERAL INSTRUCTIONS

1. Prepare this report in conformity with the requirements prescribed in 18 CFR 46.4.
2. Leave blank any columns that are not applicable.

SPECIFIC INSTRUCTIONS

Item	Instruction
1 and 2	Enter your full name and business address.
3	Enter the last two digits of the calendar year for which this report is filed.
4 thru 14 Col (02) and (03)	Enter in Column (02) the name of each public utility in which you hold an executive position. In Column (03), enter the appropriate code for each such position, according to the list below:

Code	Name
DIR	Director
CEO	Chief Executive Officer
PRES	President
VP	Vice President
SEC	Secretary
TREA	Treasurer
GM	General Manager
COMP	Comptroller
PURA	Chief Purchasing Agent
OEP	Other Executive Position

4 thru 14 Col (05) and (06)	If you are authorized by the Commission to hold the position of officer or director in accordance with Part 45 of the Commission's regulations, enter in Column (05) the complete FERC docket number of such authorization. In Column (06), enter the date of such authorization. Otherwise, leave these columns blank.
15 thru 25 Col (02) and (03)	Enter in Column (02) the name of each entity in which you hold an interlocking position. In Column (03), enter the appropriate code type for each entity, using the list below.

Code	Name
FIN	Investment bank; bank holding company; foreign bank or subsidiary thereof doing business in the United States; other organization primarily engaged in the business of providing financial services or credit; mutual savings bank; or savings and loan association
FINI	Insurance company
SECU	Entity authorized by law to underwrite or participate in the marketing of securities of a public utility
ELEQ	Entity which produces/supplies electric equipment for the use of any public utility
FUEL	Entity which produces/supplies coal, natural gas, nuclear fuel, or other fuel for the use of any public utility
20CL	Entity specified in 18 CFR 46.3 (one of the 20 largest purchasers of electric energy from a utility)
CNEN	Entity which is controlled by any one of the above named entities
305B	Entity referred to in Section 305(b) of the Federal Power Act (not otherwise identified above)

15 thru 25 Col (04)	Enter the appropriate code for each executive position you hold in the entity named in Column (02), using the list below.

Code	Name
DIR	Director
CEO	Chief Executive Officer
PRES	President
VP	Vice President
SEC	Secretary
TREA	Treasurer
GM	General Manager
COMP	Comptroller
PURA	Chief Purchasing Agent
PART	Partner
APPT	Appointee
REP	Representative
OEP	Other Executive Position

15 thru 25 Col (05) and (06)	If you are authorized by the Commission to hold the position of officer or director in accordance with Part 45 of the Commission's regulations, enter in Column (05) the complete FERC docket number of such authorization. In Column (06), enter the date of such authorization. Otherwise, leave these columns blank.
15 thru 25 Col (07)	For each entity that supplies electric equipment (ELEQ) named in Items 15 thru 25, Column (02), enter the aggregate amount of revenues from producing or supplying electrical equipment to any public utility named in Items 4 thru 14, Column (02) in the subject calendar year, rounded to the nearest $100,000. Otherwise, leave this column blank.
Certification	The original of this report must be dated, signed and verified under oath in accordance with 18 CFR 131.60. Each copy must bear the date that appeared on the original. The signature may be stamped or typed on the copy, and the notarial seal may be omitted.

Title 18, USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction.

[FR Doc. 81-11391 Filed 4-15-81; 8:45 am]
BILLING CODE 6450-85-C

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 240

Additional Charges (Interest) on Overdue Reclamations and Double Payment Refunds

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Final rule.

SUMMARY: This Final Rule states Treasury's right to assess additional charges on amounts of refunds owed it by payees and presenting banks when such refunds are not timely made. This action is taken because Treasury has experienced increasing difficulty in collecting refunds owed it. The assessment of additional charges is intended to improve collection.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John O. Turner, Assistant Commissioner, Disbursement and Claims, Room 632, Annex Building, Pennsylvania Avenue and Madison Place, NW., Washington, D.C. 20226, (202) 566-2392.

SUPPLEMENTARY INFORMATION: Treasury has experienced increasing reluctance on the part of some banks and other debtors to repay amounts owed to Treasury in connection with negotiation of U.S. Treasury checks. This problem is manifested in two contexts.

First, checks are presented to Treasury and paid bearing indorsements later learned to be forged or otherwise unauthorized. Treasury requests refunds of the amount of a check from a presenting bank, based on the breach by the bank of warranty of genuineness of prior indorsements required of it under existing regulations, 31 CFR 240.4. As of the end of February 1981, Treasury had on hand in its On-Line Automated Reclamation System 60,695 open cases in which refund had been requested and not received. This is an increase of 7,545 since June 1980.

In the second context, a payee of a Treasury check alleges non-receipt or loss, and is issued a second check. Ultimately, the payee negotiates and receives payment on both the original check and the substitute or settlement check. Delays of up to a year or more are encountered by the Treasury in recovering these double payments from payees. Some individual amounts of double payments are in the thousands of dollars. The total amount outstanding is in the millions of dollars.

There is no justification for withholding a refund owed Treasury after it has been requested by the Treasury.

Among the comments received in response to the proposed rule, published in the **Federal Register** on September 16, 1980 (Vol. 45, No. 181, page 61318), was the opinion, voiced by nearly all respondents, that more time should be granted before additional charges are assessed. As a result of this response, Treasury has decided that no additional charges will be assessed against amounts owed if the refund has been received and processed by Treasury within 60 days of the date of the refund request. Treasury recognizes the banks' need for this grace period to investigate the facts and determine their rights and liabilities.

In order to clarify an additional point, Treasury emphasizes that a presenting bank will not be requested to refund the amount of a double payment made to a customer of the bank unless a claim of forgery or unauthorized endorsement has been presented. The bank, however, may be requested to furnish information concerning the negotiation of the checks which caused a double payment.

Treasury has formulated procedures for assessing additional charges against banks for late payment of refund of checks cashed on forged or otherwise unauthorized endorsements. Treasury has not yet formulated procedures for assessing additional charges against payees for late refund of double payments because of unique administrative problems involved. In 80% to 90% of such double payment cases, the overpayment will be obtained from the agency which authorized the initial payment, and collection from the payee will be effected by that agency. The remaining double payments must be identified and the determination must be made as to the effectiveness of collection activities regarding debtors whom Treasury may not be able to find, or who may be judgment proof. Most individual amounts will be small. Treasury will examine the situation involving payees, and, where feasible, and cost effective, additional charges will be assessed.

The collection of additional charges will be made in accordance with the provisions of the Federal Claims Collection Standards (4 CFR Part 102). Charges for late payments will be based on the rate used for purposes of Public Law 95-147, 91 Stat. 1227.

Accordingly, Part 240, Title 31 of the Code of Federal Regulations is amended as follows:

By designating the existing text in 31 CFR 240.5 as paragraph (a), and by adding a new paragraph (b) as follows:

§ 240.5 Reclamation of amounts of paid checks.

(a) * * *

(b) Treasury shall have the right to additional charges, at the rate set from time to time for purposes of Pub. L. 95-147, 91 Stat. 1227 (1977), for late refund of the amount of a Treasury check presented and paid bearing a forged or otherwise unauthorized endorsement, and for late repayment by a payee of an overpayment resulting from the payee's negotiation of both an original check, and a substitute or settlement check issued for the same underlying obligation.

((5 U.S.C. 301); R.S. 3646, 23 Stat. 306, *as amended* (31 U.S.C. 528); Act of Nov. 21, 1941, 55 Stat. 777 *as amended* (31 U.S.C. 561 *et seq.*); sec. 3, Pub. L. 89-508, 80 Stat. 309 (31 U.S.C. 952))

Dated: April 13, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-11465 Filed 4-15-81; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1795-3]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Air Surveillance Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the air quality surveillance plan revision submitted by the State of North Carolina on August 19, 1980. The revision updates North Carolina's state implementation plan (SIP) to meet EPA requirements set forth in 40 CFR Part 58, Subpart C. It includes a commitment to update the monitoring network annually and to utilize all required quality assurance methods to ensure data accuracy.

EFFECTIVE DATE: This action is effective May 18, 1981.

ADDRESSES: Copies of the material submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460
Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20005
Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365
Air Planning and Environmental Standards Branch, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Walter Bishop, Air Programs Branch, EPA Region IV, 345 Courtland Street, Atlanta, Georgia 30365, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558), EPA promulgated ambient air quality monitoring and data reporting regulations. These regulations satisfy the requirements of section 110(a)(2)(C) of the Clean Air Act by requiring ambient air quality monitoring and data reporting for purposes of state implementation plans (SIP). At the same time, EPA published guidance to the States regarding the information which must be adopted and submitted to EPA as a SIP revision providing for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) to measure ambient concentrations of those pollutants for which standards have been established in 40 CFR Part 50.

The State of North Carolina responded by submitting to EPA on August 19, 1980, a revised version of the air quality surveillance section of their SIP (Section VI). This now provides for the establishment of a SLAMS network such that the monitors will be properly sited and the data quality assured. The network will be reviewed annually for needed modifications and descriptions containing information such as location, operating schedule, and sampling and analysis methods will be available for public inspection.

EPA proposed approval of this revision in the **Federal Register** of December 4, 1980 (45 FR 80314). No comments were received on the proposal.

Since the air quality surveillance revision submitted by North Carolina meets all the requirements of 40 CFR Part 58, it is hereby approved. This action is effective May 18, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments are available for public inspection at the EPA Region IV office (see address above).

Incorporation by reference of the State implementation plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: April 9, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by adding subparagraph (26) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(26) Revisions of Section VI, Air Quality Surveillance, of the plan, submitted on August 19, 1980, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-11459 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1791-1]

Commonwealth of Virginia; Approval of Deadlines for Correcting Deficiencies in Virginia's SIP Revision for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA conditionally approved the Virginia State Implementation Plan (SIP), on August 19, 1980 (45 FR 55180), in instances where the plan is deficient and the State has assured EPA that it will submit corrections.

EPA proposed rulemaking on the deadlines and conditions on August 19, 1980 (45 FR 55228). Conditional approvals mean that restrictions under Sections 110, 176, and 316 of the Clean Air Act will not apply unless Virginia fails to submit the necessary corrections or EPA fails to approve them. A discussion of conditional approval and its practical effects appears in the July 2, 1979 **Federal Register** (44 FR 38583) and the November 23, 1979 **Federal Register** (44 FR 67182). This notice announces final rulemaking approving the deadlines by which the Commonwealth of Virginia has committed itself to remedy the conditionally approved portions of its SIP.

EFFECTIVE DATE: This final rulemaking is effective as of April 16, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Virginia are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn.: Patricia Sheridan
Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen (3AH11), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, Telephone: (215) 597-8187.

SUPPLEMENTARY INFORMATION: The Virginia SIP revision was developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act, as amended in 1977. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated "nonattainment" pursuant to section 107 of the Clean Air Act. Specific requirements for an approvable SIP are discussed in detail in the April 4, 1979, **Federal Register** (44 FR 20372); as amended by 44 FR 38583, July 2, 1979; 44 FR 50371, August 28, 1979; 44 FR 53761,

September 17, 1979; and 44 FR 67182, November 23, 1979.

EPA proposed the schedules and conditions to correct deficiencies of the revision to the Virginia SIP on August 19, 1980. The public was invited to comment on the proposal during the 30-day public comment period. EPA received comments only from the Commonwealth of Virginia.

These were submitted by W. R. Meyer, Executive Director, State Air Pollution Control Board, on October 15, 1980. The Commonwealth of Virginia requested a new deadline schedule because Virginia needed more time to satisfy State procedural requirements for submitting the required information. EPA does not plan to repropose the schedule, including the revised dates, for the following reasons:

1. The Commonwealth is the party responsible for meeting the deadlines and Virginia has agreed to the revised dates.

2. The public has had an opportunity to comment generally on the schedule and deficiencies [45 FR 55228 (1980)].

The conditions and deadlines established for correcting the deficiencies in this revision, are:

1. Margin for Growth.

The August 19, 1980 **Federal Register** notice (45 FR 55228) proposed that a system for tracking emission growth be submitted by September 30, 1980. At the time that Notice was prepared, EPA had not had an opportunity to fully review the Commonwealth's December 17, 1979 submittal and, therefore, the August 19, 1980 Notice does not discuss the tracking system submitted on December 17, 1979. We have now reviewed this submittal and have found the tracking system acceptable. Therefore, the proposed condition has now been satisfied. This item as well as the entire December 1979 submittal is discussed in detail in a separate rulemaking to be published shortly. (See Docket AH300a/bVA).

2. RACT as expeditiously as practicable.

The RACT deficiencies must be remedied according to the following schedule:

Not later than April 30, 1981, except where noted, adequate justification for deviating from the RACT recommendations or final regulations, where applicable, must be submitted.

The above date was requested by the Commonwealth of Virginia. EPA agrees to this change from originally proposed dates. The new date will give the Commonwealth an appropriate time period to hold public hearings and to make the necessary regulatory changes.

The following regulations contain deviations from RACT that must be remedied:

a. The emission limitation on automobile and light duty truck coating in § 4.55(e)(2). Either a revised regulation or adequate justification for deviating from RACT must be submitted by August 18, 1981.

b. The exemption from Stage I vapor controls for gasoline service stations with a throughput of less than 20,000 gallons per month, contained in § 4.56(d)(3)(ii) (For Richmond only).

c. The general exemption for sources of VOC emissions contained in § 4.54(a)(4)(i), as it applies to § 4.54(c) dealing with Solvent Metal Cleaning (For Richmond and Northern Virginia only).

d. The regulations covering cutback asphalt paving in § 4.57(b) must be remedied to correct two deficiencies:

(i) The maximum allowable solvent content of emulsified asphalt of 15% is not RACT.

(ii) Allowing the use of cutback asphalt as a tack coat is not RACT.

3. Inspection and Maintenance (I/M).

The August 19, 1980 **Federal Register** notice stated that although I/M legislation had been submitted by the Commonwealth, no action was being taken by EPA because an additional submittal was due on or before July 1, 1980. This submittal was to include a schedule for implementation of the I/M program and a clear commitment to implement and enforce the I/M program and to reduce emissions by 25 percent by 1987.

After a comprehensive review of the May 15, 1980 submittal from the Commonwealth, it appears all of the above-mentioned concerns have been satisfied. However, this submittal will be the subject of a separate **Federal Register** notice (Reference Docket No. AH300bVA) and need not be addressed further in the Conditional Approval schedule.

4. Enforceability.

a. Acceptable test methods and procedures for determining compliance with §§ 4.54, 4.55 4.56 and 4.57 must be submitted by April 30, 1981. Virginia requested the deadline be changed from the proposed date of September 30, 1980. This is satisfactory to EPA and is approved.

b. An acceptable definition of "reasonable further progress" must be submitted by April 30, 1981. EPA is approving this change in accordance with the Commonwealth's request.

5. Conformity Requirement.

Commitments must be adopted by each lead agency and Metropolitan Planning Organization (MPO) in the Northern Virginia, Richmond, Peninsula, and Southeastern Virginia areas that no project, program, or plan will be approved that does not conform with the SIP. These commitments must be adopted by the designated lead agencies and MPOs, be endorsed by the State, and be submitted to EPA by April 30, 1981. EPA agrees with this deadline change, as requested by Virginia, from the proposed date of September 30, 1980.

6. Carbon Monoxide.

A "hot spot" analysis for carbon monoxide in the carbon monoxide nonattainment portions of the National Capital Interstate AQCR, as well as a line of reasonable further progress for carbon monoxide, must be submitted by April 30, 1981. Virginia requested this deadline and it is satisfactory to EPA.

The above conditions apply to all ozone nonattainment areas unless indicated otherwise. "Richmond" refers to the Richmond City, Henrico County and Chesterfield County portions of the State Capital Intrastate AQCR. "Northern Virginia" refers to the Virginia portions of the National Capital Interstate AQCR.

The Commonwealth of Virginia has requested that the boundary of the urbanized area in Northern Virginia be modified to exclude Loudoun County, since this is primarily a rural area which accounts for only five percent of the light duty vehicle registrations in the Northern Virginia Region. The effect of this modification, if approved, would be to exclude Loudoun County from the requirement to implement I/M. It would not change Loudoun County's designation, under section 107 of the Clean Air Act, as nonattainment for ozone. In addition, if the modification were approved, Loudoun County would no longer be eligible to receive funds under section 175 of the Act. This modification was proposed for approval on August 19, 1980 (45 Fed. Reg. 55180); a final decision will be made shortly and is addressed in the rulemaking pertaining to Docket No. AH300a/bVA.

EPA Actions

Based on the above discussion, the Administrator approves the following schedule dates and conditions.

1. RACT as expeditiously as practicable.

The RACT deficiencies must be remedied according to the following schedule: Not later than April 30, 1981, except where noted, adequate justification for deviation from RACT recommendations or final regulations, where applicable, must be submitted.

The following regulations contain RACT deficiencies that must be remedied:

a. The emission limitation on automobile and light duty truck coating in § 4.55(e)(2) must be revised or an adequate justification for deviating from RACT must be submitted by August 18, 1981.

b. The exemption from Stage I vapor controls for gasoline service stations with a throughput of less than 20,000 gallons per month, contained in § 4.56(d)(3)(ii) (For Richmond only).

c. The general exemption for sources of VOC emissions contained in § 4.54(a)(4)(i), as it applies to Section 4.54(c) dealing with Solvent Metal Cleaning (For Richmond and Northern Virginia only).

d. The regulations covering cutback asphalt paving in § 4.57(b) must be remedied to correct two deficiencies:

(i) The maximum allowable solvent content of emulsified asphalt of 15% is not RACT.

(ii) Allowing the use of cutback asphalt as a tack coat is not RACT.

2. Enforceability.

a. Acceptable test methods and procedures for determining compliance with §§ 4.54, 4.55, 4.56 and 4.57 must be submitted by April 30, 1981.

b. An acceptable definition of "reasonable further progress" must be submitted by April 30, 1981.

3. Conformity Requirement.

Commitments must be adopted by each lead agency and Metropolitan Planning Organization (MPO) in the Northern Virginia, Richmond, Peninsula, and Southeastern Virginia areas that no project, program, or plan will be approved that does not conform with the SIP. These commitments must be adopted by the designated lead agencies and MPOs, be endorsed by the State, and be submitted to EPA by April 30, 1981.

4. Carbon Monoxide.

A "hot spot" analysis for carbon monoxide in the carbon monoxide nonattainment portions of the National Capital Interstate AQCR, as well as a line of reasonable further progress for carbon monoxide, must be submitted by April 30, 1981.

In conjunction with the Administrator's conditional approval, 40 CFR 52.2431 (Control Strategy: Carbon Monoxide and Ozone) of Subpart VV (Virginia) should be revised to incorporate these amendments. This notice is effective immediately so the deadlines contained herein are immediately effective. EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on this schedule as soon as possible in order to lift growth restrictions in those areas for which the Commonwealth has submitted adequate plans in accordance with Part D requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals or the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on this schedule as soon as possible in order to lift growth restrictions in those areas for which the Commonwealth has submitted adequate plans in accordance with Part D requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to these comments are available for public inspection at EPA Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia PA 19106.

(42 U.S.C. §§ 7401–7642)

Dated: April 8, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Title 40, Code of Federal Regulations is revised to read as follows:

Subpart VV—Virginia

1. Section 52.2431(e)(1)–(4) are revised to read as follows:

§ 52.2431 Control Strategy: Carbon monoxide and ozone.

* * * * *

(e) * * *

(1) RACT as expeditiously as practicable.

The RACT deficiencies must be remedied according to the following schedule: Not later than April 30, 1981, except where noted, adequate justification for deviating from RACT recommendations or final regulations, where applicable, must be submitted. The following regulations contain RACT deficiencies that must be remedied:

(i) The emission limitation on automobile and light duty truck coating in § 4.55(e)(2) must be revised or an adequate justification for deviating from RACT must be submitted by August 18, 1981.

(ii) The exemption from Stage I vapor controls for gasoline service stations with a throughput of less than 20,000 gallons per month, contained in § 4.56(d)(3)(ii) (For Richmond only).

(iii) The general exemption for sources of VOC emissions contained in § 4.54(a)(4)(i), as it applies to § 4.54(c) dealing with Solvent Metal Cleaning (For Richmond and Northern Virginia only).

(iv) The regulations covering cutback asphalt paving in § 4.57(b) must be remedied to correct two deficiencies:

(A) The maximum allowable solvent content of emulsified asphalt of 15% is not RACT.

(B) Allowing the use of cutback asphalt as a tack coat is not RACT.

(2) Enforceability.

(i) Acceptable test methods and procedures for determining compliance with §§ 4.54, 4.55, 4.56 and 4.57 must be submitted by April 30, 1981.

(ii) An acceptable definition of "reasonable further progress" must be submitted by April 30, 1981.

(3) *Conformity Requirements.* Commitments must be adopted by each lead agency and Metropolitan Planning Organization (MPO) in the Northern Virginia, Richmond, Peninsula, and Southeastern Virginia areas that no project, program, or plan will be approved that does not conform with the SIP. These commitments must be adopted by the designated lead agencies and MPOs, be endorsed by the State, and be submitted to EPA by April 30, 1981.

(4) *Carbon Monoxide.* A "hot spot" analysis for carbon monoxide in the carbon monoxide nonattainment portions of the National Capital Interstate AQCR, as well as a line of reasonable further progress for carbon monoxide, must be submitted by April 30, 1981.

[FR Doc. 81-11458 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-247; RM-3413]

FM Broadcast Station in Edenton, North Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 272A to Edenton, North Carolina, in response to a petition filed by Albemarle Radio Corporation. The assignment could provide a second local FM service to Edenton.

EFFECTIVE DATE: June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Edenton, North Carolina), BC Docket No. 80-247 RM-3413. *Report and order* (Proceeding Terminated).

Adopted: April 3, 1981.

Released: April 10, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 Fed. Reg. 40186, published June 13, 1980, inviting comments on a proposal to assign Channel 272A to Edenton, North Carolina, as its second FM channel. This proceeding was instituted on the basis of a petition filed by Albemarle Radio Corporation ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel, if assigned.

2. Edenton (pop. 4,766),[1] seat of Chowan County (pop. 10,764), is located approximately 184 kilometers (115 miles) northeast of Raleigh, North Carolina. Edenton is currently served by daytime-only AM Station WCDJ (licensed to petitioner) and by FM Station WBXB.

3. The channel can be assigned to Edenton provided the transmitter is located approximately 3.2 kilometers (2 miles) north of the community.

4. The *Notice* indicated that no community greater than 1,000 population and without alternative channels available would be affected. In view of the insignificant preclusion and the fact that the assignment would provide a second FM service to Edenton, the Commission finds it to be in the public interest to assign Channel 272A to Edenton, North Carolina.

5. Accordingly, it is ordered, That effective June 2, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended for the community listed below, as follows:

City	Channel No.
Edenton, North Carolina	261A, 272A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(l), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is Further Ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11460 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-278; RM-3409]

FM Broadcast Station in Hanover, New Hampshire; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 221A to Hanover, New Hampshire, in response to a petition filed by James M. Canto. The assignment would provide Hanover with a second FM service.

EFFECTIVE DATE: June 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Hanover, New Hampshire). Docket 80-278 RM-3409. Report and order (Proceeding Terminated).

Adopted: April 3, 1981.

Released: April 10, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 Fed. Reg. 42751, published June 25, 1980, proposing the assignment of Channel 221A to Hanover, New Hampshire, in response to a petition filed by James M. Canto ("petitioner"). Supporting comments were filed by petitioner in which he restated his intent to apply for the channel, if assigned. Comments were also filed by Masterpeace Communications Corporation ("MCC"), petitioner for the use of Channel 276A at Waterbury, Vermont, in RM-3792.

2. Hanover (population 8,494),[1] is located in Grafton County (population 54,914) approximately 80 kilometers (50 miles) northwest of Concord, New Hampshire. Hanover is presently served by full-time AM Station WDCR and Station WTSL and FM Station WFRD (FM) (Channel 257A).

3. MCC, in comments, pointed out that it has proposed to substitute Channel 221A for 292A at Moriah, New York, in order to resolve its conflict with a proposed assignment to Vergennes (RM-3693). However, the Moriah substitute assignment would affect the site selection of the Hanover assignment. A staff study has determined that locating the Hanover transmitter at least 7.2 kilometers (4.5 miles) northeast of the community would avoid short-spacing.

4. Petitioner has failed to provide alternative assignments for the precluded communities set forth in the *Notice*.[2] Thus we must assume there are no such alternatives. However, no other interest has been expressed in any of the precluded communities and we do not believe we should reserve the channel for future use at these relatively small communities.

5. Accordingly, in view of the fact that the assignment would provide Hanover with a second FM assignment and that the preclusion impact is not an obstacle, the Commission finds it to be in the public interest to assign Channel 221A to Hanover, New Hampshire.

6. Canadian concurrence in the proposal has been obtained.

7. Accordingly, it is ordered, that effective June 2, 1981, § 73.202(b) of the Commission's Rules, the FM table of Assignments, is amended for the community listed below, as follows:

[1] Population figures are taken from the 1970 U.S. Census.

[2] The precluded communities without an FM assignment and over 1,000 population are: Fair Haven, Vt. (population 2,779); Whitehall, N.Y. (population 3,764) and Granville, N.Y. (population 2,784).

City	Channel No.
Hanover, New Hampshire	221A, 257A

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

9. It is further ordered, that this proceeding is terminated.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11461 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-277; RM-3369]

FM Broadcast Station in Vincennes, Indiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 221A to Vincennes, Indiana, in response to a petition filed by Original Company. The assignment would provide Vincennes with a second commercial FM service.

EFFECTIVE DATE: June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Vincennes, Indiana). BC Docket No. 80-277 RM-3369. Report and order (Proceeding Terminated).

Adopted: April 3, 1981.

Released: April 13, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 Fed. Reg. 42748, published June 25, 1980, inviting comments on a proposal to assign FM Channel 221A to Vincennes, Indiana. This proceeding was instituted on the basis of a petition filed by Original Company ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel if assigned.

2. Vincennes (pop. 19,867),[1] seat of Knox County (pop. 41,546), is located approximately 170 kilometers (103 miles) southwest of Indianapolis, Indiana. It has one fulltime AM station, WAOV, one commercial FM station, WRTV and one noncommercial educational FM station, WVUB (Channel 216).

3. As stated in the *Notice*, a Channel 221A assignment to Vincennes would require a site restriction of approximately 8 kilometers (5 miles) west of the community.

4. Petitioner was requested to indicate in comments whether an alternative channel was available to Albion, Indiana, the only precluded community over 1,000 without local aural service. Petitioner notes that Channel 265A (with a site restriction) is available to Albion.

5. In view of the fact that the proposed assignment would provide a second commercial FM service to Vincennes, the Commission finds it to be in the public interest to assign Channel 221A to Vincennes, Indiana.

6. Accordingly, it is ordered, that effective June 2, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended for the community listed below, as follows:

City	Channel No.
Vincennes, Indiana	221A, 244A

7. Authority for the action taken herein in contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

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

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11462 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-320; RM-3568]

FM Broadcast Station in Spencer, Indiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Spencer, Indiana, in response to a petition filed by Owen Valley Broadcasters, Inc. The assignment would provide Spencer with a first local aural service.

EFFECTIVE DATE: June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Spencer, Indiana), BC Docket No. 80-320, RM-3568.

Report and Order—Proceeding Terminated

Adopted: April 3, 1981.

Released: April 13, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 45602, published July 7, 1980, inviting comments on a proposal to assign Channel 224A to Spencer, Indiana, as that community's first FM assignment. The proceeding was instituted on the basis of a petition filed by Owen Valley Broadcasters, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it restated its intent to apply for the channel, if assigned, and provided additional supporting data. No oppositions have been received.

2. Spencer (pop. 2,553),[1] seat of Owen County, is located approximately 29 kilometers (18 miles) northwest of Bloomington, Indiana. It has no local aural service.

3. Channel 224A can be assigned provided the transmitter is located at least 10.4 kilometers (6.5 miles) west of the community.

4. In view of the first local aural service that could be provided to the community, the Commission finds it to be in the public interest to assign Channel 224A to Spencer, Indiana.

5. Accordingly, it is ordered, that effective June 2, 1981, § 73.202(b) of the

[1] Population figures are taken from the 1970 U.S. Census.

[1] Population figures are taken from the 1970 U.S. Census.

Commission's rules, the FM Table of Assignments, is amended for the community listed below, as follows:

City	Channel No.
Spencer, Ind	224A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11470 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-245; RM-2762, 2785, 2787, 2886, 2901, 3033, 3255, 3480]

FM Broadcast Stations in Blytheville, Jonesboro, Paragould, Piggott, Trumann, Walnut Ridge and West Memphis, Arkansas; Portageville, Missouri, and Collierville, Tennessee; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action makes the following FM channel assignments: Assigns Channel 261A to Jonesboro, Arkansas, as that community's third FM assignment, at the request of MSB Communications Corporation; assigns Channel 296A to Paragould, Arkansas, as that city's second FM assignment, at the request of KDRS, Inc.; assigns Channel 288A to Piggott, Arkansas, as that city's first FM assignment, at the request of Guy Brinkley, George Cook, and Rex Watson; and assigns Channel 296A to West Memphis, Arkansas, as that community's first FM assignment at the request of Christian Studies of Man and Society and Crusade for Christ, Inc.

EFFECTIVE DATE: June 2, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Blytheville, Jonesboro, Paragould, Piggott, Trumann, Walnut Ridge and West Memphis, Arkansas; Portageville, Missouri, and Collierville, Tennessee), BC Docket No. 80-245, RM-2762, RM-2785, RM-2787, RM-2886, RM-2901, RM-3033, RM-3255, RM-3480.

Report and Order—Proceeding Terminated

Adopted: April 3, 1981.

Released: April 15, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 40176, published June 13, 1980, proposing seven alternative assignment plans involving the above-captioned communities. The amendments to the Table of Assignments, contemplated under the plans, are as follows:

City	Channel No.	
	Present	Proposed
Plan I		
Blytheville, Ark	241	241,293
Walnut Ridge, Ark	292A	261A
West Memphis, Ark		296A
Portageville, Mo	292A	288A
Plan II		
Blytheville, Ark	241	241, 293
Walnut Ridge, Ark	292A	261A
Portageville, Mo	292A	288A
Collierville, Tenn		296A
Plan III		
Paragould, Ark	285A	261A, 285A
Piggott, Ark		288A
West Memphis, Ark		296A
Plan IV		
Jonesboro, Ark	270, 300	261A, 270, 300
Paragould, Ark	285A	285A, 296A
Piggott, Ark		288A
West Memphis, Ark		296A
Plan V		
Paragould, Ark	285A	261A, 285A
Piggott, Ark		288A
Trumann, Ark		296A
Collierville, Tenn		296A
Plan VI		
Jonesboro, Ark	270, 300	261A, 270, 300
Piggott, Ark		288A
Trumann, Ark		296A
Collierville, Tenn		296A
Plan VII		
Jonesboro, Ark	270, 300	261A, 270, 300
Paragould, Ark	285A	285A, 296A
Piggott, Ark		288A
Collierville, Tenn		296A

These assignment plans were proposed in response to petitions for rule making filed by numerous parties. The petitioners and their requested assignments are summarized below.

(a) Jim Southard, Cecil Poff and Solan Lott ("SPL"), of Blytheville, Arkansas, seek assignment of Channel 293 to Blytheville, Arkansas, as that community's second FM assignment. This would require the substitution of Channel 261A for Channel 292A (Station KCAZ) in Walnut Ridge, Arkansas, and the substitution of Channel 288A for Channel 292A (Station KMIS-FM) in Portageville, Missouri (RM-2762);

(b) Christian Studies of Man and Society ("Christian"), of Memphis, Tennessee, seeks assignment of Channel 296A to West Memphis, Arkansas, as its first FM assignment (RM-2787);

(c) Crusade for Christ, Inc. ("Crusade"), of Norfolk, Virginia, also seeks assignment of Channel 296A to West Memphis, Arkansas (RM-2785);

(d) Guy Brinkley, George Cook and Rex Watson ("BCW"), of Piggott, Arkansas, seek assignment of Channel 288A to Piggott, Arkansas, as that community's first local aural service (RM-2886);

(e) Albert L. Crain ("Crain") of Collierville, Tennessee, licensee of daytime-only AM Station WMSO (1590 kHz), seeks assignment of Channel 296A to Collierville, Tennessee, as that community's first FM assignment (RM-2901);

(f) Cate Communications Corporation ("Cate"), of Trumann, Arkansas, seeks assignment of Channel 296A to Trumann, Arkansas, as its first FM assignment (RM-3033);

(g) KDRS, Inc. ("KDRS"), of Paragould, Arkansas, licensee of KDRS (AM) Paragould, Arkansas, seeks assignment of Channel 261A or 296A to Paragould, as its second FM assignment (RM-3255); and

(h) MSB Communications Corporation ("MSB"), of Jonesboro, Arkansas, seeks assignment of Channel 261A to Jonesboro, Arkansas, as that community's third commercial FM assignment (RM-3480).

The development of various alternative assignment plans was necessary because the Commission's minimum distance separation requirements make certain combinations of the above-mentioned proposals mutually exclusive. Comments in response to the *Notice* were filed by SPL, Christian, BCW, Crain, KDRS, and Wolfe Communications ("Wolfe"). Reply comments were submitted by SPL, KDRS, and MSB. Cate filed an informal comment. Additional comments filed after the reply date were submitted by

Crain, withdrawing his request for an FM channel assignment to Collierville.

Comments

2. SPL in its comments supports Plan I or Plan II or any other alternative which permits the assignment of Channel 293 to Blytheville. SPL claims that at the time its original petition for rule making was filed in 1976, no other mutually exclusive proposals were pending.[1] Had the Commission acted on SPL's petition when it was originally filed, SPL opines that the requested assignments might have been routinely adopted. While SPL acknowledges that it should be given no preference for being the first in time to file, it does suggest that the Commission should take the history of the proceeding into account when making its decision. SPL argues that Blytheville's need for, and entitlement to, an additional channel is more compelling than the needs of the other cities being considered in this proceeding. SPL cites three reasons in support of this position: The other communities involved are smaller and less significant than Blytheville; they possess "the unwarranted advantage of a larger number of local FM stations" than Blytheville; and/or they receive a greater number of FM stations than Blytheville. In response to the Commission's request that it provide information relating to channels available for assignment to precluded communities, SPL states that such technical information would be too expensive to obtain and that the Commission is in a better position to generate such data. SPL reiterates its intention to apply for authority to build and operate a station in Blytheville if the requested channel is assigned.

3. Christian states that it prefers Plans I, III, or IV, and avers that it will apply for a station if an assignment is made to West Memphis. BCW supports the adoption of Plan V or Plan VI and will apply for a station at Piggott if a channel is assigned there. According to BCW, a channel at Piggott would also serve the communities of Rector, Arkansas, and Campbell, Missouri. Cate states in its informal comments that a first nighttime service in Trumann is critical because Trumann is located in a "high density area for severe weather." Cate also notes that the assignment of Channel 296A to Trumann would not force any existing licensee to change frequencies. Cate reaffirms its intent to apply for authority to operate a station in Trumann, if a channel is assigned.

4. KDRS supports the adoption of Plan III or Plan V as the plans which best serve the public interest. In support of assigning a second channel to Paragould, KDRS states that preliminary 1980 Census figures show that the population of Paragould has grown during the past ten years at a rate of approximately 41.1 percent. KDRS contrasts this growth figure with preliminary findings which show that the populations of Jonesboro and West Memphis have grown only 11.9 percent and 5.6 percent, respectively, and that the populations of Blytheville and Trumann have declined. KDRS critiques the merits of the various alternative assignment plans as follows: Plan I only adds two stations, one which is in West Memphis, which is already well served; Plan II also adds only two stations; Plan IV provides needed service to Paragould and Piggott, but also assigns a channel to Jonesboro, which would violate the Commission's population criteria; likewise, Plan VI proposes assigning a channel to Jonesboro at the expense of an assignment to Paragould; Plan VII also proposes a channel for Jonesboro.

5. Wolfe supports the adoption of Plans I, III, or IV, all of which propose to add a channel in West Memphis. Wolfe states that it is a Black-controlled group and asserts that a minority oriented station in West Memphis would be appropriate, given the significant minority populations in West Memphis and Crittenden County. Wolfe states that according to the 1970 Census, 32.7% of West Memphis' population is Black and 47.3% of Crittenden County's population is Black. Given the Commission's emphasis on minority ownership, Wolfe concludes that making an assignment available in West Memphis, where a minority group can apply to provide minority programming, is in the public interest. Without the assignment, Wolfe states that the opportunity for Blacks to own and operate a station around West Memphis will be precluded.

6. In reply comments, SPL argues that Blytheville is clearly entitled to a second FM assignment. SPL avers that the needs of Blytheville are more compelling than those of West Memphis, which already receives many signals, and Paragould, which is only one-third the size of Blytheville. SPL claims that Blytheville's entitlement to a second assignment is infinitely superior to Jonesboro's need for a third assignment. In response to the claims of KDRS, SPL states that the size and significance of Blytheville overshadow the growth rate of Paragould as a criterion for making a second FM assignment. Finally, SPL claims that Blytheville is the largest and most significant city in Arkansas with only a single local FM station, and therefore "lacks even the basic rudiments of a multiple and competitive local FM service." SPL argues that correcting this problem should be the Commission's "prime allocation factor" in this proceeding.

7. In its reply comments, KDRS notes that only SPL totally supports an assignment plan that precludes an additional FM assignment to Paragould. SPL states that since Blytheville has a declining population, SPL is forced to argue that it is entitled to a channel because it filed for the channel four years ago. Also, KDRS criticizes SPL for alleging that additional engineering studies would prove too costly, thereby avoiding a serious discussion of the highly preclusive effects of Plans I and II. KDRS concludes that Plans III or V provides Paragould with a second assignment, and the most new service with the least preclusions to other communities.

8. MSB states in its reply comments that if an FM channel is assigned to Jonesboro, it will apply for authority to build and operate a station.[2] MSB then discusses each assignment plan as presented in the *Notice*. Regarding Plan I, MSB concludes that West Memphis probably deserves an assignment, but Blytheville does not, given the preclusion that would result from an assignment to Blytheville. MSB states that West Memphis is more deserving than Collierville and that therefore, Plan II should not be adopted. Plan III is criticized because it provides only three new assignments, whereas Plan IV provides four assignments, thereby representing the most efficient use of the available FM channels in the northeast region of Arkansas. MSB states that under Plan IV, only one community without a present assignment, with a population over 1,000, will be precluded. MSB also asserts that the plan provides new and additional local FM service to a greater cumulative population than

[1] The Blytheville petition was held in abeyance pending appeal of a rule making which would have required a mutually exclusive substitute assignment at Portageville [Channel 224A instead of Channel 288A]. *See Cape Girardeau, Missouri, et al.*, 51 F.C.C. 2d 492 (1975), *recons. denied*, 54 F.C.C. 2d 896 (1975); and *Caruthersville, Missouri, et al.*, 39 R.R. 2d 1147 (Broadcast Bureau 1977), *recons. denied*, 41 R.R. 2d 135 (1977), *aff'd sub nom. Communications Systems, Inc. v. F.C.C.*, 595 F. 2d 797 (D.C. Cir. 1978).

[2] MSB states that it had no knowledge of any requirement to submit comments. When the commitment to file was made known to MSB, it states that it retained different counsel more familiar with the Commission's processes. Because MSB's comments were filed two weeks before the reply comment deadline and other parties were aware of MSB's filing, MSB's failure to file comments within the original comment period does not appear to be prejudicial to any party and its reply comments will therefore be accepted.

any of the other plans. MSB states that Jonesboro should not be deprived of an additional channel because it already has two FM assignments. According to MSB, one of the existing FM stations is co-owned with an AM facility. Citing *Waycross, Georgia*, 47 R.R. 2d 319 (Broadcast Bureau 1980), MSB contends that such co-ownership is grounds for permitting the assignment of additional channels. MSB faults Plans V, VI, and VII because they all favor an assignment to Collierville rather than West Memphis.

Analysis

9. As a preliminary matter since the proponent of the assignment to Collierville, Albert L. Crain, has disavowed any continuing interest, and no other interest in a Collierville assignment has been expressed, no channel will be assigned there. For this reason, two of the seven alternative assignment plans presented in the *Notice* can be immediately removed. Plan II, which proposes new assignments to Blytheville and Collierville, need not be considered further. After taking Collierville out of consideration, the plan offers nothing which is not also accomplished in Plan I. Similarly, Plan VII, without Collierville, offers nothing which is not also offered in Plan IV. Therefore, the following analysis will consider only those assignments which are set out in Plans I, III, IV, V, and VI.

10. Before addressing the merits of the individual assignment plans, several preliminary comments appear in order. Initially, we note that each of the petitioners in this proceeding has convinced us of the need and propriety of the requested assignments. Granted, the needs demonstrated are not necessarily equal, and some communities clearly have a better case for an assignment than others. We are aided in our selection process by the statutory mandate to "* * * provide a fair, efficient, and equitable distribution of radio service * * *" as provided in section 307(b) of the Communications Act of 1934, as amended. We have established FM assignment priorities which may be summarized as follows:[3]

(1) Not applicable;

(2) Provide a first FM service to as much of the population of the United States as possible;

(3) Provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local AM station, and especially where the community is outside of an urbanized area;

(4) Provide a choice of at least two FM services to as much of the population of the United States as possible;

(5) Provide, in all communities which appear to be of enough size (or to be located in areas with enough population) to support two local FM stations, especially where the community is outside of an urbanized area;

(6) Not applicable;

(7) Channels unassigned under the foregoing priorities will be assigned to the various communities on the basis of their size, location with respect to other communities, and the number of outside services available.

11. Our engineering study indicates that none of the proposed assignments will provide currently unserved or underserved areas with first and second FM service. Accordingly, priorities two and four—the provision of first and second FM service to as much of the population as possible—are not applicable. The following chart summarizes the extent to which the remaining priorities apply to the cities in question:

City	Population*	Local service	60 dBu FM service	Priority
Blytheville	24,752	1 FM, Class C, 1 daytime AM.	KHLS, Blytheville, KHFO, Osceola, KTMO, Kennett.	5
West Memphis	26,070	1 daytime AM	WHRK, Memphis, WMCF, Memphis, KWAM, Memphis, WZAR, Memphis, WRVR, Memphis, WEZI, Memphis.	3
Piggott	3,087	None	KJEZ, Poplar Bluff, KTMO, Kennett	3
Trumann	6,023	1 daytime AM	KHFO, Osceola, KBTM, Jonesboro, KFIN, Jonesboro.	3
Paragould	10,639	1 FM, Class A, 1 full-time AM.	KTMO, Kennett, KBTM, Jonesboro, KHKG, Paragould, KFIN, Jonesboro.	5
Jonesboro	27,050	2 FM, Class C, 1 noncom. FM, 1 full-time AM, 1 daytime AM.	KBTM, Jonesboro, KFIN, Jonesboro	7

*Population data are taken from the 1970 U.S. Census.

With this information in mind, we begin our analysis of the individual assignment plans.

12. *Plan I*—Under this plan, Blytheville would receive its second FM assignment and West Memphis would receive its first. The assignment at Blytheville requires channel substitutions at Portageville, Missouri, and Walnut Ridge, Arkansas. The assignments would cause preclusion to a total of fourteen communities (excluding those communities being considered in this proceeding) of over 1,000 population which have no present FM assignments. The petitioners, supporting the Blytheville and West Memphis assignments, were requested to address the availability of alternative channels for the precluded cities but failed to do so. As shown on the chart in paragraph 11, the assignments to Blytheville and West Memphis would satisfy the Commission's fifth and third assignment priorities, respectively.

13. *Plan III*—This plan would provide Piggott and West Memphis with their first FM assignments and Paragould with its second. Excluding the cities being considered herein, eight communities with populations over 1,000 having no FM assignments would be precluded by these assignments. As stated above, the West Memphis proponent failed to provide any information concerning alternative available channels for the precluded communities. KDRS, the proponent of the Paragould assignment, states that no alternative channels are available for Hoxie, Arkansas (the only community without an assignment precluded by the Paragould assignment), and that Hoxie is precluded under all of the assignment plans. The assignments to West Memphis and Piggott satisfy the Commission's third assignment priority; the assignment to Paragould meets the fifth priority.

14. *Plan IV*—First assignments to West Memphis and Piggott, a second assignment to Paragould, and a third assignment to Jonesboro are contemplated under Plan IV. Not counting the communities for which channels are being proposed herein, this plan causes preclusion to eight communities currently without an FM assignment. Plan IV is similar to Plan III except that it also proposes an assignment to Jonesboro. As noted by several commenting parties, assigning a third channel to Jonesboro exceeds the Commission's current population guidelines which generally limit cities with population below 50,000 to two FM assignments.

15. *Plan V*—After dropping Collierville from consideration, Plan V anticipates a first assignment to Piggott and Trumann and a second assignment to Paragould. Again, not including communities being considered in this

[3] These priorities were first listed in the Further Notice of Proposed Rule *Making* in the FM proceeding in Docket 14185, FCC 62-687 (1962), and reprinted in *Anamosa and Iowa City, Iowa*, 46 FCC 2d 220, 224-25 (1974).

proceeding. Hoxie, Arkansas, is the only city with a population over 1,000 having no assignment which would be precluded by this assignment plan. Assignments to Piggott and Trumann meet the third assignment priority while the assignment to Paragould satisfies the fifth priority.

16. *Plan VI*—Plan VI is similar to Plan V except that a channel would be assigned to Jonesboro instead of Paragould. Arguably, the only assignment priority which applies to Jonesboro's third channel is the catchall priority number seven.

17. In determining which assignment plan is most efficient, we must consider the total number of new assignments which can be made. Plan I would assign but two new channels. Two of the assignments proposed in Plan I are mere channel substitutions which enable Channel 293 to be assigned to Blytheville. Because the other assignment plans each offer at least three new assignments, and two cities in each plan receive important first local assignments, we are forced to conclude that Plan I is the least efficient of the remaining alternatives. Furthermore, the channel substitution at Portageville, Missouri, which would be necessitated by the Blytheville assignment, would foreclose Piggott, Arkansas, from receiving an assignment. Piggott is the only community under consideration in this proceeding which currently has no local aural service. Certainly, we recognize that a community the size of Blytheville deserves a second assignment. However, given the alternative available to the Commission, the interests of Blytheville in obtaining its second FM channel are clearly outweighed by the interests of other communities seeking their first assignments. The unhappy fact that SPL's petition, when originally filed, did not conflict with any other outstanding proposal and might therefore have been routinely granted, cannot have any bearing on our decision at this time. The Blytheville petition was held in abeyance for what we feel are valid reasons and we must now act based on the record as it appears today, not as it appeared four years ago. Thus, SPL's first-in-time filing does not give it any particular "entitlement" to an assignment, particularly where the needs of other communities have been shown to be greater.

18. Each of the remaining four plans would make a first assignment to two communities and thereby satisfy the highest FM assignment priority applicable in this proceeding. Plans III and IV would make first assignments to Piggott and West Memphis; Plans V and VI would make first assignments to Piggott and Trumann. Piggott is included in all four plans. Thus, the operative determinant in assessing the plans is the relative merit of making a first assignment to West Memphis or to Trumann. After careful analysis, we conclude that West Memphis is more deserving. Both cities are currently served locally be a daytime-only AM station. Trumann receives three fewer FM services, but in our opinion, the size and importance of West Memphis (population 26,070 to Trumann's 9,023) conclusively outweigh this fact. Having decided that the plans proposing a first assignment to West Memphis are favored over those plans providing a channel to Trumann, only Plans III and IV remain under consideration.

19. Both Plan III and Plan IV assign channels to Paragould, Piggott, and West Memphis. The sole remaining question involves whether to make an additional assignment to Jonesboro since that factor represents the only ‡§ difference between the two plans. Admittedly, the need of Jonesboro for an additional channel is less compelling than the needs of other cities which have already been eliminated from consideration. However, those other cities were eliminated for reasons quite apart from any consideration of the Jonesboro assignment. In this instance, the assignment to Jonesboro is a drop-in which, when considered in conjunction with the assignments to Paragould, Piggott, and West Memphis, does not preclude any other assignment being proposed in this proceeding.[5] The assignment to Jonesboro does exceed the Commission's population guidelines, which generally limit a city the size of Jonesboro to a total of two FM assignments. However, these population guidelines are not inflexible standards, and assignments exceeding these guidelines have been made where the preclusive impact of the assignment is insignificant and an interest has been shown for an additional channel. *Waycross, Georgia*, 47 R.R. 2d 319 (Broadcast Bureau 1980). In this case, Hoxie, Arkansas, is the only city with a population over 1,000 currently without an FM assignment which would be precluded by the assignment of Channel 261A to Jonesboro. A staff study indicates that, assuming the assignments indicated in Plan IV are adopted, Channel 292A can be assigned to Hoxie (with a site restriction) if that channel is deleted from Poplar Bluff, Arkansas, where it is currently unoccupied. Although we make no judgment at this time as to whether Hoxie would be preferred over Poplar Bluff, should an interest arise for Channel 292A, the fact remains that we have received no expression of interest in a Hoxie station. Hoxie does not appear large enough to receive an FM channel for an indefinite future use. Thus, we shall adopt Plan IV. In so doing, we realize that assigning a Class A channel to Jonesboro creates intermixture with the two Class C channels already operating there. However, MSB has indicated its willingness to apply for and operate on a Class A channel despite these competitive disadvantages. In this situation, we are not inclined to deny an assignment based on intermixture. See, *Yakima, Washington*, 42 F.C.C. 2d 548 (1973).

20. In view of the foregoing and pursuant to authority contained in §§ 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective June 2, 1981, § 73.202(b) of the Commission's rules is amended, with respect to the communities listed below, as follows:

City	Channel No.
Jonesboro, Ark.	261A, 270, 300
Paragould, Ark.	286A, 296A
Piggott, Ark.	288A
West Memphis, Ark.	296A

21. It is further ordered, that the requests of Jim Southard, Cecil Poff and Solan Lott to assign Channel 293 to Blytheville, Arkansas, and Cate Communications Corporation to assign Channel 296A to Trumann, Arkansas, are denied.

22. It is further ordered, that this proceeding is terminated.

23. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11469 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

[5] Assigning Channel 296A to West Memphis precludes an assignment to Trumann; assigning Channel 288A to Piggott precludes that channel's use at Portageville, which is necessary to implement the Blytheville assignment.

47 CFR Part 73

Waiver of Portions of Pre-Filing and Post-Filing Announcements of Commercial Radio Stations

AGENCY: Federal Communications Commission.

ACTION: Order waiving specific sections of the commission's rules.

SUMMARY: Action taken herein waives § 73.3580(d)(4)(i) and (ii) to the extent of modifying the language of pre- and post-filing announcements which must be made in conjunction with license renewals. The partial waiver applies to commercial radio licensees and is being granted to conform the text of the announcements with the action taken by the Commission in the matter of deregulation of radio (46 FR 13888, February 24, 1981).

DATE: Effective April 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 6, 1981.

Released: April 7, 1981.

By the Chief, Broadcast Bureau:

1. On January 14, 1981, the Commission adopted a *Report and Order* in the matter of deregulation of radio.[1] That *Report and Order* was released on February 24, 1981, and the actions taken therein became effective on April 3, 1981. Sections 73.3580(d)(4)(i) and (ii) of the Commission's Rules require that broadcast stations air pre-filing and post-filing announcements relative to their upcoming license renewal. Those announcements contain references to the licensee's programming projections for the coming license period. However, the actions taken by the Commission in the radio deregulation proceeding effectively eliminate the Commission's consideration of such programming proposals and, instead, focus upon a retrospective review of programming with regard to commercial radio stations.

2. While §§ 73.3580(d)(4)(i) and (ii) were amended to reflect this change in our *Report and Order* in BC Docket No. 80-253,[2] the amendment will not become effective prior to the next scheduled pre-filing announcement required to be made by stations in the States of Maryland, Virginia and West Virginia, and in the District of Columbia on April 16, 1981.[3] To avoid any confusion to the public, the Chief, Broadcast Bureau, acting pursuant to the delegations of authority contained in § 0.281 of the Commission's Rules, will waive §§ 73.3580(d)(4)(i) and (ii) to the extent of eliminating the words: "and projections of our programming during the next three years," from pre- and post-filing announcements commencing with the April 16, 1981, announcements and continuing thereafter for subsequent pre- and post-filing announcements. This waiver will apply to all commercial radio stations whose renewal applications were due on April 1, 1981, (whose post-filing announcements are modified), and will continue with regard to both pre- and post-filing announcements of subsequent renewal groups until such time as the amendment of the text of §§ 73.3580(d)(4)(i) and (ii) of the Commission's Rules becomes effective.

3. Accordingly, *it is ordered*, That §§ 73.3580(d)(4)(i) and (ii) of the Commission's Rules, *Are Waived*, to the extent indicated above for commercial radio stations.

Federal Communications Commission.

Roy J. Stewart,

Acting Chief, Broadcast Bureau.

[FR Doc. 81-11577 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

[1] FCC 81-17; 46 FR 13888, *et seq.*

[2] In the Matter of Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licenses, adopted March 26, 1981.

[3] Additionally, stations in Pennsylvania and Delaware must air post-filing announcements through July 16, 1981.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 177, 178

[Docket No. HM163E; Amdt. Nos. 171-61, 173-146, 177-54, 178-66]

Withdrawal of Bureau of Explosives Delegations of Authority and Miscellaneous Amendments

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to withdraw or cancel the remaining delegations of authority to the Bureau of Explosives (B of E) in Parts 173, 177 and 178 of 49 CFR; add the Bureau of Mines, U.S. Department of the Interior as an authorized testing agency; and incorporate by reference the Compressed Gas Association Pamphlets S-1.1, C-12 and C-14. These three documents have been approved for incorporation by reference by the Director of the Office of the Federal Register. These amendments will provide for a second test facility for the testing of explosives and blasting agents and eliminate the need for DOT approval of pressure relief devices on cylinders charged with a compressed gas.

EFFECTIVE DATE: This amendment is effective June 15, 1981; however, compliance with the regulations as amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202-472-2726).

SUPPLEMENTARY INFORMATION: On October 20, 1980, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM-163-E; Notice No. 8 (45 FR 69272) which proposed these amendments. The background and the basis for incorporating these amendments into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of December 5, 1980.

The MTB received eight comments on Notice No. 8. The only significant change made in these amendments that was not included in the notice is in § 173.34(d) where the words "normally charged" cylinder have been added. These words were in the petition for rulemaking submitted by the Compressed Gas Association (CGA), but were omitted from the notice. Also, the reference to the Associate Director for OE has been changed to read Associate Director for HMR.

One commenter recommended that the proposed change to § 173.34(d) include the words "Each pressure relief system shall be approved by the Associate Director for OE." The MTB disagrees. In this case, if pressure relief device(s) comply with the requirements of the referenced CGA Pamphlets, further approval is not necessary.

One commenter objected to the proposed reference to the CGA in § 173.34(d) because the CGA standards referenced are redundant to many existing DOT specifications and in some areas more stringent than existing

regulations. This commenter further stated that to add another set of regulations, and a second rulemaking body into this area of the CFR will result in additional cost and unproductive regulation. The MTB disagrees with this commenter because these amendments actually constitute a form of deregulation by removing a prior-approval requirement.

Two commenters stated that any agency having the authority to examine new explosives and blasting agents for DOT should have the ability to perform all required tests at its own test facilities. One commenter further stated any tests which are problems should immediately be replaced with other tests that would fulfill the requirements. The commenter did not recommend any new test procedures in support of his views. Until receipt of these comments, MTB was not aware of any dissatisfaction on the part of the explosives industry relative to the use of the Bureau of Explosives to test explosives. However, MTB considers the commenter's concerns to be outside the scope of this action. MTB invites future comments concerning selection of other testing facilities for explosives, if the commenters are of the view that the matter should be examined further.

At the present time, the Bureau of Mines does not desire to perform tests on all types of explosives (e.g., fireworks) and the Bureau of Explosives is not able to conduct large-scale testing at its facility. The principal purpose of adding the Bureau of Mines is to avoid duplicate testing in cases where explosives must be tested by that agency with the authority to conduct mining operations.

Two commenters objected to the proposed deletion of § 177.821(e) regarding the repackaging of condemned or leaking dynamite. One commenter stated that they infrequently use § 177.821(e) to provide for the safe disposal of old or abandoned stores of dynamites found in various locations under various conditions of leakage and package degradation. However, it should be noted by this commenter, that this is not the purpose of this paragraph, and if it is so used, it is a violation of the regulations since it only authorizes repackaging of condemned or leaking dynamite which is discovered during transportation. The paragraph does not authorize the shipment of deteriorated explosives for disposal. MTB finds no valid argument in the comments received to justify retaining § 177.821(e) in the regulations.

The Materials Transportation Bureau (MTB) has determined that this regulation is consistent with Section 2 of Executive Order 12291, and is a non-major rule under the terms of that Order since the effect of the rule is to allow the use of pressure relief devices without prior approval by MTB and to provide for a second test facility for the testing of certain hazardous materials. Pursuant to the Regulatory Flexibility Act, this rule will not result in a significant economic impact on a substantial number of small entities because its effect will be to reduce costs and simplify procedures.

In consideration of the foregoing, 49 CFR parts 171, 173, 177 and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7 paragraph (d)(3) is amended by adding subparagraphs (vi), (vii) and (viii) to read as follows:

§ 171.6 Matter incorporated by reference.

* * * * *

(d) * * *

(3) * * *

(vi) CGA Pamphlet S-1.1 is titled, "Pressure Relief Device Standards Part 1—Cylinders for Compressed Gases," 1979 edition.

(vii) CGA Pamphlet C-12 is titled, "Qualification Procedure for Acetylene Cylinder Design," 1979 edition.

(viii) CGA Pamphlet C-14 is titled "Procedures for Fire Testing of DOT Cylinder Pressure Relief Device Systems," 1979 edition.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.34 paragraph (d), the heading and the first sentence are revised to read as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(d) *Pressure relief device systems.* No person may offer a cylinder charged with a compressed gas for transportation unless the cylinder is equipped with one or more pressure relief devices sized and selected as to type, location, and quantity and tested in accordance with CGA Pamphlet S-1.1. The pressure relief device system must be capable of preventing rupture of the normally charged cylinder when subjected to a fire test conducted in accordance with CGA Pamphlet C-14, or in the case of an acetylene cylinder, CGA Pamphlet C-12. * * *

3. In § 173.86 paragraph (a)(2), the introductory text of paragraph (b), and paragraph (c) are revised to read as follows:

§ 173.86 New explosives definitions; approval and notification.

(a) * * *

(2) Has previously produced the explosive compound, mixture or device, but has made a change in the formulation, design, process or production equipment. An explosive compound, mixture or device will not be considered a "new explosive" if an agency listed in paragraph (b) of this section has determined and confirmed in writing to the Associate Director for HMR that there are no significant differences in hazard characteristics from the explosive compound, mixture or device previously approved.

(b) No person may offer a new explosive for transportation unless it has been examined and assigned a recommended shipping description and hazard class by the Bureau of Explosives or the Bureau of Mines, U.S. Department of the Interior and classed and approved by the Associate Director for HMR; or examined, classed, and approved by one of the following agencies: * * *

(c) Each person who offers a new explosive for transportation must file a copy of the approval for the new explosive accompanied by a supporting laboratory report or equivalent data with the Associate Director for HMR before offering the new explosive for transportation, unless the new explosive is—

(1) Covered under an approval issued by the Associate Director for HMR;

(2) Being transported under paragraph (d) or (e) of this section; or

(3) A new DOD explosive covered by a security classification.

* * * * *

4. In § 173.114a paragraph (d)(3) is revised to read as follows:

§ 173.114a Blasting agents.

(d) * * *

(3) No person may offer a blasting agent for transportation unless it has been examined by the Bureau of Explosives or Bureau of Mines, U.S. Department of the Interior and classed and approved by the Associate Director for HMR; or examined, classed, and approved by one of the following agencies:

(i) U.S. Department of Energy (DOE) for blasting agents made by, or under the direction or supervision of DOE; or

(ii) U.S. Army Materiel Development and Readiness Command (DRCSF), Naval Sea Systems Command (NAVSEA 04H) or HQUSAF (IGD/SEV)

for blasting agents made by, or under the direction or supervision of the DOD.

* * * * *

5. In § 173.303 the introductory text of paragraph (a) is revised to read as follows:

§ 173.303 Charging of cylinders with compressed gas in solution (acetylene).

(a) *Cylinder, filler and solvent requirements.* (Refer to applicable parts of Specification 8 and 8AL). Acetylene gas must be shipped in Specification 8 or 8AL (§ 178.59 or § 178.60 of this subchapter) cylinders. The cylinders shall consist of metal shells filled with a porous material, and this material must be charged with a suitable solvent. The cylinders containing the porous material and solvent, shall be tested with satisfactory results in accordance with CGA Pamphlet C–12. Representative samples of cylinders charged with acetylene shall be tested with satisfactory results in accordance with CGA Pamphlet C–12.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

6. In § 177.821 paragraph (e) is removed as follows:

§ 177.821 Hazardous materials forbidden or limited for transportation.

* * * * *

(e) [Reserved]

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

7. In § 178.59–16 paragraphs (a) and (b) are revised to read as follows:

§ 178.59 Specification 8; steel cylinders with approved porous filling for acetylene.

§ 17859–16 Porous filling.

(a) Cylinders must be filled with a porous material in accordance with the following:

(1) The porous material may not disintegrate or sag when wet with solvent or when subjected to normal service;

(2) The porous filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized if the well is filled with a material of such type that the functions of the filling material are not impaired;

(3) Overall shrinkage of the filling material is authorized if the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length, but not to exceed ⅛ inch, measured diametrically and longitudinally;

(4) The clearance may not impair the functions of the filling material;

(5) The installed filling material must meet the requirements of CGA Pamphlet C–12; and

(6) Porosity of filling material may not exceed 80 percent except that filling material with a porosity of up to 92 percent may be used when tested with satisfactory results in accordance with CGA Pamphlet C–12.

(b) When the porosity of each cylinder is not known, a cylinder taken at random from a lot of 200 or less must be tested for porosity. If the test cylinder fails, each cylinder in the lot may be tested individually and those cylinders that pass the test are acceptable.

* * * * *

8. In § 178.60–20 paragraphs (a) and (b) are amended to read as follows:

§ 178.60 Specification 8AL; steel cylinders with approved porous filing for acetylene.

§ 178.60–20 Porous filling.

(a) Cylinders must be filled with a porous material in accordance with the following:

(1) The porous material may not disintegrate or sag when wet with solvent or when subjected to normal service;

(2) The filling material shall be uniform in quality and free of voids, except that a well drilled into the filling material beneath the valve is authorized if the well is filled with a material of such type that the functions of the filling material are not impaired;

(3) Overall shrinkage of the filling material is authorized if the total clearance between the cylinder shell and filling material, after solvent has been added, does not exceed ½ of 1 percent of the respective diameter or length but not to exceed ⅛ inch, measured diametrically and longitudinally;

(4) The clearance may not impair the functions of the filling material;

(5) The installed filling material must meet the requirements of CGA Pamphlet C–12; and

(6) Porosity of filling material may not exceed 80 percent except that filling material with a porosity of up to 92 percent may be used when tested with satisfactory results in accordance with CGA Pamphlet C–12.

(b) When the porosity of each cylinder is not known, a cylinder taken at random from a lot of 200 or less must be tested for porosity. If the test cylinder fails, each cylinder in the lot may be tested individually and those cylinders that pass the test are acceptable.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major rule under the terms of Executive Order 12291 and DOT regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). Modification is not necessary to the previously prepared regulatory evaluation and environmental assessment prepared for the Notice of Proposed Rulemaking and they are available for review in the docket.

Issued at Washington, DC., on April 10, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81–11604 Filed 4–15–81; 8:45 am]

BILLING CODE 4910–60–M

Proposed Rules

Federal Register
Vol. 46, No. 73
Thursday, April 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and notice of public hearing.

SUMMARY: Pursuant to the Plant Quarantine Act and the Federal Plant Pest Act, this document proposes to quarantine California and establish regulations for the purpose of restricting the movement of certain articles from areas in Alameda County and Santa Clara County in California, into any other State, Territory, or District, because of the occurence of the Mediterranean fruit fly. This document also gives notice of a public hearing to consider this proposal. Emergency regulations which were established solely under the Federal Plant Pest Act and which contain essentially the same restrictions as are proposed in this document, will remain in effect until action is taken to amend or revoke them. These actions are necessary to comply with the provisions of the Plant Quarantine Act, and to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States.

DATES: Written comments concerning this proposed rule must be received on or before June 15, 1981. A public hearing concering this proposed rule will be held on May 19, 1981.

ADDRESSES: Written comments should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 635, 6505 Belcrest Road, Hyattsville, MD 20782. Public hearing location: Fort Mason Center, Building A- Conference Center, Buchanan and Laguna Street, San Francisco, CA 94123.

FOR FURTHER INFORMATION CONTACT:
E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 635, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department it has been determined that adoption of the proposed rule would have an annual effect on the economy of less than $50,000; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause 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.

Certification under the Regulatory Flexibility Act Dr. 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. The provisions in the proposal, if adopted, would restrict the interstate movement of specified articles from specified areas in Alameda County and Santa Clara County in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information submitted by the California Department of Food and Agriculture, it has been determined that fewer than 10 entities move such articles interstate from the specified areas in Alameda County and Santa Clara County. Further, the overall economic impact from this action is estimated to be less than $50,000.

Written Comments and Public Hearing

Interested persons are invited to submit written comments concerning the proposed rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register**. All written comments made pursuant to this document will be made available for public inspection at Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

The public hearing to consider this proposed rule will be held at Fort Mason Center, Building A-Conference Center, Buchanan and Laguna Street, San Francisco, CA 94123.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Also, at the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the final rule. Any interested person may appear and be heard in person, by attorney, or by other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the proposed rule.

The hearing will commence at 10 a.m., and end at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to

present a statement the opportunity to be heard.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Weidemann, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Because of infestations of the Mediterranean fruit fly found in areas in California, emergency Mediterranean fruit fly regulations were published in the **Federal Register** on July 29, 1980 (45 FR 50318–50324), and emergency amendments to the regulations were published in the **Federal Register** on August 15, 1980 (45 FR 54302–54304), on September 12, 1980 (45 FR 60402–60403), on December 12, 1980 (45 FR 81728–81731), and on March 20, 1981, (46 FR 17753–17754). The regulations and the amendments thereto became effective on the dates of publication and are set forth in 7 CFR 331.1 through 331.1–9.

The emergency regulations are for the purpose of preventing the artificial spread of the Mediterranean fruit fly to noninfested areas in the United States. They restrict the movement of articles designated as regulated articles from the regulated areas in Alameda County and Santa Clara County in California into or through any other State, Territory, or District; and they will remain in effect until further action is taken to amend or revoke them.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to implement regulations quarantining any State, Territory, or District of the United States, or any portion thereof, and prohibiting or restricting the movement of articles from such quarantined areas into or through any other State, Territory, or District when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) there is authority for similar action without a public hearing on an emergency basis. The emergency regulations were promulgated without a public hearing under this authority of the Federal Plant Pest Act.

Initially, it appeared that the Mediterranean fruit fly would be eradicated before a public hearing to set up regulations pursuant to section 8 of the Plant Quarantine Act (7 U.S.C. 161) could feasibly be held. However, it appears that restrictions on the movement of regulated articles will be necessary on a more extended basis because it appears that it will be a number of months before the Mediterranean fruit fly will be eradicted from all of the infested areas. Accordingly, this document proposes to quarantine California and establish regulations for the purpose of preventing the artificial spread of the Mediterranean fruit fly from the regulated areas in Alameda County and Santa Clara County in California, into any other State, Territory, or District of the United States, and schedules a public hearing concerning the proposal.

The text of the proposed quarantine and regulations (proposed 7 CFR 301.78 through 301.78–10) is set forth in full below. Also, the pertinent information concerning the public hearing is explained above under the heading "Written Comments and Public Hearing".

Under the proposal, the quarantine and regulations would contain the same provisions as are currently contained in the emergency regulations, except that (1) language would be added to indicate the establishment of a quarantine under the Plant Quarantine Act, (2) the definition of the term "moved" which currently reflects the definition of that term in the Federal Plant Pest Act would be revised to reflect language in the Plant Quarantine Act concerning the movement of articles, and (3) footnote 1 would be changed to specify additional legal authority for certain inspections and related activities under the Plant Quarantine Act and the Federal Plant Pest Act.

The purpose and basis for the emergency regulations and amendments thereof are fully explained in the documents referred to above which were published in the **Federal Register** on July 29, 1980, August 15, 1980, September 12, 1980, December 12, 1980, and March 20, 1981. The purpose and basis explained in those documents for the emergency regulations are also adopted as the purpose and basis for this proposal insofar as the proposal is the same as the emergency regulations.

As explained above, sections 8 and 9 of the Plant Quarantine Act provide the basic authority for the proposed quarantine and regulations. However, sections 105 and 106 of the Federal Plant Pest Act are also cited as authority for the proposed regulations concerning the authority for the emergency designation of articles as regulated articles under proposed § 301.78–2(c), for the emergency designation of areas as regulated areas under proposed § 301.78–3(b), and for the imposition of emergency conditions in connection with the issuance of certificates and limited permits under proposed § 301.78–5 (a)(2) and (b)(2).

It should also be noted that the U.S. Department of Agriculture and the California Department of Food and Agriculture are currently engaged in a program to eradicate the Mediterranean fruit fly from the infested areas in Alameda County and Santa Clara County. Consequently if it is determined that the infestations are eradicated prior to the time when action can be taken on the proposal, the proposal would be rescinded and the emergency regulations would be revoked.

Alternatives

Alternatives were considered in connection with the proposed quarantine and regulations.

Consideration was given concerning whether (1) to allow the unrestricted interstate movement of articles proposed to be designated as regulated articles, or (2) to establish a Federal quarantine and regulations with respect to the interstate movement of such articles. Alternative (2) is proposed because it appears that without a Federal quarantine and implementing regulations the unrestricted interstate movement of such articles would cause the spread of the Mediterranean fruit fly and, consequently, there would be a decrease in the amount of fruits and vegetables produced. Further, it appears that without such a quarantine and regulations the artificial spread of the Mediterranean fruit fly could cause the complete economic loss of some fruit and vegetable crops.

Consideration was also given concerning whether (a) to prohibit the interstate movement of any such articles, or (b) to allow the interstate movement of such articles in accordance with the provisions in proposed § 301.78–4. Alternative (b) is proposed because it appears that the interstate movement of such articles in accordance with the provisions in proposed § 301.78–4 would not present a significant risk of spread of the Mediterranean fruit fly.

Proposed Text

Under these circumstances, it is proposed to remove the Mediterranean Fruit Fly emergency regulation in 7 CFR 331.1–331.1–9 and to add a new

"Subpart—Mediterranean Fruit Fly" in 7 CFR Part 301 to read as follows:

Subpart—Mediterranean Fruit Fly

Quarantine and Regulations

Sec.

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565.

Subpart—Mediterranean Fruit Fly

Quarantine and Regulations

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines the State of California in order to prevent the artificial spread of the Mediterranean fruit fly (*Ceratitis capitata* Wiedemann), a dangerous insect of fruits and vegetables and not heretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement of regulated articles specified in § 301.78–2.

(b) *Restrictions on interstate movement of regulated articles.* No common carrier or other person shall move interstate from any regulated area any regulated article except in accordance with the conditions prescribed in this subpart.

§ 301.78–1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement in accordance with § 301.78–5(a).

(b) *Compliance agreement.* A written agreement between Plant Protection and Quarantine and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(c) *Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

(d) *Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the quarantine and regulations in this subpart.

(e) *Interstate.* From any State into or through any other State.

(f) *Limited permit.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is eligible for interstate movement in accordance with § 301.78–5(b).

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed in accordance with this definition.

(h) *Person.* Any individual, partnership, corporation, company, society, association, or other organized group.

(i) *Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and quarantines and regulations promulgated thereunder.

(j) *Regulated area.* Any State, or any portion thereof, listed in § 301.78–3(c), or otherwise designated as a regulated area in accordance with § 301.78–3(b).

(k) *Regulated article.* Any article listed in § 301.78–2 (a) or (b) or otherwise designated as a regulated article in accordance with § 301.78–2(c).

(l) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

§ 301.78–2 Regulated articles.

(a) The following fruits, vegetables and berries:

Almond (*Prunus duleis* (*P. amygdalus*))
Apple ((*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado(*Persea americana*)
Calamondin orange (*Citrus mitis*)
Cherries (sweet and sour) (*Prunus avium, Prunus cerasus*)
Citrus citron (*Citrus medica*)
Date (*Phoenix dactylifera*)
Fig (*Ficus carica*)
Grape (*Vitis vinifera*)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*)
Japanese persimmon (*Diospyros kaki*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Lime (*Citrus aurantiifolia*)
Loquat (*Eribotrya japonica*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mock orange (*Murraya exotica*)
Mountain apple (*Syzygium malaccense* (*Eugenia malaccensis*))
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)
Nectarine (*Prunus persica*)
Olive (*Oleo europea*)
Opuntia cactus (*Opuntia* spp.)
Peach (*Prunus persica*)
Pear (*Pyrus communis1*)
Pepper (*Capsicum annuum* and *Capsicum frutescens*)
Pineapple guava (*Feijoa sellowiana*)
Pummelo (shaddock) (*Citrus grandis*)
Pomiform guajava (*Psidium guajava pomiferum*)
Plum (*Prunus americana*)
Prune (*Prunus domestica*)
Pyriferm guajava (*Psidium guajava pyriferum*)
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos* (*Eugenia jambos*))
Sour orange (*Citrus aurantium*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyia* (*E. brasiliensis*))
Strawberry guava (*Psidium cattleianum*)
Surinam cherry (*Eugenia uniflora*)
Sweet orange (*Citrus sinensis*)
Tomato (pink and red ripe) (*Lycopersicon esculentum*)
White sapote (*casimiroa edulis*)
Yellow oleander (bestill) (*Thevetia peruviana*)

Except that the list does not include any fruits, vegetables, or berries which have been canned, or frozen below −17.8°C (0°F);

(b) Soil within the drip area of plants which produce the fruits, vegetables, or berries listed in paragraph (a) of this section, and

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

[2] Regulations concerning the movement of five Mediterranean fruit flies in interstate or foreign commerce are contained in Part 330 of this chapter.

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) or (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mediterranean fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

§ 301.78-3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which the Mediterranean fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mediterranean fruit fly is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mediterranean fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mediterranean fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonregulated area and, thereafter, the interstate movement of any regulated articles from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

California

Alameda County. Those areas of Alameda County within the city limits of Fremont and within the city limits of Newark; and that portion of Alameda County beginning at the junction of Palomares Road, State Highway 84, and the Fremont city limit line; then westerly along the Fremont city limit line to its junction with the Alameda County Flood Control Channel; then westerly along said channel to its junction with Dry Creek; then northerly along Dry Creek to its junction with Whipple Road; then easterly on Whipple Road to its junction with State Highway 238; then easterly from said junction along an imaginary line to its junction with the northernmost point of the Fremont city limits; then due east for three miles on an imaginary line; then due south along another imaginary line to its junction with State Highway 84; then westerly along State Highway 84 to the point of the beginning.

Santa Clara County. That portion of Santa Clara County bounded by a line beginning at the junction of Metcalf Road and U.S. Highway 101, thence southeasterly along U.S. Highway 101 to its junction with Bailey Avenue, thence southwesterly along Bailey Avenue to its junction with McKean Road, thence northwesterly along McKean Road to its junction with Almaden Road, thence southerly along Almaden Road to its junction with Alimitos Road, thence southerly along an imaginary line to the northern terminus of Loma Prieta Road, thence southerly on Loma Prieta Road to its junction with the Santa Clara County line, thence northwesterly, northerly, and easterly on the Santa Clara County line to its junction with Mt. Day Road (dirt road which is approximately 8 miles east of Interstate 680), thence along an imaginary line projected southeast from such junction to the crest of Black Mountain, thence southerly along an imaginary line projected from the crest of Black Mountain to the northernmost point of Joseph D. Grant County Park, thence easterly and southerly along the boundaries of the Joseph D. Grant County Park to its junction with San Felipe Road No. 2, thence along San Felipe Road No. 2 to its junction with Metcalf Road, thence southerly and westerly along Metcalf Road to the point of beginning.

§ 301.78-4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.[3]

Any regulated article may be moved interstate from any regulated area in a quarantined State only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.78-5 and 301.78-8; or

(b) Without a certificate or limited permit, if

(1) Moved to Hawaii without moving through any nonregulated area; or

(2) (i) Moved directly through any regulated area,

(ii) The article originated outside of any regulated area, and

(iii) the point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

§ 301.78-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) (i) Determines that it has been treated under the direction of an inspector [4] in accordance with § 301.78-10; or

(ii) Determines based on inspection of the premises of origin that it is free from Mediterranean fruit fly; and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd);[5] and

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(b) A limited permit shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines, in consultation with the Deputy Administrator, that it is to be moved to a specified destination for specified handling, utilization, processing, or for treatment in accordance with § 301.78-10 (such destination and other conditions to be specified on the limited permit), when, upon evaluation of all of the circumstances involved in each case, it is determined that such movement will not result in the spread of the Mediterranean fruit fly because life stages of the pest will be destroyed by such specified handling, utilization, processing, or treatment;

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd);[5] and

[3] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[4] Treatments shall be monitored by inspectors in order to assure compliance with requirements in this subpart.

[5] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means or conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest.

(3) Determines that it is eligible for such movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(c) Certificates and limited permits for use for shipments of regulated articles may be issued by an inspector or any person engaged in the business of growing, handling, or moving regulated articles provided such person is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of a regulated article if such person has treated such regulated article to destroy infestation in accordance with the provisions in § 301.78–10 and the inspector has made the determination that such article is otherwise eligible for a certificate in accordance with paragraph (a) of this section; or if the inspector has made the determination that such article is eligible for a certificate in accordance with paragraph (a) of this section without such treatment. Any such person may execute and issue a limited permit for interstate movement of a regulated article when the inspector has made the determination that such article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit which has been issued or authorized may be withdrawn by an inspector if such inspector determines that the holder thereof has not complied with any condition under the regulations for the use of such document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.78–6 Compliance agreement and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of regulated articles under this subpart.[6] The compliance agreement shall be a written agreement between a person engaged in such a business and Plant Protection and Quarantine, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(b) Any compliance agreement may be canceled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefore shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision, in writing, to the Deputy Administrator within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.78–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.78–5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector[7] to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

[6] Compliance Agreement forms are available without charge from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspector Service, Federal Building, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantine. (Local offices are listed in telephone directories).

[7] Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

§ 301.78–8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping document only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.78–9 Costs and charges.

The services of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

§ 301.78–10 Treatments.

Treatment for regulated articles shall be as follows:

(a) *Avocado.* Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 2½ hours at 21°C. (70°F.) or above, followed by refrigeration for 7 days at 7.22°C. (45°F.) or below. The 7 day period may include up to 24 hours precooling time. Time between fumigation and start of cooling not to exceed 24 hours, but must include at least 30 minutes aeration.

(b) *Calamondin orange, citrus citron, grapefruit, kumquat, lemon, lime, mandarin orange (tangerine), orange, and pummelo.* Fumigation with ethylene dibromide (EDB) at normal atmospheric pressure.

Dosage as follows:

Fruit load in chamber	Dosage of EDB in g/m³ for 2 hrs.	
	15.5°–20.5°C.	21°C. or above (60°–68°F.) (grams) (70°F. or above) (grams)
25% or less	10	8
more than 25% but less than 50%	12	10
50% or more	14	12

Required post-treatment aeration: Forced circulation in the fumigaton chamber for ½ hour following treatment and then placed in a well ventilated area.

(c) *Tomato.* Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21°C. (70°F.) or above.

(d) Bell pepper, tomato, and zucchini squash. Heat the article by saturated water vapor at 44.44°C. (112°F.) until approximate center of article reaches 44.44°C. (112°F.), and maintain at 44.44°C. (112°F.) for 8¾ hours, then immediately cool.

Note.—Commodities should be tested by the shipper at the 44.44°C. (112°F.) temperature to determine each commodity's tolerance to the treatment before commercial treatments are attempted. Pretreatment conditioning is optional. Such conditioning is the responsibility of the shipper and would be conducted in accordance with procedures the shipper believes necessary. It is common to perform pretreatment conditioning. For example, it is the practice to condition eggplant at 43.3°C. (110°F.) at 40 percent relative humidity for 6 to 8 hours.

(e) *Apple, apricot, cherry, grape, peach, pear, and plum.* Fumigation with 32 g/m³ methyl bromide at 21°C. (70°F.) or above (chamber load not to exceed 80 percent of volume), and at normal atmospheric pressure, followed by refrigeration, as set forth below.

Fumigation Exposure Time	Refrigeration
2 hours	4 days at 0.55°-2.7°C. (33°-37°F.); or 11 days at 3.33°-8.3°C. (38°-47°F.)
2½ hours	4 days at 1.11°-4.44°C. (38°-40°F.); or 6 days at 5.0°-8.33°C. (41°-47°F.); or 10 days at 8.88°-13.33°C. (48°-56°F.)
3 hours	3 days at 6.11°-8.33°C. (43°-47°F.); or 6 days at 8.88°-13.33°C. (48°-56°F.)

Minimum concentrations for above fumigations.
(25 g minimum gas concentration at first ½ hr.)
(18 g minimum gas concentration at 2 or 2 ½ hrs.)
(17 g minimum gas concentration at 3 hrs.)

Aerate all fruit at least 2 hours following fumigation. Time lapse between fumigation and start of cooling not to exceed 24 hours.

Note.—Some varieties of fruit may be injured by the 3-hour exposure. Shippers should test treat before making commercial shipments.

(f) *Bell peppers.* Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21°C (70°F) or above.

Note.—Bell peppers have been found marginally tolerant to methyl bromide fumigation. Shelf life after treatment is reduced to between 5 to 7 days. Injury may appear as pitting on the skin of the pepper, darkening of the seed and placental material, and internal decay resulting from killing of the stem and calyx.

(g) *Apple, apricot, Calamondin orange, cherry, citrus citron, grape, grapefruit, mandarin orange, nectarine, peach, pear, plum, prune, sour orange and sweet orange.* Cold treat the article according to one of the following:

10 days at 0°C. (32°F.) or below
11 days at 0.55°C. (33°F.) or below
12 days at 1.11°C. (34°F.) or below
14 days at 1.66°C. (35°F.) or below
16 days at 2.22°C. (36°F.) or below

Done at Washington, D.C., this 7th day of April, 1981.

William F. Helms,

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

[FR Doc. 81-11402 Filed 4-15-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-CE-25]

Transition Area—Elkhart, Kansas; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Elkhart, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Elkhart-Morton County Airport, Elkhart, Kansas, utilizing the Elkhart Nondirectional Radio Beacon (NDB) as a navigational aid.

DATE: Comments must be received on or before May 18, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles Bumstead, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 19, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by designating a 700-foot transition area at Elkhart, Kansas. To enhance airport usage a new instrument approach procedure is being developed for the Elkhart-Morton County Airport, utilizing the Elkhart Nondirectional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this

navigational aid entails designation of a transition area at Elkhart, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

A Regulatory Impact Analysis and Review is not being prepared for this action, as this proposal does not meet the criteria for consideration as a "Major Rule," under Section 1(B) of Executive Order 12291. The proposal does not have an annual effect on the economy of $100 million or more; causes no major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or has no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following new transition area:

Elkhart, Kansas

That airspace extending upwards from 700 feet above the surface within a 5.5 mile radius of the Elkhart-Morton County Airport (Latitude 37°00'00" N, Longitude 101°53'00" W) and within 3 miles each side of the Elkhart NDB (Latitude 37°00'04.7" N, Longitude 101°53'02" W) 164° bearing, extending from the 5.5 mile radius area to 8.5 miles southeast of the Elkhart NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

The FAA has determined that this document involves a proposed regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has also been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, as this is an individual action affecting only one location and has no appreciable impact on the community or its environs, and imposes no new requirements.

Issued in Kansas City, Missouri, on March 20, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-11478 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Bainbridge, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the Bainbridge, Georgia, Transition Area by lowering the base of controlled airspace in the vicinity of the Decatur County Industrial Air Park Airport from 1,200 to 700 feet AGL. A standard instrument approach procedure, VOR-A, has been developed for the airport. Additional controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATE: Comments must be received on or before: May 31, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 31, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the Bainbridge, Georgia, 700-foot transition area. This action will provide controlled airspace protection for IFR operations at the Decatur County Industrial Air Park Airport. A standard instrument approach procedure, VOR-A, to the airport, utilizing the Marianna VORTAC, is proposed in conjunction with the alteration.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Bainbridge, Georgia

"* * * within an 8.5-mile radius of Decatur County Industrial Air Park Airport (lat. 30°58'14" N, long. 84°37'53" W.) * * * *"

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

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the

anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

The FAA has also determined that this proposed regulation is not a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current.

Issued in East Point, Georgia, on March 11, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-11477 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-81-915]

Recognition of Substantially Equivalent Laws

AGENCY: Office of Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule amends current regulations which provide for recognition by the Department of those State and local fair housing laws which provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The amendment would grant recognition to the following:

States

Illinois
Washington

Localities

Clearwater, Florida
Kansas City, Kansas
Minneapolis, Minnesota
New York City, New York
Orlando, Florida
Detroit, Michigan
Lincoln, Nebraska
Raleigh, North Carolina
Pittsburgh, Pennsylvania

DATES: Comments received on or before May 18, 1981 will be considered prior to publication of a final rule.

ADDRESSES: Send written comments to the Rules Docket Clerk, Room 5218, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Room 5208, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 426-3500.

SUPPLEMENTARY INFORMATION: This proposed rule does not constitute a "major rule" as that term is defined in § 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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.

The Department is proposing to grant recognition to the fair housing laws of the above referenced jurisdictions, pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968. The evaluation of the laws of these jurisdictions was conducted in accordance with the provisions of 24 CFR Part 115, with particular focus on §§ 115.2(a), 115.3 and 115.8. Those sections are set forth to give appropriate information to all parties with an interest in HUD's proposed action.

Section 115.2 Procedures for Recognition provides in (a): Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization of the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies which have been in operation for 1 year or more, any available indicia of the agency's ability to satisfactorily administer its law consonant with the performance standards delineated in § 115.8; and (5) any additional documents which the agency may wish to have considered.

Section 115.3 Criteria provides: In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in the Act, the law or ordinance must: (a) Provide for an administrative enforcement body to receive and process complaints; (b) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters; (c) Not place any excessive burdens on the complainant which might discourage the filing of complaints; (d) Not contain exemptions which substantially reduce the coverage of housing accommodations as compared to Section 803 of the Act which provides coverage with respect to all dwellings except, under certain circumstances, single-family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and (e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

[1] Refusal to sell or rent.

[2] Refusal to negotiate for a sale or rental.

[3] Making a dwelling unavailable.

[4]Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

[5] Advertising in a discriminatory manner.

[6] Falsely representing that a dwelling is not available for inspection, sale or rental.

[7] Blockbusting.

[8] Discrimination in financing.

[9] Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, that a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e)(7), (8), and (9) of this section. (f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express

provision for access to State or local courts.

Section 115.8 Performance Standards provides: (a) The initial and continued recognition by the Secretary that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon, where applicable, an assessment of the State or local agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making such assessment. (b) A state or local agency must: (1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law; (2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices; (3) Establish a mechanism for monitoring compliance with any agreements or orders entered into with or issued by the State or local agency to resolve discriminatory housing practices; (4) Engage in comprehensive and thorough investigative activities; and, (5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average complaint should, under ordinary circumstances, be investigated and, where applicable, set for conciliation within 30–45 days.

The Department is limiting the public comment period to 30 days. This is necessary in order to expedite the equivalency recognition process, so that the listed agencies may be recognized in time to be eligible to receive Fair Housing Assistance Program funding. Interested persons and organizations may on or before May 18, 1981, file written comments on the proposal. If after evaluating any comments so received, the Assistant Secretary for Fair Housing and Equal Opportunity is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition by amending 24 CFR 115.11. A finding of inapplicability of the National Environmental Policy Act of 1969 has been made, and is available for public inspection and copying in the Office of the Rules Docket Clerk, 451 7th Street SW., Washington, D.C. 20410.

Pursuant to the regulatory Flexibility Act, it is hereby certified that the following proposed rulemaking document has no significant economic impact on a substantial number of small entities.

Accordingly, it is proposed to amend 24 CFR Section 115.11 by adding the following jurisdictions:

States

Illinois
Washington

Localities

Clearwater, Florida
Kansas City, Kansas
Minneapolis, Minnesota
New York City, New York
Orlando, Florida
Detroit, Michigan
Lincoln, Nebraska
Raleigh, North Carolina
Pittsburgh, Pennsylvania

(Section 810(c) of the Civil Rights Act of 1968, 42 U.S.C. 3610; Section 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Section 7(o) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(o); Section 234 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., March 20, 1981.

Weldon H. Latham,

General Deputy, Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 81-11541 Filed 4-15-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 161

Intent To Rescind Portions of Regulations Governing Granting of Rights-of-Way Over Indian Lands

April 8, 1981

AGENCY: Bureau of Indian Affairs.

ACTION: Notice of intent to rescind regulations.

SUMMARY: The Bureau of Indian Affairs is intending to propose the rescission of 25 CFR 161.23–161.27. Those regulations impose a variety of specific requirements on grantees of rights-of-way over Indian lands. They are intended to implement public laws enacted around the turn of the century authorizing the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948, however, Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years and without the antiquated restrictions of the older statutes. The Bureau of Indian Affairs, however, has continued to apply the old restrictions even though it is no longer required to do so. The rescission of these regulations would end that practice. Comments are invited.

DATE: Comments are due on or before May 18, 1981.

ADDRESS: Comments may be sent to Mr. Frank S. Hissong, Chief, Branch of Tenure and Management, Bureau of Indian Affairs, Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Frank S. Hissong, Acting Chief, Branch of Tenure and Management, Bureau of Indian Affairs, Washington, D.C. 20245, telephone (202) or Tim Vollmann, Assistant Solicitor, Division of Indian Affairs, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–9331.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1147, 25 U.S.C. 2 and 9, 5 U.S.C. 301, 25 U.S.C. 323, and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The sections that may be rescinded impose numerous unnecessary and antiquated requirements on the grant of rights-of-way. For example, § 161.25 limits oil and gas pipelines to a term of 20 years, and § 161.24 provides that railroad rights-of-way shall not exceed 50 feet in width on each side of the centerline of the road. Since passage of the Act of June 5, 1948, (25 U.S.C. 323–328), Congress has authorized the granting rights-of-way without these restrictions. Yet, the five sections to be proposed for rescission all state: "Except when otherwise determined by the Secretary, rights-of-way granted for such purposes under the Act of February 5, 1948 * * * shall also be subject to the provisions of this section." The rescission of these five regulations will make such Secretarial determinations unnecessary, leaving wider discretion to the parties to the right-of-way agreement to negotiate the terms of the grant. This is viewed as consistent with the policy of Indian self-determination, and should facilitate the constructions of needed utilities across Indian lands, many of which serve Indian communities. This action would also further the goals of Executive Order 12291, which is to remove unnecessary and burdensome restrictions on business.

Under Executive Order 12291, regulatory action is not to be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society. Regulatory objectives are to be chosen to maximize the net benefits to society. Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society must be chosen. The agency must set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking

into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated in the future. The public is invited to comment on whether the action suggested here meets these criteria and, if appropriate, recommend other approaches or additional action to assure that the regulations governing the granting of right-of-way achieve the goals of the Executive Order.

Dated: April 8, 1981.

James F. Canan,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-11431 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD 77-212A]

Anchorage Grounds; Delaware Bay and River

AGENCY: Coast Guard, DOT.

ACTION: Notice of Public Hearing and Reopening of Comment Period.

SUMMARY: The Coast Guard is proposing to enlarge Anchorage A, used for tanker lightering, off the entrance to the Mispillion River in Delaware Bay, southwest of the Brandywine Channel. The enlargement is needed to accommodate the number and sizes of vessels using the anchorage. This notice provides additional information; sets a date and place for a public hearing on the proposal; and reopens the comment period for the Notice of Proposed Rulemaking of January 26, 1978 (43 CFR 3595).

DATES: Comments must be received on or before June 19, 1981. A public hearing on this proposal is scheduled for May 19, 1981 beginning at 7:30 p.m.

ADDRESSES: Comments should be submitted to and will be available for examination or copying at the Office of the Executive Secretary, Marine Safety Council (G-CMC/24), U.S. Coast Guard, Room 4402, 2100 Second Street SW., Washington, D.C. 20593. Copies of the comments will also be available for viewing or copying at the Office of the Commander, Third Coast Guard District, Port Safety Branch, Building 108, Room 106, Governors Island, New York, N.Y. 10004. The public hearing will be held at the Cape Henlopen High School, Kings Highway, Lewes, Delaware. The Environmental Assessment and Findings of no Significant Impact are also available for examination at these addresses.

FOR FURTHER INFORMATION CONTACT: CDR A. D. Utara, The Executive Secretary, Marine Safety Council (G-CMC/24), U.S. Coast Guard, Room 4402, 2100 Second Street SW., Washington, D.C. 20593, Tel. 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments. Written comments should include names and addresses of the submitters, identification of this notice (CGD77-212), the specific section of the proposal to which the comments apply, and the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed envelope or postcard is provided.

Interested persons are also invited to attend the public hearing and to prevent oral and written statements at the hearing. Any persons desiring to make an oral presentation at the hearing are requested to notify the Executive Secretary, Marine Safety Council (G-CMC/24), U.S. Coast Guard, Room 4402, 2100 Second Street SW., Washington D.C. 20593, Tel: 202-426-1477, prior to May 14, 1981. Normal working hours for the Office of the Marine Safety Council (G-CMC/24), are 7 a.m. to 5 p.m., Monday through Thursday, except holidays. For the Office of the Commander, Third Coast Guard District, they are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. The approximate length of time needed to make such a presentation should be specified. Also, it is urged that a written summary or copy of the oral presentation accompany the request. Oral presentations at the public hearing will normally be heard in the order that the requests are received. All comments received before expiration of the comment period, including those oral comments made at the public hearing, will be considered before final action is taken on the proposal.

Drafting Information

The principal persons involved in drafting this notice are: Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems; Lieutenant Commander Michael S. Macie, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Collin Lau, Project Attorney, Office of the Chief Counsel, United States Coast Guard.

Discussion of the Proposed Rule

On January 26, 1978, the Coast Guard published in the **Federal Register** (43 FR 3595) a proposed amendment to Anchorage A (tanker lightering) off the entrance to the Mispillion River in Delaware Bay. This anchorage is also known as the Big Stone Anchorage. The proposed change was intended to increase the size of the anchorage to about three times its present size. The reasons for this increase in size were to reduce or eliminate the need for large tank vessels to shuttle in and out of the anchorage as new tankers arrive (thereby minimizing the chances of collision or grounding) and to enhance the safety of lightering barge movements within the anchorage by increasing the maneuvering spaces between anchored vessels. The proposal was not intended to accommodate a significant increase in the number of large tank vessels using the anchorage.

Eight written comments on that notice were received before the end of the comment period. While six of the comments favored the proposal and none of them opposed it, four of them asked for a public hearing, preferably within the State of Delaware. Three of these comments also suggested that an environmental assessment be conducted. All eight comments have been placed into the public docket on this matter.

After consideration of these comments, the Coast Guard determined that a public hearing be held and an environmental assessment should be conducted. A public hearing has been scheduled for May 19, 1981 at 7:30 p.m. at the Cape Henlopen High School, Kings Highway, Lewes, Delaware. Also, in accordance with the Coast Guard's "National Environmental Policy Act Implementing Procedures" (COMDTINST M16475.1A), an Environmental Assessment of this proposal, resulting in a Finding of No Significant Impact, has been prepared by the Coast Guard. The comments received, the Environmental Assessment and the Finding of No Significant Impact are available for examination and copying at the addresses shown above.

After the original comment period closed nine additional comments were received and these will be considered within the context of this present Notice. They will be part of the public docket on this proposal, as will all comments received before the end of the present comment period and those made at the public hearing.

Draft Evaluation

The proposed regulations have been evaluated under E.O. 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980, and have been determined not to be major and to be nonsignificant. The expansion of an anchorage does not involve impacts on competition, businesses, State or local government, or the regulations of other programs and agencies. Because of this, no evaluation has been prepared.

Proposed Regulation

The proposal has not been changed since its publication in the **Federal Register** at 43 FR 3595 on January 26, 1978. It is restated here for information purposes only. It proposes to revise § 110.157(a)(1) of Title 33 of the Code of Federal Regulations as follows:

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds. (1) Anchorage A (tanker lightering) off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°53'57" N., longitude 75°08'00" W., thence northwesterly to latitude 39°01'22" N., longitude 75°13'25" W., thence southwesterly to latitude 39°00'49" N., longitude 75°14'57" W., thence southeasterly to latitude 38°53'22" N., longitude 75°09'26" W., thence northeasterly to the point of beginning. This anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels and over cargo transfer operations in Anchorage A is exercised by the Captain of the Port, Philadelphia. The regulations in paragraphs (b)(1) and (b)(2) of this section do not apply to this anchorage.

* * * * *

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6 (g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1)) 49 CFR 1.46(c)(1))

Dated: April 9, 1981.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-11575 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 161

[CGD80-119]

Puget Sound Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering issuing or amending regulations governing the operation of vessels in the waters of Northwestern Washington including the Puget Sound Vessel Traffic Service Area. This action is necessary because the increased number of vessels of all types operating in these waters has resulted in increasing conflicts among the various users and because existing U.S. Regulations should be brought in line with international regulations prior to implementing a joint Vessel Traffic Management Service with Canada for the Strait of Juan de Fuca and the Northern waters of Puget Sound. The intended effect of this action is to reduce collisions and groundings of vessels, and any resultant environmental harm, by reducing the conflicts between the various users. The public is invited to participate at the earliest stages in the modification of regulations governing the operation of vessels in the waters of Northwestern Washington.

DATES: Public Hearing, June 3, 1981; requests to present oral testimony must be received on or before May 22, 1981; written comments must be received on or before June 17, 1981. The period for comments may be extended if the need for an open conference is established. (See SUPPLEMENTARY INFORMATION)

ADDRESSES: Written comments should be submitted to Commander, Thirteenth Coast Guard District (m), Federal Building, 915 Second Ave., Seattle, Washington 98174. Comments will be available for inspection in room 3506 of the Seattle Federal Building. Normal office hours are between 8:00 a.m. and 4.15 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address. The Hearing will be held in the South Auditorium on the fourth floor (2nd Ave entrance) of the Federal Building during the hours 1-4 p.m., and 6-9 p.m.

FOR FURTHER INFORMATION CONTACT: Captain H. G. Lyons, Chief, Marine Safety Division, Thirteenth Coast Guard District, 915 Second Ave., Seattle, Washington 98174, (206) 442-5233.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data or arguments concerning this advance notice. Written comments should include the docket number (CGD80-119) and the name and address of the person submitting the comment. All comments received before the expiration of the comment period will be considered before further action is taken.

Interested persons are invited to attend the hearing and present oral or written statements on these proposals. It is requested that anyone desiring to make an oral presentation notify Captain Lyons at least ten days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. Comments at the public hearing will normally be heard in the order the request to comment is received. It is requested that a written summary or copy of the oral presentation be included with the request.

As a result of comments received, the District Commander may hold an open conference. The purpose of this conference would be to provide a forum which would allow interested parties to consolidate their recommendations or to work out a compromise position for formal submission to the Coast Guard. All submissions to the Coast Guard resulting from an open conference will be entered into the docket and will be available for public inspection. Public notification of such an open conference on this issue affecting the Puget Sound Region will be made through appropriate media announcement 30 days before the conference is convened.

Drafting Information

The principal persons involved in drafting this advance notice are: Commander Edward Roe and Lieutenant Commander Jonathan Collom.

Background

The Coast Guard originally issued regulations for the Puget Sound Vessel Traffic Service on July 10, 1974 (39 FR 25430). Minor changes were made on June 9, 1977 (42 FR 29481), July 21, 1980 (45 FR 48822), and December 22, 1980 (45 FR 84057). The current regulations are published at 33 CFR Part 161. The Service was established to ensure continued use of the waters for all of the diverse interests, while minimizing the danger of collision or grounding which might subject these navigable waters to environmental harm. The intended goals are even more meaningful today because of the growing congestion resulting from heavy commercial and recreational vessel traffic, and hazardous weather conditions averaging 4 to 12 days per month of fog or reduced visibility (less than 3 miles).

During the last two years there was an average of 588 commercial vessel movements per day within the PSVTS Area, of which 427 were ferries. There were also 48 movements per day on the

Strait of Juan de Fuca. During commercial fishing season there are presently 450 purse seiners and 2,500 gillnet boats licensed, of which it can be estimated that 500 may be operating in any given area at one time from July to November. In addition, a major portion of the estimated 250,000 pleasure boats operating in Washington State, can be found on these waters. These numbers indicate the extensive use of these waters and the potential for conflict. In addition, the waters included within the existing Traffic Separation Scheme (TSS) contain areas of special importance to commercial and sport fisherman and recreational boaters.

A frequent objection heard from the different interests using the Northwest Washington Waters is that there is no equitable plan in existence for cooperative use of the waterway. Conflicts often develop when shipping interests, commercial fishermen, sports fishermen, and recreational boaters, vie for use of a particular, limited area. These conflicts surface most frequently during the salmon season in such areas as Elliott Bay, Appletree Cove, Point No Point to Foulweather Bluff, New Dungeness Sand Spit, and Ediz Hook, and have often resulted in traffic delays for large vessels and net damages for fishermen.

Conflicts are also generated due to the different meanings given the term "fairway" within several existing Federal Regulations. As a result of these differences, a vessel which is in compliance with the Rules of the Road might well be in violation of the VTS regulations or vice-versa.

Additionally, plans are underway to initiate a joint U.S./Canadian Vessel Traffic Management System (VTMS) for the Strait of Juan de Fuca, Haro Strait, and the Strait of Georgia. To simplify the transit of vessels passing through both country's waters and the various zones controlled by one or the other Vessel Traffic Centers (Vancouver, B.C., Tofino, B.C. or Seattle, WA) it will be necessary to have compatible regulations. Present Puget Sound VTS regulations have evolved from the existing practices and/or comments of local users. The Canadian system is based upon an adaptation of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

International adoption of the joint VTMS will probably require implementation of Rule 10 (72 COLREGS), otherwise a vessel would be required to comply with different Traffic Separation Scheme rules as it progresses from sea to the internal waters of Northwest Washington.

Factors To Be Considered by the Coast Guard

Section 5 of the Port and Waterways Safety Act, (33 USC 1221 et seq.), requires full consideration of the wide variety of interests which may be affected by the exercise of regulatory authority under the Act. In determining the need for, and the substance of, any rule or regulation the following factors must be considered:

(1) the scope and degree of the risk or hazard involved;

(2) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

(3) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

(4) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

(5) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

(6) environmental factors;

(7) economic impact and effects;

(8) existing vessel traffic services; and

(9) local practices and customs, including voluntary arrangements and agreements within the maritime community.

Specific comment and information concerning these factors, as they apply to Puget Sound and adjacent waters are especially desired.

Possible Regulatory Approaches

The Coast Guard is aware that numerous approaches may be taken to achieve the objective of reducing conflicts between the various users of Puget Sound and adjacent waterways. Several possible approaches which may be considered are set out below. The Coast Guard solicits comments on these approaches, but also welcomes comments and suggestions concerning any other viable alternatives including comments concerning the necessity for further regulatory action at all. Comments are specifically requested concerning the possible benefits or adverse effects of these regulatory approaches, or any alternative being suggested.

The Coast Guard is considering the following possible alternative approaches, either singly or in some combination:

1. Incorporating Rule 10, 72 COLREGS into the existing Traffic Separation Scheme rules.

2. Incorporating a Fishing Vessel rule similar to the Army Corps of Engineers rule published at 33 CFR 206.93. Specific enforcement authority would be included.

a. This might also be accomplished by transferring responsibility for 33 CFR 206.93 from the Corps of Engineers to the Coast Guard and adding the necessary enforcement authorities.

3. Establishing a lighting requirement for gillnets.

4. Providing a determination which would define the application of the term "fairway" to the Traffic Separation Scheme within the waters of the Puget Sound Vessel Traffic Service Area.

5. Defining which vessel has the right of way when conflicts arise between fishing vessels, recreational vessels and other vessels operating in the VTS/TSS, by incorporating appropriate portions of Rules 9, 10, and 18, 72 COLREGS.

6. Modifying the size or routes of existing TSS lanes, including the reduction of lane widths, to lessen the areas of conflict without additional regulations.

7. Implementing the 72 COLREGS throughout the waters of the PSVTS Area.

Comments are particularly solicited concerning the relationships between users, whether certain areas require greater or lesser regulation than others and the environmental impacts or economic costs of any actions.

C. E. Larkin,

Rear Admiral, Coast Guard Commander, Thirteenth Coast Guard District.

February 10, 1981.

[FR Doc. 81-11150 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

36 CFR Part 1215

Archaeological Resources Protection Act of 1979; Extention of Comment Period; Rulemaking

AGENCY: Department of the Interior.

ACTION: Extension of comment period for proposed rulemaking.

SUMMARY: On January 19, 1981, a proposed uniform rulemaking to implement the provisions of the Archaeological Resources Protection Act of 1979, Public Law 96-95, was

published in the **Federal Register** (46 FR 5566). Comments from the Public were invited to be submitted on or before March 20, 1981. Because of widespread interest expressed at the public hearings for additional time to submit written comments, the comment period will be extended until April 30, 1981. Comments received after that date will not be considered in order that drafting of the final rulemaking may be completed.

DATES: Comments on the proposed rulemaking must be received on or before April 30, 1981.

ADDRESS: Written comments should be addressed to Charles M. McKinney, Manager, Federal Antiquities Program, Code: 512, Department of the Interior, 440 G Street, NW, Washington, DC 20243.

FOR FURTHER INFORMATION CONTACT: Charles M. McKinney Manager, Federal Antiquities Program, Department of the Interior, Washington, DC, 202–343–5264; Barbara Levin, Office of the Solicitor, Department of the Interior, Washington, DC, 202–343–7957; Maxwell Ramsey, Tennessee Valley Authority, Norris, Tennessee, 615–632–6450; Janet Friedman, Department of Agriculture, Washington, DC, 202–447–4119; or Garland P. Thompson, Department of Defense, Washington, DC, 202–272–0517.

Dated: April 14, 1981.

Cleo F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-11619 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1795-8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Notice of withdrawal of proposed rulemaking.

SUMMARY: The purpose of this notice is to announce the withdrawal of a notice of proposed rulemaking which was published in the March 14, 1980 **Federal Register** (45 FR 16503). In that **Federal Register**, EPA proposed to approve as a site-specific revision to the Ohio State Implementation Plan (SIP) a permit issued to Pre Finished Metals Inc. (Pre Finished Metals) for construction of a new metal coating plant in Wood County, Ohio. As a result of EPA's approval on October 31, 1980 (45 FR 72122) of the Ohio Part D ozone plan final EPA approval of the Pre Finished Metals permit as a site-specific SIP revision is no longer necessary.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6035.

SUPPLEMENTARY INFORMATION: On May 23, 1979, the State of Ohio submitted, as a site-specific SIP revision, a permit issued to Pre Finished Metals Inc. for construction of a new metal coating plant. This plant will primarily emit volatile organic compounds (VOC). VOC emissions play an integral part in the formation of ozone. Since the plant is to be located in Wood County, Ohio, a designated nonattainment area for ozone and since this SIP revision was submitted in May of 1979, the permit must satisfy the requirements of the Emissions Offset Interpretative Ruling of January 16, 1979 (Interpretative Ruling). One of the requirements of the Interpretative Ruling applies to facilities locating in nonattainment areas which will emit the pollutant for which the area is nonattainment. The Interpretative ruling requires that prior to construction, such facilities must ensure that for every increase in emissions of that pollutant there must be a greater than one-to-one decrease in emissions of that pollutant. If the decrease in emissions is to be supplied by an agent other than the facility itself, then it is known as an external offset. Pursuant to the Interpretative Ruling, external offsets must be submitted as SIP revisions and must be enforceable. Alternatively, if as part of the existing SIP the State has committed itself to reduce emissions from existing sources in the area by a degree sufficient to offset the increase in emissions from the proposed new source, then an external offset is not required and approval of the permit as a site-specific SIP revision is no longer required by the Interpretative Ruling.

In the March 14, 1980 **Federal Register** (45 FR 16503), EPA stated that Pre-Finished Metals was relying on an external offset from the Ohio Department of Transportation (DOT) to supply the necessary reductions. The State submitted a letter from Ohio DOT which committed itself to reduce the use of cutback asphalt in its paving and resurfacing operations in Wood, Ottawa and Sandusky Counties, Ohio. Ohio DOT agreed to use cutback asphalt only as a penetrating prime coat, for long-life stockpile storage, or at ambient temperature less than 50 degrees fahrenheit.

On September 13, 1979, Ohio EPA submitted, among other things, a control strategy developed for the Toledo ozone nonattainment area. This strategy contains an inventory of the present and projected future VOC emissions in Wood County, Ohio. Included in the future inventory are the VOC emissions anticipated from the Pre Finished Metals plant and the Ohio DOT. As a result of the implementation of various measures, including rule 3745–21–09(N), emissions calculated in the future inventory for the Toledo area are such that attainment of the ozone NAAQS is possible by December 31, 1982. Rule 3745–21–09(N) which became effective in the State on October 19, 1979, prohibits anyone including Ohio DOT, from using cutback asphalt in road paving except: (1) when it is used solely as a penetrating prime coat; (2) when it is used for long-life storage; or (3) when it is used during the period October 15 to April 15 (basically a time period when ambient temperatures are less than 50 degrees Fahrenheit).

In the October 31, 1980 **Federal Register** (45 FR 72122), EPA approved, among other things, the Toledo ozone control strategy and rule 3745–21–09(N). The Toledo ozone control strategy predicts that VOC emissions in the area will be reduced by a degree greater than is necessary to achieve attainment of the ozone NAAQS by December 31, 1982. This excess in emission reductions presently provides a margin for new source growth in the area. As long as the growth margin exists, and is not exceeded, a new source may construct in this area without the need for offsetting emissions from existing sources in the area. Consequently, approval of the Pre Finished Metals permit as a site specific DIP revision is no longer required by the Interpretative Ruling. Therefore, EPA is today withdrawing its proposed approval of the permit as a site-specific SIP revision.

Withdrawal of EPA's proposed approval should not be interpreted as a disapproval of the construction permit for Pre Finished Metals' new plant. Due to the growth margin in the Toledo ozone control strategy, this permit no longer needs to be approved by EPA as a revision to the Ohio SIP.

Under Executive Order 12291 (Order) EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it merely withdraws proposed rulemaking and, imposes no regulatory requirements. The source affected by today's action will be subject only to

those regulations which are presently in effect in the State. The source will not need to meet any additional requirements. This action was submitted to the Office of Management and Budget (OMB) for review to EPA and any EPA response to these comments are available for public inspection at the Regional EPA Office listed above.

Dated: March 25, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-11403 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 772

[OPTS 46007; TSH FRL 1594-3]

Environmental Test Standards; Proposed Rules

Correction

In FR Doc. 80-34065 appearing at page 77332 in the issue for Friday, November 21, 1980, make the following corrections:

(1) On page 77334, in the second column, in the second complete paragraph, in the eighth line, after the word "section", insert "4".

(2) On page 77340, in the middle column, in paragraph (D) (§ 772.122-1(e)(1)(ii)(D)), in the tenth line, after the word "of", insert the word "the".

(3) On page 77350, in the middle column, in § 772.122-4(d)(3), after the ninth line, insert "is incorporated by reference. It is for sale by the American".

(4) On page 77351, in the first column, in paragraph (11) (§ 772.122-4(d)(11)), in the third line, the word "equilorium" should have read "equilibrium".

(5) On page 77352, in the first column, in paragraph (ix) (§ 772.122-4(g)(2)(ix)), in the fourth line, the reference to "paragraph (d)(10)(ii)" should have read "paragraph (d)(10)(iii)".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR 56, 58

[CGD 79-159]

Tank Stop Valves and Their Controls and Indicators

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amendments to its regulations on tank stop valves, including sluice valves and gates, and their operating devices and indicators. The changes are intended to make various requirements more consistent, bring them into line with recent technological developments, and reduce risks. This is to be accomplished by changes in four areas. Tank stop valves would be required at more precisely defined locations. Existing requirements for oil tank stop valves preventing flow into machinery spaces would be made applicable to other tank stop valves. The present exemption of damage to tubing and wiring from consideration in design of centrally fail-closed power-operated valves would be eliminated; and standards would be set for operating and indicating devices.

The regulations would generally apply to new vessels subject to the Marine Engineering Regulations. Certain portions of the regulations may be made applicable to existing vessels.

DATE: Comments must be received on or before 30 July 1981.

ADDRESS: Comments may be mailed to Commandant (G-CMC/24), (CGD 79-159), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477 between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: LCDR T. H. Jenkins (G-MMT-2/12), U.S. Coast Guard, Washington, D.C. 20593, (202) 426-2160, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the name and address, identify this notice (CGD 79-159) and the specific section of the proposal to which the comment applies, and give the reasons for the comment. Any future notice of proposed rulemaking will be developed with full consideration of all comments received. The public will have another opportunity to comment on that proposal before final action is taken. No public hearing is planned, but one will be held at the time and place to be set in a later notice in the **Federal Register** if requested in writing by anyone raising a genuine issue. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed.

DRAFTING INFORMATION: The prinicpal persons involved in drafting this document are Lieutenant Commander Thomas H. Jenkins, Project Manager, Office of Merchant Marine Safety, and Michael Mervin, Project Attorney, Office of the Chief Counsel.

Discussion

The Coast Guard is considering amendments to its regulations on tank stop valves, and other valves and gates performing similar functions, on all inspected vessels except small passenger vessels regulated under Subchapter T, to increase vessel and personnel safety.

Current regulations for tankships, as interpreted to fit modern shipbuilding practices, require tank stop valves at or near each piping penetration serving an oil tank if the piping is within a certain distance of the side or bottom of the vessel. Such valves are only required on tankships with more protected piping (and on other types of ships regardless of piping location) at the point where piping leaves a row of tanks to enter a machinery space. The latter arrangement is not effective if the ship is so damaged (by collision, grounding or breaking up) that one or more pipes running throgh a damaged tank are also damaged. Many ship owners and builders choose to use additional valves at all tanks, but some do not. In many cases, the valves used voluntarily do not have the level of fire and shock resistance or the operating reliability of the required valves.

The existing regulations for the required valves, especially when they are large power-operated valves or gates inside tanks, have been found to be inadequate. These valves are often electrically, hydraulically or pneumatically operated, and present regulations do not require that possible damage to the cables or tubing be considered when designing these valves to fail in the closed position. Interpretations permitting a portable hydraulic pump or similar device to be used as the manual backup system for hydraulic power valves have resulted in approved installations that could prevent rapid containment or recovery of the cargo, or salvage of the vessel, in the event of damage to cables or tubing. Damage to tubing has recently been found to be a routine occurrence due to corrosion at the liquid surface in tanks, and either cabling or tubing may be damaged as a result of fire, explosion or collision.

Previous regulations did not address cargo tank sluice gates per se. When ship owners wished to install sluice gates or valves, various Coast Guard offices responsible for plan review established requirements to make sluice gate systems approximately equivalent to the requirements for conventional piping systems. Because of the large size of sluice gates and the fact that a single failure or accidental opening of a sluice valve or gate would make two tanks common, these requirements for sluice gates were sometimes stricter than those for piping system valves. The failure of a single valve in a pipe would not join the two tanks unless the pipe also failed. Many of the principles now being considered for both valves and sluice gates were primarily developed for sluice gates. However, since it is probable for damage severe enough to open pipes to occur, valves in piping and sluice gates should be equally reliable.

As a result of international experience with collisions, groundings and other marine accidents, particularly those involving large tankships, the existing regulations appear to be insufficient. The Commanding Officer of one of the Coast Guard's units which respond to large pollution incidents and often attempt to remove oil from damaged ships or save the ships intact has indicated that his operations could be made more effective if tank stop valves or sluice gates could be made reliable enough to remain operable after damage. Members of industry have also expressed this view, stating that a fail-closed system without a manual backup could prevent the ship's Master from taking action to save the ship before it capsizes or goes irretrievably aground.

After damage occurs, the most reliable system is likely to be a manual mechanical reach rod or similar device with some flexible and expansion joints to minimize the effects of damage or distortion. If the vessel's structure is so distorted or damaged at a particular point that such a reach rod can no longer function, the bulkhead penetrated by the valve or gate served is likely to be breached and the valve of no use. On the other hand, the system which is most reliable and free of human error prior to damage, and at the instant of damage, is likely to be a fail-closed system with each valve's stored energy device located at the valve or on top of a suitable reach rod. Such a valve has several advantages:

(a) It will close or stay closed in the event of almost any credible accident, even cable or tubing failure in a tank or on deck. Any fire or pollution would be contained as rapidly and as completely as possible.

(b) Since it is self-closing it would be very unlikely to be left open during transit.

(c) Since it would not be normally left open, either accidentally or deliberately, it will be unlikely to corrode in the open position like the manual stop valves on older tankships.

However, such a valve has one major disadvantage: Unless backed up with a manual reach rod or equivalent, it cannot be opened after damage.

The ideal tank stop valve on a ship with large power-operated valves is therefore one which has high basic strength, shock resistance, and fire resistance and which has all of the following operating features:

(a) A reach rod or equivalent manual mechanical device with appropriate strength, corrosion resistance, maintainability, flexibility and expansion capability to keep it operating in all normal service conditions and within the limits of elastic deformations of adjacent structure.

(b) An easily worked mechanical manual control to open or close the valve from a safe and accessible location, attached to the reach rod and so arranged that it does not interfere with power operation until it is needed.

(c) A power system with a local fail-closed energy storage device at each valve, or at the remote manual control if the strength of the reach rod is sufficient.

(d) An indicator, independent of power and of the reach rod, which will reliably show the operator of the remote manual control whether the valve is fully open, fully closed, or neither.

(e) An indicator system for remote power operation which provides the additional information needed on a large ship with a small crew. This would include a panel at the valve operator's station showing whether each valve is fully open, fully closed, or neither; an audible indicator directing attention to the panel if a valve is open when all should be closed; and a single visual indicator and single audible indicator in the wheelhouse or other space normally manned under way to inform the Master that one or more valves are not fully closed.

A valve operating system meeting these requirements would be equally acceptable for sluice gates. Since the power system would be fail-closed, and therefore comparable in terms of vessel safety to a "fail-safe" crane, full Coast Guard plan review of the power operating system's hydraulic or pneumatic components may not be needed. In this case 46 CFR 58.30 would be amended appropriately.

The new design regulations would appear as 46 CFR 56.50–3. These regulations would make it necessary to amend 46 CFR 56.50–1(c), 56.20–15(b), 56.50–1(g), 56.50–60(d), 56.50–80(h) and 58.30–1(a). An amendment to 33 CFR 157.19, if necessary to avoid conflict with the final form of these regulations, will be proposed separately. The Coast Guard's current thinking, if not changed as a result of comments, would lead to proposed new vessel design regulations in approximately the form detailed below. Operation and inspection requirements intended to ensure the effectiveness of the desired systems will be developed along with the design regulations.

Due to the nature of this subject, this advance notice of proposed rulemaking is in the form of detailed amendments to existing rules. It must be emphasized that these proposals are only intended to stimulate comments and suggestions by raising a variety of issues. Comments are welcome on any aspect of this advance notice. In particular, comments on the economic aspects of the changes and the relative economic impact of any alternative means which would provide an equivalent level of protection to vessels, personnel and the marine environment are sought. Manufacturers of equipment who believe their products would accomplish the desired objectives with equal reliability but would be discouraged by a the detailed phrasing of the regulations are invited to suggest alternatives. Data tending to prove or disprove any statement in this discussion which is a part of the basis for proposing any change is also sought.

The Coast Guard is concerned with whether the systems described in this advance notice, which would provide the highest degree of safety obtainable using components similar to those currently in use on new liquefied gas and chemical carriers, will improve safety commensurate with the cost. Objective evidence of damage, or the lack thereof, to piping, valves and their actuating systems due to normal service, corrosion, fires, explosions, collisions or groundings is particularly desired.

At this stage of development, it is difficult to predict whether this rulemaking will significantly affect a substantial number of small entities. Representatives of small entities which may be affected are also invited to comment regarding the significance and cost of any potential impacts and to suggest alternatives accomplishing the desired results with reduced impact.

The practicability of making all or part of the regulations retroactive to existing vessels will be evaluated on the basis of the comments. Under current thinking, it is likely that at least a manual reach rod and stop valve at each penetration of a tank served by a pipe will be required for all cargo and fuel tanks over a certain size. Existing sluice gate systems and other unusual configurations would probably be individually evaluated for the practicability of and need for compliance.

Where tank stop valves would be required to be fire resistant, this could be demonstrated by testing. The following test will be considered, along with tests used by the oil industry. Comments on this or any other fire test are welcome.

Proposed Tank Stop Valve Fire Test

One end of the valve must be pressurized with a non-flammable fluid to the maximum pressure for which acceptance is desired. If acceptance for liquid service only is desired, water may be used as the test fluid. If acceptance for gas or liquefied gas service is also desired, air or inert gas must be used.

The other end of the valve must be left uncovered for exposure to fire, except that an American National Standards Institute (ANSI) standard blind flange bored out to the full size of the opening in the valve may be used to protect an integral gasket from fire exposure or to attach a wafer type valve to a testing device. Hubbed or unnecessarily thick flanges must not be used. Sluice gates must be tested without protection or with the same mounting devices that will be used in service.

The open end of the valve must be exposed to the National Fire Protection Association (NFPA 251) standard test fire for one hour. If any loss of pressure occurs during this period, the amount of make-up fluid used to maintain pressure must be measured. The valve must not be manually tightened during this period.

If, at the end of the exposure period, the valve has passed the requirements for leakage in Table I prior to manual tightening, but not the requirements for leakage after manual tightening, the valve must be manually tightened and retested, without further fire exposure, to determine the leakage rate after tightening.

In the case of valves tested with water, visual observation is usually sufficient to determine that no leakage from the valve into the surrounding space has occurred. In the case of valves tested with gas, or if the test fire or valve materials produce smoke which might conceal water or steam leakage, other methods may be required to detect leakage into the surrounding space.

If leakage into the surrounding space is detected, and it is not so slight that the leakage requirements of Table I are clearly met, this leakage must be blocked and the valve retested without further fire exposure to determine the rate of leakage through the valve. This quantity may then be subtracted from the previous total leakage to determine the quantity of leakage into the surrounding space. Such blockage must not be done in a way that would affect leakage through the valve.

The use of insulation, intumescent or ablative coatings, or other non-integral means of increasing fire resistance is not acceptable unless in the judgment of the Commandant (G-MMT-2) such means will remain effective for the service life of the valve in spite of disassembly for repair, exposure to all environments in which the valve may be expected to be used, and other such degrading factors.

Unless the valve is perfectly symmetrical or fire resistance acceptance is desired only for installation in one direction, another identical valve must be tested with the opposite end pressurized. If one side is clearly less fire resistant than the other, only the less fire resistant side need be exposed to the test fire.

The hold-closed standard must be met throughout the fire test. The valve components must not move in the opening direction at any point in the test. Automatic motion in the closing direction is acceptable.

The valve will be considered to have passed the test if the leakage rates are determined to be less than or equal to those in Table I:

Table I

Time of leakage	Through valve	To surrounding space[3]
Before tightening (liquids[1]).	5% rated flow	1% rated flow.
After tightening (liquids).	10/ml/hr/inch nominal size.	10ml/hr/inch stem diameter.
All times (gasses[1 2]).	3 1/hr/inch nominal size.	3 1/hr/inch stem diameter.

[1] Valves for liquefied gas service must meet both the gas standard (for gas leakage) and the after tightening liquid standard (for liquid leakage) without manual tightening.
[2] No manual tightening permitted to meet gas standard.
[3] Not applicable to sluice valves or gates.

Accordingly, the Coast Guard offers a set of hypothetical amendments to Title 46 of the Code of Federal Regulations, for discussion purposes only, as follows:

PART 56—PIPING SYSTEMS AND APPURTENANCES

1. By adding a new section to read as follows:

§ 56.50-3 Tank stop valves and related systems.

(a) All penetrations of any tank boundary that are intended for the handling of fluids, whether part of a piping system or not, must be fitted with effective remote-operated stop valves, except:

(1) Any opening intended to be used for personnel access.

(2) Any vent, overflow, or pressure or vacuum protection connection.

(3) Any penetration in a portable tank.

(4) Any penetration in an independent tank located on a weather deck, unless remote stop valves are required by other regulations.

(5) Any opening in a tank top that is—

(i) at the bulkhead deck or higher in the vessel, and

(ii) not equipped with piping arranged in a way which could result in a siphon effect.

(6) Any penetration for a pipe that does not serve the space on either side of the penetration, if the pipe running through the tank or tanks adjacent to the penetration is—

(i) located in a pipe tunnel equal in both thickness and presure containing capability to the bulkhead penetrated; or

(ii) of all-welded construction, Schedule 80 or thicker, fitted with expansion bends, and complying with (b)(1) and (b)(2) of this section for ductility, and for fire resistance where required.

(7) Any penetration of, and serving only, a tank that is—

(i) so small that its unplanned flooding or draining cannot significantly affect the safety of the vessel; and

(ii) used to carry only clean water or liquids for which there are no federal transportation, health, safety or pollution regulations in effect.

(b) A stop valve is considered effective to minimize the loss of fluids from a tank and to prevent the entry of water in the event of damage to piping, structure, valves or their operating devices due to fire, grounding, collision, mechanical or power failure or other casualties, if it meets all of the following conditions:

(1) All components necessary to prevent the flow of fluid either through the valve or from the valve to the space in which it is located are made of suitable ductile material.

(i) A material is suitable if it is in compliance with the design and material requirements of this Part for all pressures, temperatures, and environments anticipated in service and for the minimum design pressures of S/56.20-9(c) if greater.

(ii) A material is ductile if it has an elongation in 50 mm (two inches) of at least 15% if ferrous and at least 10% if non-ferrous when tested in accordance with American Society for Testing and Materials (ASTM) specification A-370. For valves internal to the vessel, this test must be performed with specimens at a temperature no warmer than −2°C (28°F) or the design temperature of adjacent hull steel if colder. For valves external to the vessel, this test must be performed with specimens at a temperature no warmer than −29°C (−20°F). This test is not required for valves accepted for lower fluid temperatures under S/56.50-105.

(2) If the valve is located in, or serves, a tank, machinery space, or fluid cargo-handling space associated with a flammable, combustible or fire-reactive fluid, the valve is fire-resistant.

(i) A valve is fire-resistant if it will, when closed, continue during and after fire exposure to prevent the flow of fluid both through the valve and from the tank or pipe served out into the space in which the valve is located. Fire resistance may be demonstrated by testing. [A proposed set of test details and acceptance criteria is contained in the Preamble.]

(ii) A valve is fire-resistant without testing if it is constructed entirely of materials with a melting temperature (solidus) above 925°C (1697°F), equipped with seats, packing and gaskets of materials equivalent to those listed in S/38.10-10(d) of this Chapter or such small amounts of resilient seating material that the leakage criteria of the fire test can be met during a cold hydrostatic test with all resilient seating material removed.

(iii) Whether a valve is accepted on the basis of fire testing or materials suitability and cold hydrotesting, the design and materials must be suitable for the intended service so that substantial compliance with the fire test requirements may be expected to last in service, in spite of wear, erosion, corrosion, cavitation, disassembly and reassembly, and other normal modes of deterioration, for the useful life of the valve.

(iv) A fluid is fire-reactive if it can enhance a fire, such as oxygen, or if it can be converted by fire into hazardous components, such as carbon tetrachloride.

(3) The valve must be located as close as possible to the tank penetration served. Any unavoidable piping or nozzles between the penetration and the valve must comply with (b)(1) and (b)(2) of this section.

(4) The valve must be of a hold-closed design. A valve is of a hold-closed design if—

(i) it is of the screw-down type; or

(ii) it is equipped or designed so that when closed it cannot open inadvertently due to fluid pressure, flow dynamics, shock, vibration, or similar causes. Valves of the quarter-turn type are generally not hold-closed unless provided with spring type fail-closed devices or latching devices.

(5) The valve must be equipped with a remote manual operating device that—

(i) is easily operated by one person;

(ii) meets the same requirements as the valves served for ductility and fire resistance; and

(iii) has appropriate strength, corrosion resistance, maintainability, flexibility, and expansion capability to keep it operating in all normal service conditions and within the limits of elastic deformation of adjacent structures due to either normal service or casualties.

(6) The operating station for the remote manual operating device must be located—

(i) outside the space in which the valve is located;

(ii) in a place that is safe and accessible during and after casualties that may require operation of the valve;

(iii) on or above the margin line of the vessel; and

(iv) when serving a valve in the cargo area or pump room of a tank vessel, above, on, or flush in the same weather deck as the deck firefighting system.

(7) Unless located within a tank, the valve must also have a local manual operating device.

(8) The valve must be equipped with an indicator to show whether the valve is fully open, fully closed, or neither. This indicator must—

(i) be independent of any source of power,

(ii) be independent of the remote manual operating device and any power operating device provided,

(iii) be easily visible from the remote manual control, and

(iv) comply with 5(ii) and 5(iii) of this section.

(9) If a stop valve is power-operated, it must—

(i) be so arranged that remote manual operation can override power operation when desired, in any setting or condition of damage to the power system;

(ii) be so arranged that deliberate effort, rather than casual or accidental action, is required to manually override the power system;

(iii) be of the fail-closed type (i.e. be so arranged that at all times except during manual override the valve will fully close upon any type of failure to the power operating system); and

(iv) have any energy storage device required to close the valve upon failure located at the valve served. If the remote manual operating device is designed to withstand the maximum force exerted by the energy storage device, the energy storage device may be located at the remote manual operating station rather than at the valve.

(10) If the stop valve is power operated from a location other than at the valve or at the remote manual operating station, it must also—

(i) be provided with a visual indicator system at the additional operating station that shows whether each valve served is fully open, fully closed, or neither; and

(ii) be provided with an audible indicator, with provision for silencing while the valves are in use, to alert the operator that one or more valves have not closed completely when fluid handling is terminated or have not remained completely closed when not in use.

(11) When indicators are required by (c)(10) of this section, the audible indicator need not be distinctive in tone from other machinery alarms, but must be—

(i) so arranged that it will draw the hearer's attention to the visible indicators; and

(ii) located at a place that is normally manned both at the termination of fluid handling and, except in the case of unmanned or permissively manned barges other than integrated tug-barge vessels, at all times under way. If no one location meets these requirements, additional single audible and single visual indicators showing that one or more valves are not completely closed must be added at additional locations.

(c) If a valve is required to be of the fail-closed type, the valve must be forced closed by the action of a stored energy device such as a spring, pneumatic accumulator, or equivalent device. Weight alone is not sufficient. The device must function in all conditions of list and trim, within the limits of elastic deformation of the existing structure, and regardless of the cause or location of the power or transmission system failure.

(d) A stop check valve, with or without a manual lift feature, may be accepted as a tank stop valve in suitable locations, but a check valve without a manual stop feature is not so accepted. A stop check valve without a manual lift feature is not accepted as a tank stop

valve if it could hinder removal of fluids from a damaged vessel or otherwise interfere with salvage operations.

§ 56.50-1 [Amended]

2. By revising § 56.50-1(c) to read as follows:

* * * * *

(c) Valves and cocks not forming part of a piping system are prohibited in watertight subdivision bulkheads. This prohibition does not apply to sluice valves or gates in crude oil cargo tanks meeting the requirements of § 56.50-3 of this Part.

* * * * *

3. In the first sentence of § 56.50-1(g)(1), by changing the reference "§ 56.50-60" to "§ 56.50-3" and by deleting the words "for cargo and fuel oil deep tanks".

4. In § 56.50-1(g)(2)(iii), by adding the words "not covered by § 56.50-3" after the words "reach rods".

§ 56.50-60 [Amended]

5. In § 56.50-60(d), by adding the words "tank stop valves complying with § 56.50-3. Tanks exempt from that regulation must have locally operated stop valves complying with § 56.50-3(b)(1), (2), (3) and (4)." after the words "shall be fitted with".

6. In § 56.50-60(d) by deleting subparagraphs (1) through (4).

7. By revising § 56.50-80(h) as follows:

§ 56.50-80 Lubricating oil system.

* * * * *

(h) Piping subject to internal pressure from lube oil in a storage tank must be fitted with stop valves complying with § 56.50-3. Tanks exempt from that regulation must have locally operated stop valves complying with § 56.50-3(b)(1), (2), (3) and (4).

* * * * *

§ 56.20-15 [Amended]

8. By revising § 56.20-15(b)(1)(ii) as follows:

* * * * *

(b) * * *

(1) * * *

(ii) Category A valves must not be used in any piping system in a position where all or part of the requirements of § 56.50-3 of this Part are applicable or where otherwise prohibited by the regulations in this subchapter.

* * * * *

9. In § 56.20-15(b)(2)(ii), by deleting everything after "shell of the vessel" and adding the following words: "in a position where part or all of the requirements of § 56.50-3 of this Part are applicable or as otherwise provided in the regulations in this subchapter."

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

§ 58.30-1 [Amended]

10. In § 58.30-1(a)(9) by adding at the end the words: "In the case of installations operating only tank stop valves complying with § 56.50-3 of this subchapter, only those components whose failure could prevent either automatic closure or subsequent remote manual operation."

(46 USC 391a, 416; 49 USC 1655(b)(1); 49 CFR 1.46(b) & (n)(4))

Dated: April 9, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-11550 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 536, 538

[Docket No. 80-19]

Requirements for Filing Currency Adjustment Factors Reflecting Changes in the Exchange Rate of Tariff Currencies.

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: The Commission has determined to discontinue this proceeding without issuing this proposed rule. A new proceeding will be instituted to develop a proposed rule governing currency adjustment factors.

DATES: Effective April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523-5725.

SUPPLEMENTARY INFORMATION: By notice published in this proceeding (45 FR 23708-23710, April 8, 1980), the Federal Maritime Commission proposed to amend its rules to provide requirements for filing currency adjustment factors reflecting changes in the exchange rate of tariff currencies. Comments were received from carriers, conferences, and shippers. Upon consideration of these comments the Commission has decided to discontinue this proceeding. A new proceeding will be instituted to develop a different proposed rule governing currency adjustment factors.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11466 Filed 4-15-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 20870]

Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The FCC granted motion for extension of time in which to file comments in response to a further notice of proposed rulemaking, In the Matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service, CC Docket 20870. The Commission determined that a grant of the motion would serve the public interest by assisting it in compiling a full and accurate record in this proceeding.

DATES: Deadline for filing comments was extended from Arpil 7, 1981 to May 22, 1981; deadline for filing reply comments was extended from May 7, 1981 to June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John V. Buscemi, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

In the Matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service, CC Docket 20870. See 46 FR 15749. Order Extending Time for Filing Comments and Reply Comments.

Adopted April 6, 1981.

Released April 7, 1981.

By the Chief, Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, acting pursuant to delegated authority, is a motion for extension of time in which to file comments in this rulemaking proceeding filed by Telocator Network of America (Telocator). On March 6, 1981, we released a *Further Notice of Proposed Rulemaking*, Mimeo 28711, stating that comments should be submitted by April 7, 1981 and reply comments should be submitted by May 7, 1981. Telocator requests that these deadlines be extended until May 22, 1981 and June 22, 1981 respectively. In support of its request, Telocator states that, in addition to raising broad questions of policy the *Further Notice* has proposed objective standards of need which are

technically complex and has specifically requested comments about alternative technical approaches for evaluating need showings.

2. After reviewing Telocator's motion, we believe that a grant of the motion would assist us in compiling a full and accurate record in this proceeding. Accordingly, good cause having been shown, it is ordered, That the deadline for filing comments in this proceeding is extended to May 22, 1981 and the deadline for filing reply comments is extended to June 22, 1981.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-11484 Filed 4-15-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 68

[CC Docket No. 81-216; RM-2845; RM-2930; RM-3195; RM-3206; RM-3227; RM-32833; RM-3316; RM-3329; RM-3348; RM-3501; RM-3526; RM-3530; FCC 81-130]

Proposed Amendments to Registration Standards Under Part 68 of the Rules, Including Dataphone Digital Service; and Notice of Inquiry Into Inclusion of One and Two-Line Business and Residential Premises Wiring, Party Line Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking and notice of inquiry.

SUMMARY: The Commission is evaluating a series of proposals to amend its Part 68 terminal equipment registration rules to reflect technological and procedural changes that have occurred since the registration program was adopted, and to respond to proposals offered by interested parties. Also, in order to complete the scope of Part 68, an inquiry is initiated to determine the technical standards and procedures needed to include one and two-line business and residential premises wiring and party line service.

DATES: Comments due June 12, 1981. Reply comments due July 27, 1981. An additional set of "responsive comments" due August 11, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Talens, General Attorney, Common Carrier Bureau, Federal Communications Commission (202) 632-6920.

SUPPLEMENTARY INFORMATION: For purposes of the Regulatory Flexibility Act, 5 U.S.C. 603, the FCC certified that the proposed rule amendments will not have a significant economic impact on a substantial number of small entities. Most of the amendments proposed are for purposes of relaxing of updating current provisions. The new rule proposals will not cause entities any significant additional economic impact.

In the matters of petitions seeking amendemnt of Part 68 of the commission's rules concerning connection of telephone equipment, systems and protective apparatus to the telephone network; and noice of inquiry into standards for inclusion of one and two-line business and residential premises wiring and party line service in Part 68 of the commission's rules.

Adopted: March 26, 1981.

Released: April 10, 1981.

By the Commission: Chairman Ferris not participating.

I. Introduction

1. Part 68 of the Commission's Rules provides the technical and procedural standards under which direct electrical connection of customer-provided telephone equipment, systems and protective apparatus (in the aggregate "premises equipment") may be made to the nationwide network without harm and without a requirement for telephone company-provided protective devices (PCAs).[1] Since adoption of these Rules,[2] a number of petitions have been filed which seek amendment of certain technical criteria governing registration testing. Rulemaking petitions have been filed by Communications Certification Laboratory (CCL), Mr. J. P. Neil, Dictaphone Corporation (Dictaphone), Institute of Electrical and Electronics Engineers (IEEE), Mr. D. R. Tibbetts, Communications Workers of America (CWA), Independent Data Communications Manufacturers Association (IDCMA), and AMC Sales (AMC). These petitions are considered herein.

2. We also include for public comment a Petition for Rulemaking filed by American Telephone and Telegraph Company (AT&T) to add a new private line service, Local Area Data Channels (LADC), to those services currently embodied in Part 68. IDCMA's petition proposes to include another private line service, Dataphone Digital Service (DDS), under Part 68.

3. In addition to the matters contained in the rulemaking petitions, the Commission has included, on its own motion, a number of issues which are germane to an effective registration program that fosters innovation and competition in premises equipment design and marketing. Among these matters are: (1) the inclusion of a proposal for an amendment to § 68.308, Signal Power Limitations, to limit the out-of-band signal power generated by digital circuitry; (2) a reference to Part 15 of the Rules in § 68.102 to insure that manufacturers seeking registration of digital devices are on notice that there are restrictions on the level of electromagnetic radiation which may be emitted by such devices; (3) a proposal concerning registration of test equipment; (4) a Notice of Inquiry to seek public comment on whether the Commission should structure its Part 68 rules to accommodate one and two-line business and residential premises wiring and, if so, what kinds of institutional controls should be utilized to reach that end; [3] and (5) a Notice of Inquiry to consider alternative vehicles for including party line service under Part 68. In order to expeditiously resolve all the issues presented by the petitions for rulemaking and those raised *sua sponte*, we have consolidated them in this one proceeding.

II. RM-2845

4. CCL filed a Petition for Rulemaking, RM-2845, in which it proposes to lower the on-hook dc resistance requirement of § 68.312(a)(1)(i)[(b)(1)(i)], On-hook Impedance Limitations, to 1 megohm.[4] The current rule provides that for all registered terminal equipment and protective circuitry the dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground, shall be greater than 10 megohms for dc test voltages up to and including 100 volts. CCL bases its proposal on the "drastic and unrealistic" design changes manufacturers must perform to comply with Part 68, and on the much lower figure published by the Department of Communications of Canada, Document CS-01 at p. 31.

5. In opposition, AT&T argues that the resistance of all terminal equipment must be maintained at the 10 megohm level to sustain the Bell System

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[1] A PCA is an electronic device which prevents harmful voltages or signals emanating from customer provided equipment or premises wiring from entering the telephone network.

[2] For a chronicle of Part 68, *see Memorandum Opinion and Order (Fourth Report)* in Docket Nos. 19528, 20774 and 21182, 70 FCC 2d 1800 (1979).

[3] "Institutional controls" have been used before in Part 68. *See Third Report and Order (Third Report)* in Docket No. 19528, 67 FCC 2d 1255 (1978); and *Fourth Report.*

[4] In the *First Report and Order* in Docket No. CC 79-143, 76 FCC 2d 246 (1980), the Commission adopted a number of amendments to Part 68 to accommodate certain private line services. As a consequence, the subsections embodied in the current rules do not necessarily track those cited in the subject petitions for rulemaking. In order to reconcile this seeming inconsistency and aid the reader in following the proposals we have added the correct citation in brackets. These correct citations are used in Appendix A.

operating telephone companies' preventive and reactive loop maintenance programs. The two maintenance techniques which rely on the 10 megohm requirement of § 68.312(a)(1)(i)[(b)(1)(i)] are cable pressure monitoring (CPM) and automatic line insulation testing (ALIT). CPM assures quick recognition of faults in the integrity of cables that are pressurized with dry air to prevent entry of noise-producing moisture. To accomplish this, sensors which translate air pressure into electrical resistance are connected between tip and ring of a working cable pair. A given pair has but one sensor, located at least one mile from another sensor on an adjoining pair within the same cable. By measuring sensor resistances at the central office where the cable terminates, and correlating these measurements with the identified cable pairs, a leakage problem can be at once recognized and approximately located.

6. AT&T states that the resistance of the pressure sensor varies non-linearly from 0.1 megohm to 3.8 megohms for linear changes in pressure from 0 to 9.5 lbs./sq. in. (psi), respectively. For the majority of loop cable plant, which is typically pressurized at 6 psi, the sensor resistance is 0.4 megohm. According to AT&T, the resistance measured at the central office across and cable pair must fall between 0.371 and 0.433 megohm in order to assure that the pressure is within 0.5 psi of the 6 psi standard. AT&T further argues that lowering the terminal equipment resistance requirement of § 68.312(a)(1)(i)[(b)(1)(i)] would cause false indications of low air pressure conditions in the cable pairs.

7. R. A. Gogolen, a manufacturer of telephone equipment, in late-filed informal comments, suggests that AT&T's position with regard to erroneous pressure readings is "overstated." He notes that CPM tests are not performed on cables of 200 pairs or less. Gogolen claims cable pair selection and pressure testing are conducted manually prior to assignment to service. He concludes that this procedure precludes terminal equipment from interfering with the CPM program, since a different cable pair would be immediately selected if an unacceptable pressure level were detected.

8. In its reply comments, CCL notes that CPM readings between 0.371 and 0.433 megohm are normal where terminal equipment displaying 10 megohms of on-hook dc resistance is connected across the cable pair. CCL also suggests that if the 10 megohm termination were replaced with a 1 megohm termination, the CPM reading would be between 0.277 and 0.311 megohms. It concludes that if a standard 0.371—0.433 megohm reading were desired it would only be necessary to add a 100 kilohm resistor or suitable potentiometer in series with the metering test point at the telephone company central office.

9. The ALIT procedure is used by telephone companies to monitor the condition of insulation along cable loops. The equipment used for this purpose electronically scans a group of lines and makes resistance measurements, in the on-hook state, between tip and ground and ring and ground, to determine whether excessive leakage exists. In addition to detecting faults in cable pairs, terminals and sheaths, ALIT reveals insulation resistance breakdowns between conductors of adjoining cable pairs. AT&T states that the resistance threshold for leakage faults can be set as high as 5 megohms, but to ensure that terminal equipment does not produce false trouble indications, the tip-to-ring and tip or ring-to-ground resistances on all terminals on a given loop must be greater than 10 megohms. AT&T also states that since cable faults have resistances in the order of 1 megohm, the lower threshold settings proposed by CCL would render the ALIT tests inconclusive.

10. CCL argues that AT&T has produced no evidence to show that a threshold of 0.5 megohm would be inadequate to accomplish ALIT leakage verification [5] and challenges AT&T's statement that lower on-hook resistance requirements would necessitate extensive and costly changes in Bell System maintenance procedures and equipment.

11. Gogolen observes that ALIT is operated with safeguards similar to those used in CPM testing. For example, where facilities having ground-start trunks, connecting arrangements or special equipment do not meet the higher resistance settings of the test equipment, they are reexamined and generally accepted for service. He also claims that lowering the 10 megohm requirement would have no significant effect on the ALIT program, since a test standard of even 1 megohm would not significantly increase the number of detectable failures. In conclusion, Gogolen argues that lowering the on-hook terminal equipment resistance requirement of § 68.312(a)(1)(i)[(b)(1)(i)] to a value between 1 and 2 megohms would not necessitate extensive and costly changes in telephone company maintenance procedures and equipment, as claimed by AT&T.

12. In order to clarify the possible technical impact of CCL's proposal, the Common Carrier Bureau staff directed a letter to AT&T. The letter stated that the staff's analysis revealed that dc on-hook resistances of 1 megohm for the ALIT program and 5 megohms for the CPM program would not affect the validity of test results. The staff also sought comment on the possibility of setting different minimum resistance standards for all devices connected to a customer's loop and for individual devices—5 megohms and 10 megohms, respectively.

13. After reviewing the staff's analysis and proposal, AT&T agreed that the resistance standard could be lowered to 5 megohms. Even though the lower resistance standard could cause pressure measurement errors at higher pressure levels, AT&T relied on its belief that terminal equipment installations would be greater than 5 megohms and local loops would be greater than 10 megohms. AT&T reserved its comments on the separate resistance limits proposed in the staff's letter until issuance of this rulemaking. Proposed amendments to § 68.312 (a)[(b)] and (c)[(d)] were enclosed with the letter.

14. *Discussion.* CCL has not put forth sufficient evidence to warrant a reduction in the dc on-hook resistance requirements of § 68.312(a)(1)[(b)(1)(i)] from 10 megohms to 1 megohm. The staff's analysis indicates, however, that a sound basis for a reduction does exist. The appropriate degree of reduction (to 5 megohms) is set forth in the proposed amendments to § 68.312 (a)[(b)] and (c)[(d)] in Appendix A. Parties are invited to comment on those proposals.

III. RM-2930

15. J. P. Neil (Neil), a consulting engineer, filed a Petition for Rulemaking, RM-2930, in which he seeks changes in § 68.304, Leakage Current Limitations; § 68.306, Hazardous Voltage Limitations; and § 68.308, Signal Power Limitations. For the reasons discussed below, we reject Neil's proposed changes.

16. Section 68.304, Leakage Current Limitations, specifies the maximum leakage current permissible upon application of specified test voltages at various terminal points of terminal equipment and protective circuitry during registration testing. Neil, citing California Public Utility Commission Order 138, the Canadian Terminal

[5] CCL also argues that a dielectric reading of 0.03 megohm should be satisfactory to AT&T if the applied voltage is above 100 Volts. § 68.312(a)(1)(i)[(b)(1)(i)] of the Rules provides that the dc resistance between tip and ring and ground shall be greater than 30 kilohms (0.03 megohm) for all dc voltages between 100 and 200 Volts.

Attachment Certification Standard,[6] and typical electric applicance standards, urges that the present leakage current limit of 10 mA (at 1,000 or 1,500 Volts rms) is too high and, therefore, unsafe. In its comments, GTE Service Corporation (GTE) cites six technical publications to support its assertion that the 10 mA peak value is reasonable and safe.[7]

17. The issue of an appropriate level of permissible leakage current under § 68.304 was discussed in *Memorandum Opinion and Order* in Docket No. 19528, 58 FCC 2d 716, 722–23 (1976). In that proceeding, AT&T's proposal to change the leakage current limitation from 2.5 mA rms to 10 mA peak (about 3 times higher for sinusoidal signals) was adopted without objection by participating parties, including Neil. Absent new data in support of a revision of the current standard, or a showing that the public interest would be served by review of matters properly decided in Docket 19528, we find Neil's proposal without merit.

18. Section 68.306, Hazardous Voltage Limitations, sets the maximum open circuit voltage which may appear across telephone connections upon failure of registered terminal equipment or protective circuitry. It also establishes the procedures and conditions under which test voltages must be measured where connections exist between such registered equipment or protective circuitry and other equipment.[8] Neil proposes simplifying registration of terminal equipment that uses non-hazardous voltage sources by permitting the applicant to merely state that the voltage sources are non-hazardous. This simplification, as we understand it, would effectively drop all hazardous voltage testing requirements where the subject voltage sources qualify under subsection (b) of § 68.306.[9] Both AT&T and GTE oppose this proposal on the premise that demonstrated compliance with all applicable rules offers better assurance of network protection.

19. In our opinion in Docket No. 19528, we discussed an alternate approach to requiring compliance with § 68.306.[10] We considered exemption of power supplies approved by Underwriters' Laboratories (UL) provided such supplies presented open-circuit potentials below defined levels. We observed, however, that as a practical matter both UL approval and FCC registration would be necessary in a registration application. It was also noted that UL does not have an approval standard that is directly related to non-hazardous power sources, although we understand several UL standards incorporate such requirements. We concluded that:

> Until such time (if ever) that UL adopts a specific standard applicable to non-hazardous power sources, which we can incorporate by reference in our rules, we shall adopt the following requirement: connections between registered terminal equipment or registered protective circuitry and sources of non-hazardous voltage will be deemed as not being power connections if each such UL approved source of non-hazardous voltage which reasonably can be expected to be used with the registered terminal equipment or registered protective circuitry is identified in the application for registration of the terminal equipment or protective circuitry, and the UL standard number, and Sections thereof to which such power source conforms which demonstrate compliance of the power source with §§ 68.304 and 68.306 of the rules are also listed. Each listed UL-approved power source will be listed in a grant of registration, and the registration grant will be conditioned upon the use of one of the listed power sources.[11]

It is plain that the matter of simplification or registration where non-hazardous voltage sources are involved has already been fully evaluated. Neil has presented us with no new studies or supporting data. His argument does not warrant reconsideration of an issue which we have already fully explored and resolved. Therefore, Neil's proposals in connection with § 68.306 are denied.[12]

20. As to § 68.308, Signal Power Limitations, Neil proposes that the tests required in subsection (c)[(d)–(f)] be eliminated for devices using untapped transformer line terminations.[13] The tests consist of a series of longitudinal voltage measurements under specified termination conditions between 100 Hz and 1MHz. Neil argues that telephone lines are frequently so unbalanced that any minimal additional longitudinal voltage introduced by the use of an untapped transformer line termination would be *de minimis*. AT&T proposes Neil's position on this matter, arguing that devices having untapped transformer terminations are apt to cause longitudinal imbalance through capacity coupling of transformer windings and nearby signal sources. AT&T also argues that telephone line imbalance occurs only in the central office while the talking path is being established, not during the customer's connection. In short, AT&T claims that imbalance problems are caused by interconnected equipment, not telephone lines. GTE agrees with Neil to the extent that §§ 68.308 and 68.310 as currently written do not always yield meaningful longitudinal test results. On all other issues, GTE agrees with AT&T.

21. As a matter of general industry practice, designers frequently bridge other circuits across the terminations of transformers connected to telephone loops or connect various types of sensing circuits to one or the other terminating lead. Without special precautions, such auxiliary circuits can cause significant longitudinal voltage problems. In addition, circuit layout, quality assurance and intrasystem wiring techniques can lead to longitudinal balance problems. With the

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[6] California Order 138 established 2.5 mA as the maximum leakage current at 1,500 Volts rms; the Canadian test standard is 2.5 mA at 750 Volts rms.

[7] C. F. Dalziel and F. P. Massogham, "Let-go Currents and Voltages," A.I.E.E. Trans. (II), 75, 49-56, May, 1956; C. F. Dalziel, "The Threshold of Perception Currents", ELECT. ENG. 73 (7), July, 1952; G. Guy Knickerbocker, "Fibrillating Parameter of Direct and Alternating (20 Hz) Current Separately and in Combination—An Experimental Study", IEEE Transactions on Communications—Vol. COM-21, No. 9, September, 1973; C. F. Dalziel, "Re-evaluation of Lethal Electric Currents", I.E.E.E. Transactions on Industry and General Applications, Vol. IFA-4, No. 5, Sept./Oct., 1968; L. A. Geddes and L. E. Baker, "Response to Passage of Electric Current through the Body", J. Association Advanced Medical Instrumentation, Vol. 5(1), pages 13-18, 1973; and United States Atomic Energy Commission, "Electric Hazards and Emergency Procedures" Electric Safety Guides for Research, p. 43.

[8] In this regard terminal equipment or protective circuitry that is connected to non-hazardous voltage sources is exempt from certain test procedures under § 68.306(b). Voltage sources are non-hazardous if, among other things, they supply voltages no greater than the following in all situations: ac voltages less than 42 Volts peak; dc voltages less than 80 Volts; and ac voltages less than (55—0.6V dc) peak for combined ac and dc voltages with the dc component between 21 and 80 Volts. *See* § 68.306(b)(4).

[9] *Id.*

[10] *See* Memorandum Opinion and Order in Docket No. 19528, 58 FCC 2d 716 (1976).

[11] *Id.* at 722. In accordance with this determination, we adopted AT&T's proposed definition of "power connections" in § 68.3 excluding connections between registered equipment and sources of non-hazardous voltages, and we modified § 68.306 to accommodate non-hazardous voltage sources.

[12] *See* paragraph 22, below, for additional discussion of power supplies.

[13] Neil also seeks amendment of § 68.310(a), technical description and application of longitudinal balance limitations. This subsection sets out the minium longitudinal balance coefficients permitted under all reasonable conditions of application of earth ground to the equipment under test. Neil proposes that balanced terminations be exempt from all subsection (a) requirements. For reasons discussed in connection with § 68.308(c)[(d)–(f)], we reject this aspect of his petition. As to Neil's further claim that the test circuit of Figure 68.310(a) produces unreliable and unstable results, we note that this circuit has otherwise found general acceptance among testing laboratories. Assuming, arguendo, some fault in the test circuit, the FCC Authorization and Standards Division (formerly the FCC Laboratory) at Laurel, Maryland, accepts as an alternative IEEE Test Procedure 455-1976. There is no requirement that the test circuit of Figure 68.310(a) be used to the exclusion of all others. Indeed, under § 68.310(a), Figure 68.310(a) is described as an "illustrative" test circuit.

obvious potential for terminal installations to cause such problems we see no reasonable alternative to continue inclusion of the testing standards set forth in §§ 68.304–68.310. Moreover, GTE has not offered any suggestions as to how we might revise our rules to always yield meaningful results. For these reasons, we find it necessary to reject Neil's proposal.

22. *Registration of power supplies.* Somewhat akin to our discussion regarding registration testing standards for certain transformers is the issue of whether separate registration of power supplies should be accommodated. This issue has been raised on several occasions during recent FCC-industry meetings and we believe it appropriate to consider it here. Protection of the telephone network from the potential harms of power supplies—which do not connect across tip and ring—has been assured through registration of host terminal equipment containing the supplies.[14] Power supplies have not been separately registered. However, as discussed at paragraph 19, above, UL approval of power supply may be used as an exhibit in a registration application to show compliance with § 68.306, Hazardous Voltage Limitations. Each UL-approved power source reasonably expected to be used with the registered terminal equipment must be identified in the registration application for that equipment.[15] Opening registration to power supplies and similar "components" not connected to tip and ring would burden Commission staff with applications for numerous devices which do not pose potential harm to the telephone network. Such omnibus registration was never the purpose of Part 68. Parties wishing to comment on this issue are invited to do so, but only to the extent that new light may be shed on our discussion here and in prior Commission orders.

IV. RM–3195

23. Dictaphone's petition, RM–3195, proposes amendment of § 68.200, Application for Equipment Registration, to permit connection of terminal equipment with make-busy leads. Such leads allow telephone lines to be "made busy" or "busied out" in order to facilitate customers' maintenance and load-balancing functions on terminal equipment. A typical application involves the use of multiple answering machines where, as each machine on a rotary hunt[16] reaches its capacity, the line associated with that machine "busies out" and the machine connected to the next line accepts further incoming calls. Comments on Dictaphone's proposal were filed by Computer and Business Equipment Manufacturers Association (CBEMA), GTE and AT&T. CBEMA adds that the make-busy leads are also useful in a variety of data equipment applications. Moreover, CBEMA observes, EIA Standard RS–449 (November, 1977) recognizes the need for circuit terminating equipment busy-out during certain line-hunt sequences. For its part, GTE notes that some PBX systems do not have make-busy leads. It suggests that multiple circuit plug and jack configuration (*i.e.*, ribbon type connectors) be considered as well, but it does not offer any illustrative circuits. AT&T observes that the means by which a central office line may be "busied out" varies with the nature of service provided over the line and the switching equipment used in the telephone company's central office. For example, a No. 5 crossbar central office requires special sensing circuitry and the use of a separate wire pair for make-busy. AT&T specifically opposes registration of any terminal device which directly shorts tip and ring to achieve the busy out condition because, it states, many telephone company central office switches interpret busy-outs as circuit troubles. AT&T therefore proposes (1) a definition of make-busy leads; (2) the test standards that should be required for registration of terminal equipment using such leads; and (3) suitable connection configurations. Interested parties are invited to comment on proposed §§ 68.200(i)(1), 68.312(j), 68.502 and 68.502(a) (5) and (6) in Appendix A. Parties submitting comments should also offer their views on the advisability of including some specific reference to make-busy leads behind PBXs. (*See* AT&T Comments 4; Dictaphone Comments 2–3.)

V. RM–3206

24. IEEE has filed a petition for rulemaking, RM–3206, seeking to amend § 68.310 of the Rules to establish IEEE Standard 455–1976 Test Procedure as the exclusive standard for longitudinal balance measurements. Section 68.310, as indicated in note 12, above, sets out the minimum longitudinal balance coefficients permitted under all reasonable conditions of application of earth ground to the define longitudinal balance in terms of an M–L (metallic-to-longitudinal) ratio, do not include sufficient guidance to permit registration applicants to properly utilize the test circuit of Figure 68.3 of the Rules with consistent results. IEEE proposes that a different performance test methodology be used, *viz.*, , the L–M (longitudinal-to-metallic) standard. It also proposes, in this regard, changing the balance limitation of § 68.310 from 40 dB M–L to 50 dB L–M for the 1000–4000 Hz band, and from 60 dB M–L to 60 dB L–M for the 200–1000 Hz band.

25. AT&T urges that it is not necessary to change the rules in order to recognize IEEE Standard 455–1976. Instead, AT&T suggests, the Commission should issue a technical document describing the procedures for using the IEEE standard as an acceptable alternative since the two methods are mutually convertible. IEEE replies that AT&T's suggestion could be accommodated by inclusion of a note in the rules setting forth an alternate, corrected set of minimum balance requirements which would reflect the 455–1976 Test Procedure. GMC Laboratories states that the proposed IEEE test circuitry would be difficult to construct in a fashion that would assure repeatable results, given extraneous noise sources and parasitic voltage conditions. IEEE responds that the current testing method is equally subject to these uncertainties.

26. We have already indicated in § 68.310(a) that "other means may be used to determine the balance coefficient herein, provided that adequate documentation of the appropriateness, precision and accuracy of the alternative means is provided by the applicant."[17] It would therefore seem that promulgation of an alternate procedure for longitudinal balance would be unnecessary. On the other hand, IEEE raises an issue which throughout the evolution of Part 68 has been somewhat intractable. In the *First Report and Order* in Docket No. 19528, 56 FCC 2d 593 (1975), L–M was used in § 68.310; in *Memorandum Opinion and Order* in Docket No. 19528, 58 FCC 2d 716 (1976), L–M was converted to M–L balance; and in *Memorandum Opinion and Order* in Docket No. 19528, 64 FCC 2d 1058 (1977), the Commission rejected a petition seeking return to L–M balance. If we can set this issue to rest by inclusion of IEEE's alternate balance proposal without detriment to the

[14] Separable subassemblies or adjunct devices which connect directly across tip and ring, on the other hand, may be independently registered under a "test bed" procedure. This arrangement utilizes a procedure by which samples of suitable host terminal equipment are used in conjunction with the subject device to show general compliance with Part 68 standards. The Commission has not applied this test bed registration procedure to power supplies, however, because they do not connect to telephone tip and ring.

[15] 58 FCC at 722.

[16] Rotary hunting refers to the sequential polling of a series of telephone lines.

[17] *See also Memorandum Opinion and Order* in Docket No. 19528, 64 FCC 2d 1058, 1068–69 (1977).

program, we favor its consideration. Thus, in Appendix A we offer for comment a proposed addition to § 68.310 which specifically offers the IEEE Standard 455–1976 as an alternative to the current procedure. As now, there would be no restriction on the use of other methods, provided adequate support documentation is submitted with any application seeking registration based on that type of test. Interested parties are invited to comment on this proposed solution to the longitudinal balance testing procedure issue.

VI. RM–3227

27. In its Petition for Rulemaking, RM–3227, CCL proposes the adoption of new registration designation—KE and PE—in order to provide identification of fully protected key telephone systems and PBXs that utilize external cross-connect fields. The designations would indicate that unprotected extra-system cabling (*i.e.*, wiring between a PBX and the telephone company interface) has been installed through a Main Distribution Frame (MDF) or Intermediate Distribution Frame (IDF) at an otherwise fully protected PBX, thus making the telephone companies aware that they need only inspect the wiring between the interface and the common equipment. CCL couples this proposal with the suggestion that cross-connect fields be made subject to the institutional protections for premises wiring that are contained in § 68.215 of the Rules.

28. Continental Telphone Company (Continental) opposes, in part, CCL's proposal arguing that it is unnecessarily broad in scope. Continental suggests that systems be classified in accordance with the number of trunks associated with the subject equipment. Systems with 100 or fewer trunks would be required to locate the cross-connect field within the equipment housing. Because of the impracticality of designing the cross-connect means inside systems having more than 100 trunks, such systems would be permitted the option of using an external cross-connect field. Whether fully protected or unprotected, these systems would be required to comply with §§ 68.106(b) [18] and 68.215(e) [19] of the Rules. For its part, AT&T suggests that: (1) cross-connect fields be defined in the Rules; (2) manufacturers be required to include cross-connect fields of any size as part of the equipment to be registered; and (3) the installation of a cross-connect field to be made subject to § 68.215. In its Reply, CCL concurs in principle with AT&T's proposal and agrees that its KE–PE registration classifications may not actually be necessary if the Commission requires notification to the telephone company of installation of extra-system cabling pursuant to § 68.215(e).

29. *Discussion.* Before proceeding with an analysis of CCL's proposal, we turn to a related matter concerning cross-connection, *viz.*, § 68.200, registration of cords and adapters. In Docket 21182 [20] we decided not to extend the scope of the registration program beyond connections "to the telephone network (and not to other equipment)." Thus, "components"—which do not connect across tip and ring or do not utilize standard plug and jack means of connection—are not registerable." However, in the *Fourth Report*, we acknowledged that certain simple components such as adapters, extension cords and cross-connection devices warrant registration because they do directly connect to the telephone network, are fully connectorized and fail-safe in their operation, and use existing "standard" means of connection. *See Fourth Report* at 1812–13. The current Rules, therefore, permit registration of these passive devices.

30. There are two types of cross-connect panels contemplated by the registration program.[21] The "protected" variety may be registered and used if they have been evaluated for adequacy of insulation under expected stress pursuant to §§ 68.302 and 68.310.[22] *See Fourth Report* at 1813–14. All other cross-connect panels, notably those which require punch-down or wire-wrap operations to achieve interconnection of tip-ring and other pairs carried through the panel, are outside the provisions of § 68.200(h).[23] Their use, unlike the protected variety, is subject to the more rigorous premises wiring provisions of § 68.215.

31. Over the last two years, many hundreds of PBXs and thousands of other customer-owned devices have been connected to the network through cords, adapters and cross-connect panels. There has not been a complaint to the FCC concerning harm caused by the direct connection of these devices. Moreover, we recognize that these devices have been sold in the marketplace for some time without registration and without formal objection from either telephone companies or customers. In view of these factors and our preference to avoid unnecessary regulatory controls where possible, we propose to remove cords, adapters and protected cross-connect panels from registration. As noted in the *Fourth Report*, these passive devices create no additional interface on the equipment with which they are used, and their free use will promote greater efficiency and flexibility in customer options. In short, we feel that this reliance on the marketplace to guard against network harm will serve the interests of all concerned. Accordingly, we propose that § 68.200(h) be modified: (1) to eliminate the abbreviated registration requirements for extension cords, electrically transparent adapters and connectorized panels; and (2) to specify that such passive devices are connectible without registration or notice to telephone companies.[24] We also seek comment on the advisability of continuing to limit the length of connectorized extension cords to 50 feet. *See* §§ 68.3(t)(1)(i) and 68.200(h) of the current Rules, and proposed § 68.200(h) in Appendix A.

32. We return now to CCL's petition concerning the use of unprotected cross-connect panels between the customer's equipment and the network interface. CCL's proposal, as modified by AT&T's compromise approach, has merit. Therefore, we offer several revisions to the Rules which should accomplish the objectives of all the commenting parties. PBX manufacturers choosing to register their equipment for use with unprotected external cross-connect panels would include with their applications (or as an amendment to a prior grant) a representative block diagram illustrating the method and nature of cross-

[18] Section 68.106(b) specifies the sort of information that must be provided to the telephone company when combinations of registered equipment are connected to the network.

[19] Section 68.215(e) sets out the documentation requirements for installation of other than fully protected premises wiring.

[20] We refer here to electrically transparent, *i.e.*, passive adapters; "specialty" adapters are distinguishable in that they contain components such as resistors. *See* proposed § 68.3(bb) in Appendix A.

[21] 57 FCC 2d 1343 (1976).

[22] While petitioners have used the term "fields" to refer to cross-connect devices, we choose to conform hereafter to an alternate term, "panels," which is used in industry and is already incorporated in § 68.200(h)(1).

[23] Section 68.200(h) contains the abbreviated registration requirements for extension cords, cross-connect panels, and adapters. The requirements are less rigorous because not all tests under part 68 need be performed, *e.g.*, longitudinal balance.

[24] We have granted registration of one passive adapter to TRW Cinch, and several fully protected cross-connect panels. During the pendency of this proceeding, we will defer action on and applications for registration of both passive adapters and fully protected cross-connect panels.

connection.[25] They would also state that notice of required compliance with § 68.215(d) will be provided to the installation personnel and that the manufacturer will be fully responsible for harms caused by erroneous cross-connection operations.[26] Such a representative submission will be used to qualify all installations of that PBX for purposes of existing § 68.3(t)(1)(iii). Thus, if the illustrative block diagram shows, among other things, restricted access to the cross-connect panel and wiring, we will consider all such wiring to be fully protected and subject only to the statement concerning § 68.215(d). *See* § 68.3(t)(1)(iii) of the Rules. Where a professional engineer undertakes installation operations pursuant to § 68.215(c)(4), responsibility for harm would be considered transferred from the PBX manufacturer to the professional engineer. We believe this arrangement offers an adequate guarantee against cross-connection methods that would create any significant likelihood of harm to the network. *See Fourth Report* at 1824–33, and *Third Report* at 1288–91. We ask interested parties to comment on these proposals.

VII. RM–3283

33. In other Petition for Rulemaking, RM–3283, CCL urges amendment of the Rules to include a method for evaluation programmed resistor (PR/PC) leads and mode indication (MI/MIC) leads. The Commission considered MI/MIC leads in the *Fourth Report* and concluded that such leads are "equipment-to-equipment" in nature and should not be maintained as a connection configuration under Part 68. *See Fourth Report* at 1840–41. We see no justification for reconsidering our decision concerning MI/MIC leads.

34. Turning to CCL's other proposal, PR/PC leads are used to connect customer data equipment to the programming resistor in some data jacks for the purpose of setting the output signal level of the data equipment. CCL proposes that these leads be defined as control leads and subject to leakage current limitation standards as set forth in Section 68.304 of the Rules. AT&T supports CCL's proposal, but urges that additional tests be applied to data equipment for all permitted settings of the programming resistors. More specifically, AT&T suggests application of a limited set of requirements under § 68.306, Hazardous Voltage Limitations; an extension of § 68.308, Signal Power Limitations; and application of § 68.314, Minimum Call Duration Requirements. Interested persons are invited to comment on proposed § 68.200(i)(2), in attached Appendix A, which reflects these proposals.

VIII. RM–3316

35. D. R. Tibbetts, in RM–3316, proposes modification of type RJ31X and RJ33X series jacks to provide for a continuity path between contacts 2 and 7 of the jacks. Such a path, using a jumper wire, would permit an alarm system to signal the user when the alarm is disconnected from the network. AT&T supports this proposal but suggests certain technical compliance standards for equipment making use of contacts 2 and 7, which it calls continuity leads CY1 and CY2. AT&T also suggests that the modified type RJ31X jack be identified as new configuration RJ38X, which would also reflect Tibbetts' modified RJ33X proposal. When so wired, the proposed jack would preclude the use of the line to which it is connected for any terminal equipment other than a suitably configured alarm device. These proposed leads do not appear to fall within the class of interconnection configurations we considered inappropriate for registration purposes in the *Fourth Report*. Therefore, proposed § 68.200(i)(3) in attached Appendix A details the proposed testing standards for terminal equipment utilizing CY1/CY2 leads. Also, proposed § 68.502(b)(7) contains AT&T's suggested RJ38X jack configuration. We favor including the RJ38X jack by rulemaking rather than tariff procedures for reasons of administrative convenience. *See Fourth Report* at 1834–38, and *First Report and Order* in Docket No. CC 79–143, 76 FCC 2d 246 (1979).

36. An additional set of leads, which supply low voltage to terminal equipment such as dialers, speakerphones and the like, are frequently needed in the interface jack and adapter wiring. These leads, known as low voltage, non-hazardous leads (LV/LV1) have not been specified in our Rules. In order to include these commonly used leads under the purview of the Rules, we propose the addition of a definition of LV/LV1 in § 68.200(i)(4). See Appendix A.

IX. RM–3329

37. IDCMA has submitted a proposal by which it seeks amendment of the rules to permit the use of a 9200 Ohm resistor in conjunction with the type RJ45S jack for the purpose of connecting programmable data modems to key telephone systems and PBXs. AT&T opposes the suggestion, urging that insertion of this type of jack would shift responsibility for system integrity to the installation supervisor, who is subject only to indirect controls under § 68.215 of the Rules. AT&T further argues that this change in responsibility would reduce control over signal power requirements and create an otherwise avoidable risk of harm to the network. Instead, AT&T proposes the use of an adapter which would contain a fixed, non-switchable resistance to assure the correct output level from the modem and permit direct connection of an 8-positon RJ45S jack to a 6-position PBX or key system jack. In its reply, IDCMA agrees that AT&T's adapter concept would satisfactorily resolve its problem. Moreover, in order to assure that programmed adapter jacks contain only fixed resistances which will limit modem output to levels that comply with our Rules, IDCMA also proposes that all such adapters be registered. We view this suggestion as an appropriate control mechanism for network protection and include suitable references in proposed §§ 68.3(bb) and 68.200(h) [27], which appear in Appendix A.

X. RM–3348

38. AMC has filed a petition, RM–3348, seeking to make registration under Part 68 a precondition to the use, sale, lease, offer for sale or lease, shipment or distribution of terminal equipment within the United States, and to the Import of such equipment into the United States.[28] AMC also urges removal of the existing option under Part 68 that permits non-registered

[25] Internal cross-connect blocks would be integrated into the registration of the host equipment.

[26] Authorization to install extra-system cross-connect panels and wiring would remain entirely in the discretion of the manufacturer. No notice of such authorization need be filed with the telephone company. Section 68.215(c)(1)–(2), which requires certain experience and training, would not apply.

[27] Under current rule provisions ([§ 68.200(h)]), one "specialty" adapter has been registered to Arminger and Associates, No. APZ9P9–67263–AD–N. As there has only been this one specialty adapter application filed over the last 24 months, we do not anticipate that the proposed rule amendments will cause any significant increase in staff workload. Moreover, manufacturers will retain the option of including suitable specialty adapters as part of their registration applications for terminal equipment. (Note that passive transparent adapters and cords will no longer be registerable under the proposal we set forth at para. 31, above.) *See* n. 20, above, for the meaning of "specialty."

[28] *Compare* Section 302 of the Act, 47 U.S.C. 302, which authorizes the Commission to limit import, sale, shipment or use of devices capable of causing radio frequency interference. The Act contains no broad provision with regard to terminal equipment.

terminal equipment to be directly connected to the telephone network through registered protective circuitry. AMC argues that by placing conditions on the "use" of terminal equipment, the Commission has put the burden of assuring compliance on consumers, whose telephone service may be temporarily discontinued in the event of terminal equipment failure. Instead, AMC believes responsibility for the safety of terminal equipment should rest with the manufacturer or distributor. According to AMC, that responsibility would be properly consigned if all terminal equipment were registered. AMC would have persons dealing in non-registered terminal equipment subject to forfeitures and cease and desist orders administered by the Common Carrier Bureau pursuant to authority delegated by the Commission. AMC also claims that it is at some competitive disadvantage by the current availability of non-registered telephone devices in the marketplace.

39. North American Telephone Association (NATA) opposes AMC's petition urging that prohibitions against marketing equipment are unnecessary and inconsistent with current Commission rules and industry practices. NATA also notes that the controls required in the connection of PBX and key telephone systems to the telephone network inherently preclude installation of unregistered equipment. CBEMA joins NATA in opposing AMC's proposal to require all terminal equipment to be registered.

40. Part 68 was developed primarily to assure that terminal equipment directly connected to the telephone network will not cause harm.[29] Devices which have not been registered are nonetheless connectible to the network, provided a registered protective circuit is interposed. *See First Report and Order* in Docket No. 19528, 56 FCC 2d at 599; and *First Report* in Docket No. CC 79-143, 76 FCC 2d at 249, n.6. Acoustically coupled devices, on the other hand, may be connected without registration pursuant to tariff provisions, subject to signal level and other limitations referenced in those tariffs. In either case, the fundamental concern of network harm has been the determinant for connection. Untold thousands of innovative devices have been directly connected to the network without harm, fostering an industry that now numbers some 400 manufacturers. Absent any showing that Part 68 and existing tariffs fail to afford adequate protection against network harm, we must find that AMC's petition to include all terminal equipment under registration is without merit. We note two additional points in this regard. First, AMC is under no regulatory restriction against importing or producing its own unregistered devices and connecting them either through registered protective circuitry or in accordance with acoustical connection criteria contained in applicable tariffs. Second, in response to AMC's suggestion that telephone subscribers are bearing some burden for malfunctioning terminal equipment, we note that the manufacturer, by operation of the marketplace, will bear the ultimate responsibility for equipment that causes harm. *See* §§ 68.400 *et seq.* and 68.108 of the Rules. For these reasons, we reject AMC's petition.

[29] Harm is defined in § 68.3(g) as electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than users of the subject terminal equipment, his calling or called party.

XI. RM-3501

41. CWA urges the adoption of rules requiring country of origin labeling on all equipment registered under Part 68 of the Rules. This is not the first time this proposal has been offered, however. In March 1978, CWA filed a similar petition for rulemaking. On June 12, 1978, the Commission notified CWA that the petition was inappropriate. In its letter to CWA, the Commission expressed concern that country of origin labeling for FCC-registered telephone equipment would be inconsistent with the fundamental purpose of Part 68 to protect the telephone network from harm.[30] Moreover, the Commission questioned whether it would have the authority to require, as a condition precedent to registration of telephone equipment, submission of information regarding country of origin, particularly in view of the International Trade Commission's (ITC) statutory charge to investigate matters involving the effect of international competition on United States industry.[31]

42. Subsequently, in *Report and Order* in Docket No. 20790, 70 FCC 2d 2346 (1979), *recon. granted* 44 FR 55573 (1979), the Commission adopted revisions to Parts 2, 15, 18 and 83 of the Rules to establish a single system of coded identifiers for all devices covered under the equipment authorization program. These identifiers, assigned by the Commission and affixed by label to all authorized equipment, consist of alpha-numeric characters unique to each authorization grantee, manufacturer, and specific equipment or family of equipment. The purpose of the single identification system is to avoid administrative problems associated with grantee compliance with multiple identification requirements for similar equipment types, inexact identification of equipment on documents submitted to the U.S. Customs Service (USCS), and recordkeeping tasks conducted by the Commission.

43. The USCS submitted comments in Docket No. 20790 urging that the country of origin of imported devices also appear on the uniform identifier label. In the interest of assisting the USCS, the Commission adopted an amendment to § 2.295(a) of the Rules to require country of origin labeling (as required by 19 U.S.C. 1904) on all labels carrying the new FCC identifier. However, the Commission did not apply the uniform identifier system to Part 68 because that part already provides for the assignment of a coded grantee identifier, *viz.*, the registration number. Thus, country of origin labeling was not applied to Part 68.

44. We feel that country of origin labeling under Part 68 would lend consistency to the purpose of Docket No. 20790 and, concomitantly, provide consumers with information they are likely to consider valuable in making purchase decisions in the marketplace. Such beneficial objectives warrant consideration of CWA's proposal at this time. In view of our decision in Docket No. 20790 to accommodate the labeling suggestion of the USCS, the stance we took in our letter of June 12, 1978 to CWA is no longer apposite. Accordingly, we ask interested parties to submit comments on proposed §§ 68.200(k) and 68.300(c) (4)-(6), which appear in Appendix A.

[30] *Ibid.*

[31] *See* 29 U.S.C. 1330 *et seq.* The Commission noted in the letter that the ITC was investigating the international telephone industry. In its final report in Investigation No. 332-92, January 1979, the ITC found that some 17% of the United States telephone terminal and switching equipment market (U.S. shipments to parties unrelated to the manufacturer) was taken by imports in 1977. Certain definitional problems as to the meaning of "manufactured in the U.S.A." suggest that some foreign devices merely assembled in this country might not have been categorized as imported, skewing the ratio of imports to total consumption downward. (See Appendix E of the final report.)

XII. RM-3526

45. AT&T proposed a series of rule amendments to accommodate the local area data channel service (LADC) under the registration program.[32] LADC is defined by AT&T as a network facility consisting of a metallic private line used

[32] *See First Report* in Docket No. CC 79-143, 76 FCC 2d at 250. Private line services may be added to Part 68 by rulemaking proceedings only, with a reasonable transition period afforded.

to transmit greater-than-voiceband data over limited distances. AT&T's proposals include less restrictive out-of-band metallic voltage limitation, and elimination of on-hook impedance, billing protection, and longitudinal voltage requirements. AT&T also suggests an 18-month grandfather transition period for equipment of a type already lawfully connected to LADC service. The period would begin on the day the rules for registering the equipment become effective. Finally, AT&T recommends that the means of connection for LADC terminal equipment be determined through industry meetings to be conducted subsequent to the adoption of LADC rules.[33]

46. IDCMA submits that AT&T has required LADC customers utilizing their own limited distance modems (LDMs) to interpose an additional channel protection unit (CPU) furnished by the local telephone company, whereas it has not required customers using telephone company-provided LDMs to install such a CPU. There is no allegation, however, that there is any additional charge for the provision of the CPU. IDCMA merely asserts that CPU installation consumes valuable space. (IDCMA Response 4) It is apparent from the pleadings that the essential purpose of the telephone company-provided CPU has been to protect the network from excessive voltages, a feature the customer-provided LDMs have generally not offered. As this proceeding focuses on Part 68 rule amendments needed to effectuate the broadest possible manner of customer interconnection, while not causing harm to the network, we do not consider IDCMA's arguments regarding mandatory CPU interposition to be relevant here.[34]

47. IDCMA's concerns as to the status of customer-provided equipment which has at one time been lawfully directly connected under special assemblies, *i.e.*, prior to redesignation and tariffing of the service as LADC, warrant consideration. We see no reason why such equipment, which was connected with telephone company approval and caused no harm to the network, cannot qualify for grandfathered treatment. In its Reply, AT&T concurs and alters its proposal for § 68.2(e) scope, to include grandfathering of equipment connected under special assemblies.

48. In order to prevent equipment registered under the less stringent LADC standards to be connected to voiceband services, AT&T proposes a new equipment label which contains the statement, "For use solely on LADC Interfaces." We see no technical justification for limiting equipment which has been registered under more rigorous Part 68 standards from being connected to the less stringent LADC facilities. We believe that the orderly administration of the registration program would be better served by segregating all LADC equipment *i.e.*, permitting only grandfathered or registered LADC equipment to be connected to the LADC service. Rather than specify this limitation on the label, we prefer to code the registration number with an appropriate alpha-numeric identifier.[35]

49. Interested parties are invited to comment on AT&T's proposals, as amended, which are set forth in Appendix A. At&T should offer a proposal by which the means of connection may be achieved.[36]

XIII. RM–3530

50. By its Petition for Rulemaking, RM–3530, IDCMA requests that the Commission amend Part 68 of the Rules to permit the registration and direct connection of customer-provided equipment to AT&T's Dataphone Digital Service (DDS).[37] For the reasons discussed below, we find it premature to amend the rules and, therefore, inappropriate to offer IDCMA's proposed technical DDS registration standards for public comment at this time.

51. *Background.* DDS is a digital communications service which terminates at the customer's premises in either a telephone company-provided channel service unit (CSU) or data service unit (DSU).[38] The CSU provides a controlled, amplitude balanced interface in a modified bipolar format between the customer's data equipment and the DDS facility, *i.e.*, the access loop. It also contains remote loop-back circuitry to test the DDS facilities between the customer's location and the serving telephone company office. the DSU, in contrast, performs all the functions of the CSU and provides bipolar conversion, *i.e.*, proper coding and decoding of signals, timing recovery, synchronous sampling, formatting, and generation and recognition of control signals. AT&T offers both the CSU and DSU in conjunction with the provision of DDS; a subscriber may select either the CSU or DSU, depending on the equipment configuration.

52. IDCMA's position is that Part 68 should encompass the registration of both CSU and DSU-type devices for direct connection to DDS facilities. IDCMA also complains that currently only AT&T is permitted to combine CSU and bipolar conversion functions into a single device, *viz.*, the DSU[39] (IDCMA Petition 5). AT&T, in response, argues that DDS requires the placement of a CSU at the subscriber's premises as an interface to provide the necessary channel service termination. AT&T also claims that the CSU supplies the means to compensate for differences in transmission facilities (gauges and lengths of cables), amplify the data signals, and remotely test the facilities. Moreover, according to AT&T, the design of the CSU incidentally supplies the network with protection against hazardous voltages, longitudinal implances and excessive signal power, so that customer-provided equipment connected behind it need not be registered. (AT&T Comments, 5–7). In short, AT&T views the CSU as a necessary service component of DDS and therefore not subject to registration under Part 68. In its reply, IDCMA claims that the termination/maintenance functions of the CSU are not unique to DDS but are typical of the properties offered by customer-provided equipment in other contexts. (IDCMA Reply 7).

53. *Discussion.* IDCMA's concern regarding CSU/DSU discrimination has remained an open matter since the *DDS Decision* over three years ago.[40] However, AT&T's comments suggest the matter will shortly be rendered moot. At

[33] *See* AT&T Petition 1.

[34] IDCMA is not foreclosed from raising such issues in the form of a separately filed formal complaint, however.

[35] Such code will be assigned by the staff during processing and will be announced in a forthcoming Public Notice.

[36] Such proposal may take the form of a revision to AT&T Transmittal 13462, filed on April 25, 1980. *See First Report* in Docket 79–143, 76 FCC 2d at 271; and Public Notice Nos. 30022 (April 8, 1980) and 30618 (April 16, 1980).

[37] In Docket No. CC 79–143, the Commission extended Part 68 to encompass certain private line services. It amended Section 68.2 to provide that other services may be added through rulemaking proceedings. While IDCMA's petition was submitted prior to release of the *First Report* and Docket No. CC 79–143, the issues are being considered pursuant to amended § 68.2.

[38] Digital transmission is particularly suited for the language of business machines, whereas analog transmission is the technique usually used for sending voice signals. Analog can be used for transmitting data but requires the conversion of the digital signals to analog form. DDS offers direct, end-to-end digital transmission at speeds of 2.4 kbps to 1.554 Mbps.

[39] The current interim DDS tariff only requires a subscriber to connect through the CSU; the DSU is optional. *See* Tariff FCC No. 267, Section 2.2.4B.

[40] *See DDS Decision* in Docket No. 20268, 62 FCC 2d 774 (1977), with appended Initial Decision, at 809–40; *recon. denied*, 64 FCC 2d 994 (1977). *See also* Transmittal 12970, 67 FCC 2d 1195, 1223, n. 39 (1978).

page 7 of its submission, AT&T states that

(It) * * * has determined that it would be possible to disaggregate the service terminating/maintenance functions of the DSU from the equipment's bipolar conversion functions. The modification of the present telephone company-provided DSU would result in the telephone company-provided CSU would result in the telephone company-provided CSU becoming the sole standard DDS interface for terminal equipment, whether customer-provided or telephone company-provided.

By this statement, AT&T appears to be announcing its intention to curtail offering the DSU. Hereafter, as we understand it, DDS will be offered with the CSU as standard equipment. A separate bipolar conversion arrangement will be available at additional charge. In short, subscribers will have the choice of providing their own bipolar converters or leasing them from AT&T. We expect AT&T to detail its progress in this regard, specifying the date by which its intention will be realized.

54. In our *First Report* in Docket 79-143 we stated our intention to register all terminal equipment that satisfies the requisite tests under Part 68 and does not otherwise present legal or technical inconsistencies under the registration program.[41] We noted that we would not register transmission equipment and interface devices accepted as part of the carrier's communications services.[42] As an example of such an interface we cited the CDQ, which performs termination and signalling functions between analog tie trunk facilities and premises equipment. The principal issues before us now is whether the CSU provided by AT&T for DDS operation is such an unregisterable interface within the meaning of the First Report.

55. According to current tariff provisions, AT&T guarantees DDS with an average performance exceeding 99.5% error-free seconds of operation at speeds of 2.4, 4.8, 9.6 or 56 kilobits per second.[43] AT&T incorporates into the design of DDS a terminal loop-back capability which, in conjunction with other network facility testing methods, assures nearly instantaneous service fault location. Such rapid fault location is necessary for a sevice that is marketed largely on the basis of operational reliability. Moreover, we understand that business users generally will not accept digital data communications services unless transmission errors are infrequent and facility faults are quickly corrected.

56. The device AT&T uses to achieve rapid fault location beween the customer's premises and the telephone company office is the CSU. In response to a remotely generated command, the CSU simultaneously regenerates and returns test data it receives from the serving telephone company office. In this way, faults may be localized without subscriber involvement and without dispatch of a repairperson. In addition, the CSU serves as the wiring interface between the four-wire network and the customer's six-wire terminal equipment, much like the CDQ. It would appear from these technical facts that registration might not be appropriate for the CSU and that the CSU should be viewed as an integral part of the current DDS offering. However, such a determination could set a precedent for all future digital services and could have significant impact on interconnection policy generally. Accordingly, we believe that additional information is needed before we can finally decide this matter.

57. Part 68 among other purposes, was developed to eliminate the discrimination fostered by telephone companies that had required the interposition of their protective arrangements where customer-provided terminal equipment was directly connected, yet did not require such protective arrangements where comparable telephone company-provided terminal equipment was connected. The concern we have in considering the function of the CSU in DDS is whether other digital services will contain similar interface devices, which, in the aggregate, suggests return to a modified form of the telephone company-provided protective arrangement. Over the coming years, a significant portion of private line or MTS/WATS services may be digitized, *i.e.*, utilize communications techniques like DDS. While the extent and rate of conversion from current analog technology to digital is not clear, it is apparent that some evolution toward the latter will occur, with potential impact on Part 68 and our interconnection policies. With this in mind, we will more closely examine, among other things, the likelihood of unjust or unreasonable discrimination between customer-provided terminal equipment that includes CSU-like circuitry and digital services that include the CSU. We are also concerned about the effects that a CUS which inherently protects against network harm might have on free interconnection and product innovation. In order to complete the record on these issues, we ask that interested persons comment on the following questions:

1. Is it necessary from a technical or policy viewpoint for DDS to utilize the CSU? Is there any version of the DDS offering that does not incorporate the CSU, *e.g.*, customer premises-to-customer premises DDS circuits? Is the CSU generally intended to test the service or just the facilities utilized to provide the service?

2. What is the likelihood that CSU-like devices will be required on other current or future digital services? What is the likely timetable for the introduction of digitization at the customer-loop level, for private line and MTS?

3. Will all future CSU-like devices utilized in conjunction with the services in question 2 inherently provide network protection? Is such protection readily separable from the other functions of these devices?

4. Should CSU-like devices be considered part and parcel of their attendant services? If so, should they be required to rely solely on line-supplied power; and should they be transparent, *i.e.*, offer no modification to the structure of the bit stream passing through them? Under what conditions, if any, should such devices be registerable?

5. On which side of the network interface will the CSU-like device be located? How will its location affect the definition of "demarcation point" as discussed in para. 74 below?

Until we more carefully examine these and related issues, including those being considered in Docket No. CC 79-246 (Private Line Rate Structure), we will hold our disposition of RM-3530 in abeyance. In the interim, however, we will continue to consider the CSU to be part and parcel of DDS for purposes of registration. Thus, customer-provided terminal equipment directly connected to DDS facilities need not be registered.

XIV. Test Equipment

58. Some question has arisen as to the applicability of Part 68 to test equipment which is intended to be directly connected to the network. Large PBX users have expressed a need to test or measure facility parameters, using their own test equipment. Requiring all such test equipment to be registered might add considerable burden to the administration of Part 68 yet offer little additional assurance of network integrity or safety. Oscilloscopes, for example, are frequently connected to

[41] *See* 76 FCC 2d at 253.

[42] *Id.* at 252-53 and n. 8.

[43] *See* §§ 2.2.1, 7.2.1A(4), and 8.2.1A(3) of AT&T's interim DDS tariff, FCC No. 267, filed in response to Commission order in the *DDS Decision, supra*, at 807. The 1.544 Mbps service does not offer such a performance guarantee. AT&T was also ordered to file a fully justified tariff which was later rejected in Transmittal 12970, 67 FCC 2d 1195 (1978).

the telephone network but introduce negligible likehood of harm. They are rarely in place for periods exceeding a few minutes or hours. We believe, therefore, that test equipment which normally connects only momentarily or for relatively short periods of time should not require registration.[44] There are, however, "test" devices such as traffic recorders which are directly connected for weeks or months at time. Such devices engender a more pronounced potential for harm to the network due to their quasi-permanent placement. They should be subject to the standards of Part 68. In short, they appear functionally indistinguishable from all other terminal equipment.

59. We propose a new § 68.2(g) which would resolve the status of test equipment under Part 68.[45] This proposal includes a grandfathering provision to permit existing test equipment to remain connected without registration.

68.2(g) Test equipment intended to be momentarily or temporarily connected on the subscriber side of a network interface need not be registered. All other test equipment of a type which is connected to the network as of (effective date of this rule), may be connected thereafter, up to ( ), and may remain connected for life, without registration unless subsequently modified.

We ask that interested persons comment on the appropriateness of this proposed subsection. Comments should include suggestions for a suitable grandfather period and should address the adequacy of "intended to be momentarily or temporarily connected" as the criterion for registerability. We are cognizant that the duration of connection may be only one of several criteria necessary to qualify test equipment as inherently harmless to the network. We therefore ask interested parties to offer alternate bases on which to decide the status of test equipment. We ask that such parties propose specific rules.

XV. Additional Technical Revisions

60. *Section 68.312.* Table I of § 68.312, On-Hook Impedance Limitations, sets forth the conditions and limitations of various types of ringing encountered in network signalling. We propose to all additional Type Q (20 Hz) ringing to the current list in Table I. Appendix A reflects this proposal.

61. *Part 15 consistency.* The Commission recently adopted new Part 15 rules to reduce the interference potential of electronic computing equipment.[46] In so doing, it established conduction and radiation limits for digital equipment that generates timing signals or pulses at freqencies above 10 kHz. (See § 15.4(n) of the Rules.) Under new § 15.812, such computing devices which are intended for use in a commercial, industrial, or business environment must not conduct emissions of greater than 1000 uV in the 0.45–1.6 MHz band, or 3000 uV in the 1.6–30 MHz band, into the power lines of a public utility. In order to maintain consistency with these Part 15 requirements, we propose to extend our present § 68.308 out-or-band power limitation testing to 30 MHz. Proposed § 68.308(g) would require all registered terminal devices and registered protective circuitry using digital circuitry that generates or uses timing signals or pulses at a rate in excess of 10 kHz not to exceed a limitation of—50dB with respect to 1 milliwatt over the range of 1 MHz to 30 MHz when measured at the tip and ring connections to the telephone network. We also propose a new § 68.102(c) which will require demonstration of compliance with Part 15 for terminal equipment incorporating digital circuitry generating pulses above 10 kHz. Such demonstration would take the form of a statement declaring full compliance. Both of these proposals appear in Appendix A.

62. *Automatic dialers.* During informal public meetings conducted under the *aegis* of the Common Carrier Bureau, several parties suggested a possible problem of congestion at telephone central offices, particularly during peak network usage periods, caused by the proliferation of telephone devices incorporating circuitry that permits automatic redialing of telephone numbers. Devices such as alarm dialers, repertory dialers, computerized polling machines, and telephones capable of automatic number repetition could severely limit the availability of customer trunks, causing delays in customers' access to the telephone network, *i.e.*, difficulty "getting dial-tone." These delays occur now when large numbers of calls are placed in a short period of time, such as in response to radio station contests, or during local emergency conditions, *e.g.*, power failures.

63. It is apparent that no limitations on dialing attempts are necessary if the automatic dialer alternates calls among two or more numbers. It has been shown that the probability of successfully completing a telephone call, *i.e.* getting a response, is 0.71.[47] But the probability of successfully completing a call, i.e. getting a response, if one can dial a second number of finding the first number busy (or unanswered) jumps to 0.91, and if three different numbers are available the probability increases to 0.97.[48] Thus, the potential queuing problem is far less likely to occur where automatic dialing is restricted to sequential number variation. Where a single number is repeatedly attempted, the potential problem remains. We therefore consider it necessary to propose rule amendments that will offer standards for the manufacture of automatic dialers to avoid potential harm to the telephone network.[49]

64. As a practical matter, an uncompleted call—one that rings with no answer—would be terminated by the caller after some reasonable number of rings or period of time, perhaps 8–10 rings or 40–60 seconds. Immediate sequential attempts at the same number generally offer little increased likelihood of success, *i.e.* getting an answer. Similarly, where the number called is initially busy, an immediate second attempt is not necessarily likely to be sucessful. In short, immediate redialing would seem to offer marginal increase in the probability of call completion. Such redialing does burden the network, however. Our intention is to place no greater burden on the network by a sequence of uncompleted calls to one number (by an automatic dialer) than occurs through normal subscriber dialing habits. For purposes of our analysis, there are two types of automatic dialers: sequential and repertory. Sequential dialers are designed to dial a series of different numbers, one at a time. Repertory dialers, which may contain a series of

[44] Most true test equipment is essentially passive and unlikely to cause network harm. However, certain test equipment transmits voice band test signals. Equipment designed strictly for facility testing will be assumed under our proposal to transmit network control signals that do not exceed the limitations specified in § 68.308(b)(2) of the Rules.

[45] As an interim measure, AT&T has filed a tariff which permits the direct connection of certain grandfathered test equipment. *See* Transmittal No. 13682, filed March 6, 1981, effective April 9, 1981.

[46] *See First Report and Order—Technical Standards for Computing Equipment* in Docket No. 20780, 44 FR 59530 (1979), and *reconsideration*, 45 FR 24154 (1980).

[47] *See* "A Study of Network Performance and Customer Behavior During Direct-Distance-Dialing Call Attempts in the U.S.A.", Bell System Technical Journal, Vol. 57, No. 1, January 1978.

[48] These calculations are based on the expression $P_s = 1-q^m$, where P_s is the probability of success; $q = (1-p)$, where p is the probability of success of each trail assuming an equal chance of success for each trial and m is the number of trails. This analysis assumes independent events.

[49] "Harm" includes degraduation of service to persons other than the user of the subject terminal equipment. Network access delays caused by automatic dialer may constitute such degradation of service. *See First Report* in Docket No. CC 79-143, *supra*, at para. 81–3. *See also* § 68.3(f) of the Rules.

numbers in memory, merely dial or redial a single, selected number. Repertory dialers may be either manually activated *i.e.* dial a number just once following activation, or automatic, *i.e.* continue to redial a number with no further user intervention. At this time we feel that manually activated repertory dialers present no greater burden on the network than typical subscriber dialing, since in both cases each dialing operation is user initiated. However, both sequential and automatic repertory dailers potentially add to the burden on the network. We therefore propose to limit sequential dialers to dailing a number just once before proceeding to another number. If there is no answer, ringing would be limited to less than 60 seconds. We also propose that automatic repertory dailers, as well as sequential dialers operating as automatic repertory dailers, be limited to one dailing attempt per five minute period.[50] We propose the following:

Section 68.110(c). Limitations on automatic dialers. No automatic repertory dailer or sequential dialer may attempt a particular number more than once every five minutes, and if the called number rings with no answer, the connection must be terminated within 60 seconds of commencement of dailing. Sequential dialers may attempt a number just once before proceeding to another number. There are no limitations where the number dialed is for emergency purposes.

Parties are invited to submit comments on this proposal, including its applicability only to sequential and automatic repertory dailers. We also ask that interested parties discuss the necessity of our proposal to take into account both kinds of busy conditions: station and trunk (circuit). Finally, parties should comment on the appropriateness of establishing a procedure for applying these standards to future production of currently registered dialers.

65. *Section 68.502* During the public meeting held April 23, 1980 to discuss plug and jack configurations needed to implement our private line amendments to Part 68,[51] it was proposed that in order to preserve uniformity the language used with regard to means of connection should be changed. It was suggested that the wording, "The telephone company will consecutive wire these lines to the jack as shown below without skipping any positions" should be deleted from the descriptions of USOC jacks RJ21X, RJ23X, RJ24X in § 68.502(d). As discussed during the meeting, the new intermixed jack wiring structure filed under tariff revisions in response to our *First Report* in Docket No. CC 79-143 provides a new flexibility in the means of connection to the telephone network. By the new structure, § 68.502(d)'s requirement for consecutive wiring will no longer be appropriate. We also recommend modifying subsections 68.502(a) and (d) to permit type RJ11C and RJ21X jacks to be used with PBX and key telephone systems. These recommendations appear in Appendix A.

Notice of Inquiry

I. One and two-line business and residential premises wiring

66. *Background.* In the *Third Report*, the Commission addressed, among other issues, the matter of registration of PBX and key telephone systems, and the impact of improper multi-line premises wiring on the built-in network protection provided by registered premises equipment.[52] In order to assure network protection from inadequate premises wiring three complementary techniques were adopted, balancing hardware and internal wiring protection against the need for "institutional controls" (*e.g.*, standards, testing inspection, and other procedures where it appears there is inadequate wiring). A new § 68.215 was adopted which reflects the degree of hardware protection available in the equipment. Thus, if there is full hardware protection against the possible effects of inadequate wiring (imbalance and excessive voltages), no new institutional controls are imposed. If there is no hardware protection against such wiring inadequacies, as would be the case in many in-place PBX and key telephone systems, a variety of new controls are imposed including: requiring competent supervision of the installation, workmanship and material standards which "track" current telephone industry practice, and acceptance testing and inspection techniques which may be used to verify conformance of the installation to the standards. Finally, if there is some hardware protection, the supervision and inspection requirements are eased. In this way, the extent of premises wiring protection is dependent upon the protection provided by the premises equipment.

67. Recognizing the existence of a large number of in-place PBX and key telephone systems, including their equipment, premises wiring and protective circuity, the Commission decided to consider such systems grandfathered, *i.e.*, not subject to the new controls. The rationale was simply that existing systems had presumably been installed in compliance with existing tariff provisions, by telephone company personnel, or behind telephone company provided PCAs. One exception to this grandfather status occurs where an in-place PCA is removed, thereby exposing the network to potentially harmful effects of improper or unsafe wiring. Under these circumstances, the premises system is viewed for purposes of Part 68 as though it is newly installed. Wiring behind other than a fully-protected registered PBX or key telephone system must comply with § 68.215. Thus, a customer wishing to remove a carrier-provided PCA has three options:

(a) The carrier-provided PCA may be left in place, or replaced with a customer-provided equivalent device, without invoking any of the new rules adopted in the *Third Report;*

(b) The carrier-provided PCA may be replaced with a device or lesser protective functions (one which protects only against possible power-line crosses), thereby invoking some, but not all, of the new rules adopted in the *Third Report;* or

(c) The carrier-provided PCA may be removed, thereby invoking all of the new rules in the *Third Report.*

68. As indicated, if a manufacturer of premises equipment chooses not to include inherent protection against inadequate wiring, or in the event that such equipment is not used with some form of external protective circuitry which classifies the wiring as "protected," the full range of institutional controls over wiring applies. One of these controls is a requirement that the manufacturer and an installation supervisor enter into a quasi-agency relationship as described in § 68.215(c).[53]

[50] *See* AT&T Interstate Settlement System Information, 1978. The average duration of a local telephone call is five minutes. *See also* FCC Statistics of Communications Common Carriers, Year Ended December 31, 1975, at p. 1.

[51] *See Order Convening Meeting* in Docket No. CC 79-143 (Released April 8, 1980). *See also First Report and Order* in Docket CC 79-143, *supra.*

[52] Our initial concern with system wiring was expressed in *Supplemental Notice of Proposed Rulemaking* in Docket No. 19528, 64 FCC 2d 1039 (1977), where we observed that the protection offered by Part 68, as structured, potentially could be nullified by aberrations in the installation of premises wiring or in the connection of systems to the telephone network.

[53] Section 68.215(c) of the Rules provides, in part:

Supervision: Operations by installation personnel shall be performed under the responsible supervision and control of a person who:

(1) has had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment;

(2) has been trained by the registrant of the equipment to which the wiring is to be connected in the proper performance of any operations by installation personnel which could affect that equipment's continued compliance with these rules; and

Continued

69. In response to suggestions that licensed professional engineers be permitted to supervise wiring installation, the Commission acknowledged that such persons possess the requisite skill to perform the necessary tasks without substantially altering the effect or intent of the institutional controls embodied in Part 68. In so doing, the Commission indicated that it was in no way accepting the proposition that supervision of wiring installation under the rules is a necessary engineering function under the various state statutes which limit certain activities solely to licensed professional engineers. Rather, rules already defining the skill, training and experience of an installation supervisor, who need not be a licensed professional engineer, would continue to provide the requisite protection to the public and the telephone network from telephone wiring installed under § 68.215.[54] Concluding that professional engineers, by virtue of demonstrated technical competence, would offer an alternative to the § 68.215(c)(3) requirement that an installation supervisor have written authority from the registrant to perform necessary operations, the Commission adopted the following addition to § 68.215(c):

(4) Or, in lieu of (1)–(3) above, is a licensed professional engineer in the jurisdiction in which the installation is performed.

The Commission cautioned that "such professional engineers will be responsible for any damage or injury which is proximately caused by a failure to exercise the requisite care, both under general legal principles and the carriers' tariffs". *Fourth Report* at 1832–33.

70. Thus, premises wiring may be performed under the supervision of either a person properly authorized by the equipment registrant, typically the manufacturer, or by a professional engineer licensed in the jurisdiction in which the installation is performed. By these restrictions, reasonable assurance may be maintained that no harm to the telephone network will occur as a result of work performed on premises wiring associated with PBX and key telephone systems, *i.e.*, multi-line systems and wiring. However, we have not as yet considered standards to incorporate one and two-line business and residential customer-owned premises wiring (COPW)[55] under part 68. The purpose of this inquiry is to investigate expansion of the rules to permit customers or others to install and maintain COPW.

71. *Discussion.* In the *Second Computer Inquiry* in docket No. 20828, 77 FCC 2d 384 (1980), *on reconsideration* FCC 80–628 (released December 30, 1980), the Commission set forth a deregulation scheme that will, among other things, detariff charges for customer terminal equipment and, in certain cases, may result in its transfer to a separate subsidiary. Under this plan, customers will be given a choice of continuing to lease their terminal apparatus or purchasing it.[56] Consistent with the policies established in Docket No. 20828 and in furtherance of our purpose in Part 68 to provide for uniform standards for the protection of the telephone network from harm caused by the connection of terminal equipment and associated wiring,[57] we believe that inquiry should be made into the rules necessary to include customer-provided one and two-line premises wiring under the purview of the registration program.

72. As we noted in *Second Report and Order* in Docket No. 19528, 58 FCC 2d 736, 740, (1976), the guiding principle in our policy framework underlying interconnection of customer-provided terminal equipment has been to afford the users of the nationwide telecommunications network greater flexibility and choice in their use of that network in ways which are privately beneficial without being publicly detrimental.[58] Together with interconnection of customer-provided terminal equipment and multi-line premises wiring to MTS, WATS and most private line services,[59] inclusion of COPW will essentially complete the scope of Part 68 so that virtually all telephone network-related customer premises activities, both equipment and wiring, will be available to subscribers either from their local telephone company or from other sources.

73. A preliminary matter which must be addressed is the ascertainment of the exact point which defines the termination of telephone company facilities and the commencement of COPW. The "demarcation point" was initially defined by the State of New York Department of Public Service (NY) under "station wiring":

> Station wiring may be considered the extension of telephone plant from the termination of outside plant, which is usually in a protector at the entrance to the customer premises or in a terminal block on the same floor as the customer premises (if house or riser cables are used), to a jack or terminal block to which telephone apparatus is connected.[60]

In response to evidence introduced during the NY proceeding involving risks associated with wiring to the protector, a revision to the definition was adopted:

> * * * customers would be allowed to install and own telephone wire within their own premises up to a demarcation jack furnished and installed by the telephone company at a location where a telephone might normally be connected inside the premises, or at a point inside the premises that is as close as practical to the protector or distribution block."[61]

Under current NY tariff provisions, customers are permitted to choose the demarcation point essentially anywhere between the protector or distribution block and a suitable demarcation jack location within the premises.[62]

74. We invite interested persons to offer views on an appropriate definition of the "demarcation point." While the revised NY definition of station wiring may be satisfactory in one area, there

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(3) has received written authority from the registrant to assure that the operations by installation personnel will be performed in such a manner as to comply with these rules.

[54] The premises wiring rules adopted in the *Third Report* reflect standards for PBX, key telephone and other multi-line systems only. *See Fourth Report* at 1811.

[55] As stated, the *Third Report* addressed only multi-line wiring. Our discussion here applies not only to new COPW but also to in-place COPW, since in-place COPW, if ultimately purchased from the telephone company, would be repaired or modified by the customer-owner.

[56] In *Report and Order* in Docket No. CC 79–105, FCC 81– , released , 1981, the Commission adopted a change in the accounting rules to identify and assign the investment in Account 232 into at least two subclasses, *viz.*, station connections-inside wiring and station connections—other. In *Notice of Inquiry* in Docket No. CC 79–105, FCC 81– , released , 1981, the Commission proposes to deregulate the provision of inside wiring. This proposal may lead to the inclusion of premises wiring under the principles of Docket No. 20828. See paras. 73–5, below, for our approach to ascertaining the technical-legal boundary of this wiring. As a reasonable first choice boundary, the Commission will rely, in the interim, on standard telephone company practice. *See Report and Order* in Docket No. CC 79–105 at paras. 26–7.

[57] *See* Section 68.1 of the Rules.

[58] *See Carterphone*, 13 FCC 2d 420 (1968), *Recon. denied*, 14 FCC 2d 571 (1968).

[59] *See First Report* in Docket No. CC79–143, *Supra*.

[60] *See* NY Opinion No. 80–1, Case 26–94—Interconnection of Customer-Owned Equipment to the Statewide Telecommunications Network, Opinion and Order Authorizing Customer-owned Premises Wiring, issued January 10, 1980, at 8–9. *See also* Tariff Advice letter No. 13757, filed by Pacific Telephone on December 8, 1980, which permits residential premises wiring in California. (Schedules Cal. P.U.C. No. 160–T, 1–T, and 36–T.)

[61] NY Opionion, *supra*, note 60, also, it should be noted that any definition adopted by this Commission would require any connection at the demarcation point to be made through a standard plug and jack arrangement, consistent with current rule provisions. *See* § 68.104, Means of Connection. There may be some question as to whether in-place station wiring which is purchased by a customer requires company installation of a suitable jack at the demarcation point. Parties should offer their views on this matter in response to issue 5 in para. 74, below.

[62] A single, unbundled monthly charge for the wiring is imposed regardless of the distance involved.

may be other regions or locales where practices require either a more universal or more specific definition. For example, "station wiring" may include outside wiring to a utility pole or underground junction. Therefore, proposd definitions should take into account, to the extent possible, geographical variants. We believe that parties' responses to the following questions will aid in the development of a workable definition of "demarcation point."

1. How should "demarcation point" be defined? To what extent and how must the definition take into account the variety of building structures, types of customers in such structures, and telephone company services rendered?

2. What practical difficulties or situations are likely to cause ambiguity or confusion in application of the definition? Where possible, provide statistics on the rate of occurrence of such problems. Address how the definition proposed in response to question 1 accommodates these problems.

3. What rules, if any, are necessary to avoid or minimize the problems of coordination among the building owners, lessees, contractors, installers, users and the serving telephone company in locating the demarcation point?

4. To what extent should the customer or telephone company be permitted to redefine the location of the demarcation point in a given premises? Should local practices determine whether the demaracation point may be located at a protector, outside in a weatherproof box, or at a terminal block, or should the location be negotiable? What provisions should be made for grounding?

5. To what extent do Commission 68 policies rules, and recent decisions require telephone company installation of a standard jack at the demarcation point upon customer purchase of in-place wiring?

75. The development of station wiring standards for COPW requires assessment of potential harm not only to telephone company personnel but to consumers as well.[63] Institutional controls established in the *Third Report* and *Fourth Report* for multi-line system wiring were predicated on the general industry practice that PBXs and key telephone systems are installed by personnel properly trained in communications wiring.[64] As discussed earlier, such controls were broadened to recognize the competence of professional engineers, on the assumption that they are familiar with standard electrical codes.[65] Station wiring operations performed by consumers present questions concerning the level of expertise required to prevent serious risk of shock to those not experienced in telephone installation. In order to better assess these potential harms we believe that the following issues must also be addressed:

6. The extent to which harm (as defined in Part 68 of the Rules) is likely to be caused by customer installation or ownership of one and two-line business and residential premises wiring. (Provide data concerning the incidence of such harm in the past).

7. Whether institutional or non-institutional controls or safeguards should be established to prevent the harms indicated in issue 6. Which mechanism would best achieve these safeguards: telephone company-provided standards, federal rules, or reliance on local electrical standards? (Provide proposed rules.)

76. These issues are by no means exclusive. We note, for example, that inquiry into possible standards for COPW may result in the suggestion that the current institutional controls embodied in § 68.215 for multi-line premises wiring are unnecessarily restrictive. To the extent that such concerns develop, we will entertain discussion on the advisability of establishing a uniform set of standards for all premises wiring, including the wiring covered by § 68.215. Underlying any such discussion would be the technical issue involving differences in the nature of potential harms associated with multi-line, and one and two-line business and residential premises wiring; the technical-legal issue concerning the requisite level of competence for assuring that no significant harm is likely to occur as a consequence of such wiring; and the legal issue of liability for damages that occur to either the telephone network or customer-owned equipment.[66] In general, however, we do not solicit comments on the economic and accounting issues currently under consideration in other proceedings. *e.g.*, Docket No. CC 79-105.

II. Party Line Service

77. In the *First Report* in Docket No. 19528 the Commission excluded party line service from the Part 68 registration program because the necessary interconnection criteria had not yet been developed. As an interim measure, the Commission allowed customer-provided terminal equipment to be connected to party line service through carrier-provided connecting arrangements in accordance with existing tariffs. *See First Report* in Docket No. 19528, at 599-600, n. 7. While subsequent Part 68 proceedings have not taken up the matter of interconnection criteria for party line service, we believe it would be appropriate to address the matter at this time. It is apparent, however, that accommodation of party line service under Part 68 also requires the development of certain specialized technical standards and administrative procedures. As we noted in FCC 80-628 *supra*, at para. 57, "absent a control mechanism for connection to the network, there would be no institutional assurance that connection of non-carrier-provided terminal equipment to party lines would not cause harm to the telephone network. . . ." Accordingly, the inquiry we initiate here is intended to evaluate the various alternatives by which this accommodation may be achieved.

78. Party line service is typically used in rural areas where distances between telephone company offices and subscribers are large and maximum efficiency in the utilization of loop plant is an economic necessity.[67] Typically, two or more party line service subscribers share each loop. While party line equipment and operating characteristics may differ among telephone companies, two common operational features remain: selective ringing and calling party number identifications.

79. *Selective ringing.* Where several parties share a loop, there must be some method by which an incoming call can be directed to just one of the parties. There are essentially two techniques currently used which accomplish this: selective repetitive ringing and selective frequency ringing. In a selective repetitive ringing system, party A will acknowledge an incoming call when a single short ring is repeated, whereas party B, on the same loop will respond on hearing two short rings repeated. The receiving terminal equipment is identical

[63] *See* n. 28, above. *See also First Report* in Docket No. CC 79-143, at paras. 50-3.

[64] *See* § 68.215(c)(1)-(2).

[65] *See* § 68.215(c)(4).

[66] Included may be a requirement for posting bond as a condition precedent to holding one's self out as a qualified installer or supervisor of premises wiring.

[67] Loop plant refers to the telephone lines between the telephone company office and a point close to the subscribers. We understand that some 17% of GTE's service is party line, whereas AT&T serves about 4% of its total main stations with party line service. We also understand that AT&T is not adding new subscribers to its party line service. Rather, it is converting many party line systems to single party service through digital and carrier multiplexing techniques. Many smaller rural telephone companies do not plan to undertake such conversion.

in both cases; it is the telephone company office that is responsible for generating the ring repetition codes to alert A and B of their respective calls. In contrast, selective frequency ringing requires that each party's receiving terminal equipment include audio filtering that will permit audible ringing only when the telephone office transmits a ring signal at a designated frequency, *e.g.*, 20 Hz for party A and 33 Hz for party B. By this technique, only the called party's telephone will ring.

80. *Calling party number identification.* Calling party number identification assures that the party line subscriber making a toll call—and not his neighbor—is charged for the call. Older telephone systems rely on operator number identification (ONI) to achieve this. Under ONI, the calling party is intercepted by the telephone company operator and asked to identify the telephone number which is to be charged for the call. Some modern systems use various automatic number indentification (ANI) techniques, such as "spotter dial" or "tip-party, ring-party" identification. A spotter dial is a mechanical device in the telephone instrument which consists of an encoded rotating cam that automatically reports the calling party's telephone number to the telephone company on initiation of a call. This technique is especially useful where there are several subscribers on the circuit. Where there are only two subscribers on the party line, the telephone company toll equipment may be equipped to recognize the calling party by the off-hook loop polarity. In either case of ANI, there is a considerable amount of terminal equipment custom design and coordination required to avoid harm to the network.[68]

81. Accommodation of party line service under Part 68 may be accomplished by: (1) developing the necessary technical and procedural standards or (2) adopting a program that recognizes existing standards and relies on local telephone companies for ringing and billing compatibility. The advantage of the first approach is that it establishes a uniform set of technical criteria that any equipment manufacturer may follow to produce terminal equipment which is directly connectible to party line facilities. The difficulty, as suggested by the assortment of ringing and outgoing number identification techniques, is that the telephone companies have no standardized set of technical criteria for party line equipment. Even if there were such standards, the encoding of ANI cams or coordination of proper ring frequency selection would necessitate the prior establishment of compatibility procedures and standards, implementation of which represents considerable administrative complexity. We also note that there has been less than great public demand for technical rule amendments to include party line service under Part 68. Absent comments to the contrary, we must conclude that there is a general recognition of the technical and practical difficulties engendered by such expansion of the technical standards of Part 68. This is not to say, of course, that such expansion would not be in the public interest and we seek public comment to assist us in weighing the relative merits of the alternatives before us and any other alternatives which commenting parties may suggest.[69]

82. One alternative to the development of new technical standards might be an arrangement by which terminal equipment registered under current Part 68 technical criteria would be directly connectible to party line service interfaces provided all necessary compatibility operations are performed by the local telephone company or its agent. Under this arrangement, the local telephone company would establish connection conditions for all customer-provided terminal equipment likely to be connected to its party line service. Thus, if a standard telephone set were to be connected where ANI protocol required a spotter-dial, the telephone company would retain the right to condition connection on the lease, sale, or installation of the equipment needed to achieve functional compatibility. This kind of alternative, delegated through Part 68, would continue to foster equipment innovation. It would also preserve the operational integrity of the telephone companies' various party line systems.

83. Interested persons are asked to submit comments on these or other means for including party line service interconnection under the purview of Part 68. Parties favoring the adoption of new or revised technical criteria or administrative procedures should submit specific rule proposals.

Ex-Parte Presentations

84. For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex-parte* contacts are permitted from the time of issuance of a notice of proposed rulemaking until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In general, an *ex-parte* presentation is any written or oral communication (other than formal written comments/pleadings and oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex-parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex-parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex-parte* presentation discussed above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1201 *et seq.* of the Commission's rules, 47 CFR 1.1201 *et seq.*

Ordering Clauses

85. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. All submissions filed in this proceeding will be available for public inspection during regular business hours in the Commission's Docket Reference Room.[70]

86. Accordingly, and in view of the foregoing, it is hereby ordered, pursuant to Sections 1, 4, 201–05 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–05 and 403, and 5 U.S.C. 553, That a combined rulemaking and inquiry proceeding is hereby commenced to consider amendments to Part 68 of the FCC's Rules and Regulations, 47 CFR 68.1 *et seq.*

87. Interested parties may file comments to the matters contained in this docket on or before June 12, 1981.

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[68] "Harm" includes erroneous toll billing. *See First Report* in Docket No. CC 79-143, 76 FCC 2d at 284.

[69] *See Final Decision* in Docket No. 20828, 77 FCC 2d at 447, n. 57. Reference to "residential" party line service was inadvertently narrow. Both residential and business party line service are functionally similar. *See also* paras. 57–58 in FCC 80-628, *Supra*.

[70] For purposes of the Regulatory Flexibility Act, 5 U.S.C. 603, the FCC certifies that the proposed rule amendments will not have a significant impact on a substantial number of small entities. Most of the amendments proposed are for purposes of updating current provisions, and new rule proposals will not cause entities any significant additional economic impact.

and reply comments on or before July 27, 1981. An additional set of "responsive comments" to the issues set forth in the Notice of Proposed Rulemaking may also be filed, on or before August 11, 1981. The Secretary shall cause a copy of this Notice to be published in the **Federal Register.**

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 State as amended; 1064, 1066, 1070, 1071, 1072, 1073; 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

It is proposed to amend Part 68 of the Commission's Rules and Regulations (Chapter I of Title 47 of The Code of Federal Regulations, Part 68), as follows:

1. In § 68.2, paragraph (a)(4) is added and paragraphs (a)(i)–(iii) are redesignated (a)(1)–(3), as follows:

§ 68.2 Scope.

(a) General. Except as provided for in Paragraphs (b), (c), (d), and (e), the rules and regulations in this Part apply to the direct connection:

(1) of all terminal equipment to the public switched telephone network, for use in conjunction with all services other than party line service and coin service;

(2) of all terminal equipment to channels furnished in connection with foreign exchange lines (customer-premises and), the station end of off-premises stations associated with PBX and Centrex services, trunk-to-station tie lines (trunk end only) and switched service network station lines (CCSA and EPSCS);

(3) of all PBX (or similar) systems to private line services for tie trunk type interfaces, off-premises station lines, automatic identified outward dialing and messages registration. Services may only be added to this Section as a result of rulemaking proceedings and the equipment connected to such added services is afforded a reasonable transition period; and

(4) of terminal equipment to Local Area Data Channels.

2. In § 68.2 new paragraph (e) and (g) are added and current paragraph (e) is redesignated (f). New paragraphs (e) and (g) are as follows:

* * * * *

(e) Grandfathered Terminal Equipment for Connection to Local Area Data Channels. All terminal equipment of a type directly connected to Local Area Data Channels or directly connected under special assembly tariff provisions to telephone company-supplied, non-loaded, metallic, greater-than-voiceband circuits for the purpose of providing limited distance data transmission as of ( ) may be connected thereafter up to ( ), and may remain connected for life, without registration unless subsequently modified.

(g) Test equipment intended to be momentarily or temporarily connected on the subscriber side of a network interface need not be registered. All other test equipment of a type which is connected to the network as of ( ), may be connected thereafter, up to ( ), and may remain connected for life, without registration unless subsequently modified.

§ 68.3 Definitions.

3. In § 68.3, paragraph (t)(1)(ii) is revised a follows:

(t) * * *

(1) * * *

(ii) A cord which complies with the previous subsection and which is extended once by a connectorized extension cord which itself complies with the previous subsection. Extension cords may not be used as a substitute for wiring which for safety reasons should be affixed to or embedded in a building's structure.

4. In § 68.3, a new paragraph (a) is added and existing subsections (a)–(d) are redesignated (b)–(e); a new subsection (f) is added and existing subsections (e)–(h) are redesignated (g)–(j); new subsections (k) and (l) are added and existing subsections (i)–(w) are redesignated (m)–(aa); a new subsections (bb) and (cc) are added and existing subsections (x)–(aa) are redesignated (dd)–(gg).

(a) *Adjunct Devices:* Functional "add-on" circuitry providing service enhancement features not initially provided with the host system or device.

* * * * *

(f) *Cross-Connect Panels:* Equipment entities limited in use to wiring operations (e.g., pair separations, line assignments and single-line disconnection). A fully protected cross-connect panel consists of appropriate input and output connectors, a relatively fail-safe means for achieving cross-connections such as bridging clips, patch cords, etc., and insulated so as not to expose telephone network connections excessively.

* * * * *

(k) *Local Area Data Channels (LADC) Leads:* Terminal equipment leads at the interface used solely to transmit and receive data signals which may require greater-than-voiceband frequency spectrum over private line metallic channels designated Local Area Data Channels (LADC). These leads should be treated as telephone connections as defined in (dd) of this section or as tip and ring where the term "telephone connection" is not used.

(l) *Local Area Data Channel Simulator Circuit:* A circuit for connection in lieu of a Local Area Data Channel to provide the appropriate channel parameters in signal power tests. The schematics of Figures 68.3(k)(1) and (k)(2) are illustrative of the types of circuits that will be required over the given frequency ranges. When used, the simulator shall be operated over the entire range of loop resistance as is indicated on the figures, and under all voltages and polarities which the terminal under test and a connection companion unit are capable of providing.

* * * * *

(bb) *Specialty Adapters:* Adapters which include passive components such as resistive pads, bias resistors, etc.

(cc) *Standard Testbed for Unprotected Key Telephone System Components and Adjunct Devices:* A standard testbed for determining compliance to subpart D requirement of components and adjunct devices used with unprotected key telephone systems consists of a 3-line, 5-station system utilizing 100-ft "homerun" cables. Longitudinal balance measurements will be made in all system operating states including on-hook, off-hook and hold modes. Longitudinal balance limitations for such components and adjunct devices are +15dB higher than the limitations specified in Section 68.310(a) to provide adequate margin for system variations.

* * * * *

5. Section 68.100 is revised as follows:

§ 68.100 General.

In accordance with the rules and regulations in Subpart B of this Part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a)(2). In addition, PBX (or similar) systems may be directly connected to those private line services included in § 68.2(a)(3); and terminal equipment may be directly connected to Local Area Data Channels.

6. A new § 68.102 is added as follows:

§ 68.102 Registration Requirements.

(a) General. Terminal equipment must be registered in accordance with the rules and regulations in Subpart C of this Part, or connected through registered protective circuitry, which is registered in accordance with the rules and regulations of Subpart C of this Part.

(b) Radio Equipment. Equipment connecting to the telephone network making use of radio frequency requires evidence of FCC authorizations of radio energy prior to receiving a registration grant under Part 68.

(c) Computing Devices. Any electronic device or system that generates and uses timing signals or pulses at a rate of 10,000 pulses (cycles) per second and uses digital techniques is subject to the requirements of Subpart J of Part 15 of the Rules. Applications for registration of terminal equipment subject to the requirements of Subpart J of Part 15 must include a written statement that such compliance has been met.

7. In § 68.110, a new paragraph (c) is added as follows:

§ 68.110 Compatibility of the telephone network and terminal equipment.

* * * * *

(c) *Limitation on automatic dialers.* No automatic repertory dialer or sequential dialer may attempt a particular number more than once every five minutes, and if the called number rings with no answer, the connection must be terminated within 60 seconds of commencement of dialing. Sequential dialers may attempt a number just once before proceeding to another number. There are no limitations where the number dialed is for emergency purposes.

§ 68.200 Application for equipment registration.

8. Section 68.200(h) is revised as follows:

* * * * *

(h) Specialty adapters need only be evaluated for compliance with §§ 68.304 and 68.310, under the stresses specified in § 68.302. (Passive devices such as cords, adapters and fully protected cross-connect panels may be connected without registration.)

9. In § 68.200, paragraphs (i), (j) and (k) are added as follows:

* * * * *

(i) Terminal equipment having certain auxiliary lead connections to standard jacks or adapters are subject to the following compliance tests:

(1) Make-Busy Leads: (Terminal equipment leads at the loop-start interface designated MB and MB1.) The MB lead is shorted by the terminal equipment to the MB1 lead when the corresponding telephone line is to be placed in an unavailable or artificially busy condition. For the purpose of testing and satisfying each of the conditions of registration in these Rules, the MB and MB1 leads should be considered to be telephone connections and bridged to tip and ring of the corresponding telephone connections. The conditions of § 68.310 (longitudinal balance) and § 68.312(a) (pertaining to a maximum on-hook impedance of 40 kilohms) shall also be met with tip and ring isolated from MB and MB1.

(2) Data jack programmed resistor leads: (PR and PC are auxiliary terminal equipment leads at the interface which are to be connected to a programming resistor in the data jack for the purpose of controlling the output level of data equipment as required under § 68.308(b)(4)(ii). Leakage current limitations shall be met as specified in § 68.304 under conditions (1) and (6) with PR and PC connected together. If there are other auxiliary leads, an additional leakage test shall be performed under conditions (4) and (6) with PR and PC connected together and the auxiliary leads connected together. PR and PC will be treated as telephone connections for the purpose of hazardous voltage limitations tests and are only required to comply with §§ 68.306(a) and (b)(1). Equipment furnished with PR and PC leads shall comply with the criteria of § 68.308 and § 68.314 for all permitted values of the programming resistor specified in § 68.502(e).

(3) Continuity leads: (CY1 and CY2 are auxiliary terminal equipment continuity leads at the interface which are connected to a strap in a series jack configuration for the purpose of determining whether the plug associated with registered terminal equipment is connected to the interface jack.) Compliance with the leakage current limitations of Section 68.304 is required with CY1 and CY2 connected together under conditions (1) and (6). If there are other auxiliary leads, an additional leakage test will be performed with CY1 and CY2 connected together under conditions (4) and (6). In addition, the design of the terminal equipment shall assure that the open circuit dc voltage to ground shall not exceed 18 volts; the dc current into a short circuit across the CY1 and CY2 leads shall not exceed 10 milliamperes; and no ac voltage to ground appears on the continuity leads from sources in the terminal equipment. CY1 and CY2 leads shall be treated as telephone connections for the purpose of hazardous voltage limitation tests and are only required to comply with § 68.306 (a) and (b)(1). Terminal equipment furnished with CY1 and CY2 leads shall comply with the criteria of § 68.308 with a short circuit across the CY1 and CY2 leads.

(4) Low-voltage (non-hazardous) leads: (LV and LV1 are leads connecting a low voltage (non-hazardous) power source through an interface jack or an adapter to the registered terminal equipment.) Compliance with the leakage current limitations of § 68.304 is required with LV and LV1 leads connected together under conditions (1) and (4) in § 68.304. If there are other auxiliary leads in the same cable, an additional leakage test will be performed under conditions (4) and (6) in § 68.304. Current in leads LV and LV1 shall not exceed 500 mA during normal operation.

(j) Registration applications for multi-line equipment making use of external cross-connect panels must include a description of a representative cross-connect panel as it would be installed on the user's premises. The installation of a cross-connect panel and its connections to the system common equipment and to the telephone network shall be subject to the provisions of § 68.215, unless installed in a relatively secure area such as an equipment room or closet.

(k) If the equipment covered by an application is manufactured outside of the United States, or if it is assembled in the United States using foreign-produced components, the countries of origin shall be disclosed in the registration application and marked on the nameplate.

10. In § 68.300, paragraphs (b) and (c) are revised as follows:

§ 68.300 Labeling requirements.

* * * * *

(b) Registered terminal equipment or registered protective circuitry for connection to Local Area Data Channels shall have prominently displayed on an outside surface the following information in the following format:

Complies with part 68, FCC Rules, FCC Registration Number. For use solely on LADC Interfaces.

(c) Registered terminal equipment and registered protective circuitry shall have the following identifying information permanently affixed thereto:

(1) Grantee's name

(2) Model number, as specified in the registration application

(3) Serial number or date of manufacture

(4) The country of origin of the equipment. (Made in .) If the equipment is assembled in the United States using components of foreign origin, list the countries of origin of all such components. (Assembled using components from .)

(5) As used here, "permanently affixed" means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise

permanently marked on a permanently attached, external part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

(6) In the case of equipment combining the features of FCC registered telephone equipment and the FCC equipment authorization program (See parts 2, 14, 18 and 83 of the Rules), the FCC registration number issued pursuant to Part 68 of this chapter will serve as the FCC identifier. However, when the equipment is constructed of two or more separate enclosures which are used together, the portion connecting to the telephone network must display the FCC registration number, and the other portion(s) must display the FCC identifiers.

11. In § 68.302, paragraph (f) is revised as follows:

§ 68.302 Environmental simulation.

* * * * *

(f) *Failure modes resulting from the application of metallic and longitudinal surges.* Registered terminal equipment and registered protective circuitry are permitted to reach a failure-mode state in violation of longitudinal balance requirements of § 68.310, and for terminal equipment connected to LADC a failure-mode state in violation of the longitudinal signal power requirements of § 68.308, after application of the electrical surges specified in Subsections (d) and (e) herein, provided that:

* * * * *

In § 68.306, a new paragraph (a)(7) is added as follows:

§68.306 Hazardous voltage limitations.

(a) * * *

(7) For Local Area Data Channel interfaces, during normal operating modes including terminal equipment initiated maintenance signals, registered terminal equipment shall assure with respect to telephone connections (tip, ring, tip 1, ring 1) that

(i) The rms current per conductor between any conductor and ground [1] and between short-circuited conductors, including dc and ac components, does not exceed 350 mA;

(ii) the dc voltage between any conductor and ground [1] does not exceed 80 Volts. Under normal operating conditions it shall not be positive with respect to ground (though positive voltages up to 80 Volts may be allowed during brief maintenance states);

(iii) ac voltages are less than 42.2 Volts peak between any conductor and ground [1] (longitudinal components of ac voltages below 150 Hz shall not exceed 2.5 Volts peak; and

(iv) combined ac and dc voltages between any conductor and ground [1] are less than 42.4 Volts peak when the absolute value of the dc component is less than 21.2 Volts, and less than (28.8 + 64x [Vdc]) when the absolute value of the dc component is between 21.2 and 80 Volts.

13. In § 68.308, paragraph (d) is amended by designating existing paragraph (d) as (d)(1) and adding a new (2); adding paragraphs (e)(5); revising (f)(1); adding (f)(5) and (6) and adding paragraph (g) as follows:

§ 68.308 Signal power limitations.

* * * * *

(d) *Longitudinal voltage in the 100 Hz to 4 kHz frequency range*

(1) The weighted root mean square . . .

* * * * *

(2) For LADC interfaces the following limitation shall apply:

The weighted root-mean-square voltage averaged over a 100-millisecond interval that is the resultant of all the component longitudinal voltages in the band, after weighting according to the curve in Fig. 68.308(d), shall not exceed the maximum indicated below under the conditions stated in Subsection (f). The weighting curve in Fig. 68.308(d) has an absolute gain of unity at 4 kHz.

Frequency range	Max. RMS voltage
10 Hz to 4kHz	−30 dBV.

(e) *Voltage in the 4 kHz to 1 MHz frequency range* * * *

(5) *Metallic Voltage—LADC Interface.*

(i) 100 Hz Bands Over Frequency Range of 4 kHz—1 MHz. The root-mean-square (rms) voltage as average over a 100-millisecond interval in all of the possible 100 Hz band between 4 kHz and MHz for the indicated range of center frequencies and under the conditions specified in Subsection (f) shall not exceed the maximum indicated below:

Center frequencies of 100 Hz bands	Max voltage in all 100 Hz bands
4.05 to 4.6 kHz	−0.5 dBV.
4.6 to 5.45 kHz	59.2 to 90 $\log_{10}$ dBV.
5.45 to 59.12 kHz	7.6 to 20 $\log_{10}$ dBV.
59.12 to 300 kHz	43.1 to 40 $\log_{10}$ dBV.
300 to 999.95 kHz	−56 dBV.

Where f = center frequency in kHz of each of the possible 100 Hz bands.

(ii) 8 kHz Bands Over Frequency Range of 4 kHz—1 MHz. The root-mean-square (rms) voltage as average over a 100-millisecond interval in all of the possible 8 kHz bands between 4 kHz and 1 MHz for the indicated range of center frequencies and under the conditions specified in Subsection (f) shall not exceed the maximum indicated below:

Center frequencies (f) of 8 kHz bands	Max voltage in all 8 kHz bands
8 to 120 kHz	17.6 to 20 $\log_{10}$ dBV.
120 to 757 kHz	59.2 to 40 $\log_{10}$ dBV.
757 to 996 kHz	−56 dBV.

Where f = center frequency in kHz of each of the possible 8 kHz bands.

(iii) For LADC interfaces [2] the following limitations shall apply:

(A) Peak Voltage—

The peak metallic voltage of signals at frequencies above 1 kHz must not exceed 25 dBV [3] (17.8 volts) under conditions stated in § 68.308(f).

(B) RMS Voltage—

(*1*) Frequency band 10–4000 Hz the weighted root-mean-square (rms) metallic voltage averaged over 100 milliseconds with frequency components weighted according to the curve in Fig. 68.308(c) shall not exceed the maximum indicated below under the conditions stated in § 68.308(f). The weighting curve in Fig. 68.308(c) has an absolute gain of unity in the range 1 kHz through 4 kHz.

Frequency range	Maximum voltage
10 Hz to 4 kHz	+8 dBV.

(*2*) 100 Hz Bands Over Frequency Range of 700 Hz–4 kHz. The root-mean-square (rms) voltage as averaged over a 100-millisecond interval in all of the possible 100 Hz bands between 700 Hz and 4 kHz for the indicated range center frequencies and under the conditions specified in § 68.308(f) shall not exceed the maximum indicated below:

Center frequencies (f) of 100 Hz bands	Maximum voltage in all 100 Hz bands
750 Hz to 3950 Hz	+5 dBV.

[1] Terminal equipment shall comply while other interface leads are both (1) unterminated and (2) individually terminated to ground.

[2] Multiple data set arrangements configured for coherent keying are not allowed.

[3] dBV = 20 $\log_{10}$ [Voltage in volts].

Where f = center fequency in kHz of each of the possible 100 Hz bands.

(f) *Conditions for requirements of paragraphs (d) and (e).* (1) All registered terminal equipment, except equipment to be used on LADCs, and all registered protective circuitry must comply with the limitations when connected to a termination equivalent to the circuit depected Figure 68.308(c) and when placed in all operating states of the equipment except during network control signaling. For message registration in the ground return mode, a termination equivalent to Figure 68.308(c) is required, and metallic voltage limitations do not apply. LADC registered terminal equipment must comply with the limitation when connected to the circuits of Figure 68.3(ab) (a) and (b) and Figure 68.308(e), as indicated.

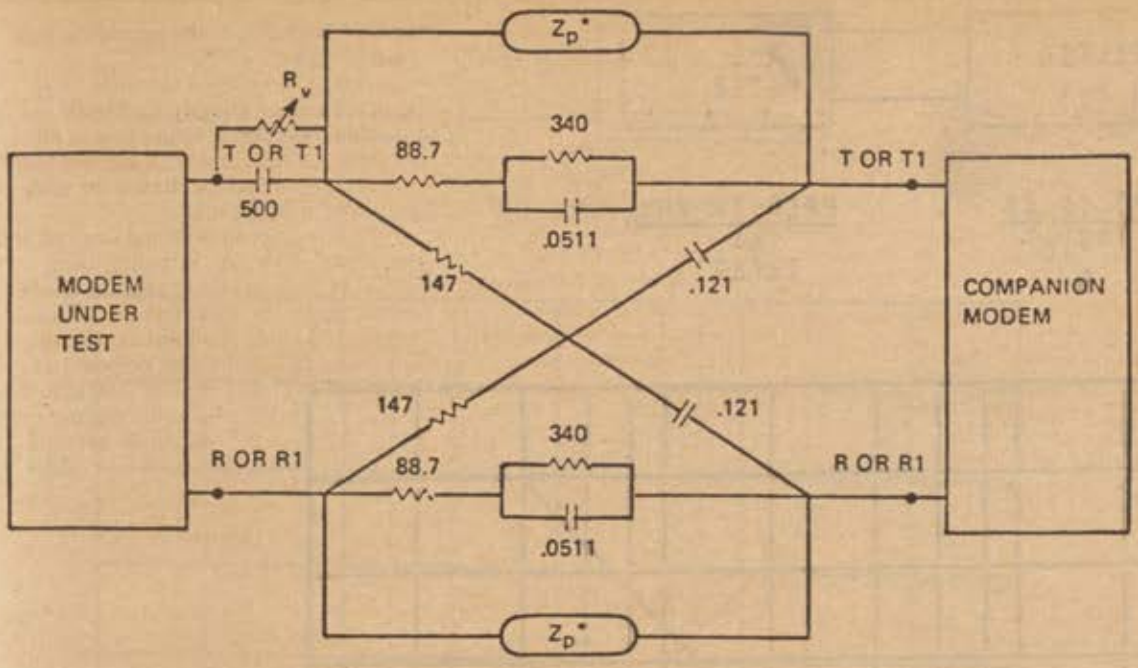
* * * * *

(5) LADC registered terminal equipment must comply with the longitudinal voltage limitations in the presence of a single frequency tone applied metallically to the tip-ring interface from a balanced source having a source impedence of Rm with the resultant longitudinal voltage measured across a longitudinal termination R_L. Values of R_m and R_L are associated in Figure 68.308(e). The limitations apply with the tone at any frequency up to 1 MHz and with its voltage adjusted to produce a metallic voltage across the tip-ring interface, at the maximum rms tone voltages.

(6) LADC registered terminal equipment must comply during all possible data signal sequences in all operating states, and with applied loop current which may be drawn for such purposes as loopback.

(g) All registered terminal devices and registered protective circuitry using digital techniques that generate or use timing signals or pulses at a rate in excess of 10 kHz shall not exceed the limitation of −50dB with respect to 1 milliwatt over the range of 1 MHz to 30 MHz when measured at the tip and ring connections to the telephone network.

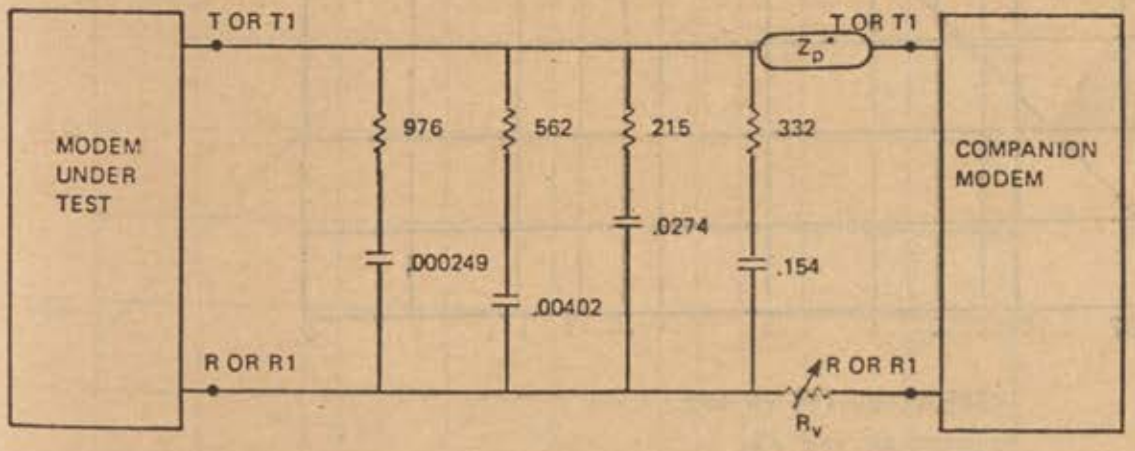
BILLING CODE 6712-01-M



RESISTANCES (OHMS), CAPACITANCES (μF) TOLERANCES ±2% $R_v + R_p$ = 200 THRU 3000Ω

FREQUENCY RANGE: 10 Hz TO 20 kHz

FIGURE 68.3 (k)(1) LOW FREQUENCY SIMULATOR



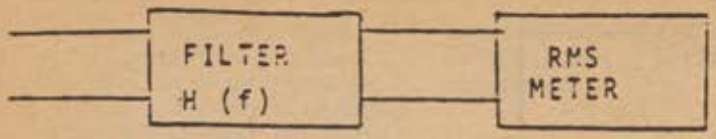
RESISTANCES (OHMS), CAPACITANCES (μF) TOLERANCES ±2% $R_v + R_p$ = 200 THRU 3000Ω

FREQUENCY RANGE: 12 kHz + 1 MHz

FIGURE 68.3 (k)(2) HIGH FREQUENCY SIMULATOR

*Z_p – MAGNITUDE OF THE LOW PASS FILTER IMPEDANCE = { < 200Ω DC ; ≥ 3KΩ 10 Hz-1MHz }

NOTE: BALANCED IMPLEMENTATION OF THESE CIRCUITS MAY BE REQUIRED.



H(f) IN dB	FREQ IN KHz
$20 \log_{10} T$	$f \leq 1$
0	$1 \leq f \leq 4$

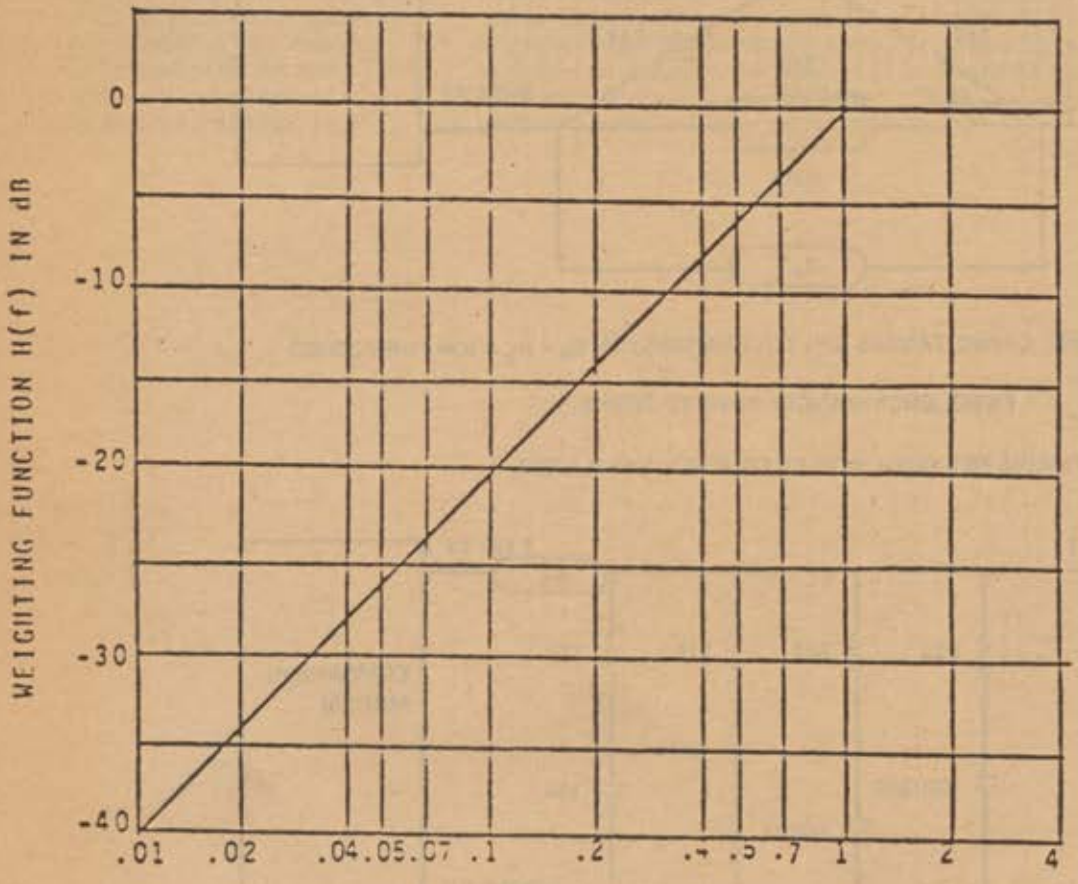
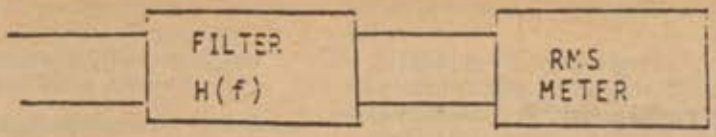


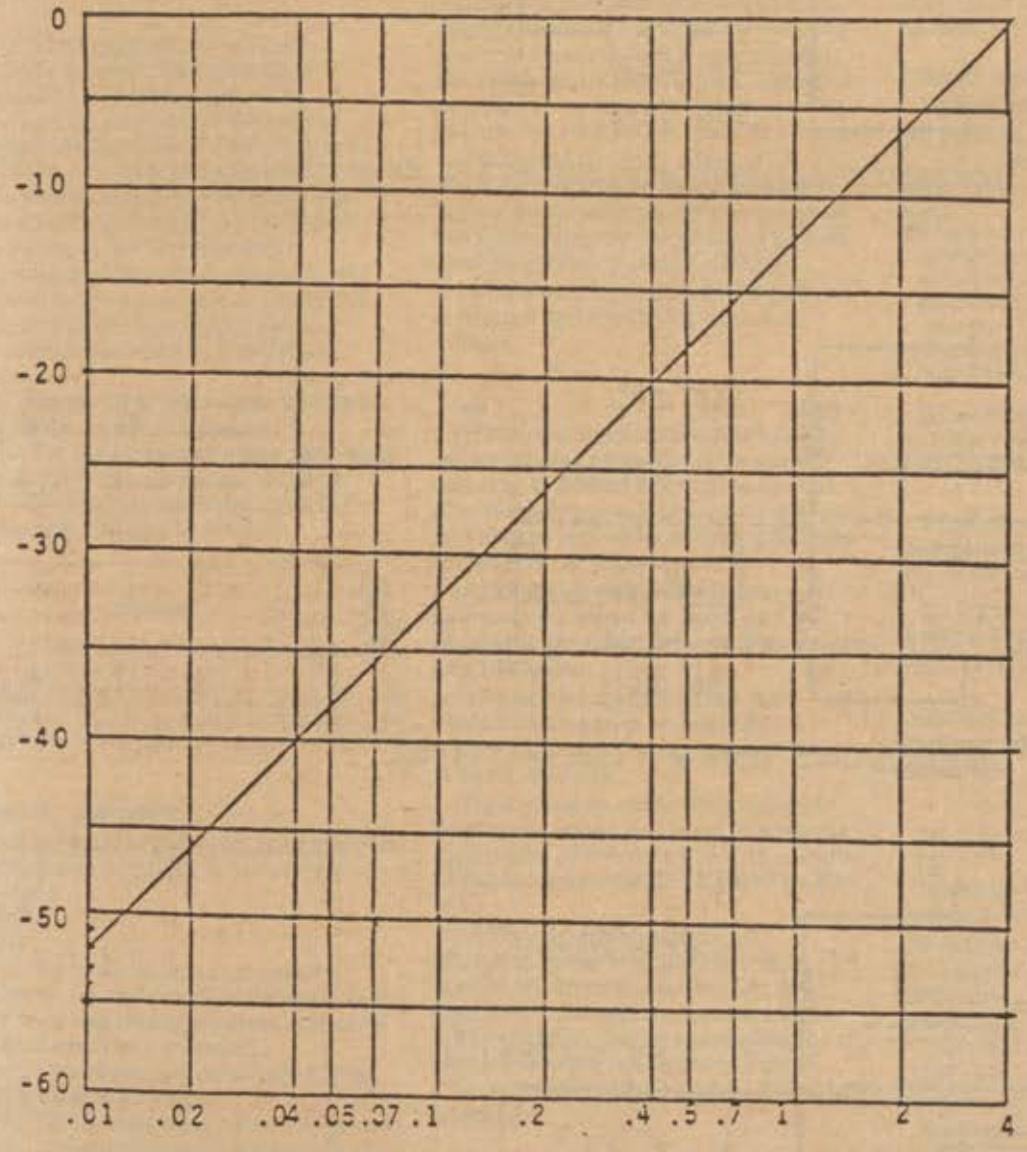
FIGURE 68.308 (d)

WEIGHTING FUNCTION FOR METALLIC VOLTAGE LIMITATION

10 Hz to 4 kHz FREQUENCY RANGE

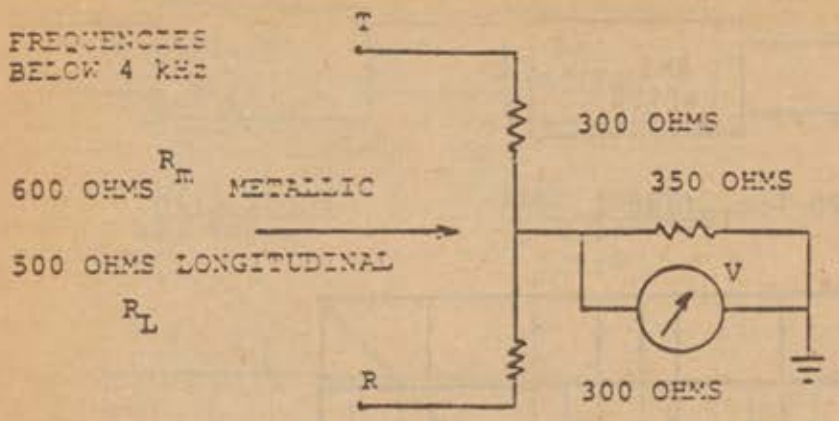


$$H(f) = -(12 - 20 \log_{10} f) dB$$

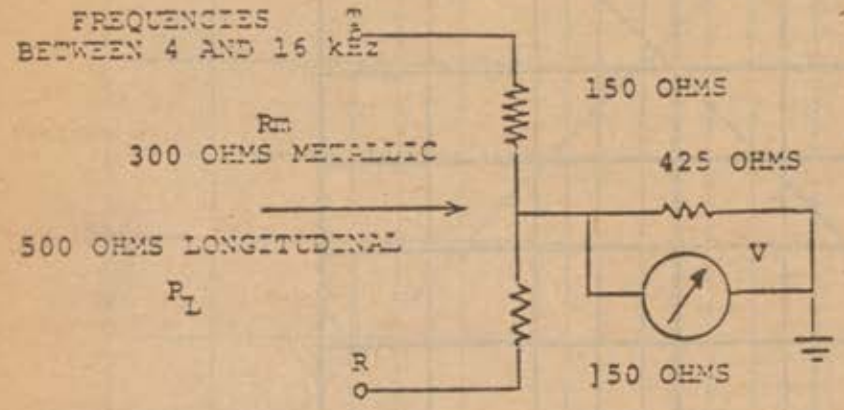


FREQUENCY (f) in kHz
FIGURE 68.308 (e)

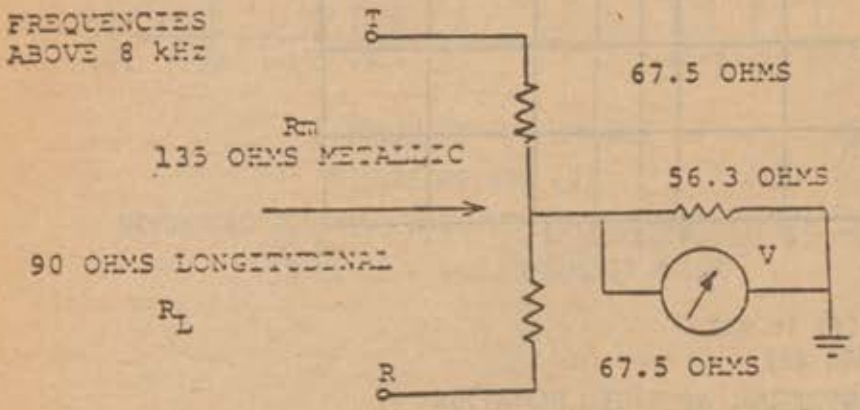
WEIGHTING FUNCTION FOR LONGITUDINAL VOLTAGE LIMITATION
10 Hz to 4 kHz FREQUENCY RANGE



$V_{LONGITUDINAL\ (dB)} = V(dB) + 3.1\ dB$



$V_{LONGITUDINAL\ (dB)} = V(dB) + 1.4\ dB$



$V_{LONGITUDINAL\ (dB)} = V(dB) + 4\ dB$

FIGURE 68.308 (f)

LONGITUDINAL VOLTAGE TEST CIRCUITS

BILLING CODE 6712-01-C

14. § 68.310, paragraph (a) is amended by revising its title; redesignating existing paragraph (a) as (a)(1); and adding a new (2), as follows:

§ 68.310 Longitudinal balance limitations.

(a) Test Methods:

(1) The metallic-to-longitudinal balance method: The metallic-to-longitudinal balance coefficient, BALANCE (M–L), is expressed as:

* * * * *

(2) The longitudinal-to-metallic balance method: This method is described in Test Procedure for Measuring Longitudinal Balance of Telephone Equipment Operating in the Voice Band, (IEEE Standard 455–1976). The minimum balance requirements specified below shall be equalled or exceeded under all reasonable conditions of the application of earth ground to the equipment or protective circuitry under test. Under the test conditions specified in § 68.310(a) above:

(i) For the frequency range 200–1000 Hz, 60 dB minimum balance;

(ii) For the frequency range 1000–4000 Hz, the minimum balance varies in relationship to the metallic impedance across tip and ring as follows:

Zm Ohms	Minimum balance, dB
Below 200	50
200–500	45
500–1000	43
Above 1000	40

§ 68.312 [Amended]

15. In§ 68.312 subsection (b)(1)(i)-(v) is revised and (b))(1)(vi) is added as follows:

(b)* * *

(1)* * *

(i) The total dc current measured between tip and ring, and between each of the tip and ring conductors and earth ground, shall be less than 4 microamperes for all dc voltages up to and including 20 Volts.

(ii) The dc resistance between tip and ring, conductors, and between each of the tip and ring conductors and earth ground, shall be greater than 5 megohms for all dc voltages between 20 and 100 Volts.

(iii) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground, shall be greater than 30 kilohms for all dc voltages between 100 and 200 volts.

(iv) During the application of simulated ringing, as listed in Table I below, the total dc current as a result of non-sinusoidal ac wave characteristics, shall not exceed 3.0 mA.

(v) During the application of simulated ringing, as listed in Table I below, the impedance between the tip and ring conductors (defined as the quotient of applied ac voltage divided by resulting true rms current) shall be greater than the value specified in Table I. Except as provided in subsection (2) below, such impedance shall be less than 40 kilonms.

(vi) During the application of simulated ringing, as listed in Table I below, the impedance between each of the tip and ring conductors and ground shall be greater than 100 kilohms.

16. In § 68.312 paragraph (d)(1)(i)–(iv) is revised and (d)(1)(v) is added as follows:

* * * * *

(d)* * *

(i)The maximum total dc current in micoramperes measured between tip and ring, and from each of the tip and ring conductors and earth ground, for all dc voltages up to and including 20 volts, divided by 0.8 microamperes.

(ii) 25 megohms divided by the minimum measured on-hook dc resistance for all dc voltages between 20 and 100 volts.

(iii) 150 kilohms divided by the minimum measured on-hook dc resistance for all dc voltages between 100 and 200 volts.

(iv) The maximum total dc current flowing between tip and ring during the application of simulated ringing as listed in Table I below, in mA, divided by 0.6 mA.

(v) Five times the impedance limitation listed in Table I below, divided by the minimum measured ac impedance, defined as in subsection (a)(1)(v) above, during the application of simulated ringing as listed in Table I.

17. In Table I of § 68.312, the following is added:

* * * * *

Ringing type	Range of compatable ringing frequencies ⅓ (Hz)	Simulated ring voltage superimposed on 52.5 volts dc	Impedance limitation (ohms)
* * * * *			
Q	20±3	40 to 130 volts rms.	1400

18. In § 68.312, a new paragraph (j) is added as follows:

(j) Registered terminal equipment and registered protective circuitry shall not by design leave the on-hook state by operations performed directly on tip and ring leads for any other purpose other than a request for service or answer of an incoming call. Make-busy indications shall be transmitted by the use of make-busy leads only as defined in Section 68.200(i) and (j).

§ 68.502 Configuration.

19. § 68.502 is amended by adding MB/MB1 in the sequence shown:

* * * * *

T/R-* * *

A/A1-* * *

MB/MB1-Connections to leads implementing a make-busy feature where required. The MB lead is shorted by the terminal equipment to the MB1 lead when the corresponding telephone line is to be placed in an unavailable, or artificially busy condition.

20. Section 68.502 amended by revising TYPICAL USAGE in paragraph (a)(1) as follows:

* * * * *

Typical usage: single-line non-key telephone, ancillary devices, PBXs and key telephone systems.

21. Section 68.502 is amended by revising TYPICAL USAGE in paragraph (d)(1) as follows:

* * * * *

Typical usage: Traffic data recording equipment, PBXs and key telephone systems.

* * * * *

22. A new § 68.502(a)(5) is added:

(a) * * *

(5) Bridged T/R with make-busy arrangement; 6-position jack.

Electrical network connection: Single-line bridged tip and ring only with MB/MB1 leads. Conductors 2 and 5 are reserved for telephone company use.

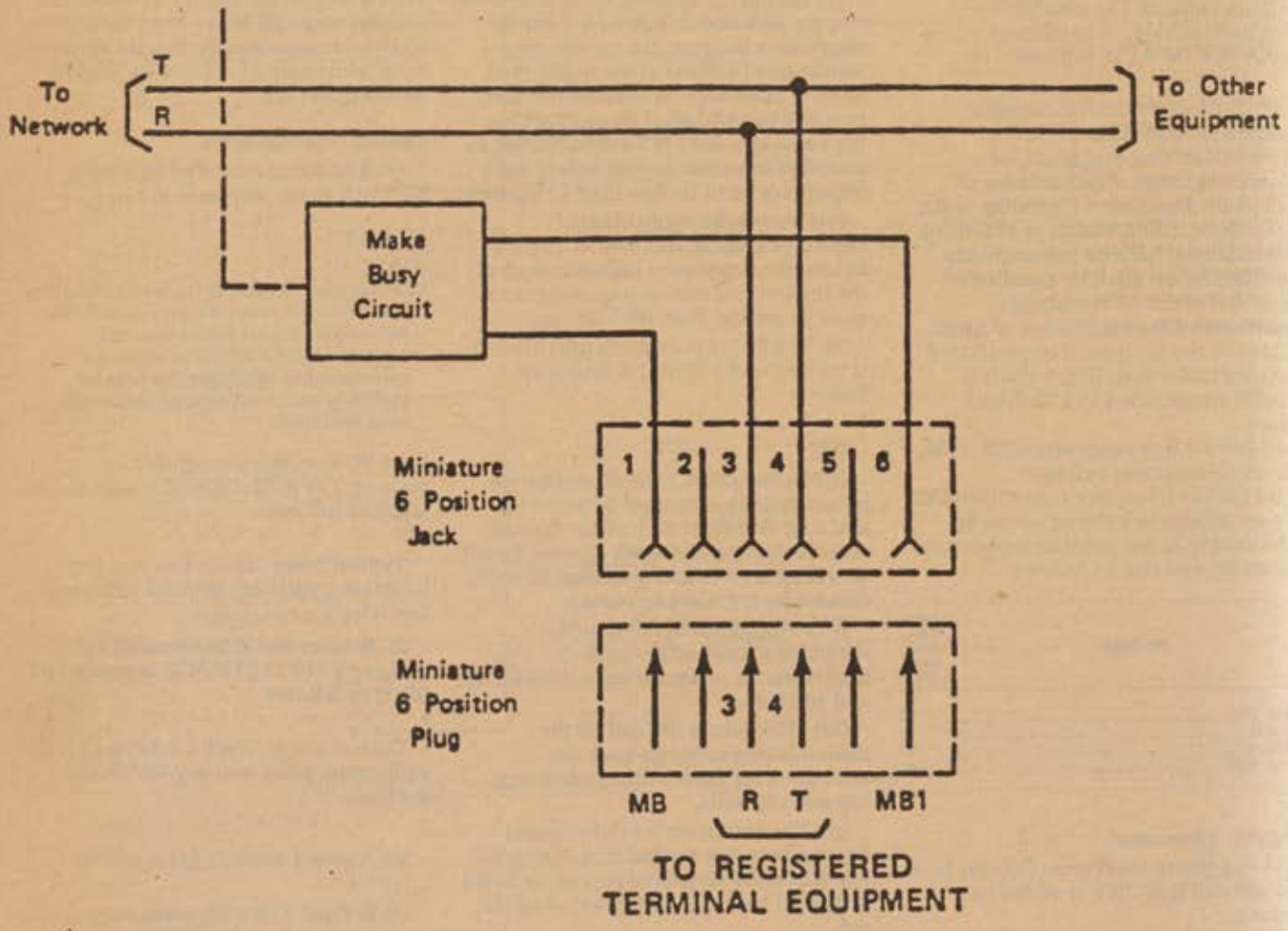
Universal service order code (USOC): RJ18W for portable wall-mounted equipment—RJ18C for all others.

Mechanical arrangement: Miniature 6-position jack.

Typical usage: Single-line non-key telephone and ancillary devices connected directly to central office lines, where a make-busy requirement is needed.

BILLING CODE 6712-01-M

WIRING DIAGRAM:



BILLING CODE 6712-01-C

23. A new § 68.502(a)(6) is added:

(a) * * *

(6) Bridged T/R behind the line circuit of a key *telephone system with A/A1 and MB/MB1; 6 position jack.*

Electrical network connection: Single line bridged tip, ring, A and A1 leads behind the line circuit of a key system with MB/MB1 leads.

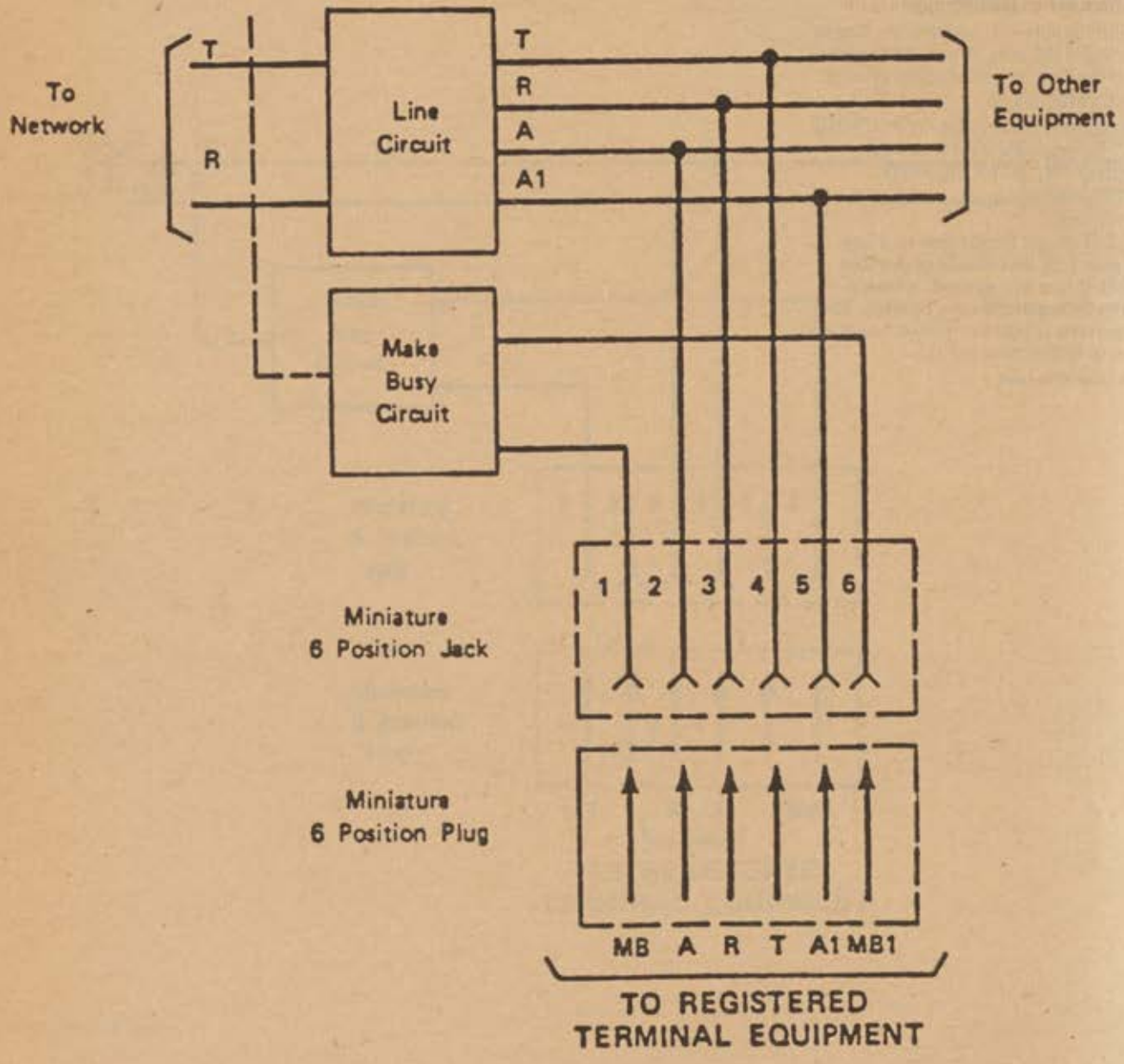
Universal service order code (USOC): RJ19W for portable wall-mounted equipment—RJ19C for all others.

Mechanical arrangement: Miniature 6 position jack.

Typical usage: Single line non-key telephone sets and ancillary devices connected to a key system, where a make busy requirement is needed. This arrangement is preferred to arrangement shown in Subsection (a)(2).

BILLING CODE 6712-01-M

WIRING DIAGRAM:



BILLING CODE 6712-01-C

24. A new § 68.502(b)(7) is added:

(b) * * *

(7) Series single-line tip and ring ahead of all station equipment; 8-position series jack equipped with continuity circuit.

Electrical network connection: Series tip and ring ahead of all station equipment with continuity circuit. Conductors 3 and 6 are reserved for telephone company use.

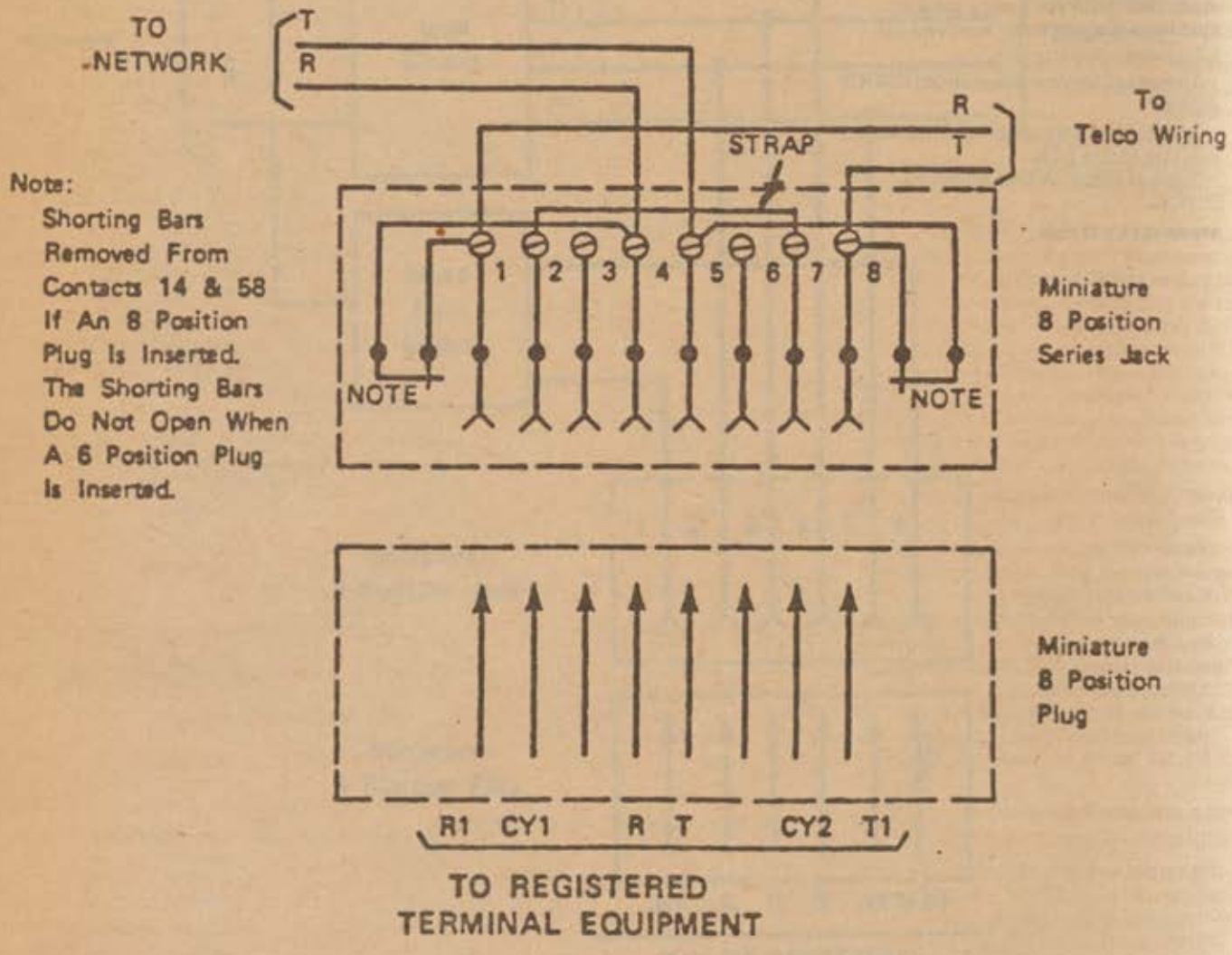
Universal service order code (USOC): RJ38X.

Mechanical arrangement: Miniature 8 position series jack.

Typical usage: Alarm reporting devices.

BILLING CODE 6712-01-M

WIRING DIAGRAM:



[FR Doc. 81-11504 Filed 4-15-81; 8:45 am]
BILLING CODE 6712-01-C

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 46

Quality Assurance; Availability and Request for Comment on Draft Federal Acquisition Regulation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding contract quality assurance requirements.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before June 17, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16918 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following part of the draft Federal Acquisition Regulation is available upon request for public and Government agency review and comment.

Part 46—Quality Assurance

This part prescribes policies and procedures to assure that supplies and services acquired under Government contract conform to the contract's quality and quantity requirements. Included are inspection, acceptance, warranty, and other measures associated with quality requirements. This Part is accompanied by the applicable contract clauses in Part 52 prescribed in this Part 46.

There are no proposed substantive changes in the FAR coverage with the exception of 46.408. This section recognizes the responsibilities of the Departments of Health and Human Services, Agriculture and Commerce for the contract quality assurance of food, drugs, and other medical supplies.

Dated: April 10, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-11490 Filed 4-15-81; 8:45 am]

BILLING CODE 3110-01-M

[1] Filed as part of the original document with the Office of the Federal Register.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 531 and 533

[Docket No. FE-80-01; Notice 2]

Passenger Automobile and Light Truck Average Fuel Economy Standards; Withdrawal of ANPRM

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: This notice withdraws an advance notice of proposed rulemaking (ANPRM) on the improvements that can be made in passenger automobile and light truck fuel economy in the 1985-1995 period, the benefits and costs of such improvements, and the actions which the Federal government could take to secure and facilitate those improvements. (See 46 FR 8056, January 26, 1981.) This action is being taken in recognition of the market pressures which are creating strong consumer demand for fuel efficient vehicles and sending clear signals to the vehicle manufacturers to produce such vehicles. It is expected that the market will continue to act as a powerful catalyst. Information available to this agency concerning the vehicle manufacturers' product plans for future model year vehicles demonstrates a strong commitment to improving fuel efficiency.

The agency will continue to monitor the effects of the market and the efforts of the manufacturers to improve automotive fuel efficiency. However, given the present situation, it is unlikely that the agency will need to commence rulemaking in the foreseeable future. Therefore, any information submitted in response to the ANPRM would serve no immediate rulemaking purpose and would not be sufficiently current for use in the longer run. Withdrawal of the notice will save the industry and public from having to make the effort to prepare information that cannot be put to significant use.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Scheiner, Office of Automotive Fuel Economy Standards (NRM-22), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-472-5906).

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 [49 U.S.C. 1657]; Sec. 301, Pub. L. 94-163, 89 Stat. 901 [15 U.S.C. 2002]; del. of auth. at 49 CFR 1.50)

Issued on April 9, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81-11475 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13 through 23

Permit Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: The Service is considering revision of its regulations to consolidate and simplify the permit requirements. The Service hereby solicits comments and suggestions on these changes. The Service also requests information on environmental and economic impacts, and effects on small entities, that would result from these changes, as well as similar information on alternatives to the changes. The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections concerning this notice.

DATE: Comments on this notice must be received on or before May 18, 1981.

ADDRESSES: Comments should be addressed to: Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203.

Comments received will be available for public inspection and copying between the hours of 8:30 a.m. and 4:00 p.m. at 1000 North Glebe Road, Room 621, Arlington, Virginia, both during and after the comment period.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. (Telephone: (703) 235–1937.)

SUPPLEMENTARY INFORMATION: It is the intent of the Fish and Wildlife Service to simplify the regulations relating to permits for various activities with protected species of wildlife and plants found in Title 50 of the Code of Regulations in Parts 13 through 23. These regulations implement a series of conservation statutes many of which authorize certain activities with species of wildlife or plants only if a permit is granted. Presently, Part 13 contains rules of general applicability to all such permits. Various other parts of Title 50 contain specific regulations implementing individual statutes and containing sections on permits which are more particular. For example, Part 14 contains a requirement that all plants and wildlife be imported and exported through designated ports of entry, and an exception to that rule is available by permit. Part 18 deals with marine mammals, and contains the rules relating to permits for public display or scientific research.

The permit requirements specified in each statute vary to one degree or another. An attempt was made several years ago to introduce some uniformity into these various permit requirements by making the format of each section of the regulations which deals with permits similar. Experience has shown that there are a number of basic substantive requirements for all of these permits which are similar. For example, when live wildlife is to be obtained from the wild for research or propagation in captivity, some of the factors considered are: the amount of specimens to be taken from the wild and their relationship to the health of the wild populations; the methods of taking; the facilities for captivity; the nature of the applicant's project; the expertise of the applicant; and, the disposition of the wildlife following the completion of the project.

The Service intends to simplify these regulations by establishing one section stating the general requirements and criteria for permits, and eliminating the specific permit regulations from the various parts of subchaper B of Title 50.

The Federal Wildlife Permit Office, which processes most of the types of permits authorized by the various statutes and covered by these regulations, has developed a process of sending general Fact Sheets and a common, basic application form with the specific information requirements for various types of permits printed on the reverse side. This procedure has relieved applicants of the necessity of combing through the various regulations to figure out what information they must supply in order to obtain their permit. It also assures that the information necessary to make a judgment which adequately conserves the species concerned, within the intent of the particular statute, is readily at hand. Applicants have indicated that they prefer this approach of specific questions, combined with the ability to discuss their particular situation with the staff of the Federal Wildlife Permit Office, to regulations which of necessity must be somewhat general. Therefore, the sections of the regulations which deal with permits are to a great extent unnecessary and redundant.

What is proposed is a general section in Part 13 of Title 50 which will state the basic information requirements and issuance criteria for all permits handled under the various statutes. Those sections in other parts of Title 50 dealing with such permits should be deleted. Applicants will be asked to make an initial contact by letter or phone with the Federal Wildlife Permit Office indicating the species and the activity which they wish to undertake. They will then be sent an application form with specific questions, the applicable permit fee, and such other general information as will be useful. In order to keep the public adequately informed as to the types of questions being asked, the conditions being attached to permits, the permit fees being charged, and any other policies or procedures relating to permits, notices will be published in the **Federal Register** stating these various items. As procedures or policies change, notices will be issued, with opportunity for public comment, indicating the changes.

These amendments to the regulations will greatly simplify the regulations themselves, while still being responsive to the needs of permit applicants, and assuring that sufficient care is being taken in the issuance of permits to properly conserve the species of wildlife and plants covered by the statutes.

The purpose of this notice is to give interested persons an opportunity to submit comments and suggestions on the changes outlined above, before the issuance of any notice of proposed rulemaking. Also, the Service hereby requests information on environmental and economic impacts, as well as any effects on small entities (including small businesses, small organizations, and small governmental jurisdictions) that would result from the changes outlined above. Similar information on possible alternatives to the changes is also requested. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act. This information will be helpful in preparing any required analysis of effects.

Dated April 9, 1981.

Cleo Layton,

Acting Deputy Assistant Secretary, FW&P.

[FR Doc. 81-11549 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 73
Thursday, April 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Dale Barnes, Beaver Dam, Ky.; Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individual, under section 6(c) of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated: Dale Barnes, Beaver Dam, Kentucky. Dale Barnes has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of thirty (30) months, beginning January 1, 1981, and terminating on June 30, 1983.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act (15 U.S.C. 1821–1831) states in relevant part that, "any person . . . may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to civil penality of not more than $3,000 for each violation . . . ."

This will serve as notification to the general public and the horse industry that Dale Barnes has been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

Done at Washington, DC., this 10th day of April 1981.

E. C. Sharman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-11403 Filed 4-15-81; 8:45 am]

BILLING CODE 3410-34-M

Merrill Stuart, Bowling Green, Ky.; Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individual, under section 6(c) of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated: Merrill Stuart, Bowling Green, Kentucky. Merrill Stuart has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year which is to run from January 23, 1981, through January 22, 1982.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act (15 U.S.C. 1821–1831) states in relevant part that, ". . . any person . . . may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than one year for the first violation and not less than five years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. . . ." Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to civil penalty of not more than $3,000 for each violation. . . ."

This will serve as notification to the general public and the horse industry that Merrill Stuart has been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

Done at Washington, D.C., this 10th day of April 1981.

E. C. Sharman,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-11404 Filed 4-15-81; 8:45 am]

BILLING CODE 3410-34-M

Imported Fire Ant Control Treatments With Amdro

AGENCY: Animal and Plant Health Inspection Service.

ACTION: Notice.

SUMMARY: This gives notice that the Animal and Plant Health Inspection Service will resume on or about April 15, 1981, aerial applications with Amdro for the control or imported fire ants in the State of Texas. The resumption of treatments will permit the completion of activities planned in the fall of 1980 and specifically addressed in the combined environmental assessment and final impact statement for the fall 1980 Imported Fire Ant Cooperative Program. Adverse climatic conditions (low temperatures) prevented completion of the planned project in November 1980.

DATE: Effective date of this notice April 16, 1981.

ADDRESS: Requests for copies of the combined environmental assessment

and final impact statement should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 630, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 630, Hyattsville, MD 20782, (301) 436–8745.

SUPPLEMENTARY INFORMATION: The imported fire ant (*Solenopsis* spp.) currently infests 230 million acres in parts or all of the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. Imported fire ant mounds interfere with the growing and harvesting of crops. In agricultural lands, primary economic losses occur through reduced efficiency of labor, damage to machinery, reduced animal feeding capacity of pastureland, and reduced rangeland. Urban, residential, and public lands infested with the imported fire ant are difficult to maintain and often are the source of reinfestation of agricultural lands.

Imported fire ants are vicious and aggressive when disturbed and are quick to attack both humans and animals. The ants inflict painful, burning stings resulting in the formation of pustules. These pustules may persist for days, and, when broken, frequently become infected. Small animals may die as a result of imported fire ant stings. Persons who receive multiple stings or who are allergic to the ant's venom may require hospitalization.

Under provisions in 7 U.S.C. 147a, the Department of Agriculture has authority, among other things, to cooperate with States in carrying out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests, including the imported fire ant. However, no control activities were undertaken between 1978 and 1980 due to the lack of an environmentally acceptable and biologically effective treatment for such purpose. Imported fire ant populations have increased to high levels throughout parts of the nine infested Southern States. The necessity for reducing the population level to provide relief from the menacing attack of the ants to humans and agriculture is obvious.

On August 20, 1980, the Environmental Protection Agency conditionally approved Amdro as a treatment for the imported fire ant. Amdro, manufactured by the American Cyanimid Company, is a slow-acting stomach insecticide which is biologically effective for treatment of imported fire ants.

Accordingly, during the fall of calendar year 1980, the Department of Agriculture planned, through cooperative efforts with Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, to make one application of Amdro to a total of 976,000 combined acres in those States. The areas to be treated were surveyed and determined to be infested with imported fire ant. Control treatments were planned to begin after September 15, 1980, but all planned treatments were not completed because adverse climatic conditions (low temperatures) prevented completion of the planned project in November 1980. Therefore, aerial application treatments with AMDRO will resume on or about April 15, 1981, for the control of imported fire ants in the State of Texas.

Treatments consist of 1 pound of bait containing 3.97 grams of active ingredient per acre. The insecticide is mixed with soybean oil as the attractant and formulated with defatted, pregelled corn grits into a bait.

On September 25, 1980, the Department published in the Federal Register (45 FR 63537) a notice of availability of the combined environmental assessment and final impact statement developed for the fall control program, analysis of environmental components collected from areas treated with Amdro during two years of field testing indicates no residue is expected in soil or vegetation because of the application of Amdro, and no significant adverse local, regional, or national impacts on the environment will result from the application of Amdro. It is an amidinohydrazone compound, is short lived and nonpersistent, and does not bioaccumulate in the environment.

This action has been reviewed under the requirements of the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 CFR Parts 1500–1508), and the APHIS Guidelines concerning Implementation of NEPA Procedures.

Done at Washington, D.C., this 10th day of April 1981.

Harvey L. Ford,

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

[FR Doc. 81-11511 Filed 4-15-81; 8:45 am]

BILLING CODE 3410-34-M

COMMISSION ON CIVIL RIGHTS

Indiana Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00p and will end at 10:00p, on May 4, 1981. The purpose of the meeting is to receive draft report of the Indianapolis Employment Study; review and comment on the Employment Study draft by the SAC; report on the status of the Housing Study; report on the status of Civil Rights in Muncie, Indiana; and new business and public comments.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Harriette B. Conn, 501 State Office Building, Indianapolis, Indiana 46204, (317) 633–6723; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-11501 Filed 4-15-81; 8:45 am]

BILLING CODE 6335-01-M

Maryland Advisory Committee; Meeting; Admendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Maryland Advisory Committee of the Commission originally scheduled for April 22, 1981, in Salisbury, Maryland (FR Doc. 81–8802, page 18062), has a new meeting room and agenda.

The meeting will now be held in Public Meeting Room 106. The new agenda is—Business Session: Press conference to release Statewide Conference Report, discuss followup on Baltimore Police Complaint Evaluation Procedure Report, monitoring hate groups; State Government's role in Federal antipoverty and Legal Services funding, equal opportunities in Maryland Cooperative Extension Service, and other new business. The Eastern Shore Forum: Equal Opportunities in Wicomico County government and Somerset County educational system, and future of Tri-County antipoverty programs.

Dated at Washington, D.C., April 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-11502 Filed 4-15-81; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Jersey Advisory Committee originally scheduled for April 23, 1981, in New Brunswick, New Jersey, (FR Doc. 81-10793, page 21214) has been changed.

The meeting will now be held on April 30, 1981. The meeting place and time will remain the same.

Dated at Washington, D.C., April 13, 1981.

John Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-11503 Filed 4-15-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Southwest Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00422. Applicant: Southwest Research Institute, 6220 Culebra Road, P.O. Box 28510, San Antonio, TX 78284. Article: Scanning Attachment with Camera, Lens, Film Holder and Adapters. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: See Notice on page 74958 in the **Federal Register** of November 13, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The article is being manufactured by the manufacturer which produced the instrument with which it is intended to be used. We are advised by the National Bureau of Standards in its memorandum dated January 15, 1981 that the accessory is pertinent to the applicant's intended uses and that it knows of no comparable domestic article.

The Department of Commerce knows of no similar accessory manufactured in the United States which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105 Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-11480 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-25-M

Veterans Administration et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 80-00458. Applicant: Veterans Administration Medical Center, Augusta, GA 30910. Article: Electron Microscope System, Model JEM 100CX and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of Article: See Notice on page 82982 in the **Federal Register** of December 17, 1980. Article ordered: March 25, 1980.

Docket No.: 80-00459. Applicant: The University of Texas Health Center at Tyler, P.O. Box 2003, Tyler, TX 75710. Article: Electron Microscope System, Model JEM 100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 82982 in the **Federal Register** of December 17, 1980. Article ordered: August 28, 1980.

Docket No.: 80-00461. Applicant: USDA, FR, SEA, Insects Affecting Man and Animals Research Laboratory, P.O. Box 14565, 1600 S.W. 23rd Drive, Gainesville, FL 32604. Article: Electron Microscope, Model H-600-2. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: See Notice on page 82982 in the **Federal Register** of December 17, 1980. Article ordered: August 21, 1980.

Docket No.: 80-00466. Applicant: Grinnell College, Grinnell, Iowa 50112. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi Limited, Japan. Intended use of article: See Notice on page 2663 in the **Federal Register** of January 12, 1981. Article ordered: August 14, 1980.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-11481 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-25-M

Western Washington University et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 6, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00149. Applicant: Western Washington University, Bureau for Faculty Research, 430 Old Main Building, Bellingham, WA 98225. Article: Underwater Wireless Communication System. Manufacturer: U.D.I. Group Ltd., United Kingdom. Intended use of article: The article is intended to be used in a diving investigation of a unique arctic kelp (biological) community of the northern coast of Alaska. The objective of the study is to learn as much as possible about the biological, ecological, and physical characteristics of the community. All experiments conducted include growth measurements of biological organisms and observations of the abiotic environment e.g. measurements of turbidity, sedimentation, ice growth, etc. The above described research program is used in thesis work by graduate students in "special topics" courses for undergraduate students in the field of marine biology. Application received by Commissioner of Customs: February 26, 1981.

Docket No. 81-00150. Applicant: San Diego State University, Department of Civil Engineering, San Diego, CA 92182. Article: Geonor Consolidometer. Manufacturer: Geonor, Norway. Intended use of article: The article is intended to be used in accomplishing all required laboratory experiments, exercises and assignments in the following courses:

CE-462 (Soil Mechanics)
CE-463 (Soil Mechanics Laboratory)
CE-562 (Applied Soil Mechanics and Foundation Engineering)
CE-579 (Highway Materials)
CE-707 (Research).

Application received by Commissioner of Customs: February 26, 1981.

Docket No. 81-00151. Applicant: University of Arizona, Institute of Atmospheric Physics, Tucson, Arizona 85721. Article: Carbon Dioxide Laser. Manufacturer: Lumonics Research Ltd., Canada.

Intended use of article: The article is intended to be used as a component of a laser radar system which will be used to study the transmission of the atmosphere in the 9-11 micron region. The experiment will consist of a series of measurements of backscattered power as a function of range and angular position and wavelength. Application received by Commissioner of Customs: February 26, 1981.

Docket No. 81-00152. Applicant: The Johns Hopkins University, Traylor Building 720, Charles and 34th Streets, Baltimore, Maryland 21218. Article: Electron Microscope, Model H-600-3 and Rotation Holder, Model H-500-IR. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article is intended to be used to investigate biological materials at the ultrastructural level. These investigations include studies of viral diseases of the central nervous system both in animal models and in analysis of human materials, investigations of a variety of neuropathic processes both in animal models and in human biopsy materials, and investigations of a variety of other biologic systems for which ultrastructural investigation is a component of the research. The accessory rotational holder is necessary to allow positioning of the objects viewed in the electron microscope in optimal planes for high resolution electron microscopy.

The article will also be used for training of young investigators in a variety of techniques appropriate to research in the neurosciences. This specifically includes those research projects which require fine morphologic investigation. Application received by Commissioner of Customs: February 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-11482 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-25-M

Washington University et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States.

Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 6, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00131. Applicant: Washington University, Purchasing Office, Lindell and Skinker Blvds., St. Louis, Missouri 63130. Article: Electron Microscope, Model JEM-200CX and Accessories. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues, including nerve and muscle tissues and samples from patients with neurological diseases. Research is devoted to fundamental biological phenomena such as cell movement, cell secretion, and cell reception in the central and peripheral nervous system. In addition, the article will be used in the course "Cell Biology" to introduce students to modern electron microscopical techniques, in order to prepare them to undertake relevant projects without further supervision. All the best modern research techniques will be taught and demonstrated to those taking the course. Application received by Commissioner of Customs: February 4, 1981.

Docket No. 81-00144. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for the investigation of the crystal structure and nature and distribution of lattice defects in ordered crystalling solids. The nature and extend of disorder in partly ordered or amorphous inorganic solids will be investigated. The experiments to be conducted with this article include, but are not limited to, high resolution imaging, electron diffraction, x-ray energy dispersive spectroscopy, and electon energy loss spectroscopy. Application received by Commissioner of Customs: February 20, 1981.

Docket No. 81-00145. Applicant: Case Western Reserve University, 2220 Circle Drive, Cleveland, OH 44106. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigation of the following:

(a) The ability of beta-adrenergic receptors to bind hormones.

(b) The basic structure of elongation factor 1 and its interaction with ribosomes.

(c) The general structure of an IgG-albumen complex.

(d) The molecular basis of binding between actin and myosin.

(e) The molecular basis of differentiation of mesenchymal cells to cartilage, bone or muscle tissue.

(f) The ultrastructure of *Chlamydomonas* organelles.

(g) The mechanism of recombination in mitochondrial DNA from yeast.

(h) The ability of parathyroid hormone receptors on cell membranes to bind parathyroid hormone.

Predoctoral students will learn to use the article as part of their training in cell and molecular biology, developmental biology, physiology and genetics. Application received by Commissioner of Customs: February 23, 1981.

Docket No. 81-00146. Applicant: Sandia National Laboratories, Albuquerque, New Mexico 87185. Article: Xenon Chloride Laser. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to study collective acceleration of ions resulting from 2-photon ionization of NN dimethyl aniline. The dimethyl aniline will be ionized by the xenon chloride laser to provide an ionization front which will in turn result in the acceleration of ions. Ultimately this technique could produce very intense high energy ion sources for controlled fusion research. Application received by Commissioner of Customs: February 23, 1981.

Docket No. 81-00147. Applicant: Harvard University, 12 Oxford Street, Cambridge, MA 02138. Article: Excimer Pumped-Dye Laser System. Manufacturer: Lambda Physik, GmbH and Co., West Germany. Intended use of article: The article is intended to be used to provide a source of coherent radiation in the ultraviolet and visible spectral regions with both high average and peak power. The high peak and average power and wide tuning range will be used to do unique multiphoton, emission and time resolved experiments to determine the electronic structure, the photophysics and photochemistry of organic and organometallic molecules. The article will also be used by several graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical research. Application received by Commissioner of Customs: February 23, 1981.

Docket No. 81-00148. Applicant: University of Washington, Seattle, WA 98195. Article: NMR Spectrometer, Model WM-500. Manufacturer: Bruker Analytische Messtechnik, GmbH, West Germany. Intended use of article: The article is intended to be used for training graduate students in modern chemical research methods in the course Chemistry 600. Application received by Commissioner of Customs: February 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-11483 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-25-M

Methyl Alcohol From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on methyl alcohol from Canada. The review covers the one known exporter to the United States, Alberta Gas Chemicals, Ltd., and the period from December 19, 1978 through June 30, 1980. This review indicates the existence of dumping margins during the entire period.

As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between purchase price (or exporter's sales price, where appropriate) and foreign market value on shipments occurring during the period. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 27, 1979, a dumping finding with respect to methyl alcohol from Canada was published in the **Federal Register** as Treasury Decision 79-210 (44 FR 44154). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act the Department has conducted an administrative review of the finding on methyl alcohol from Canada. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of methyl alcohol which are currently classifiable under items 427.9600 and 427.9700 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of methyl alcohol from Canada to the United States, Alberta Gas Chemicals, Ltd. This review covers the period from December 19, 1978, the date of suspension of liquidation, through June 30, 1980. For purposes of comparison, the firm's sales were considered in three categories: those made to United States producers of

formaldehyde, those made to United States firms which do not produce formaldehyde, and those made to United States co-producers of methyl alcohol. A fourth category, shipments made on behalf of U.S. co-producers of methyl alcohol pursuant to a "swap" contract between Alberta Gas Chemicals, Ltd. and those companies, was not considered. These shipments will be included in the Department's next administrative review.

Purchase Price

The Department used purchase price, as defined in section 772 of the Tariff Act and in section 203 of the 1921 Act, in cases where sales were made to unrelated purchasers. Purchase price was calculated on the basis of the delivered, duty-paid price. Where applicable, deductions were made for U.S. and Canadian freight and U.S. duty. No other adjustments were claimed or allowed.

Exporter's Sales Price

The Department used exporter's sales price, as defined in section 772 of the Tariff Act and section 204 of the 1921 Act, in cases where sales were made to a related U.S. purchaser. Exporter's sales price was calculated on the basis of the delivered, duty-paid price from the related U.S. firm to the unrelated U.S. purchasers. Where applicable, deductions were made for U.S. and Canadian freight, U.S. duty, and selling expenses in accordance with section 353.10 of the commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

The Department used foreign market value, as defined in section 773 of the Tariff Act and in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Alberta Gas Chemicals, Ltd. sold 59.6% of its total production in the home market during the covered period, and home market sales were 81.1% of all non-U.S. sales. The home market prices are based on delivered prices with an adjustment for Canadian inland freight. When home market price is compared to exporter's sales price, we made an additional adjustment for home market selling expenses as an offset to selling expenses in the U.S. market, in accordance with § 353.15 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of purchase price or exporter's sales price to foreign market value, we preliminarily determine, based on a weighted average across all three classes of purchasers, that the following margins exist:

Alberta Gas Chemicals, Ltd.

Time period	Margin (percent)
12/19/78-03/31/79	61.42
04/01/79-06/30/79	57.39
07/01/79-09/30/79	24.96
10/01/79-12/31/79	19.60
01/01/80-03/31/80	23.71
04/01/80-06/30/80	8.75

Interested parties may submit written comments on these preliminary results on or before May 18, 1981 and may request disclosure and/or a hearing on or before May 1, 1981. A request for administrative protective order must be made within five days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made, with purchase dates or export dates, as appropriate, during the time period involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages listed above. The Department will issue separate appraisement instructions directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 13, 1981.

[FR Doc. 81-11505 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one project for a 12 month period beginning September 1, 1981 to serve Rochester (New York) SMSA. The Project will operate at a cost not to exceed $110,000. The Project I. D. Number is 02-10-80020-01.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The General Business Services Program of the Minority Business Development Agency (MBDA) provides technical assistance without charge to eligible minority business persons and minority-owned firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either not for profit or commercial entities). These firms must be capable of providing such services as preparation of business plans, financial analysis, industrial management assistance, personnel management services, marketing planning and a broad range of other business services excluding legal services.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, New York Regional Office, 26 Federal Plaza, Room #36-116, New York, New York 10278.

In requesting an application kit, the applicant must specify its profit status; i.e., State or local government, Federally recognized Indian tribal units, educational institutions, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of May 21, 1981. Detailed submission procedures are outlined in each application kit.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: April 8, 1981.

Ralph J. Perez,

Regional Director (Acting).

[FR Doc. 81-11436 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration (NOAA)

Availability of Postdoctoral Research Grants

ACTION: Notice.

SUMMARY: NOAA's Office of University Affairs is making available to institutions of higher education a limited number of postdoctoral research grants in the areas of atmospheric sciences, oceanic sciences, fisheries sciences, and related fields. NOAA anticipates making grant awards by August 1981.

DATES: In order to insure consideration for funding for the 1981-82 academic year, completed research proposals must be received from universities on or before June 10, 1981.

ADDRESS: NOAA Office of University Affairs, Room 5808, Main Commerce Building, Washington, D.C. 20230.

FOR FURTHER INFORMATION AND GUIDANCE CONTACT: Dr. Earl Droessler, (202) 377-5020.

SUPPLEMENTARY INFORMATION: Additional information and informal guidelines for submittal of research proposals are now available. Request guidelines from the above listed address.

NOAA anticipates funding on an annual basis up to six one-year or two-year nonrenewable grants to sponsor the research of investigators who have received their Ph.D.'s since January 1, 1979, or will receive them before June 10, 1981. Awards will be made on the basis of a proposal's scientific merit, competence of the principal investigator, and the likelihood of achieving results of value to the NOAA mission. A NOAA review board will consider all applications.

It is estimated that funds up to $40,000 per year will be available to provide for a postdoctoral $21,000 stipend, applicable fringe benefits, supplies, publication, travel, and indirect costs. As a special provision of the awards, each postdoctoral researcher will be asked to establish a visiting relationship with a suitable NOAA laboratory or other facility and to be in residence there up to one month each year to learn firsthand about NOAA's scientific program needs and to communicate on the postdoctoral research program and its results.

Dated: April 8, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-11435 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-12-M

Marine Mammals Endangered Species; Issuance of Permit

On March 6, 1981, notice was published in the **Federal Register** (46 FR 15529), that an application had been filed with the National Marine Fisheries Service by Theater of the Sea Inc., P.O. Box 407, Islamorda, Florida 33036, for a permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on April 10, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Theater of the Sea Inc., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: April 10, 1981.

Robertt K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-11526 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals Endangered Species; Issuance of Permit

On February 23, 1981, Notice was published in the **Federal Register** (46 FR 13541), that an application had been filed with the National Marine Fisheries Service by Mr. & Mrs. John Straley, Box 273, Sitka, Alaska, for a Scientific Research and Scientific Purposes permit to take up to 100 humpback whales by harassment.

Notice is hereby given that on April 13, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) to Mr. & Mrs. John Straley subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 13, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-11527 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Groundfish Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: the Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Groundfish Subpanel, which will meet to discuss the proposed yellowtail flounder survey and the interim groundfish fishery management plan.

DATES: The public meeting will convene on Monday, May 11, 1981, at approximately 7 p.m., and will adjourn at approximately 10 p.m. the meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the Holiday Inn, Box 883, Route 25, Exit 72 of the Long Island Expressway, Riverhead, New York.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2116, Federal Building, North and New Streets, Dover, Delaware 19901.

Dated: April 13, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-11525 Filed 4-15-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program (NVLAP); Quarterly Report

Correction

Note.—This document originally appeared in the **Federal Register** for Friday, April 10, 1981 (46 FR 21405, FR Doc. 81-10910). It is reprinted in this issue in its entirety to correct typographical errors.

This report covers the period from January 1 to March 31, 1981 and has been prepared in accordance with §§ 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) procedures (15 CFR Parts 7a, 7b, and 7c). In addition, to fulfull the requirements of §§ 7a.17(c), 7b.17(c), and 7c.17(c) of the procedures, notice of accreditation actions under NVLAP for the month of March are included in this report. No accreditation actions occurred during January or February.

Accreditation Actions

A total of five laboratories were accredited on March 23, 1981 under the laboratory accreditation program (LAP) for freshly mixed field concrete (Concrete LAP). The terms of these accreditations are valid for one year from the date that each accreditation was granted, unless otherwise revoked due to violation of the criteria or other conditions of accreditation, or terminated at the request of the laboratories. An alphabetical listing of the five accredited laboratories and the test methods for which each is accredited is shown in Appendices 1 and 2.

NVLAP accreditation shall in no way relieve any laboratory from the necessity of observing and complying with any existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to operations including consumer protection and antitrust laws.

Laboratories seeking NVLAP accreditation may now apply at any time during the year for initial entry into NVLAP, for additional LAPs, and for additional test methods within existing LAPs. Applications will be reviewed and laboratory assessments will be conducted on a continual basis. Requests for a NVLAP application should be addressed to the NVLAP Coordinator, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

Insulation LAP

The LAP for thermal insulation materials has 56 test methods for which accreditation may be granted. A total of 37 laboratories are currently accredited to perform one or more of these test methods.

In a letter of January 31, 1981, the U.S. Department of Energy requested DOC to include three test methods relative to urea-formaldehyde foam insulation, under the insulation LAP, in addition to those requested by their letter of December 2, 1980. Action by DOC on this request has been suspended pending the outcome of a Consumer Product Safety Commission decision on whether to ban the use of urea-formaldehyde foam.

Concrete LAP

The LAP for freshly mixed field concrete has two groups of test methods (with one optional test method) for which accreditation may be granted. A total of 45 laboratories are currently accredited under the Concrete LAP.

Carpet LAP

The LAP for carpet has 12 test methods for which accreditation may be granted. A total of 23 carpet testing laboratories are currently accredited for one or more of these test methods.

Potential LAPs

A determination of whether there is a need for a LAP to accredit laboratories that provide acoustical testing services is expected during the second quarter of 1981. Comments received in response to the November 10, 1980, **Federal Register** notice (45 FR 74684-74686) of a preliminary finding of need are still being analyzed.

A final finding of need to accredit laboratories that provide electromagnetic calibration services is still being considered. The technical details of implementing such a LAP are being analyzed.

On January 29, 1981 (46 FR 9689-9690), DOC published a request from the U.S. Nuclear Regulatory Commission (NRC) dated December 23, 1980, to develop a program for accrediting processors of personnel dosimeters. Personnel dosimeters are carried or worn by workers of NRC licensees to measure occupational exposure to ionizing radiation. Dosimeters are collected at prescribed intervals by the licensee and processed by a dosimetry service (testing laboratory) which is provided in-house by the licensee or by a commercial processor. NRC will submit recommendations shortly for criteria to be used in the accreditation of personnel dosimetry processors.

On March 17, 1981 (46 FR 17073-17074), DOC published a request from the U.S. Department of Housing and Urban Development (HUD) dated December 4, 1980, to develop a program to accredit laboratories that test solid fuel room heaters in accordance with Underwriter's Laboratories (UL) standards UL 737 and UL 1482 and the 1981 HUD Minimum Property Standards. HUD recommended that general and specific criteria, as published on January 23, 1980 (45 FR 5572-5600), be used to accredit these laboratories. A DOC announcement of the availability of the program to the laboratories will await the development of specific technical details to be determined after public workshops on the matter, and pertinent results of formal reviews or reassessments.

Proposed Amendment

On January 27, 1981 (46 FR 8910-8919), DOC published a proposed amendment to the NVLAP procedures. The proposal would amend the procedures in three ways.

First, it would add to the procedures the general and specific criteria which testing laboratories must meet in order to be accredited by DOC. This would establish universal criteria for evaluating laboratories in all product or service areas. The use of universal criteria is intended to enhance uniform evaluation of laboratories, to prevent the possibility of conflicting criteria among LAPs, and to minimize accreditation costs to the laboratory. Changes or additions to the criteria could be made when needed in some product or service areas.

Second, it would eliminate the need to establish National Laboratory Accreditation Criteria Committees to develop and recommend criteria for each LAP. In the past the criteria committees also served as an informal source of information on precision and accuracy expectations for test methods, on proficiency testing approaches, on materials and protocols for assessing a laboratory's performance, and on implementation of the criteria for each test method within a LAP. In order to continue to receive this valuable technical information, DOC plans to hold workshops for specific product or service areas. These workshops will be open to anyone from the public or private sectors interested in the specific LAP.

Third, it would establish a National Laboratory Accreditation Advisory Committee to provide advice to DOC on the NVLAP accreditation process, amendments to the criteria, and accreditation on the national and international levels.

Comments on this proposed amendment were due March 30, 1981 and are currently being analyzed.

Dated: April 7, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Appendix 1.—Listing of Laboratories Accredited by the United States Department of Commerce Under Provisions of the National Voluntary Laboratory Accreditation Program and the Test Methods for Which Each Laboratory is Accredited [1]

American Testing Laboratories, Inc.

[Attn: Mr. John S. Kassees, P.O. Box 4014, 784 Flory Mill Road, Lancaster, Pennsylvania 17604, Phone: (717) 569-0488]

NVLAP code	Test method designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Note.—Accreditation is granted on 3/23/81 and expires on 3/22/82.

Arizona Sand Rock Company

[Attn: Mr. Roy Stegall, P.O. Box 20067, 1801 East University Drive, Phoenix, Arizona 85036, Phone: (602) 254-8465]

NVLAP code	Test method designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.

[1] It should be noted that testing laboratories accredited by the Secretary of Commerce under these procedures are in no manner immune from the necessity of being in compliance with all legal obligations and responsibilities imposed by existing Federal, State, and local laws, ordinances, and regulations, including those related to consumer protection and antitrust prohibitions.

Arizona Sand Rock Company—Continued

[Attn: Mr. Roy Stegall, P.O. Box 20067, 1801 East University Drive, Phoenix, Arizona 85036, Phone: (602) 254-8465]

NVLAP code	Test method designation	Short title
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Note.—Accreditation is granted on 3/23/81 and expires on 3/22/82.

Atlantic Testing Laboratories, Limited, Cicero Division

[Attn: Mr. Spencer Thew, P.O. Box 356, Cicero, New York 13039, Phone: (315) 699-5281]

NVLAP code	Test method designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Note.—Accreditation is granted on 3/23/81 and expires on 3/22/82.

Soil Testing Services of Carolina, Inc.

[Attn: Mr. Henry Lucas, P.O. Box 12015, Research Triangle Park, North Carolina 27709, Phone: (919) 787-5124]

NVLAP code	Test method designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.
02/A02	ASTM C173	Air Content of Freshly Mixed Concrete by the Volumetric Method.

Note.—Accreditation is granted on 3/23/81 and expires on 3/22/82.

Standard Concrete Material, Incorporated

[Attn: Mr. James H. Sprouse, 1409 East Warner Avenue, Suite C, Santa Ana, California 92705, Phone: (714) 953-7352]

NVLAP code	Test method designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.

Standard Concrete Material, Incorporated—Continued

[Attn: Mr. James H. Sprouse, 1409 East Warner Avenue, Suite C, Santa Ana, California 92705, Phone: (714) 953-7352]

NVLAP code	Test method designation	Short title
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.

Note.—Accreditation is granted on 3/23/81 and expires on 3/22/82.

Appendix 2.—List of Test Methods and the Laboratories Accredited To Perform Each Test Method

Concrete LAP Test Methods

02/M01 ASTM C31 Making and Curing Concrete Test Specimens in the Field
02/M03 ASTM C172 Sampling Fresh Concrete
02/P01 ASTM C143 Slump of Portland Cement Concrete
02/W01 ASTM C138 Unit Weight, Yield, and Air Content (Gravimetric) of Concrete
02/A01 ASTM C231 Air Content of Freshly Mixed Concrete by the Pressure Method
02/S01 ASTM C39 Compressive Strength of Cylindrical Concrete Specimens
02/A02 ASTM C173 Air Content of Freshly Mixed Concrete by the Volumetric Method

American Testing Laboratories, Inc., Lancaster, Pennsylvania
Arizona Sand and Rock Company, Phoenix, Arizona
Atlantic Testing Laboratories, Limited, Cicero, New York
Soil Testing Services of Carolina, Inc., Research Triangle Park, N. Carolina
Standard Concrete Material, Incorporated, Santa Ana, California [1]

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Announcement of System of Records.

SUMMARY: The purpose of this document is to publish notice of a Health Unit Medical Records system of records at the Consumer Product Safety Commission.

DATES: Comments must be received on or before June 15, 1981.

[1] This laboratory did not apply for accreditation for test method 02/A02—ASTM Method C173.

ADDRESSES: Comments should be sent to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Attorney, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone: (202) 634–7770.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission maintains Health Units at its Headquarters Offices in Washington, D.C. and Maryland to provide various health services to its employees, as authorized by 5 U.S.C. 7901 and OMB Circular No. A–72, Federal Employees Occupational Health Service Programs. The Health Units are operated by contractor personnel. The Commission has provided health services to its employees in the Washington, D.C. area since January, 1975. In accordance with normal medical practice, records are kept for each employee who has visited a Health Unit.

This system of records was not published previously due to administrative oversight. Since suspending operation of the system would require reduction in employee health services and would therefore adversely affect the public interest, the Commission has requested OMB to waive the 60 day advance notice requirement in accordance with the waiver provisions of Transmittal Memorandum No. 3 (dated May 17, 1976) of OMB Circular No. 108.

Dated: April 9, 1981.

Sadye E. Dunn,

Secretry, Consumer Product Safety Commission.

CPSC-23

SYSTEM NAME:

Health Unit Medical Records—CPSC–23

SYSTEM LOCATION:

CPSC Employee Health Unit, 5401 Westbard Avenue, Bethesda, Md. 20207 and CPSC Employee Health Unit, 1111 18th Street, NW., Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CPSC Headquarters employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of CPSC employees who have received health care or health maintenance examinations in the Employee Health Units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901, 44 U.S.C. 101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To document single incidences of walk-in patients' symptoms and treatment.

b. To maintain a continuing history file on each patient.

c. To document the treatment of those patients requiring recurrent administration of allergy injections and other injections such as travel immunizations.

d. To document physical examinations, complete with histories and laboratory reports (physicals normally limited to employees age 40 and over, and CPSC laboratory personnel).

e. To document results of "Mini-Physical" examinations performed by Health Unit nurses.

f. For use by Health Unit nurses and doctors, and the Commission's Medical Director, in the course of providing medical treatment and advice to Commission employees.

g. To report individual cases of certain diseases and injuries to Federal, state, and local health authorities, as required by law.

h. To make available records of occupational injuries and illnesses to Federal and state health officials as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records, primarily handwritten or typed cards and forms, plus EKG tracings mounted on forms, are stored in locked file cabinets.

RETRIEVABILITY:

Filed alpabetically by patient's name.

SAFEGUARDS:

Access to records is limited to Health Unit personnel and the CPSC Medical Director. Records are released only upon written request of the employee.

RETENTION AND DISPOSAL:

Records are retained for duration of CPSC employment. On termination of employment records are given to employee or forwarded to employee's physician as requested by employee. If terminated employee does not take possession of his or her records or direct that they be forwarded to a physician, the records are sealed and sent to the personnel Office for inclusion in the employee's official personnel folder, which is sent to the Federal Records Center in St. Louis for retention, or to a new Federal employer, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Director, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland 20207.

NOTIFICATION PROCEDURE:

Same as System Manager.

Record access procedures:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the employee to whom a record pertains, Health Unit personnel, the CPSC Medical Director, an employee's personal physician when the employee approves, witnesses of accident or illness incidents, and medical records transferred from an employee's previous employer.

[FR Doc. 81-11472 Filed 4-15-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Medical Research and Development Advisory Panel; Subcommittee on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel; Subcommittee on Parasitic Diseases.

Date of Meeting: 20 May 1981.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 20 May 1981 from 0830 to 0945 hrs to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 0945–1200 hrs and from 1300–1600 hrs on 20 May for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research

subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 81-11439 Filed 4-15-81; 8:45 am]

BILLING CODE 3710-08-M

U.S. Army Medical Research and Development Advisory Panel; Subcommittee on Surgery; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Surgery.

Date of Meeting: 15 May 1981.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meeting will be open to the public on 15 May 1981 from 0900-0930 hrs to discuss the scientific research program on Surgery, Letterman Army Institute of Research. Attendance by the public at open session will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0930-1715 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

J. Ryan Neville, Ph.D., Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 81-11438 Filed 4-15-81; 8:45 am]

BILLING CODE 3710-08-M

Defense Nuclear Agency

Privacy Act of 1974; Notice of Amendment to a System of Records Notice

AGENCY: Defense Nuclear Agency, DOD.

ACTION: Amendment to a system of records notice.

SUMMARY: The Defense Nuclear Agency proposes to amend the systems notice for system of records HDNA004, Nuclear Weapons Accident Exercise Personnel Radiation Expower Records which is subject to the Privacy Act of 1974, Pub. L. No. 93-579 (5 U.S.C. 552a). The language used in the routine use section of the notice is being amended to better clarify the exact uses are made of information in the system. The amendments along with the complete system notice as amended is set forth below.

DATE: This amendment will be effective on May 18, 1981 unless comments are received which would result in a contrary determination.

ADDRESSES: Any public comments, including written data, views or arguments concerning the proposed action should be addressed to the system manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Robert L. Brittigan; General Counsel, Defense Nuclear Agency, Washington, D.C. 20305; telephone 202/325-7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency published a new system notices as prescribed by Privacy Act in the **Federal Register** for this system appeared at:

FR Doc. 81-10723 (46 FR 21225) April 9, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

April 10, 1981.

Amendment

HDNA004

System Name:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records System.

Changes:

Routine uses

Of records maintained in the system including categories of users and the purposes of such uses:

External Users, Uses and Purposes:

Delete the entire entry and add.

"Officials and employees of other Department of Defense component, government contractors, other national, state or local government organizations and foreign governments, in the performance of official duties related to evaluating and/or reporting and documenting radiation documentary data.

Officials of government investigatory agencies in performance of their official duties relating to enforcement of Federal rules and regulations pertaining to occupational safety and health."

* * * * *

HDNA004

SYSTEM NAME:

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records System.

SYSTEM LOCATION:

Field Command, Defense Nuclear Agency (FCDNA), Kirtland AFT, NM 87115.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Department of Defense, Department of Energy, other government agencies, including state and local, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains following information on individuals (not all information is appropriate to all categories of individuals covered by the system and the system also contains data of a nonpersonal nature):

Name, Social Security Account Number; Date of Birth; Service; Grade/Rank; speciality code, job series or profession; experience with radioactive materials such as classification as "radiation worker", use of film badge or other dosimetric device, respiratory protection equipment training and actual work in anticontamination clothing and respirators; awareness of radiation risks associated with exercise; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individual's radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 CFR Parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1590 (Occupational Safety and Health Act of 1970) and 29 CFR Subparts 1910.20 and

1910.96; Executive Order 12196, Feb. 26, 1980, (Occupational Safety and Health Programs for Federal Employees).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Internal Users, Uses, and Purposes:

Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

External Users, Uses and Purposes:

Officials and employees of other Department of Defense components, government contractors, other national, state, and local government organizations, and foreign governments, in the performance of official duties related to evaluating and/or reporting and documenting radiation dosimetry data. Officials of government investigatory agencies in the performance of their official duties relating to enforcement of Federal rules and regulations pertaining to occupational safety and health.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tapes, discs, computer printouts and/or punched cards. Manual records are stored in paper file folders, card files and/or paper rosters.

RETRIEVABILITY:

Records are normally retrieved by individual's last name or social security account number; records may also be retrieved by Service, organization/employer, dose results or other input data.

SAFEGUARDS:

The computer facility and terminals are located in restricted areas accessible only to authorized personnel and computer access is password protected. Manual records and computer printouts are available only to authorized persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

RETENTION AND DISPOSAL:

Computer memory is cleared at the end of each work day. Manual records will be retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, ATTN: Radiological Safety Officer.

NOTIFICATION PROCEDURE:

Information may be obtained from Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, Telephone: area code (505) 844-6487.

RECORD ACCESS PROCEDURES:

Requests for information should be addressed to Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115. Written requests for information should contain the full name, home address, social security account number, and date of birth. For personal visits, the individual must be able to provide identification showing full name, date of birth and social security account number. Current employers may be furnished dosimetry data on their employees. Upon request, future employers may be provided dosimetry data; however, the request must include signed authorization from the employee to release the information.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by a contractor or government dosimetry service, or (4) developed by radiation measurements at the exercise site.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-11474 Filed 4-15-81; 8:45 am]

BILLING CODE 3810-70-M

Scientific Advisory Group on Effects (SAGE); Closed Meeting

NAME OF COMMITTEE: Scientific Advisory Group on Effects (SAGE).

DATES: May 4-7, 1981.

PLACE: Presidio, San Francisco, California.

AGENDA: 4 May (1400-1700) and 5 through 7 May (0830-1700): Presentations, Discussions and Executive Sessions on Theater Nuclear Force Employment.

The presentations and discussions in the above cited agenda will focus on current and planned RDT&E programs sponsored by the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA as to the adequacy of ongoing and planned programs. All planned presentations, discussion, and executive sessions will include classified defense information; therefore, under the provisions of Sections 552b(c)(1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Any additional information concerning the meeting may be obtained from LTC Roger C. Andrews, ATTN: DDST, Headquarters, Defense Nuclear Agency, Washington, D.C. 20305, telephone 325-7300.

M. S. Healy,

Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 10, 1981.

[FR Doc. 81-11456 Filed 4-15-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy

Board of Advisors to the President, Naval War College; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Board of Advisors to the President, Naval War College, will meet on June 4, 1981, in room 210, Conolly Hall, Naval Education and Training Center, Newport, Rhode Island. The meeting will commerce at 8:30 a.m. and terminate at approximately 4:30 p.m.

The purpose of the meeting is to elicit the advice of the Board on education, doctrinal, and research policies and programs of the Naval War College.

For further information concerning the meeting, contact: Commander William M. Tschudy, U.S. Navy, Executive Assistant to the Dean of Academics, Naval War College, Newport, Rhode Island 02840. Telephone number (401) 841-2245.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

April 8, 1981.

[FR Doc. 80-11441 Filed 4-15-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Deletion

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for one system of records subject to the Privacy Act of 1974. This system of records is being cancelled due to the fact it is adequately covered by the OPM/GOVT–8 system notice.

DATE: This deletion shall be effective May 18, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register.**

FR Doc. 81–897 (46 FR 6427) January 21, 1981
FR Doc. 81–5568 (46 FR 12772) February 16, 1981
FR Doc. 81–6246 (46 FR 14031) February 25, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7597 (46 FR 16114) March 11, 1981
FR Doc. 81–8041 (46 FR 16926) March 16, 1981
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8281 (46 FR 17243) March 18, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20260) April 3, 1981

This proposed deletion is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 10, 1981.

[FR Doc. 81–11473 Filed 4–15–81; 8:45 am]

BILLING CODE 3810–70–M

Overseas Dependents Schools, National Advisory Panel on the Education of Handicapped Dependents; Meeting

The National Advisory Panel on the Education of Handicapped Dependents will meet in open session from 9:00 AM to 4:00 PM, 21–23 April 1981 at the Holiday Inn, 2460 Eisenhower Avenue, Alexandria, Virginia.

The mission of the Panel is to advise the Director, DoD Dependents Schools (DoDDS), of unmet needs within the system for the education of handicapped children, to comment publicly on rules and regulations proposed for issuance by the Office of Dependents Schools (ODS) concerning education for the handicapped and on procedures for distribution of funds, and to assist ODS in developing and reporting all data and evaluation as may assist the Director in performance of his responsibilities under section 618 of Pub. L. 94–142.

The Panel will review the following areas: policy; personnel development; parent and consumer information and education; administration; budget; program development; and communications.

This meeting is open to the public; however, due to space constraints, anyone wishing to attend should contact the ODS coordinator, Dr. Diane Goltz, Special Education Coordinator, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, (202) 325–7810.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 10, 1981.

[FR Doc. 81–11506 Filed 4–15–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Full Council of the National Advisory Council on Indian Education and, also describes the functions of the Council. Notice of the meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend and, also to notify the general public that the first day of the Full Council meeting will be closed to the public, which is May 1, 1981. May 2–3, 1981, will be open to the public.

DATES: Full Council Meeting: May 1, 1981, 9 a.m. to 5 p.m. and, May 2, 1981, 9 a.m. to 5 p.m. and, May 3, 1981, 9 a.m. to 5 p.m.

ADDRESS: Sheraton Hotel-Anchorage, 401 E. Sixth Avenue, Anchorage, Alaska 99501 (907) 276–8700.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the

Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The full Council meeting will be closed to the public on May 1, 1981, from 9:00 a.m. to 5:00 p.m. for the purpose of receiving the report of the National Advisory Council on Indian Education's Search Committee and to review applications of highly qualified candidates for the position of Deputy Assistant Secretary for Indian Education in which to identify a list of nominees to submit to the Secretary of Education, as per Pub. L. 92–318, Part D, Section 441(a). The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act [Public Law 92–463; 5 U.S.C. Appendix I and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Public Law 94–409; 5 U.S.C. 552b(c)(2) and (6))]. The reviewing of the applications of the highly qualified candidates will touch upon many matters which would constitute a serious invasion of privacy if conducted in open session. The rest of the Full Council meeting on May 2–3, 1981, will be open to the public. The meeting will be held at the Sheraton Hotel-Anchorage, 401 E. Sixth Avenue, Anchorage, Alaska, 99501, (907) 276–8700.

The proposed agenda includes:

(1) Executive Director's report
(2) Action on previous minutes
(3) Committee discussions and reports
(4) Review of NACIE FY 1981 budget
(5) Plans for future NACIE activities
(6) Regular Council business
(7) Public Testimony

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004. A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Dated: April 2, 1981.

Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-11491 Filed 4-15-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Legislative, Rules and Regulations Committee; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming preliminary hearing of the Legislative, Rules and Regulations Committee of the National Advisory Council on Indian Education concerning the reauthorization of the Indian Education Act, Public Law 92–318, which expires September 30, 1983. Written testimony is required. Oral testimony is limited to a 5–10 minute summary of the written testimony. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: Preliminary Hearing: May 4, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Sheraton Hotel-Anchorage, 401 E. Sixth Avenue, Anchorage, Alaska 99501 (907) 276–8700.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, N.W., Suite 326, Washington, D.C. 20004 (202) 376–8882.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secreary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81–874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92–318 and amended by Pub. L. 93–380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81–874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92–318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81–874) as added by Title IV, Part A, of Pub. L. 92–318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92–318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The hearing will be open to the public. This hearing will be held at the Sheraton Hotel-Anchorage, 401 E. Sixth Avenue, Anchorage, Alaska 99501, (907) 276–8700.

The proposed agenda includes: Preliminary public hearings of the reauthorization of the Indian Education Act, Public Law 92–318.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Dated: April 9, 1981.

Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-11492 Filed 4-15-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Eddy Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed a Consent Order and provides an opportunity for potential claims against the refunds deposited in an escrow account pursuant to the Consent Order.

DATE: Effective Date: December 30, 1980.

NOTICES OF CLAIM BY: May 18, 1981.

ADDRESS: Send Notices of Claim to: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, U.S. Department of Energy, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, (202) 653–3548.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Office of Enforcement of the ERA executed a Consent Order with Eddy Refining Company (Eddy) of Houston, Texas. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding interest and civil penalties, becomes effective upon its execution.

I. The Consent Order

Eddy Refining Company, with its home office located in Houston, Texas, is a refiner, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Eddy, the Office of Enforcement, ERA, and Eddy entered into a Consent Order, the significant terms of which are as follows:

1. The period of the audit was from November 1974 through September 1979 and included all Eddy's submissions of forms ERA–49 and its predecessor forms P–102–M.

2. DOE alleges that Eddy, in its form P–102–M pertaining to the month of April 1976, failed to make subsequent adjustments to its crude oil receipts to reflect a miscertification of 3,654 barrels of lower tier crude oil which was reported as upper tier crude oil. DOE alleges that, therefore, Eddy in its erroneous filings, violated the provisions of 10 CFR 211.66(b) and (h) and 211.67(j).

3. Eddy agreed to refund $24,892.35, inclusive of interest.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

A. Disposition of Refunded Overcharges

Pursuant to the Consent Order, Eddy refunded, in full settlement of all civil liability, (excluding civil penalties), with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I above during the settlement period, the sum of $24,892.35. Refunded overcharges were in the form of a certified check made payable to the United States Department of Energy and were delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with appliable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that violation amounts have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

B. Civil Penalty

Eddy paid the sum of $750.00 as a civil penalty in regard to the above described transactions during the settlement period.

III. Submission of Notices of Claim

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

You should send your written notification of a claim to Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, ERA, 2000 M Street, N.W., Room 5114, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling Stanley S. Mills, (202) 653–3548.

You should identify your written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Notice of Claim to Eddy Refining Company Consent Order." We will consider all Notices of Claim we receive by 4:30 p.m., local time on May 18, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 10th day of April 1981.

James J. Fenton,

Acting Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81–11515 Filed 4–15–81; 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[AS FRL 1805–3]

Science Advisory Board; Ecology Committee; Task Group on Marine Ecosystem Monitoring; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the Task Group on Marine Ecosystem Monitoring of the Ecology Committee, Science Advisory Board, will be held on May 4, 5, 6, 1981, beginning at 9:30 a.m. on May 4, and at 9:00 a.m. on May 5 and 6, in Room 1101, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C.

This is the fourth meeting of the Task Group on Marine Ecosystem Monitoring. The Task Group was established to examine marine ecosystem monitoring and the utility of data gathered to the mandates of the Environmental Protection Agency (EPA). The agenda

includes a briefing on the Federal Plan for Marine Pollution Research and Development Monitoring, remote sensing and other monitoring methodologies, data analyses, and site selection. It is anticipated that the afternoon of May 5 and May 6 will be devoted to working/writing sessions.

The meeting is open to the public. Because of limited seating capacity of the meeting room, all members of the public must register no later than April 30, 1981, and receive a confirmed reservation from Dr. J Frances Allen, Staff Officer, Science Advisory Board, or Ms. Anita Najera, 202–472–9444.

Dated: April 10, 1981.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

[FR Doc. 81-11445 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-34-M

[FRL 1805-2]

Science Advisory Board; Health Risk Assessment Subcommittee; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the Subcommittee on Health Risk Assessment of the Science Advisory Board will be held on May 13, 1981 in Conference Room 727A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. The meeting will start at 9:00 a.m. To reach Conference Room 727A, take any of the elevators to the 7th floor and follow the Corridor A signs.

The principal purpose of the meeting will be to continue to provide advice to the Agency on the conduct and content of the Risk Analysis Program of EPA's Office of Air Quality Planning and Standards (OAQPS). Specifically, the purpose will be (1) to discuss and comment on the most recent OAQPS Risk Assessment Program Plan and (2) to assist in a final evaluation of the F/B Risk Assessment Method (developed by and named after an OAQPS analyst, Thomas B. Feagans, and a contractor, Dr. William F. Biller). There will also be briefings and discussions on (3) the status of projects for the development of alternative risk assessment methods (the Merkhofer and the Winkler/Sarin approach); (4) preliminary results of an investigation of behavioral psychology issues by Dr. Thomas Wallsten of the University of North Carolina; and, as time permits, (5) other Agency activities or items of interest to the Subcommittee.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, or wishing further information should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. May 8, 1981. Please ask for Mrs. Patricia A. Howard or Ms. Bernadine Davis. The telephone number is (202) 472–9444.

Ernst Linde,

Acting Staff Director, Science Advisory Board.

April 8, 1981.

[FR Doc. 81-11446 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-34-M

[OPTS-53021A; TS FRL 1805-6]

Toxic Substances Control; Premanufacture Notices Monthly Status Report for December 1980; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the chemical identities of two premanufacture notices (PMN) submitted by Mobil Chemical Co. that appeared in the PMN Monthly Status Report for December 1980 as required by section 5(d)(3) of the Toxic Substances Control Act (TSCA).

SUPPLEMENTARY INFORMATION: In the December 1980 PMN Status Report published in the **Federal Register** of February 17, 1981 (46 FR 12542) the chemical identities for PMN's 80–349 and 80–350 were incorrect.

In the FR Doc. 81–5280, appearing at page 12542 under the heading "1. Premanufacture Notices Received During the Month", the chemical identity for PMN No. 80–349 should read, "Sunflower oil, polymer with benzoic acid, pentaerythritol, and isophthalic acid" and PMN No. 350 should read, "Rosin polymers with glycerol, phthalic anhydride, and sunflower oil."

Dated: April 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

[FR Doc. 81-11447 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-31-M

Certain Chemicals; Premanufacture Notices

[OPTS-51248; TS FRL 1805-7]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5 (d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides as summary of each.

DATE: Written comments by May 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

	Notice manger	Telephone	Room number
For PMN number 81–116, 81–117, 81–119 and 81–120.	Cynthia Work	(202–755–9315)	E–229.
81–118	David Dull	(202–755–9315)	E–229.

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances complied by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commerical purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interm Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms.

In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will public an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedure.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review periods ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51248]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-116

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted hydroxy ether of an alkanoic acid ester.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an industrial use as a component of coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	1,000
2d year	500	20,000
3rd year	5,000	50,000

Physical/Chemical Properties

% Non-volatile—100% (Assumed).
Viscosity at 25°C—1,250-1,350 cps.
Acid value—<8.
Color—5-8.

Toxicity Data

Ames *Salmonella*/microsome (with and without metabolic activation)—Non-mutagenic.

Acute oral toxicity LD_{50} (albino rats)—>5.0 g/kg.

Primary eye irritation (albino rabbits)—Minimally irritating.

Acute eye irritation hazard category—4.

Exposure. The manufacturer states that 70 manufacturing and processing workers could have skin exposure to the new chemical 8 hr/da, 10-15 da/yr during filling, sampling, and cleaning operations. At a site not controlled by the submitter, 100 processing workers could have skin exposure during transferring, sampling, and cleaning operations at an average concentration of 10-100 ppm.

Environmental Release/Disposal. The manufacturer states that at the two sites controlled by the submitter, 20-200 kg/yr of the new substance will be released into the land. Filter sludge and sludge from distilled cleaning solvents will be disposed of in an approved chemical landfill or incinerated.

PMN 81-117

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Substituted cycloaliphatic ether) hydroxy alkyl ester.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an industrial use as a component of coatings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	1,000
2d year	500	20,000
3d year	5,000	50,000

Physical/Chemical Properties

% Non-volatile—100% (Assumed).
Viscosity at 25°C— 5,000—7,000 cps.
Acid value—<5.0.
Color—2-4.

Toxicity Data

Ames *Salmonella*/microsome (with and without metabolic activation)—Non-mutagenic.

Primary eye irritation (albino rabbits)—Positive eye irritant.

Acute eye irritation hazard category—2.

Oral toxicity test—In progress.

Skin irritation test—In progress.

Exposure. The manufacturer states that 70 manufacturing and processing workers could have skin exposure to the new chemical 8 hr/da, 10–15 da/yr during filling, sampling, and cleaning operations. At a site not controlled by the submitter, 100 processing workers could have skin exposure during transferring, sampling, and cleaning operations at an average concentration of 10–100 ppm.

Environmental Release/Disposal. The manufacturer states that at the two sites controlled by the submitter, 20–200 kg/yr of the new substance will be released into the land. Filter sludge and sludge from distilled cleaning solvents will be disposed of in an approved chemical landfill or incinerated.

PMN 81–118

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Essex Chemical Corporation, 1401 Broad Street, Clifton, NJ 07015.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane polyisocyanato silane.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used as an adhesion promoter.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	5,000
2nd year	50	50,000
3d year	50	75,000

Physical/Chemistry Properties

Viscosity at 21°C—190,000 cps.

Specific gravity—1.05–1.1.

Flash point (Setaflash)—120°F.

Color—Clear to light yellow.

Toxicity Data

Acute oral LD_{50} toxicity (male and female rats)—>5 gm/kg.

Acute eye irritation study (male, female albino rabbits)—Irritating.

Primary skin irritation (albino rabbits)—Erythema and edema were noted around test sites.

Exposure. The manufacturer states that four manufacturing and processsing workers will have inhalation exposure 20 hr/da, 10 da/yr to solvent fumes when processing a mixture containing the new chemical.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new chemical into the environment.

PMN 81–119

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN chemical will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Viscosity (estimated)—4 cps.

Boiling point at 0.005 Torr–145°C.

Toxicity Data. No data were submitted. The manufacturer states that the PMN substance will react immediately with moisture on the skin and in the eyes to produce severe thermal and chemical burns; also, on contact with air it will combust violently, forming toxic irritants.

Exposure. The manufacturer states that 26 workers manufacturing and distributing the new chemical could have eye, skin, and inhalation exposure 260 da/yr during drumming and quality control sampling. At the site of a customer using the new substance, 16 manufacturing workers could have inhalation exposure periodically to 260 da/yr.

Environmental Release/Disposal. No data were submitted. The manufacturer states that occasionally rejected batches of the PMN substance are disposed of by landfill.

PMN 81–120

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Union Carbide Corporation, Old Ridgebury Road, Danbury, CT 06817.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl aluminum halide.

Use. The manufacturer states that the PMN chemical will be used as a catalyst for polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Viscosity (estimated)—4 cps.

Boiling point at 0.006 Torr—98–112°C.

Toxicity Data. No data were submitted. The manufacturer states that the PMN substance will react immediately with moisture in the eyes and on the skin to produce severe thermal and chemical burns; also, on contact with air it will combust violently, forming toxic irritants.

Exposure. The manufacturer states that 26 workers manufacturing and distributing the new chemical could have skin, eye, and inhalation exposure 260 da/yr during drumming and quality control sampling. At the site of a customer using the new substance, 16 manufacturing workers could have inhalation exposure periodically up to 260 da/yr.

Environmental Release/Disposal. No data were submitted. The manufacturer states that occasionally rejected batches of the PMN substance are disposed of by landfill.

[FR Doc. 81-11497 Filed 4-15-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

April 9, 1981.

Petition for Stay of Effective Date and Reconsideration of Commission Action

[Oppositions to a petition for reconsideration shall be filed within 15 days after public notice of its filing is published in the Federal Register and need be served only on the person who filed the petition. Replies to an opposition shall be filed within 10 days after the time for filing oppositions has expired and need be served only on the person who filed the opposition. (See § 1.429 (f) and (g) of the Commission's Rules)].

Rule sections	Petitioner	Date received	Nature of petition
97.61 (b)(7), 97.421, 97.422, and 2.106.	The Southern California Repeater and Remote Base Association (SCRRBA).	Mar. 30, 1981	Requests stay of effective date of Order amending Parts 2 and 97; and requests reconsideration of amendments to those rule parts which provide for 50 watt power limit in two additional military areas, and which provide for communications with satellites, under certain conditions, by amateur radio stations within certain military areas.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-7054 Filed 4-15-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. A-26]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 10, 1981.

Cut-Off Date: May 22, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after May 22, 1981. Since these applications involve changes to existing facilities and a major amendment to an application for a new station which was listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with any application on the attached list will be accepted for filing.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on May 22, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

BPCT-810202KJ (KDUH-TV), Scottsbluff, Nebraska, Duhamel Broadcasting Enterprises, Channel 4, Change city of license from Hay Springs, Nebraska

BPCT-810320KH (New Major Amendment), Arecibo, Puerto Rico, Arecibo Video Corporation, Channel 54, Increase ERP Vis. to 11.78 kW

BMPCT-810401KE (WKFT-TV), Fayetteville, North Carolina, Fayetteville, Television, Inc., Channel 40, Increase ERP Vis. to 1542 kW

[FR Doc. 81-11442 Filed 4-15-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 80-95; RM-3771; RM-3165; RM-3204]

FM Broadcast Station in Bountiful, Utah; Order Extending Time for Filing Oppositions to Application for Review

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration; Extension of time for filing oppositions.

SUMMARY: Action taken herein extends the time for filing oppositions to a petition for reconsideration of the Commission's denial of a proposal to amend the FM Table of Assignments, which sought to assign FM Channel 274 to Bountiful, Utah. Busch Corporation, D. Garry Munson and John Charles Larch (petitioners in the original proceeding) request the additional time to prepare and submit oppositions.

DATE: Pleadings must be filed on or before April 20, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: April 3, 1981.

Released: April 6, 1981.

By the Chief, Policy and Rules Division.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bountiful, Utah) BC Docket No. 80-95, RM-3771, RM-3165, RM-3204. *See* 46 FR 17880. *Order extending time for filing oppositions to application for review.*

1. The Commission in a *Report and Order*, released January 30, 1981, denied General Broadcasting, Inc.'s proposal to amend the FM Table of Assignments to assign FM Channel 274 to Bountiful Utah. On March 20, 1981, Public Notice of General Broadcasting, Inc.'s Petition for Reconsideration was given. Oppositions are due to be filed on or before April 6, 1981.

2. On March 26, 1981, counsel for Busch Corporation and D. Garry Munson and John Charles Larsh (petitioners in the original proceeding) filed a joint request for an extension of time to file a response to and including April 20, 1981. Counsel states that due to prior commitments primary counsel for Busch, and for Munson and Larsh have been out of the city. Petitioner states that since certain factual issues in the petition require extensive investigation, additional time is needed to prepare and submit oppositions.

3. We believe that the public interest would be served by granting the extension so that information may be filed that may be helpful to the Commission in resolving this proceeding. As indicated in Section 1.115(d) of the Rules, the deadline for filing replies would run 10 days from the submission of an opposition.

4. Accordingly, it is ordered, that the time for filing oppositions in the above captioned proceeding IS EXTENDED to and including April 20, 1981.

5. This action is taken pursuant to 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 Section 0.281 of the Commission's Rules.

Federal Communications Commission.
Henry L. Baumann,
Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-11485 Filed 4-15-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-26; Agreement No. 10247-3]

Australian Loading Expense Agreement; Order To Show Cause

Agreement No. 10247-3 is an amendment to the Australian Loading Expense Agreement which would extend its term to December 31, 1981, and modify the formula by which assessments are made against member lines.

Agreement No. 10247, the Australian Loading Expense Agreement, was approved by the Commission in 1976, and two amendments thereto, Agreement No. 10247-1, and Agreement No. 10247-2, were subsequently approved by the Commission. At the time the Commission approved Agreement No. 10247 the Australian Meat Board (AMB) required that freight rates on meat be uniform from all Australian ports. It was unlikely, however, that any carrier would elect to serve Northwest Australian ports because of the additional costs incident thereto. To promote service to those ports, AMB and the carriers agreed that carriers serving the East Coast of Australia would allocate funds to defray the excess costs incurred by a carrier serving Northwest Australian ports. The Australian Meat and Livestock Corporation (AMLC), the successor to AMB, has subsequently designated Atlanttrafik Express Service, one of the parties to Agreement No. 10247-3, as the carrier to serve the Northwest ports.

The Commission is concerned as to whether Agreement No. 10247-3 is an agreement within the meaning of section 15 of the Shipping Act, 1916. This concern arises from the prominent role which the Australian government has played in the origin and continuing development of this Agreement, first through the AMB and later through the AMLC.[1]

As originally approved, Agreement No. 10247 permitted carriers serving the East Coast of Australia to, in effect, subsidize the carrier serving Northwest Australia. The original justification for this arrangement stated that it was "an essential part of the implementation of the AMB's directions." A subsequent justification for Agreement No. 10247-2 further stated that the AMLC and AMB have "called upon the carriers * * * to share the excess costs for development of and serving Northwest Australian ports." In fact, an earlier Order of this Commission alluded to the involvement of the Australian government by noting that the agreement was "being used by Proponents merely as a means of conforming with the AMLC's dictates which call for the fostering and development of an efficient tranportation sevice for Northwest Australian meat exporters." Order of Approval of Agreement No. 10247-2. Even the memorandum of counsel for proponents of Agreement No. 10247-3 concedes that these carriers were influenced by the "strong preferences of the AMLC." These facts indicate that the parties to Agreement No. 10247-2 may have given their assent to its terms solely to avoid governmental exclusion from the trade. See *Inter-American Freight Conference*, 14 F.M.C. 58 (1970).

Though parties to Agreement No. 10247-3 acknowledge that it reflects the policy of the AMLC, an agency of the Australian Government, they contend that the fact that an agreement between common carriers by water reflects the policy of a governmental agency is not necessarily inconsistent with approval by the Commission pursuant to section 15, Shipping Act, 1916. Due to the apparent nature and extent of the government involvement in this Agreement, however, we conclude that the proponents of Agreement No. 10247-3 will be required to show cause why their agreement is subject to section 15 of the Shipping Act.[2]

Previously, the Commission approved Agreement No. 10247-3 until March 1, 1981, so that it could more closely examine the Agreement. Later, to avoid a lapse in the Agreement, the Commission conditionally extended its prior approval through April 15, 1981. Because there will be no final disposition of this proceeding by April 15, 1981, the Commission will further extend approval of Agreement No. 10247-3 until the final disposition of this proceeding, but in no event longer than December 31, 1981.

Therefore, it is ordered, That pursuant to section 15 of the Shipping Act, 1916, (46 U.S.C. 814), and Rule 66 of the Commission's Rules of Practice and Procedure, (46 CFR 502.66), the proponents of Agreement No. 10247-3 listed in the appendix show cause why the Agreement is an "agreement" subject to the provisions of section 15 of the Shipping Act, 1916;

It is further ordered, That proponents, in their affidavits of facts, shall specifically detail the involvement of the Australian Meat and Livestock Corporation in establishing or influencing the terms of the Agreement;

It is further ordered, That approval of Agreement No. 10247-3 is hereby extended until the final disposition of this proceeding by the Commission, but in no event beyond December 31, 1981.

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure, (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That any person, other than parties of record, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, (46 CFR 502.72).

It is further ordered, That this proceeding shall be limited to the submission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavit. Affidavits of facts and memoranda of law of proponents, and any intervenors taking the position that the Commission has jurisdiction over Agreement No. 10247-3, shall be filed no later than the close of business on May 26, 1981. Reply affidavits and memoranda of law shall be filed by the Bureau of Investigation and Enforcement and all other parties no later that the close of business on June 26, 1981. Such filings shall be addressed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies. Requests for discovery, hearing, or oral

[1] One function of the AMLC is "to encourage, assist, promote and control the export of meat and live-stock from Australia." Section 7(c) of the Australian Meat and Live-Stock Corporation Act, 1977. In addition, the Corporation has the "power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions," including "the doing of such things as the Corporation thinks fit in order to improve * * * the methods of * * * transport * * * of Australian meat and live-stock." Section 8(1), 8(3)(b), and 8 3(c) of the Australian Meat and Live-Stock Corporation Act, 1977. The AMLC has used this broad grant of authority to negotiate rates for the carriage of meat and to determine which carriers will serve the meat trade.

[2] However, it is not governmental involvement *per se* which casts doubt on the Commission's jurisdiction under section 15. Many agreements over which the Commission has exercised jurisdiction are affected by governmental enactments, directives, or policies to one degree or another. The question here is whether there is anything for the parities to agree upon among themselves on this subject. If this is nothing more than a levy by the Australian government for the purpose of subsidizing the carriage of cargo from a remote port, then it may be that there is nothing for these carriers to do but pay the assessment individually as dictated by the government of Australia or seek relief through the diplomatic intervention of their governments.

argument shall be filed on or before the close of business on July 6, 1981;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on all parties of record;

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

Appendix

Farrel Lines Incorporated
Hamburg—Sudamerikanische Dampfschifffarts Gesellscharf, Eggert & Amsink, trading as Columbus Line
Associated Container Transportation (Australia) Ltd.
Australian Shipping Commission, trading as the Australian National Line
Atlanttrafik Express Service (Trader Navigation Company, Ltd., London, England)

[FR Doc. 81-11494 Filed 4-15-81; 8:45 am]

BILLING CODE 6730-01-M

Concerted Action of Conferences of Common Carriers by Water; Prohibition of Brokerage Payments on Bunker and Currency Surcharges; Filing of Petition

Notice is given that a petition has been filed by The National Customs Brokers and Forwarders Association seeking a declaratory order pursuant to Rule 68 and further relief under Rule 69.

Specifically, petitioner seeks an order adjudging and decreeing:

A. that the concerted action of various outbound steamship conferences and their member lines in prohibiting the payment of brokerage to forwarders on bunker surcharges and currency adjustment factors (CAF) is unlawful under the Shipping Act, 1916.

B. that the agreements amongst the member lines of the aforesaid conferences to deny brokerage to forwarders on bunker surcharges and CAF constitutes a violation of the filing requirements of Section 15, Shipping Act, 1916 in that such agreements have been and continue to be effectuated without the prior approval of the Commission, as required.

C. that the aforesaid conferences and their member lines be ordered (1) to delete from their respective tariffs the prohibitions against the payment of brokerage on bunker surcharges and CAF and (2) cease and desist from taking concerted action to deny brokerage on such revenue.

D. that upon a finding of unlawful conduct the Commission institute a proceeding against the offending conferences and their member lines for the imposition of civil penalties.

E. that petitioner have such further relief as to the Commission shall seem just and proper.

Petitioner presents two issues for determination by the Commission:

1. Does the action of various steamship conferences and their member lines in denying brokerage to forwarders on bunker surcharges and CAF contravene the Act and the rulings of the Commission to the effect that ocean carriers may not concertedly prohibit the payment of brokerage or limit such payment to less than 1¼% of the freight charges?

2. If the answer to the above is in the affirmative, does the unlawful conduct of the lines in denying brokerage on bunker surcharges and CAF merit the imposition of civil penalties?

Due to the fact that the petition combines requests for relief under both Rules 68 and 69 it cannot automatically be docketed pursuant to Rule 68. Rather, notice of its filing is hereby published and opportunity for comment provided. Upon receipt of comments the Commission will determine whether to initiate a formal proceeding in this matter.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101, or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before June 1, 1981. An original and fifteen copies of such comments shall be submitted and a copy thereof served on petitioner.

Dated: April 10, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11419 Filed 4-15-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-47]

Country Meadow Subdivision, Chambers County, Texas; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Country Meadow Subdivision, Chambers County, Texas. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., April 7, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on Country Meadow Subdivision, Chambers County, Texas

The HUD Area Office in Dallas, Texas, intends to prepare an EIS on Country Meadow Subdivision, described below, and requests information and comments for consideration in the EIS.

Description: The Lamplight Corporation, Houston, Texas, proposes to develop approximately 721 single family units situated seven miles northeast of the Central Business District, City of Baytown. In a projected period of 10 to 15 years the

proposed subdivision will provide for approximately 2300 persons.

Need: The size and scope of the proposed project has determined that an environmental impact statement is required pursuant to Public Law 91-190, the National Environmental Policy Act of 1969.

Alternatives Perceived: The alternatives available to the Department are 1) accept project as submitted, 2) accept project with modification, or 3) reject the project.

Scoping: No formal scoping meeting is anticipated for the project. The Notice of Intent will be considered as part of the process used for scoping the environmental impact statement. Responses to the Notice will be used to determine significant environmental issues and identify others which the EIS should address.

Comments: Comments should be sent within 21 days following publication of this Notice in the Federal Register to I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing & Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is (214) 767-8347 and the FTS number is 729-8347.

[FR Doc. 81-11498 Filed 4-15-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[Docket No. N-81-1068]

Privacy Act of 1974; Proposed New System of Records and Amendment to Existing System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records, establishment of new system.

SUMMARY: The Department is giving notice that it intends to establish a new system of records which is subject to the Privacy Act of 1974, and that it intends to amend the following Privacy Act system of records: HUD/DEPT-28, Property and Manufactured (Mobile) Home Improvement and Rehabilitation Loans—Delinquent/Default.

EFFECTIVE DATE: This notice shall become effective without further notice on May 18, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-557-0605. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The published notice describing the HUD/DEPT-28, Property and Mobile Home Improvement and Rehabilitation Loans—Delinquent/Default system is written to cover individuals delinquent or in default on property and manufactured home improvement loans and individuals delinquent or in default on rehabilitation loans. This proposed amendment deletes individuals delinquent or in default on rehabilitation loans from HUD/DEPT-28 and establishes a separate system to cover those individuals. The system name is being amended to include the term "manufactured home" and to read "Property Improvement and Manufactured (Mobile) Home Loans—Delinquent/Default." The Housing and Community Development Act of 1980, P.L. 96-399 amended the National Housing Act to provide that wherever the term "mobile home" is used the term "manufactured housing" should be used in lieu of the term "mobile home". Categories of individuals covered by the system is being amended by deleting the words "and rehabilitation" immediately preceding the words "loan debtors". Storage and Safeguards are being amended to reflect future automation of the system. The Routine Use section is being amended to provide for notification to consumer reporting agencies and commercial credit bureaus of delinquent loans pursuant to the Federal Claims Collection Standards, 4 CFR 102.4, and for notification to local recording offices for the purpose of filing satisfactions of mortgages, judgments, etc., that have been paid, to state motor vehicle offices for obtaining current addresses of delinquent debtors, and also to the Department of Justice in cases involving evidence of fraud.

The new system (HUD/CPD-1) and the amended system are published below in their entirety. Previously, HUD/DEPT-28 was published at 45 FR 67614 (October 10, 1980). The prefatory statement containing General Routine Uses was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's field offices was published at 45 FR 67626 (October 10, 1980). The Privacy Act allows disclosure of information under a routine use for purposes that are compatible with the purposes for which the information was collected. The information collected in these systems relates to defaulted and delinquent loans. Disclosure of the information will assist in collecting these loans. A report of the Department's intention to amend this system and establish a new system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on March 6, 1981.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d)), Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 6, 1981.

Vincent J. Hearing,

Deputy Assistant Secretary for Administration.

HUD/CDP-1

SYSTEM NAME:

Rehabilitation Loans-Delinquent/Default.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Rehabilitation loan debtors who are delinquent or in default on their loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names; credit applications; Social Security Number where available, loan and grant documents, including promissory note, mortgage, deed of trust, title evidence; HUD Section 312 forms and documents; statement of account; sales contract; assumption agreements; compromise agreements; subordination agreements; repayment agreements; collection history, including correspondence with borrower, servicer, and LPA; credit reports; financing statements; records of foreclosures; charge-offs; judgments on the note and deficiency judgments; creditor requests for collection assistance; insurance documents; bankruptcy records and documents; property appraisals; rehabilitation contracts; correspondence with the LPA's and related correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. Sec. 1452b, Housing Act of 1964.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine use paragraphs in prefatory statement. Other routine uses: Department of Justice—for prosecution of fraud revealed in the course of claims collection efforts and for the institution of suit or other proceedings to effect collection of claims; FBI—for investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for audit purposes; private employers and Federal agencies—to facilitate collection of claims against employees; Office of Personnel Management—for offsetting retirement payments; consumer reporting and commercial credit

agencies—to facilitate claims collection consistent with Federal Claims Collection Standards, 4 CFR Section 102.4; to financial institutions that serviced loans—to give notice of disposition of claims; to title insurance companies—for payment of liens; to local recording offices—for filing assignments of legal documents, satisfactions, etc.; to bankruptcy courts—for filing of proofs of claim; to local agencies that service HUD Section 312 (Rehabilitation) loans—to aid in the collection of delinquent loans, to counseling agencies—to provide counseling and assistance in the collection of delinquent Section 312 loans in accordance with HUD/DEPT-22; and to state motor vehicle agencies and Internal Revenue Service—to obtain addresses of debtors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

File folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Case file (Claim) number, name or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records are primarily active with some historical information; disposal is in accordance with HUD Handbook 2225.6, Appendix 66.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Rehabilitation Management Division, CRM, Office of Urban Rehabilitation, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the Departmental Privacy Appeals Officer; Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; current and previous employers; credit bureaus; financial institutions; business firms; federal and non-federal agencies; law enforcement agencies; title companies and abstractors; bankruptcy courts.

HUD/DEPT-28

SYSTEM NAME:

Property Improvement and Manufactured (Mobile) Home Loans—Delinquent/Default.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, credit applications, Social Security Number where available, case histories of borrowers; records of payment; financing statements; notes; mortgages and other evidences of indebtedness; delinquent and defaulted loan records and account cards; collection and field reports; records of claims and chargeoffs; creditor requests for collection assistance; justifications for closing collection action; related correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I, Sec. 2, National Housing Act, 12 U.S.C. 1703, Federal Claims Collection Act of 1966 (Sec. 1, Pub. L. 89-508).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Use paragraphs in prefatory statement. Other routine uses: Department of Justice—for prosecution of fraud revealed in the course of claims collection efforts and for the institution of suit or other proceedings to effect collection of claims; FBI—for investigation of possible fraud revealed in the course of claims collection efforts; General Accounting Office—for audit purposes; private employers and Federal agencies—to facilitate collection of claims against employees; Office of Personnel Management—for offsetting retirement payments; consumer reporting and commercial credit agencies—to facilitate claims collection consistent with Federal Claims Collection Standards, 4 CFR Section 102.4; to financial institutions that originated or serviced loans—to give notice of disposition of claims; to title insurance companies—for payment of liens; to local recording offices—for filing assignments of legal documents, satisfactions, etc.; to bankruptcy courts—for filing of proofs of claim; and to state motor vehicle agencies—to obtain current addresses of debtors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

File folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Claim number, name or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Files are partly active and partly historical and are disposed of in accordance with HUD Handbook 2225.6.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Title I Insured Loans, HSS, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual

concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the Departmental Privacy Appeals Officer; Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; current and previous employers; credit bureaus; financial institutions; business firms; federal and non-federal agencies; law enforcement agencies; title companies and abstractors; bankruptcy courts.

[FR Doc. 81-11542 Filed 4-15-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Corpus Christi Oil and Gas Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Corpus Christi Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4140, Block 437, Brazos Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Lousiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-11433 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-31-M

SONAT Exploration Co.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that SONAT Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3288, Block 46, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 8, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-11434 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Colorado, Utah; Amended Legal Descriptions for Tracts Proposed for Coal Lease Sale

Corrections

In FR Doc. 81–9708 appearing on page 19607 in the issue for Tuesday, March 31, 1981, make the following corrections:

On page 19607, in the third column, in the land description for **"Emery North Tract"**, in Sec. 14, "S½SE½" should have read "S½SE¼; in Sec. 15, "NE¼NW¼" should have read "NE¼NE¼".

BILLING CODE 1505-01-M

[C-30168]

Colorado; Coal Lease Offering by Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that certain coal resources in the lands hereinafter described in Jackson County, Colorado will be offered for lease by sealed bid of $25.00 or more per acre to the qualified bidder submitting the highest bid. This offering is being made as a result of an application filed by Wyoming Fuel Company in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 2:00 p.m., May 12, 1981, in Room 708, Colorado State Bank Building, Denver, Colorado. Bids received after 1:00 p.m., May 12, 1981, will not be considered.

Coal Offered: The coal resource to be offered is limited to a maximum of 521,000 tones of coal recoverable by surface mining methods from the Sudduth coal seam and any overlying coal seams in the following lands located approximately 9 miles east-southeast of Walden, Colorado:

T. 8 N., R. 78 W., 6th P.M.
Sec. 10: W½NE¼NE¼, NW¼NE¼, S½NE¼
(containing 140 acres)

The Sudduth coal seam ranges from 8 to 17 feet in thickness, with an average thickness of 13.4 feet in Section 10. Average overall quality of the recoverable coal in the application area, on an as-received basis, is as follows: Btu/lb—9,500, sulfur—0.26%, ash—10.20%, moisture—16.58%. The coals are classified as subbituminous A.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease are available at the Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. All case file documents are available for public inspection in Room 701.

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-11425 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Ely District Grazing Advisory Board; Meeting

AGENCY: District Grazing Advisory Board.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given, in accordance with Public Law 94-579, that a meeting of the BLM Ely District Grazing Advisory Board will be held Wednesday, June 10, 1981.

The meeting will convene at 8 a.m. (PDT) at the BLM District Office in Ely, Nevada. The agenda for the meeting will be a daylong tour of several grazing allotments in the northwest portion of the Ely District to (1) view range improvements and discuss management methods, and (2) a demonstration of methods to be used in range monitoring. The results of this process will be used in developing the Egan Resource Management Plan.

A business meeting including minutes of the previous meeting, a public comment period, a discussion on the Proposed Rangeland Improvement Policy and an update on the District's land use planning and grazing EIS programs will be held at the lunch stop.

The tour and meeting are open to the public. Interested persons may make oral statements to the Board beginning at 1 p.m., June 10, 1981, at the field meeting. Written statements may be filed at the office prior to the meeting date for consideration by the Board.

Persons attending the meeting must furnish their own transportation and lunch.

A summary of the minutes of the Grazing Advisory meeting will be on file at the Ely District Office and will be available for public inspection and reproduction during regular office hours 30 days following the meeting.

Neil B. McCleery,

District Manager.

[FR Doc. 81-11421 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Tuesday, May 21, 1981 at 9 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho.

Agenda for the meeting will include:

1. Overview
2. Big Southern Butte Communication Site conflicts.
3. Big Desert Grazing Environmental Impact Statement.
4. Dike Lake Recreational Area development proposal.
5. Medicine Lodge Planning Issue Identification.
6. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by May 18, 1981. Depending on the number of people wishing to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours 30 days after the meeting.

Dated: April 8, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-11422 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Rawlins District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a field trip followed by a meeting of the Rawlins District Advisory Council will be held on May 21 and 22, 1981.

The field trip will examine the Red Rim coal tract, as well as other nearby coal areas in the Overland and Divide Resource Areas. It will be an all day trip, beginning at 8:00 a.m. on May 21 from the Rawlins District Office, Bureau of Land Management, 1300 North 3rd Street, Rawlins, Wyoming. The Advisory Council meeting will begin at 9:00 a.m. on May 22 at the Rawlins District Office.

The meeting agenda will include: (1) recommendations to fill two vacancies on the Council; (2) Council recommendations on the suitability of the Red Rim tract for coal leasing; (3) a review and discussion of coal areas in the Overland and Divide Basin planning units; (4) review of issues raised for the Overland and Divide Basin Management framework plan updates, with recommendations on issues to be further explored by public work groups.

Both the field trip and the meeting will be open to the public. The public will be expected to provide their own transportation for the field trip.

Interested persons may make oral statements before the Council or file written statements for the Council's consideration. Persons wishing to make oral statements are asked to notify the Rawlins District Manager, 1300 North Third Street, P.O. Box 670, Rawlins, Wyoming 82301 by close of business May 15, 1981.

David J. Walter,

District Manager.

[FR Doc. 81-11423 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 11305 (WASH); 2340 (943.4)]

Washington; Termination of Proposed Withdrawal and Reservation of Lands

On October 1, 1973, the Forest Service, U.S. Department of Agriculture, filed application OR 11305 (WASH) for withdrawal and reservation of certain lands adjacent to the Skagit River within the Mt. Baker National Forest for protection of wild and scenic values. The applicant agency has cancelled its application; therefore, the proposed withdrawal is hereby terminated in its entirely.

With the enactment of Public Law 95-625 on November 10, 1978, all the lands are now included within the National Wild and Scenic Rivers System and remain segregated from operation of the public land laws generally, including the United States mining laws and minerals leasing laws.

Dated: April 6, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-1424 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Iditarod Trail Advisory Council; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of Meeting.

SUMMARY: The council will review recommendations of Iditarod draft comprehensive management plan and to analyze public comments.

DATE: The meeting is scheduled as follows: May 7 and 8, 1981, 8:00 a.m. to 4:00 p.m., Anchorage, Alaska. Requests to present oral testimony must be received before May 7, 1981.

ADDRESS: The meeting will be held at the following location: BLM, Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507. Send requests for oral testimony to the above address.

FOR FURTHER INFORMATION CONTACT: Cary Brown, Iditarod Project Leader, (907) 267–1280.

SUPPLEMENTARY INFORMATION:

Tentative Agenda

Welcome and Introduction—Richard W. Tindall, Anchorage District Manager
Review of Minutes of Last Meeting—Joette Storm, Public Information Officer, Joe Redington, Sr., Chairman
Review of Public Comments—Cary Brown, Project Leader
Review of draft management plan and selection of official logo—Terry O'Sullivan, Project Planner, Joe Redington, Sr., Chairman.

Effective Date: May 7, 1981.

Richard J. Vernimen,

Acting District Manager.

[FR Doc. 81-11488 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Multiple Use Advisory Council; Meeting

The Las Vegas (NV) District Multiple Use Advisory Council will meet May 9, 1981, at the Las Vegas District Office, 4765 West Vegas Drive. The Council will conduct a brief business meeting between 6:00 and 6:30 a.m. At 7 a.m., the Council will depart via BLM-provided vehicles to Lincoln County, Nevada. The purpose of this day-long trip is to provide the Council an opportunity to veiw those public lands involved in potential MX withdrawals and the grazing areas which are administered under the Caliente Management Framework Plan (MFP). Members of the public may accompany the tour but must provide their own transportation and logistical support. It is expected that the Council will return to the Las Vegas District Office at approximately 7 p.m., May 9, 1981.

The Board will also meet on July 16, 1981, at 8 a.m., in the Conference Room of the Las Vegas District Office. During this meeting, the Council will consider those questions and pieces of information which would have been identified during their May 9, 1981, tour of the southern Lincoln County area. A more detailed agenda for the July 16, 1981, meeting will be prepared and published both in the **Federal Register** and in the local newspapers during the month of June 1981.

Kemp Conn,

District Manager.

April 8, 1981.

[FR Doc. 81-11489 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Redelegation of Authority

April 7, 1981.

SUMMARY: Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 24, 1980 (FR Doc. 80-2428 filed 1/24/80; 8:35 a.m.) authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers.

That authority is hereby redelegated to the Carson City District Manager.

This notice has no other effect on the provisions of FR Doc. 80-2428.

EFFECTIVE DATE: This redelegation will become effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Nevada State Office, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Roger J. McCormack,

Associate State Director, Nevada.

[FR Doc. 81-11487 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W-34169]

Wyoming; Order Providing for Opening of Public Lands

April 9, 1981.

The following described land was originally conveyed to the State of Wyoming pursuant to the Act of August 18, 1894 (28 Stat. 422), commonly known as the Carey Act. They were subsequently relinquished to the United States in accordance with the provisions of Section 3 of the Act of August 13, 1954 (68 Stat. 703):

Sixth Principal Meridian, Wyoming

T. 49 N., R. 92 W.,

Sec. 28, that portion of the SE¼SW¼ lying east of the Big Horn River (now described as that part of Tract 48-H lying east of the Big Horn River).

The area described contains approximately 16 acres in Big Horn County, Wyoming.

At 10:00 a.m., on June 24, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C., Chapter 2) and the mineral leasing laws, subject to valid existing rights and the provisions of the applicable law. All valid applications received at or prior to 10:00 a.m. on June 24, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, U.S. Department of the Interior, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-11458 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Oil and Gas Lease Sales: List of Restricted Joint Bidders

This notice supersedes the List of Restricted Joint Bidders published in the **Federal Register** on Thursday, October 2, 1980, at 45 *F.R.* 65324. Pursuant to the authority vested in the Director of the Bureau of Land Management by the joint bidding provisions of 43 CFR 3316.3, the following companies shall be restricted from bidding with any other company on this same list at Outer Continental Shelf Oil and Gas lease sales held during the bidding period of May 1, 1981, through October 31, 1981.

Chevron U.S.A. Inc.
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Mobil Oil Exploration & Producing Southeast Inc.
Mobil Producing Texas & New Mexico Inc.
MTS Limited Partnership
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

Date: April 13, 1981.

Ed Hastey,

Acting Director, Bureau of Land Management.

[FR Doc. 81-11455 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 15444, ES 21181]

Coal Lease Offering by Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that at 2:00 p.m., May 12, 1981, certain coal resources in the lands described as two separate parcels below in Whitley and McCreary Counties, Kentucky, will be offered for competitive lease by sealed bids of $25 per acre or more to the qualified bidders submitting the highest bonus bids in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). However, no bids will be accepted for less than fair market value as determined by the authorized officer. This offering is being made as a result of separate applications filed by Greenwood Land and Mining Company (ES 15444) and Ryans Creek Coal Company (ES 21181).

The sale will be held in the Conference Room of the Eastern States Office. No bids received after 2:00 p.m., May 12, 1981, will be considered.

ES 15444

Coal Offered: The coal resource to be offered is limited to the underground Barren Fork seam in the following described lands located approximately 13 miles from Whitley City, Kentucky: Forest Service Tract 54 located in the Daniel Boone National Forest near the waters of Cane Branch and Pole Road Hollow of Beaver Creek, a tributary of the Cumberland River. Containing 409.25 acres.

The complete metes and bounds land description is available for inspection at the above address.

The estimated total underground reserves are 256,000 tons. The coal quality is as follows: Btu—12,200; Sulfur—2.4 and Ash—13.5 percent. The Barren Fork coal beds averages 2.9 feet thick over 409.25 acres of the described lands.

ES 21181

Coal Offered: The coal resource to be offered under ES 21181 is limited to the underground Jellico and Barren Fork seams in the following described lands located between Whitley City and Williamsburg, Kentucky: On all or portions of Forest Service Tracts within the Daniel Boone National Forest numbered: 1888a, 1888b, 1888n, 1888o, 1888p, 1888t, 1888t-I, 1888x, 1888y; 1586a, 1586a-I, 1586a-II, 1586a-III, 1586a-IV, 1586a-V; 1941a, 1941b, 1941c, 1941c-I, 1941c-II, 1941c-IV, 1941d. Containing 1992.5 acres. The metes and bounds land description is available for inspection at the above address.

The estimated total underground reserves are 4,616,496 tons. The coal quality is as follows: Btu—13,000; Sulfur—1.2 percent. The Jellico and Barren Fork coal beds average .35 feet thick over 1922.5 acres of the described lands.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8% of the value of the coal mined. Value of the coal mined shall be determined in accordance with 30 CFR 211.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease for either lease offering are available at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by ths commentor and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in the Public Room at the above address.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81-11572 Filed 4-15-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte MC 43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: March 25, 1981.

National Freight, Inc., (MC 2860; MC 148941) and NFI, Inc., (MC 150949) have filed a petition for waiver of Subpart B (§ 1057.11 and § 1057.12) except for paragraph (b) of § 1057.11 and for waiver of paragraph (d) of § 1057.22 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) with respect to equipment augmented between them.

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the waiver were granted.

It is ordered.

1. That the petition of National Freight, Inc., and NFI, Inc., for waiver of Subpart B (§ 1057.11 and § 1057.12) except for paragraph (b) of § 1057.11 and for waiver of paragraph (d) of § 1057.22 is granted provided that petitioners agree in writing that control and responsibility for operating the equipment shall be in the lessee from the time lessee takes possession of the equipment until possession is returned to the lessor or the equipment is interchanged with another authorized carrier and a copy of the agreement is carried in the vehicle while it is in the lessee's possession.

2. The waiver granted in this decision does not affect the application of the leasing regulations to leases between owner-operators and the lessor carrier.

Decided: March 27, 1981.

M&L Truck Line, Inc., (MC 147942) a wholly-owned subsidiary of Memphis Furniture Manufacturing Co., a private carrier, has filed a petition for waiver of paragraph (c) of § 1057.12 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057). The waiver would permit M&L to trip lease equipment with driver from its corporate parent.

Findings

1. The Fact that M&L is wholly-owned subsidiary of Memphis Furniture Manufacturing Co., provides reasonable assurance that the parent corporation is aware of the Commission's regulations and those of the Department of Transportation pertaining to safety.

2. Waiver of the 30-day requirement promotes efficient operation and reduces deadhead mileage.

It is ordered.

The petition of M&L Truck Line, Inc., for waiver of paragraph (c) of § 1057.12, is granted.

Decided: April 3, 1981.

Trochu Trucking Services, Ltd., which holds Certificate No. MC 140656, and Permit No. MC 143268, and D. Irvin Transport, Ltd., which holds Certificate No. MC 145579 (commonly controlled) have filed a petition for waiver of § 1057.12, Subpart B and § 1057.31, Subpart D of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057).

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from waiver.

It is ordered.

1. The petition of Trochu Trucking Services, Ltd., and D. Irvin Transport, Ltd. for waiver of only § 1057.12 of Subpart B, is granted with respect to equipment leased between them, provided petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires use of the equipment, until possession is returned to lesor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver of § 1057.31, Subpart D, is denied since no further relief is warranted.

3. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11454 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP3-217

Decided April 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 134755 (Sub-228), filed October 29, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting *food and food products*, between points in Lucas and Sandusky Counties, OH, Muscatine and Johnson Counties, IA, and Ottawa County, MI, on the one hand, and, on the other, points in AR, OK, TX, AL, GA, LA, and MS.

MC 146075 (Sub-4), filed November 13, 1980. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheat Ridge, CO 80214. Representative: Delbert Ewing (same address as applicant). Transporting (1) *malt beverages*, (2) *empty and used beverage containers*, and (3) *materials and supplies used by or dealt in by breweries*, between points in Jefferson County, CO, and points in TX.

MC 150954 (Sub-5), filed December 29, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IN, IA, KS, LA, ME, MA, MI, MN, MO, MT, NJ, NY, NC, OH, OK, OR, PA, TN, TX, UT, VT, VA, WA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP3-222

Decided April 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 109564 (Sub-20), filed February 5, 1981, previously published in the **Federal Register** issue of March 9, 1981. Applicant: LYONS TRANSPORTATION LINES, INC., 138 E. 26th St., Erie, PA 16501. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Over regular routes, transporting *general commodities* (except classes A and B explosives), (3) Between junction Interstate Hwy 64 and U.S. Hwy 41, and junction Interstate Hwy 64 and the IN-IL State line, over Interstate Hwy 64.

Note.—This partial republication corrects the territory description.

Volume No. OP3-223

Decided March 4, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 151235 (Sub-1), filed February 4, 1981, previously published in the **Federal Register** of March 4, 1981. Applicant: A & B BUS COMPANY, A Partnership, 2919 Rhode Island Ave., NE., Washington, DC 20018. Representative: Peter R. Gilbert, 1000 Potomac Street, NW., 5th Floor, Washington, DC 20007. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in the Washington, DC commercial zone, and extending to points in the U.S. (except AK and HI).

Volume No. OP3-224

Decided April 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 133215 (Sub-1), filed February 3, 1981, previously published in the **Federal Register** of March 4, 1981. Applicant: INTERIOR MOTOR FREIGHT, INC., P.O.B. 405, The Dalles, OR 97058. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Over regular routes, transporting *general commodities* (1) between Portland, OR and Goldendale, WA, from Portland over Interstate Hwy 84N to junction U.S. Hwy 97, then over U.S. Hwy 97 to Goldendale, and return over the same route, serving the off-route points of Clackamas, Hood River, Multnomah, Sherman, Wasco, Washington, and Yamhill Counties, OR, and Clark, Klickitat and Skamania Counties, WA: and (2) between Hood River, OR and Goldendale, WA, from Hood River over an undesignated bridge on the Columbia River, then over WA Hwy 14 to junction U.S. Hwy 97, then over U.S. Hwy 97 to Goldendale, and return over the same route, serving the off-route points of The Dalles and Biggs, OR.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 149444 (Sub-1), filed February 6, 1981. Applicant: CARNEY-MC Nicholas, INC., P.O. Box 3302, Youngstown, OH 44512. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *household goods*, between points in OH and PA, on the one hand, and, on the other, points in CT, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI and DC.

MC 150954 (Sub-5F), filed December 29, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Transporting *general commodities* (except classes A and B explosives) between the facilities of Boise Cascade Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152534 (Sub-1F), filed December 9, 1980. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: Guy D. Dodge, (same address as applicant). Transporting *lumber mill products* and *wood products*, between points in the U.S. under continuing contract(s) with Hampton Lumber Sales Company, and its affiliates Hampton Industrial Forest Products, Hampton Hardwoods, and Hampton Veneer, all of Portland, Or.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11453 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Volume No. OP3-219

Decided: April 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 119934 (Sub-234F), filed June 9, 1980. Applicant: ECOFF TRUCKING, INC., R.R. 10, Box 100A, Greenfield, IN 46140. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *printing ink* and *printing ink materials*, in bulk, in tank vehicles, from New Albany, IN to points in SC.

MC 134755 (Sub-186F), filed May 5, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Transporting *paper and paper products* (except commodities in bulk), from Orange, TX, to points in the U.S. (except AK and HI).

MC 136605 (Sub-114), filed May 22, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting (1) *lumber* and *lumber mill products*, from the facilities of Emmer Bros. Co., at or near Laurel, MT to points in IL, IN, KS, MI, MO, OH and OK; and (2) *insulation board*, from the facilities of Emmer Bros. Co., at or near Laurel, MT, to points in CO, IL, IN, KS, IA, MI, MN, MO, NE, ND, OH, OK, SD, WI, and WY.

MC 140635 (Sub-17F), filed March 30, 1979. Applicant: ADAMS LINES, INC., 2619 N. St., Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Palamera Beef Corp., at or near Omaha, NE, to points in KS, restricted to traffic orignating at the above named origin and destined to the named destinations.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11451 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 3 (Sub-25F)]

Missouri Pacific Railroad Co.,—Abandonment—Between Dearing and Dexter, KS; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and

Decision decided April 10, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Company of a line of railroad known as the Dexter Subdivision extending from railroad milepost 428.6 near Dearing, KS, to railroad milepost 497.2 at Dexter, KS, a distance of 68.6 miles, in Montgomery, Chautauqua and Cowley Counties, KS, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.–Abandonment Goshen*, 360 I.C.C. 91 (1979); and subject to the further condition that MoPac shall keep intact all of the right-of-way underlying the tract including all the bridges and culverts, for a period of 120 days from April 10, 1981 to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri Pacific Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11519 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Tongue River Railroad Line Construction; Supplemental Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Interstate Commerce Commission, Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Supplemental notice of intent to prepare an environmental impact statement in the above-described proceeding.

SUMMARY: In a previously published notice 45 FR 46494, 74–10–80, the Interstate Commerce Commission declared its intent to prepare an Environmental Impact Statement (EIS) dealing with the proposed construction of a rail line intended to transport caol from the proposed Montco mine along the Tongue river in Rosebud County, MT. That notice staed that the EIS would assess the environmental impacts of the proposed action and feasible alternatives. That notice is hereby supplemented as follows: The rail line construction to be proposed by the Tongue River Railroad Corporation will include not only a line to the proposed Montco mine site, approximately ten miles southwest of Ashland, but also a line between Ashland and a point eight to ten miles to the southeast, along Otter Creek in Powder River County. This line would provide access to potential future mine sites along Otter Creek.

As indicated in the previously published notice, upon completion of the Draft EIS, its availability will be announced in the **Federal Register**, at which time public comments will be invited.

FOR FURTHER INFORMATION CONTACT: Ms. Carole Dawkins, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, Telephone: (202) 275–7658.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11448 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later became unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-037

Decided April 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 154985, filed March 26, 1981. Applicant: WILLIAM F. BOSQUE d.b.a. J. E. LOWDEN & CO., 465 California St., San Francisco, CA 94104. Representative: James T. Fitzgerald, (same address as applicant) (415) 781-7040. As a *broker*, transporting *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11523 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-039

Decided: April 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 123115 (Sub-23), filed March 27, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 134405 (Sub-105), filed March 31, 1981. Applicant: BACON TRANSPORT COMPANY, a Corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848-7946. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155034, filed March 31, 1981. Applicant: JOSEPH WALCZYNSKI, d.b.a. TWIN PORTS DISPATCH SERVICE, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401 (612) 340-0808. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155045, filed March 31, 1981. Applicant: CANUPP TRUCKING, INC., 521 Pondview Circle, Virginia Beach, VA 23452. Representative: Blair P. Wakefield, Suite 1001 First and Merchants, National Bank Building, Norfolk, VA 23510. Transporting for or on behalf of the U.S. Government *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-11450 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 60]

Motor Carriers; Permanent Authority Decisions, Restriction Removals, Decision-Notice

Decided: April 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that is requested removal of restrictions or

broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h). In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 9812 (Sub-21)X, filed March 2, 1981. Applicant: C. F. KOLB TRUCKING COMPANY, INC., Route 1, Box 294, Mt. Vernon, IN 47620. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Applicant seeks to remove restrictions in its Sub-No. 13 certificate to (i) broaden the commodity description by removing the "except commodities in bulk" restriction; (2) eliminate the facilities limitation at Henderson County, KY; and (3) remove the restrictions "ex-water" and "ex-rail", and "originating at and destined to".

MC 19105 (Sub-67)X, filed March 30, 1981. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Penna. Ave. & 13th St., NW., Washington, D.C 20004. Application seeks to remove restrictions in its lead, and Sub-No. 44 certificates. The lead certificate authorizes the transportation of: tobacco, between points in NC, SC, VA, and GA; green tobacco, from three named points in FL, to points in NC, SC, and VA; and supplies and equipment (except chemicals, in bulk, in tank vehicles), between points in KY, TN, OH, FL, GA, SC, NC, and VA; and Sub-No. 44 authorizes unmanufactured tobacco, between points in KY, OH, and TN, and points in GA, NC, SC, and VA. It seeks to broaden each of the above-described commodity descriptions to "tobacco products," and thereby authorize operations between points in KY, TN, OH, FL, GA, SC, NC, and VA.

MC 19201 (Sub-144)X, filed April 3, 1981. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th and Parkside Avenue, Philadelphia, PA 19136. Representative: James V. Fleming, III (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 141F certificate to (1) broaden the commodity description by removing all exceptions in its general commodity authority except classes A and B explosives between 17 eastern States and (2) remove the prior or subsequent rail or water restriction.

MC 29643 (Sub-19)X, filed March 25, 1981. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 7, 8, 9, 10F, 11, 13F, 14F, 15F, and 16F, certificates to (A) broaden the commodity descriptions to (1) "metal products and waste and scrap materials" from aluminum and aluminum products, in the lead and Sub-No. 14F, (2) "commodities used in the manufacture, packing, and shipping of metal products" from commodities used in the manufacture, packing, and shipping of aluminum and aluminum products, in the lead certificate, (3)(a) "pulp, paper and related products" from paper; (b) "food and related products" from cheese and butter; (c) "metal products" from empty oil drums; (d) "materials, supplies and equipment used in the manufacture and distribution of food and related products" from supplies and equipment used in manufacture of cheese; (e) "clay, concrete, glass or stone products" from talc; (f) "containers" from used empty containers; (g) "lumber and wood products, metal products, pulp, paper and related products, and rubber and plastic products" from pallets and skids; and, (h) "lumber and wood products, and pulp, paper and related products" from cores, in Sub-No. 8, (4) "waste or scrap materials" from (a) scrap metal, in Sub-No. 9, and (b) aluminum scrap, in Sub-No. 15F, (5) "metal products" from aluminum ingots, in Sub-No. 15F, and, (6) "pulp, paper and related products" from paper, in Sub-No. 16, (7) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in the lead and Sub-Nos. 3, 7, 8, 10F, 11 and 13F; (B) eliminate the restriction limiting service to the transportation of traffic (1) to a specific port of entry on the U.S.-Canada boundary line in NY, in Sub-No. 3, to allow service at all NY ports of entry on the boundary line, and (2) originating at and destined to named points, in Sub-No. 8; (C) eliminate the commodities "in bulk" restriction, in Sub-Nos. 8 (as it applies to cheese) and 16F; (D) remove territorial restriction which prohibits service at intermediate points, to authorize service at all intermediate points on its described regular routes between New York, N.Y. and Albany, N.Y., in Sub-No. II; (E) remove the facilities restriction, in Sub-No. 14F; (F) broaden the territorial description from city-wide service to county-wide authority: (1) St. Lawrence County, NY, for Massena, NY, and 5 miles, in the lead and Sub-Nos. 3, 9 and 14F; (2)(a) Nassau County, NY, for Hempstead, North Hempstead and Long Beach, NY, (b) Providence County, RI, for Woonsocket and Pawtucket, RI, (c) Monroe, Lackawanna, Dauphin, Luzerne, Lehigh, Northampton and Berks Counties, PA, for Stroudsburg, East Stroudsburg, Scranton, Harrisburg, Wilkes Barre, Hazelton, Allentown and Easton, and Reading, PA, (d) Orleans County, VT, for Troy, VT, (e) St. Lawrence and Lewis Counties, NY, for Canton, Norwood, Balmat and Lowville, NY, (f) Cumberland County, ME, for Portland, ME, (g) Middlesex and Bergen Counties, NJ, for Sewaren and Rutherford, NJ, and (h) Middlesex County, MA, for Somerville, MA, in Sub-No. 8; (5) Lycoming County, PA, for Jersey Shore, PA, and St. Lawrence County, NY, for Massena, NY, in Sub-No. 9; (6) Lancaster County, PA, for Marietta, PA, in Sub-No. 15F; and (7) Warren County, NY, for Glen Falls, NY, in Sub-No. 16F; and (g) authorize radial authority to replace existing one-way service between specified cities and counties in numerous eastern States, in the lead and Sub-No. 8.

MC 32882 (Sub-164)X, filed April 3, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 125F, 134F, and 137 certificates to (1) broaden the commodity description in Sub-No. 137 to "machinery" from self-propelled tractors (except truck tractors), loaders, backhoes, and bulldozers, and parts, attachments and accessories for these commodities; (2) remove the restriction against commodities in bulk in Sub-No. 125F and the exception of AK and HI in Sub-Nos. 125F and 134F; (3) remove the plantsite limitation at or near Burlington and Bettendorf, IA and replace county-wide authority of Scott and Des Moines Counties, IA in Sub-No. 137; (4) change its one-way authority to radial between Scott and Des Moines Counties, IA, and, points in AZ, UT, WY, MT, ID, NV, CA, OR, NM, CO, and WA; and (5) remove the restrictions limiting service to the transportation of traffic originating at or destined to named facilities, in Sub-Nos. 125F and 134F and orginating at athe named origin in Sub-No. 137.

MC 57992 (Sub-14)X, filed April 8, 1981. Applicant: JEWELL MOTOR EXPRESS, INC., 149 South Mulberry St.

Wilmington, OH 45177. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-Nos. 8 and 10 certificates to: (10) remove all exceptions other than classes A and B explosives from its "general commodities" authority in both; (2) remove the "ex-rail" restriction in Sub 10; and (3) remove the restriction limiting service to shipments originating at or destined to points in Fayette Co., OH in Sub 8.

MC 61825 (Sub-141)X, filed April 6, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 130F and 134F certificates to broaden the commodity descriptions to (1) "food and related products, furniture and fixtures, and clay, concrete, glass or stone products" from salt (except in bulk), new furniture, and flat glass, in Sub-No. 130F; and (2) "pulp, paper and related products and rubber and plastic products" from paper, paper products, plastics, plastic articles, and wood pulp, in part (1) of Sub-No. 134F and remove the except in bulk restriction in part (2) of Sub-No. 134F.

MC 95153 (Sub-1)X, filed March 8, 1981. Applicant: CANADIAN AMERICAN TRUCKING, INC., 6712 N.E. 88th, Vancouver, WA 98600. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Applicant seeks to remove restrictions in its lead certificate to broaden its commodity description from heavy machinery to "machinery and such commodities which because of size and weight require the use of special handling or equipment."

MC 95876 (Sub-394)X, filed March 20, 1981. Applicant: ANDERSON TRUCKING SERVICE, 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 165, 196, 200, 209, 216, 260F, 278F, 286F, 295F, 296F, 299F, 322F and 367F certificates to (1) broaden the commodity descriptions as follows: (a) in Sub-No. 165, part (1), from contractors, construction and mining machinery, equipment and parts, to "machinery"; (b) in Sub-No. 196, part 1(a), from machinery and equipment and attachments, accessories, and supplies, and material, equipment and supplies used in the building, repair or outfitting of marine vessels, to "machinery" and "transportation equipment"; (c) in Sub-No. 200, from tractors, agricultural implements and farm machinery, parts, attachments and accessories for such commodities, and equipment designed for use with tractors, to "machinery"; (d) in Sub-No. 209, from fertilizer handling equipment, front end loaders, and, chassis for fertilizing handling equipment, to "machinery"; (e) in Sub-No. 216, part (1), from trailers and trailer chassis (other than those designed to be drawn by passenger automobiles), to "transportation equipment"; (f) in Sub-No. 260F, from materials, equipment and supplies used in the manufacture and distribution of refrigerators, freezers, and cooling units, to "machinery"; (g) in Sub-No. 286F, parts (1) and (2), from road machinery and self-propelled articles, and parts, attachments and accessories for such commodities, to "machinery"; (h) in Sub-No. 295F, part (1), from turbines, motors, and generators, to "machinery"; (i) in Sub-No. 296F, part (1), from contractor's, construction and mining machinery, equipment and parts, to "machinery"; (j) in Sub-No. 299F, part (1), from cranes and excavators, and parts to "machinery"; and (k) in Sub-No. 322F, from vehicles designed for off-highway use and parts, attachments and accessories, to "machinery"; and (2) replace city-wide authority with county-wide authority: in Sub-No. 196, Manitowoc and Door Counties, WI (for Manitowoc and Sturgeon Bay, WI); in Sub-No. 200, Winnebago County, WI (for Winneconne and Neenah, WI); in Sub-Nos. 209 and 367F, Kandiyohi County, MN (for Willmar, MN); in Sub-No. 216, Stearns County, MN (for Opole, MN); in Sub-Nos. 260F and 295F, Stearns, Benton and Sherburne Counties, MN (for St. Cloud, MN); in Sub-No. 286, Bannock and Power Counties, ID (for Pocatello, ID); in Sub-No. 299F, Linn and Johnson Counties, IA (for Cedar Rapids, IA); and in Sub-No. 322F, Macomb, Oakland, Wayne, Washtenaw and Monroe Counties, MI (for Detroit, MI). Applicant also seeks to (1) change its one-way authorities to radial authorities between named points in the U.S. in Sub-Nos. 196, 200, 209, 216, 260F, 278F, 286F, and 322F; (2) eliminate the except AK and HI and/or MN restriction in Sub-Nos. 196, 200, 209, 216, 260F, 278F, 286F, 295F, 296F, 299F, and 322F; (3) remove the "except commodities in bulk" restriction in Sub-Nos. 165, 196, 216, and 260F and the "in tank vehicle" restriction in Sub-No. 216; (4) eliminate the originating at or destined to restriction in Sub-Nos. 165, 196, 200, 260F, 278F, 286F, 295F, and 299F; and (5) remove the restriction limiting service to the transportation of traffic in initial movements, in truckaway service in Sub-No. 216.

MC 97244 (Sub-5)X, filed March 30, 1981. Applicant: MASS. TRANSPORTATION, INC., 187 Sidney Street, Cambridge, MA 02139. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-No. 3F certificate (parts 2, 3, 4, 5 and 6) to (1) broaden the commodity descriptions to "food and related products" from liquid chocolate, corn syrup, liquid sugar, corn sweetners, and vegetable oils and corn syrup; (2) remove the in bulk restrictions; (3) to replace Mansfield, MA. with country-wide authority to serve Bristol County, MA; and (4) change its one way authorities to radial authorities between points in the northeastern part of the U.S.

MC 107515 (Sub-1416)X, filed April 2, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 305, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., NE, Atlanta, GA 20326. Applicant seeks to remove restrictions from its Sub-Nos. 1274F, 1377F, 1379F, and 1383F certificates to (1) broaden its commodity description from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in Sub-Nos. 1274F, 1377F, 1379F, and 1383F; (2) remove the facilities limitations in Sub-Nos. 1274F and 1383F; (3) remove the originating at and destined to specified points restriction in Sub-No. 1377F; (4) replace authority to serve named points with county-wide authority: Clayton County, GA for Morrow, GA in Sub-No. 1274F; Campbell County, TN, for La Follette, TN, and DeSoto County, MS, for Olive Branch, MS in Sub-No. 1377F; and Orange and Los Angeles Counties, CA for Los Angeles, CA in Sub-No. 1383F; (5) authorize radial operations in place of existing one-way authority: between Campbell County, TN and DeSoto County, MS in Sub-No. 1377F, and between New York, NY and Philadelphia, PA and CA, TX, MO, GA, and FL in Sub-No. 1379F; and (6) remove the bills of lading restriction for a named shippers association in Sub-No. 1379F.

MC 114004 (Sub-176)X, filed March 26, 1981. Applicant: CHANDLER TRAILER CONVOY, INC., P.O. Box 9410, Little Rock, AR 72219. Representative: Winston G. Chandler (same as above). Applicant seeks to remove restrictions in Sub-Nos. 66, 156, 157, and 174F, (1) to broaden trailers designed to be drawn by passenger automobiles to "transportation equipment" in all subs and buildings to "lumber and wood

products and metal products" in Sub-Nos. 156, 157, and 174; (2) to remove restrictions (a) limiting trailer service to that in secondary movements, in truckaway service and remove the utility rental trailers exception in Sub-No. 66, (b) limiting trailer service to initial movements in Sub-Nos. 156, 157, and 174F, (c) limiting service on buildings to that in sections, mounted on wheeled undercarriages in Sub-Nos. 156 and 157, (d) limiting service on buildings to that in sections in Sub-No. 174, (e) restricting against service (on trailers) from points in KS, MI, NE, and OK, to points in AK in Sub-No. 156, (f) limiting service to that from points of manufacture in Sub-Nos. 156 and 157 and (g) limiting service to that from other than points of manufacture in Sub-No. 156; (3) to authorize two-way movements from one-way movements in Sub-Nos. 156, 157, and 158; (4) to remove HI exception in all subs and (5) to remove the exception of facilities of named companies in Sub-No. 156.

MC 115651 (Sub-100)X, filed March 2, 1981. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 58F certificate, to (1) broaden the commodity description from resin products and latex products, in bulk, in tank vehicles, to "commodities in bulk", and (2) broaden the territorial description by (a) changing the town designation of Carpentersville, IL to Chicago, IL; (b) replacing the existing one-way authority with radial authority, between Chicago, IL, to points in WY and those points in the U.S. on and east of U.S. Hwy 85.

MC 116273 (Sub-257)X, filed April 6, 1981. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, IL 60650. Representative William R. Lavery (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 234 certificate to (1) broaden the commodity description from spent catalyst, in bulk, in tank vehicles, to "chemicals and related products" and (2) remove the exceptions of AK and HI from its nationwide authority.

MC 120737 (Sub-86)X, filed April 2, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 31 certificate to (1) broaden the commodity description to "machinery" from tractors and agricultural machinery and implements and "textile mills products" from twine; (2) remove the restriction against the transportation of commodities in bulk; (3) expand one-way service to radial authority between Milan, IL and points in IL and IN; (4) remove the "orginating at and destined to" restriction and restriction to shipments moving in mixed loads.

MC 121496 (Sub-77)X, filed April 3, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 44F certificate, to (1) broaden the commodity description from "chemicals, in bulk, in tank or hopper type vehicles", to "chemicals and related products", and (2) broaden the territorial description by (a) removing the facilities limitations at Victoria, Orange, Beaumont and Houston, TX and replace with the county or city-wide authority of Victoria County, TX, and Beaumont and Houston, TX, (b) eliminating the "except AK and HI" restriction, and (c) replacing one-way authority with radial authority between Victoria County, TX, and Beaumont and Houston, TX, and, points in the U.S.

MC 121568 (Sub-86)X, filed April 3, 1981. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 100906, Nashville, TN 37210. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicants seeks to remove restrictions in its Sub-Nos. 15F, 20F, 30F, 37F, 44F, and 52F certificates to (1) broaden the commodity descriptions from plastic articles, rubber articles, rubber and plastic articles and materials, supplies and equipment used in the manufacture of the foregoing in Sub-No. 15F, from pneumatic rubber tires, rubber tires in Sub-No. 20F, from plastic articles, and materials, equipment and supplies used in the distribution of plastic articles, in Sub-No 30F, from plastic articles, in Sub-No. 44F, and from hydraulic hose and rubber hose in part (1) of Sub-No. 52F, to "rubber and plastic products"; and from plastic resin and plastic matrials in part (1) of Sub-No. 37F, to "chemicals and related products and rubber and plastic products"; from materials equipment and supplies used in the manufacture and distribution of plastic articles to those used in the manufacture "of rubber and plastic products" in Sub-No. 44F and remove the except in bulk restrictions in Sub-Nos. 15, 20, 37, and 44F, (2) remove facilities limitations at or near Irving, TX, in Sub-No. 15F, at or near Mayfield, KY and Dallas and Waco, TX, in Sub-No. 20F; (3) replace (a) Irving, TX, with Dallas County, TX, in Sub-No. 15F; (b) Mayfield, KY, with Graves County, KY, and Waco, TX, with McLennan County, TX, in Sub-No. 20F; (c) Halls, TN, with Lauderdale County, TN, in Sub-No. 30F and 44F; (d) Halletsville and Yoakum, TX with Lavaca County, TX, and Shiner, TX, with Lavaca and Dewitt Counties, TX, in Sub-No. 37F; and (e) Mountain Home, AR, with Baxter County, AR in Sub-No. 52F; and (4) replace one-way with radial authority between (a) Dallas County, TX and AR, MS, and TN, in Sub-No. 15F and (b) Lauderdale County, TN, and LA, in Sub-No. 30F.

MC 125729 (Sub-4)X, filed April 3, 1981. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08822. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, NW, Washington, DC 20006. Applicant seeks to remove restrictions in its MC-107882 Sub-Nos. 1, 2, 4, 6, and 7 permits to: (A) broaden the commodity description in Sub-No. 1, part (1), in Sub-No. 2, parts (1) and (3), and in Sub-Nos. 4, 6, and 7 from currency, coin, securities, gold, silver, bullion, negotiable instruments, valuable documents, jewelry, and precious stones to "articles of unusual value"; and in Sub-No. 1, part (1) and in Sub-No. 2, parts (1), and (3) from non-negotiable instruments to "cash letters"; and (B) broaden the territorial scope in those authorities to serve between points in the U.S., under continuing contract(s) with: (a) unnamed shippers in Sub-No. 1, paragraph (1), in Sub-No. 2, paragraphs (1) and (3), and in Sub-Nos. 4, 6, and 7; and (b) banking institutions in Sub-No. 1, paragraph (2) and Sub-No. 2, paragraphs (2) and (4).

MC 126477 (Sub-11)X, filed March 31, 1981. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., P.O. Box 9313, Baer Field, Ft. Wayne, IN 46899. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Ft. Wayne, IN 46802. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6F and 9F certificates to (1) broaden the commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives) in the lead and all Subs, (2) replace Baer Field Municipal Airport, IN with Allen County, IN in the lead, Sub-Nos. 2 (paragraph 1), 6F and 9F; O'Hare International Airport with Chicago, IL in Sub-Nos. 2, and 4; James M. Cox Municipal Airport, OH with Montgomery County, OH in Sub-No. 9F; and, Detroit Metropolitan Airport, MI with Wayne County, MI in Sub-No. 6F.

(3) replace city with county-wide authority (a) in the lead, Van Wert, OH, with Van Wert County, OH, (b) in the lead and Sub-No. 4 Warsaw, IN with Kosciusko County, IN, (4) remove facilities limitation in Sub-No. 4, (5) remove the restriction to traffic having an immediately prior or subsequent movement by air in the lead, Sub-Nos. 2, 4, 6F, and 9F, (6) change one-way to radial authority between Allen County, IN, and, Wayne County, MI in Sub-No. 6F, and (7) remove the restriction that the authority so far as it pertains to Kosciusko County, IN shall be restricted against tacking with any other authority held by applicant in Sub-No. 2.

Note.—Applicant ability to tack authorities is governed by 49 CFR 1402.

MC 133922 (Sub-13)X, filed March 30, 1981. Applicant: TAURUS TRANSPORT, INC., 302 N. Main St., Monticello, IN 47960. Representative: Richard A. Nagel, P.O. Box 5673, Lafayette, IN 47903. Applicant seeks to remove restrictions in its Sub-No. 10 permit (acquired in MC–FC–77964) to (1) broaden the commodity description from soya flour and soya flour products and foodstuffs (except liquid foodstuffs, in bulk, in tank vehicles) to "foodstuffs and materials and supplies used in the manufacture and distribution of foodstuffs" and (2) authorize service "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 135212 (Sub-5)X, filed March 19, 1981. Applicant: ACADIAN EXPRESS SERVICE LIMITED, 1950 Ellesmere Road, Unit 21, Scarborough, Ontario, CN M1H 2V8. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities, except classes A and B explosives," (2) eliminate the restriction limiting service to the transportation of shipments originating at or destined to points in Canada (3) eliminate the 400 pound weight restriction; and (4) substitute all ports of entry on the U.S.–Canada boundary line in New York in lieu of ports of entry on the Niagara River. This authority would supersede applicant's Sub-No. 4F certificate.

MC 135231 (Sub-58)X, filed April 6, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 48F certificate to (1) broaden its commodity description from paper, plastic sheeting paper tape, latex, woodpulp, starch, etc. (except commodities in bulk) to "pulp, paper and related products, rubber and plastic products, and chemicals and related products," (2) remove the originating at or destined to restriction and (3) remove the AK and HI exception.

MC 135532 (Sub-1)X, filed April 1, 1981. Applicant: FURNITURE WHOLESALERS, INC., 609 Davol St., P.O. Box 707, Fall River, MA 02722. Representative: Steven H. Dorne, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions from its lead permit to broaden the commodity description from crated new household furniture and new household furnishings to "new household furniture and new household furnishings"; and to broaden the territorial description to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 136711 (Sub-42)X, filed April 6, 1981. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. Applicant seeks to remove restrictions in its Sub-No. 28 certificate to (1) broaden the commodity descriptions in both parts from crushed rock, rip-rap, gravel, sand, mineral aggregates, synthetic aggregates, and coal, to "dry commodities, in bulk or in packages"; (2) remove the restriction against service between Kansas and Missouri in part (1); and (3) remove the restriction limiting shipments to those having a prior or subsequent movement by rail or water in part (2).

MC 138219 (Sub-2)X, filed March 23, 1981. Applicant: U.S. INDUSTRIES, INC., P.O. Box 760, Lenoir, NC 28645. Representative: J. W. Bradshaw (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1 permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 141312 (Sub-11)X, filed March 31, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 3, 6F, 7F, 9F, and 10F permits to (1) broaden its territorial scope to between points in the United States under continuing contract(s) with named shippers in the above Sub-Nos.; (2) broaden its commodity descriptions: from mineral filler, cement, limestone, dicalcium phosphate, etc. to "clay, concrete, glass or stone products" in all the above Sub-Nos.; from fly ash to "metal products" in Sub-No. 7F; and from fertilizer and phosphatic solution to "chemicals and related products" in Sub-Nos. 9F and 10F; and (3) remove the "in bulk, in tank vehicle" restriction in Sub-No. 10F.

MC 142792 (Sub-5)X, filed April 2, 1981. Applicant: TWO-WAY TRUCKING, INC., P.O. Box 414, No. 4 Ginger Cove, Valley, NE 68064. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F certificates to (1) broaden the commodity descriptions to "food and related products" from cheese, in Sub-No. 2F and meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), in Sub-No. 4F; (2) replace the plansite at Newman Grove, NE with county-wide authority to serve Madison County, NE in Sub-No. 2F and remove the plansite restriction at Omaha, NE, in Sub-No. 4F; (3) change its one-way authorities to radial authorities between named points in NE, and, 20 eastern States and DC; and (4) remove restrictions limiting service to the transportation of traffic originating at the named origin and destined to the indicated destinations in the above named sub-numbers.

MC 143059 (Sub-174)X, filed April 6, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilogore, (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 131F certificate to (1) remove facilities limitations at chicago, IL, Los Angeles, Oakland, San Franciso and Sacramento, CA, Houston, TX, St. Louis MO, and Portland, OR; (2) replace Oakland, CA, with Alameda County, CA, and Sacramento, CA, with Sacramento County, CA; and (3) remove the exception of HI from its nationwide authority.

MC 144481 (Sub-6)X, filed April 6, 1981. Applicant: MINNESOTA AIR EXPRESS, INC., P.O. Box 6756, Rochester, MN 55901. Representative: James F. Finley, AAA Building, Suite 200, 170 E. 7th Place, St. Paul, MN 55101. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F, 5F, and 6 certificates, to (1) broaden the commodity description from general commodities (with exceptions) to general commodities (except classes A

and B explosives) in Sub-Nos. 2F, 3F, 4F, and 5F; (2) remove restrictions requiring traffic to have a prior or subsequent movement by air in Sub-Nos. 2F, 3F, 4F, 5F, and 6, (3) remove facilities limitations (a) at or near Minneapolis, MN, in Sub-Nos. 2F, 4F, and 6, (b) at or near Rochester, MN, in Sub-No. 3F, and (c) at or near Chicago, IL, in Sub-No. 5F; and (4) replace (a) Minneapolis, MN with Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, in Sub-Nos. 2F, 4F and 6; (b) Austin, Albert Lea, and Blue Earth, MN, with Mower, Freeborn, and Faribault Counties, MN, in Sub-No. 2F, (c) Rochester, MN, with Olmsted County, MN, and La Crosse, WI, with La Crosse County, WI, in Sub-No. 3F, and (d) Owatonna, Waseca, and Rochester, MN, with Steele, Waseca, and Olmsted Counties, MN, in Sub-No. 6.

MC 144572 (Sub-49)X, filed April 6, 1981. Applicant: MONFOFT TRANSPORTATION COMPANY, P.O. Box G, Greely, Co 80632. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Applicant seeks to remove restrictions in its Sub-Nos. 4F, 13F, and 42 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in all of the above sub-numbers; (2) replace facilities with city-wide or county-wide authority: in Sub-No. 4F, facilities at New York, NY, with New York, NY; and in Sub-No. 13F, facilities at North Haven, CT, with New Haven County, CT and facilities at Boston, MA, Baltimore, MD, Newark, NJ, New York, NY, and Philadelphia, PA with city-wide authority; (3) change one-way authority to radial authority: in Sub-No. 4F, between New York, NY, and several specificed cities in AZ, CA, CO, IL, KS, MN, MO, NE, OK, OR, TX, and WA; in Sub-No. 13F, between New Haven County, CT, Boston, MA, Baltimore, MD, Newark, NJ, New York, NY, and Philadelphia, PA, and several specified cities in AZ, CA, CO, IL, MN, MO, OR, TN, and WA; and in Sub-No. 42, between Los Angeles, CA, and Salt Lake City, UT, and Denver, CO; and (4) eliminate the restrictions limiting service to that moving on freight forwarder bills of lading.

MC 144621 (Sub-51)X, filed March 17, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46637. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7F, 9F, 11F, 12F, 14F, 19F, and 20F certificates (acquired in MC-F-14491F) to (1) broaden the commodity descriptions: from confectionery products, food, food products, frozen meat, etc to "food and related products" in the lead and Sub-Nos. 9F, 11F, 14F, 19F, and 20F; from surgical, medical and health care products and supplies to "chemicals and related products, metal products, rubber and plastic products, machinery, and instruments and photographic goods" in Sub-No. 12F; (2) remove all exceptions to commodity descriptions, such as commodities in bulk, in tank vehicle, those described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* in Sub-Nos. 7F, 9F, 19F, and 20F; (3) replace authority to serve specified points with county-wide authority: facilities at Decatur, IL with Macon County, IL, in the lead and Sub-No. 9F; facilities at Greenwood, SC, with Greenwood County, SC, in Sub-No. 7F; North Grosvenordale, CT with Windham County, CT, in Sub-No. 11F; facilities at Santa Maria, CA, with Santa Barbara County, CA, in Sub-No. 14F; facilities at Cherokee, Des Moines, and Cedar Rapids, IA, with Cherokee, Polk, and Linn Counties, IA, and Alberta Lea, MN with Freeborn County, NM, in Sub-No. 19F; and facilities at Plainview, TX, with Hale County, TX, in Sub-No. 20F; (4) remove the "originating at or destined to" restrictions in the lead and Sub-Nos. 9F and 19F; (5) remove the restriction "except AK, HI, and SC" in Sub-No. 7F; and (6) replace one-way authority with radial authority between the above-named counties and numerous specified states located throughout the U.S. in the lead, and Sub-Nos. 9F, 11F, 12F, 14F, 19F, and 20F.

MC 145950 (Sub-92)X, filed March 31, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same as applicant). Applicant seeks to remove restrictions in its permit No. MC-143607 Sub-Nos. 1, 3F, 4F, 5F, 8F, 9F, and 31F to (1) broaden its commodity descriptions: in Sub-No. 1, part 1, from textiles, textile products, and chemicals (except commodities in bulk), to "textiles, textile products, and chemicals and related products" and eliminate "except in bulk" in part 2; in Sub-No. 3F, from chemicals (except commodities in bulk), to "chemicals and related procucts"; in Sub-No. 4F, from textiles and textile products, and materials equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk), to "textiles and textile products"; in Sub-No. 8F, from building materials (with exceptions), to "building materials", in Sub-No. 9F, from general commodities (with exceptions), to "general commodities (except classes A and B explosives)" and in Sub-No. 31F, from plastic bottles and containers to "rubber and plastic products"; (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper, in all of the above sub-numbers except Sub-No. 31F; and (3) eliminate the AK and HI exceptions in Sub-Nos. 1, 3F, 4F, and 9F.

MC 146002 (Sub-3)X, filed April 2, 1981. Applicant: BROOKRIDGE LEASING, INC., P.O. Box 1402, Plant City, FL 33566. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from automobiles and trucks to "transportation equipment"; and (2) remove restrictions against imported vehicles, to truckaway service, to secondary movements, to movements from or to dealers or auction sites, against movements having a prior movement by rail or water, and against movements, from automobile and truck manufacturing and assembly sites.

MC 146360 (Sub-29)X, filed March 29, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 26656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 7F, 8F, 9F, 11F, 13F, 17F, 20F, 21F, 23F, 25F, 26F and 27F certificates to (1) broaden the commodity descriptions from frozen vegetable products in Sub-No. 8F, bananas and pineapples in Sub-No. 9F, alcoholic beverages, including "hard liquor", wine and beer in Sub-No. 22F, such commodities as are dealt in by grocery and food business houses in Sub-No. 21F and foodstuffs (except in bulk) in Sub-No. 24F, to "such commodities as are dealt in or used by grocery and food business houses"; from water softening apparatus, and materials and supplies used in the distribution of water softeners in Sub-No. 5 to "machinery"; from chimney pipe, and materials and supplies used in the installation and manufacture of chimney pipe in Sub-No. 7F, to "building materials and clay, concrete, glass or stone products"; from crushed limestone, in bags, to "chemicals and related products, and clay, concrete, glass or stone products in Sub-No. 17F; and from paper and paper products, in Sub-No. 25F, to "pulp, paper and related products"; (2) remove facilities limitations at Nampa and Twin Falls, ID and Clearfield, UT, in Sub-Nos. 8F and

24F, Seattle, WA and Portland, OR in Sub-No. 17F, Logan, OH, and Nampa, ID, in Sub-No. 13F, Boise, ID, in Sub-No. 22F, Seattle and Tacoma, WA, Minneapolis, MN, Kansas City, MO, Denver, CO, and Jacksonville, FL, in Sub-No. 23F; (3) substitute Snohomish and Pierce Counties, WA, for Seattle, WA, Thurston County, WA, for Tacoma, WA, Hennepin, Ramsey, Scott, Dakota, Washington and Anoka Counties, MN, for Minneapolis, MN, Clay, Platte and Jackson Counties, MO, and Wyandotte and Johnson Counties, KS, for Kansas City, MO and Jefferson, Adams, Denver and Arapahoe Counties, CO, for Denver, Co, in Sub-No. 23F; Canyon and Twin Falls Counties, ID, for Nampa and Twin Falls, ID, and Davis County, UT, for Clearfield, UT, in Sub-Nos. 8 and 24; Ada County, ID, for Boise, ID, in Sub-No. 22F; Mobile and Baldwin Counties, AL, for Mobile, AL, Galveston and Nueces Counties, TX, for Galveston and Corpus Christi, TX, Harrison County, MS, for Gulfport, MS, and Los Angeles County, CA, for Wilmington, CA, in Sub-No. 9F; Hocking County, OH, for Logan, OH, and Canyon County, ID, for Nampa, ID, in Sub-No. 13F; and King and Snohomish Counties, WA, for Seattle, WA, and Clakamas and Multnomah Counties for Portland, OR in Sub-No. 17F; (4) replace one-way with radial authority between various combinations of points thoughout the U.S., for example: between (a) CA and AZ, NM and UT and (b) CA, DE, IL, IN, MA, MO, NJ, NY, OH, PA and TN and CO, ID, MN, MT, ND, OR, SD, WA, and WY in Sub-No. 11F; between named counties in WA and named counties in MN, MO, CO and KS, and Jacksonville, FL, in Sub-No. 23F; and between Canyon and Twin Falls Counties, ID, and Davis County, UT and AL, FL, NC, SC, and TN, in Sub-No. 8F; and (5) remove the exception of AK and HI in Sub-Nos. 13F, 20F, and 21F.

MC 146732 (Sub-4)X, filed April 1, 1981. Applicant: LAUBENTHAL REFRIGERATED TRANSPORT, 1421 Garford Avenue, Elyria, OH 44035. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F and 3F certificates to broaden its commodity descriptions from foodstuffs and edible flour compounds to "food and related products"; to broaden its commodity description from iron and steel fluxing compound to "metal products"; to remove restrictions against bulk commodities in both certificates; and to broaden Brook Park to Cuyahoga County, OH and authorize radial service between Chicago, IL, and point in OH and KY; and between Cleveland, OH, and Chicago, IL in Sub-No. 2F; and between Cuyahoga County, OH, and points in MA in Sub-No. 3F.

MC 146751 (Sub-11)X, filed April 6, 1981. Applicant: J. C. LAWRENCE TRUCKING, INC., P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, 2550 M Street, NW., Suite 475, Washington, DC 20037. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) broaden its commodity descriptions: in Sub-No. 3F, from iron and steel articles, and materials, equipment and supplies used in the manufacture of iron and steel articles to "metal products, and materials, equipment and supplies used in the manufacture thereof"; and in Sub-No. 4F, from iron and steel articles, to "metal products"; (2) replace its facilities with county-wide authority: in Sub-No. 3F, facilities at or near Gary, IN, South Chicago, Joliet, and Waukegan, IL, with Lake County, IN, Chicago, IL, and Will and Lake Counties, IL; and in Sub-No. 4F, facilities at or near Birmingham, AL, with Jefferson County, AL; and (3) change its one-way authority to radial authority between Jefferson County, AL, and points in IN, IL, IA, MI, MO, OH, PA, WV, WI, NY, MD, and DE, in Sub-No. 4F.

MC 146890 (Sub-34)X, filed February 20, 1981, previously noticed in the **Federal Register** of March 11, 1981, republished as corrected this issue. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburge, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 18F certificate to (1) remove the restriction against the transportation of "commodities in bulk in tank vehicles," (2) broaden the territorial description by (a) eliminating the "except AK and HI" restriction from its nationwide radial authority and (b) replace Des Plaines, with Chicago, IL. The purpose of this republication is to replace Des Plaines with Chicago, IL, corrected from Cook County.

MC 147465 (Sub-2)X, filed April 6, 1981. Applicant: MOORE & SON, CO., 2682 Johnstown Rd., Columbus, OH 43219. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificate to (1) broaden the commodity description to (a) "metal products" from crushed aluminum and crush steel cans in the lead; and (b) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions); (2) replace the plantsite restrictions in Marion County, OH and Taylor, MI with county-wide authority and change one-way to radial service between Marion County, OH, and, Wayne County, MI, in the lead; and (3) remove the ex-rail restriction in Sub-No. 1F.

MC 147831 (Sub-21)X, filed April 6, 1981. Applicant: CENTRAL STATES EXPRESS, INC., 20 Bayberry Drive, Jackson, TN 38301. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 6F, 7F, 8F, 10F, 11F, 12F, and 18F certificates to (1) broaden the commodity descriptions to (a) "electrical machinery and equipment or supplies" from electric rotors and stators, parts thereof, and material, equipment and supplies in Sub-No. 6F and electrical apparatus, and materials, equipment and supplies in Sub-No. 8F; (b) "chemicals and related products" from hot melt adhesives in Sub-No. 7F; (c) "transportation equipment" from plastic auto parts, and materials, equipment, and supplies in Sub-No. 10F; (d) "food and related products" and foodstuffs, and materials, equipment, and supplies in Sub-No. 11F; and (e) "rubber and plastic products" from plastic articles in Sub-No. 12F; (2) replace plantsite; restrictions and city-wide authority with authority to serve the county; Humboldt with Gibson County, TN, in Sub-Nos. 6F and 8F; Jackson with Madison County, TN, in Sub-Nos. 7F, 11F, and 18F; Milan with Gibson County, TN, in Sub-No. 10F; Preston with Caroline County, MD, Trenton with Grundy County, MO, Woodbridge with Middlesex County, NJ, Charlotte, Pineville and Raleigh with Mecklenburg and Wake Counties, NC, Greenville with Greenville County, SC, and Columbus with Franklin County, OH, in Sub-No. 11F; and Trenton with Gibson County, TN, in Sub-No. 12F; (3) remove the "except in bulk" restrictions in Sub-Nos. 11F and 8F; and (4) change its one-way authorities to radial authorities between Madison County, TN, and, IL, IN, and OH, in Sub-No. 7F and between Madison County, TN, and, AR, IL, IN, LA, MI, MO, OH, OK, and TX, in Sub-No. 18F.

MC 147868 (Sub-2)X, filed April 3, 1981. Applicant: OKLAHOMA WESTERN LINES, INC., 1100 N. Broadway, Checotah, OK 74426. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to broaden the commodity description in its lead certificate to "metal products and pulp, paper and related products"

from scrap and recycle materials (except in dump vehicles).

MC 148175 (Sub-3)X, filed March 2, 1981. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 8700 South Wolf Road, Hinsdale, IL 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; and (2) remove the restriction requiring a prior or subsequent movement by rail, air or water.

MC 149218 (Sub-15)X, filed April 6, 1981. Applicant: SUNBELT EXPRESS, INC., U.S. Hwy. 78, West, Breman, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, Georgia 30328. Applicant seeks to remove restrictions its Sub-No. 9F, 11F, and 12F certificates; to broaden the commodity description in Sub-No. 9F from paper and paper products to "pulp, paper and related products"; in Sub 11F from plastic and plastic articles to "rubber and plastic articles"; and in Sub-12 F from malt beverages to "food and related products".

MC 150113 (Sub-2)X, filed March 31, 1981. Applicant: SMITH TRANSPORTATION COMPANY, 1428 Market Avenue North, Canton, OH 44714. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-No. 1 permit by (1) broadening the commodity description from oil and gas well treating compounds and materials, equipment and supplies used in the manufacture and distribution thereof to "chemicals and related products" and (2) broadening the territorial description to between points in the United States under continuing contract (s) with named shippers.

MC 151813 (Sub-1)X, filed April 6, 1981. Applicant: CONERY-HENIFF TRANSPORT, INC., 4220 West 122nd St., Alsip, IL 60658. Representative: Abraham A. Diamond, 29 South La-Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its MC-126040 permit to (1) broaden the commodity description from petroleum and petroleum products, in bulk, in tank vehicles, to "petroleum, natural gas and their products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-11518 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effectie notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-116

Decided: April 8, 1981.

By the Commission Review Board No. 1, members Parker, Chandler, and Taylor.

MC 150290 (Sub-4F) (republication), filed January 26, 1981, previously noticed in the March 13, 1981 issue of **Federal Register**. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 West Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *Machinery*, (2) *metal products*, (3) *chemicals and related products*, (4) *petroleum, natural gas and their products*, and (5) *rubber and plastic products*, between Atlanta, GA, Los Angeles, CA, Detroit, MI, Chicago, IL, Philadelphia, PA, Buffalo and New York, NY, and points in Will County, IL, Hudson County, NJ, and Kanawah County, WV, on the one hand, and, on the other, points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

Note.—This republication clarifies the commodity description.

Volume No. OPY-4-079

Decided: April 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151607 (M1), filed February 6, 1981. Applicant: TRANS-OVERLAND XPRESS, INC., 297 County Line Road, Midlothian, TX 76065. Representative: B. G. Hignight (same as applicant). Petitioner holds *contract carrier* Permit MC-151607F issued January 21, 1981, authorizing transportation of general commodities (except household goods and classes A & B explosives) between points in the US, under continuing contract(s) with (1) Sears Roebuck & Company of Dallas, TX (2) Standard T Chemical Company of Dallas, TX (3) Sealright Company of Kansas City, KS and (4) Western Auto Supply Company of Kansas City, MO By the instant petition to modify permit, petitioner

seeks to add the following 51 additional contracting shippers, N. York Merch., of Dallas, TX; Northrup King of Sherman, TX; Armstrong Containers, of Garland, TX; Anixter Bros., of Dallas, TX; Business Furniture Dis., of Dallas, TX; Akerman Assoc., of Dallas, TX; Progress Lighting, of Philadelphia, PA; RSR Corp., of Dallas, TX; Purex Industries, of St. Louis, MO; Dr. Pepper, of Dallas, TX; Shippers Warehouse, of Dallas, TX; Golden Dipt Co., of Millstadt, IL; Daniel F. Young FWDG., of Houston, TX; Behring Intl., of Houston, TX; Engineers & Fabric, of Houston, TX; Mobil Chemical Co., Plastic Div., of Macedon, NY; Choice Products, of Lewisville, TX; Faultless Starch, (Bon Ami), of Kansas City, MO; Avon Products, Inc., of Kansas City, MO; Rival Mfg. Co., of Kansas City, MO; Breddo Food Prod., of Kansas City, KS; Air X Changers, Inc., of Tulsa, OK; Sunmark Industries, of Tulsa, OK; Center Lines, of Tulsa, OK; Kerr Glass Mfg., of Sand Springs, OK; Wire Rope Corp., of Tulsa, OK; Tulsa Poly Film, Inc., of Tulsa, OK; Dal-Ton, of Dallas, TX; La Barge, Inc., Tubular Div., of St. Louis, MO; Economics Laboratory, Inc., of St. Paul, MN; Crown Zellerbach Corp., Gaylord Container Div., of Dallas, TX; Metro Public Warehouse, of Carrollton, TX; Inca Metal Products, of Lewisville, TX; American Nut Corp., of Lewisville, TX; Am Rep, of Dallas, TX; Sunbelt Warehouses, of Garland, TX; Superior Coatings, Inc., of Dallas, TX; Duro Metal Mfg. Co., Inc., of Dallas, TX; Metroplex Paper & Supply, of Dallas, TX; Nelson Electric Supply, of Dallas, TX; DuBois Chemicals, Div of Chemed, of Cincinnati, OH; Kimberly Clark, of Carrollton, TX; St. Regis Paper Co., Flexible Pkg. Div., of Dallas, TX; R P R Products, Houston, TX; Sun Belt Forwdg., Houston, TX; Allied Material Corp., Oklahoma City, OK; Chesterfield Cylinder, Enid, OK; Wolverine Div UOP, Shawnee, OK; Ralston Purina, Edmond, OK; Pratt & Lambert, Wichita, KS; Franchise Services, Inc., Wichita, KS.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11521 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY 4–074

Decided: April 10, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 30867 (Sub-216), filed March 16, 1981. Applicant: CENTRAL FREIGHT LINES, INC., 5601 W. Waco Dr., Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Farmersville and Blue Ridge, TX, over TX Hwy 78, (2) between Denton and Decatur, TX, over U.S. Hwy 380, for purposes of joinder only, (3) between Killeen and Florence, TX, over Farm Rd. 440, as an alternate route for operating convenience only, (4) between Brenham and Houston, TX: from Brenham over TX Hwy 36 to Rosenberg, TX, then over U.S. Hwy 90A to Houston, (5) between junction TX Hwy 289 and Farm Rd. 902 and Dorchester, TX, over Farm Rd. 902, (6) between Sherman, TX, and U.S. Army Basic Air School: From Sherman over Farm Rd. 1310 to junction Farm Rd. 691, then over Farm Rd. 691 to junction Farm Rd. 1417, then over Farm Rd. 1417 to U.S. Army Basic Air School, (7) between Denison, TX and U.S. Army Basic Air School, over Farm Rd. 1310, (8) between Hico, TX, and junction TX Hwy 220 and U.S. Hwy 67, over TX Hwy 220, (9) between Bowie and Nocona, TX: from Bowie over TX Hwy 59 to Montague, TX, then over TX Hwy 175 to Nocona, (10) between junction U.S. Hwy 183 and TX Hwy 29 and junction U.S. Hwy 183 and TX Hwy 195; over U.S. Hwy 183, (11) between Moody and Waco, TX, over Farm Rd. 2113, (12) between Valley Mills and Waco, TX, over Farm Rd. 1637, serving all intermediate points, (13) between Bartlett and Jarrell, TX, over Farm Rd. 487, (14) between Hearns, and Milano, TX, over U.S. Hwy 190, (15) between Denton and Frisco, TX, from Denton over U.S. Hwy 380 to junction Farm Rd. 720, then over Farm Rd. 720 to Frisco, (16) between Oak Hill, TX, and junction TX Hwy 71 and U.S. Hwy 281, over TX Hwy 71, (17) between Brownwood and Gout Airfield, TX, over U.S. Hwy 183, (18) between Whitney and Lake Whitney, TX, over Farm Rd. 1244, (19) between Gatesville and North Camp Hood, TX, over TX Hwy 36, (20) between Vidor, TX and junction U.S. Hwy 69 and TX Hwy 327, from Vidor over Farm Rd. 105 to Evadale, then over U.S. Hwy 96 to Silsbee, then over TX Hwy 327 to junction with U.S. Hwy 69, serving the East Texas Pulp & Paper

Company as an off-route point, (21) between Denison Dam Site, over U.S. Hwy 75A, (22) between Denison, TX, and the TX-OK Boundary, over U.S. Hwy 75, (23) between Bonham and Leonard, TX, over TX Hwy 78, (24) between Savoy, TX and facility of Texas Power & Light, from Savoy over Farm Rd. 1752 to the facility of Texas Power & Light at or near Valley, TX, (25) between Hamilton and Comanche, TX, over TX Hwy 36, (26) between Zephyr and Camp Bowie, TX, from Zephyr over unnumbered county road to Camp Bowie, (27) between Liberty and Anahuac, TX, over Farm Rd 563, (28) between junction TX Hwy 87 and Farm Rd. 1134 and Echo, TX, from junction TX Hwy 87 and Farm Rd. 3247 over Farm Rd. 3247 to Echo, serving the off-route point of the facilities of Texas Portland Cement Company, (29) serving off-route points or Humble Oil & Refining Company and Smith Sryer Company and Koppers Company in connection with existing regular route between Nederland, TX and Port Arthur, TX, (30) between Greenville and Majors Field, TX, from Greenville over TX Hwy 34 and county road to Majors Field, (31) between Houston and Winnie, TX, over Interstate Hwy 10, serving the off-route points of Cove, Wallaceville, Eminence and the facilities of Gulf Oil Corporation, (32) between Denton and Denton Nike Launching Base, TX, from Denton over Farm Rd. 2164 to Denton Nike Launching Base, (33) between Alvarado and Alvarado Nike Launching Base, TX, over Farm Rd. 1807, (34) between Dallas and Corsicana, TX, over U.S. Hwy 75, (35) between Corsicana and Dawson, TX, over TX Hwy 31, (36) between Austin and Nike Launching Site, TX, from Austin over U.S. Hwy 183 to junction Farm Rd. 812, then over Farm Rd. 812 to Nike Launching Site, (37) between Vidor and Orange, TX, over Farm Rd. 105, (38) serving the off-route points of the facilities of Gulf States Utilities and Port Neches Oil Field near Port Neches, TX, in connection with existing routes between Beaumont and Port Arthur, TX, (39) between Orangefield and Bridge City, TX, over Farm Rd. 408, (40) between Corsicana and the facilities of Carlon Products Corporation and Corsicana Municipal Airport, TX, from Corsicana over U.S. Hwy 287 and county roads to Carlon Products Corporation and Corsicana Municipal Airport, (41) between junction U.S. Hwy 90 and Farm Rd. 365 and Fannett, TX, over Farm Rd. 365, (42) between Winnie, TX and junction Farm Rd. 1406 and Farm Rd. 365, over Farm Rd. 1406, (43) between Winnie and Beaumont, TX, over Interstate Hwy 10, (44) between Moore, TX and the facility of Frio-Tex Oil & Gas Company, over unnumbered county road to the facility of Frio-Tex Oil & Gas Company, (45) between junction Interstate Hwy 35 and U.S. Hwy 57 and the facility of Frio-Tex Oil & Gas Company, over U.S. Hwy 57 and unnumbered access roads to the facility of Frio-Tex Oil & Gas Company, (46) between junction TX Hwy 347 and Farm Rd. 366 and junction TX Hwy 87 and Farm Rd. 366, over Farm Rd. 366 and serving the off-route points of the facilities of Magnolia Petroleum Co., Goodrich-Gulf Chemicals, Inc., Texas U.S. Chemicals Co., Neches Butane Products Co. and Texas Company Port Neches Plant, (47) serving Camp Swift as an off-route point in connection with existing routes between Austin and Houston, (48) between Houston and Port Arthur, TX, from Houston, TX over U.S. Hwy 90 to Beaumont, then over U.S. Hwy 69 to Port Arthur, (49) between Brenham and Dayton, TX, over TX Hwy 105, serving Conroe as point of joinder only, (50) between San Marcos and Caldwell, TX, over TX Hwy 21, serving junction of U.S. Hwy 290 and TX Hwy 21 and junction of TX Hwy 21 and U.S. Hwy 77 as points of joinder only, (51) between Winnie and Port Arthur, TX, over TX Hwy 73, (52) between Meridian and Cleburne, TX, over TX Hwy 174, (53) between Dallas and Marshall, over Interstate 20 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Marshall, (54) between Dallas and Longview, from Dallas over Interstate 20 to junction U.S. Hwy 80, then over U.S. Hwy 80 to Longview, serving the off-route point of Canton, TX, (55) between Dallas and Tyler, TX, from Dallas over Interstate 20 to U.S. Hwy 69, then over U.S. Hwy 69 to Tyler, (56) between Tyler, TX and Beaumont, TX, over U.S. Hwy 69, (57) between Marshall and Tenaha, TX, over U.S. Hwy 59, (58) between Tenaha and Beaumont, TX, over U.S. Hwy 96, (59) between Houston and Longview, TX, from Houston over U.S. Hwy 59 to Nacogdoches, TX, then over U.S. Hwy 259 to Longview, serving the off-route point of Kilgore, TX, (60) between Bryan and Caldwell, TX, over TX Hwy 21, (61) between Bryan and San Antonio, TX, over TX Hwy 21, (62) between Corsicana and Tyler, TX, over TX Hwy 31, (63) between Dallas and Jacksonville, TX, over U.S. Hwy 175, (64) between Tyler and Henderson, TX, over TX Hwy 64, (65) between Jacksonville and Carthage, TX, over U.S. Hwy 79, (66) between Carthage and Longview, TX, over TX Hwy 149, (67) between Livingston and Woodville, TX, over U.S. Hwy 190, (68) between Glen Rose, TX, and the site of the Electric Power Generating Station, Texas Electric Company, TX, from Glen Rose over U.S. Hwy 67 to its intersection with TX Hwy 144, then over TX Hwy 144 to its junction with an unnumbered road, then over unnumbered road to the Electric Power Generating Station, Texas Electric Company, (69) between San Augustine and Orange, TX, from San Augustine over TX Hwy 21 to junction TX Hwy 87, then over TX Hwy 87 to Orange, TX, (70) between junction TX Hwy 87 and TX Hwy 12 and Beaumont, TX, over TX Hwy 12 (71) between junction of U.S. Hwy 190 and TX Hwy 63 and Burkeville, TX, over TX Hwy 63, (72) between junction of U.S. Hwy 96 and 190 and Newton, TX, over U.S. Hwy 190, (73) between Lufkin and Milam, TX, from Lufkin, TX, over TX Hwy 103 to its junction with TX Hwy 21, then over TX Hwy 21 to Milam, (74) between junction TX Hwy and TX Hwy 147 and San Augustine, TX and over TX Hwy 147, (75) between San Antonio and Fort Worth, TX, from San Antonio, TX to junction of Interstate Hwy 35 and Interstate Hwy 35W, over Interstate Hwy 35, and from junction of Interstate Hwy 35 and Interstate Hwy 35W to Fort Worth, TX, (76) between San Antonio, TX, to junction of Interstate Hwy 35 and Interstate Hwy 35E, over Interstate Hwy 35, and from junction of Interstate Hwy 35 and Interstate Hwy 35E, to Dallas, over Interstate Hwy 35E, (77) between Dallas and Houston, TX, over Interstate Hwy 45, (78) between San Antonio and Houston, TX, over Interstate Hwy 10, (79) between Dallas, and Denton, TX, over Interstate Hwy 35E, (80) between Fort Worth and Denton, TX, over Interstate 35W, (81) between Denton and Gainsville, TX, over Interstate Hwy 35, (82) between Houston and Beaumont, TX, over Interstate Hwy 10, (83) between Longview, TX and the site of the Martin Lake Steam Electric Station, Texas Utilities Services, Inc., TX, from Longview over TX Hwy 149 to Tatum, then over TX Hwy 43 to junction Farm Rd. 2658, then over Farm Rd. 2658 to the Martin Lake Steam Electric Station, Texas Utilities Services, Inc., (84) between Bonham and Greenville, TX, from Bonham, TX over U.S. Hwy 82 to Paris, TX, then over TX Hwy 19 via Sulphur Springs, TX, to its junction with Interstate Hwy 30, then over Interstate Hwy 30 to its junction with TX Hwy 24 and U.S. Hwy 69, then over TX Hwy 24 and U.S. Hwy 69 to Greenville, TX, serving the off-route points of Cumby and Campbell, TX, (85) between Greenville and Honey Grove, TX, over TX Hwy 34, (86) between Greenville, TX and junction TX Hwy 24 and TX Hwy 19, over TX Hwy 24, (87) between

Ladonia and Sulphur Springs, TX, from Ladonia, TX, over TX Hwy 50 to junction TX Hwy 24, then over TX Hwy 24 to Commerce, then over TX Hwy 11 to Sulphur Springs, TX, (88) between junction TX Hwy 24 and TX Hwy 154 and junction TX Hwy 154 and Interstate Hwy 30, over TX Hwy 154, (89) between Commerce, TX, and junction of TX Hwy 50 and Interstate Hwy 30, over TX Hwy 50, (90) between junction TX Hwy 19 and Interstate Hwy 30 and Canton, TX, over TX Hwy 19, (91) between junction TX Hwy 19 and U.S. Hwy 80 and Tyler, TX, from junction Tx Hwy 19 and U.S. Hwy 80, over U.S. Hwy 80 to Grand Saline, TX, then over TX Hwy 110 to Tyler, TX, and serving all intermediate points, (92) between Dallas and Sherman, TX, from Dallas, TX, over TX Hwy 66 to Greenville, TX, then over U.S. Hwy 69 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Sherman, TX, (93) between Bonham and Commerce, TX, from Bonham, TX over TX Hwy 78 to junction TX Hwy 11, then over TX Hwy 11 to Commerce, (94) between junction Interstate Hwy 30 and TX Hwy 154, near Sulphur Springs, TX and Tyler, TX, from junction Interstate Hwy 30 and TX Hwy 154, near Sulphur Springs, TX, over TX Hwy 154 to Quitman, TX, then over TX Hwy 37 to Mineola, TX, then over U.S. Hwy 69 to Tyler, TX, (95) between Terrell and Dallas, TX, over Interstate Hwy 20 and U.S. Hwy 80, (96) between Terrell and Mineola, TX, over U.S. Hwy 80, (97) between Mineola, TX, and Emory, TX, over U.S. Hwy 69, (98) between Emory, TX and Fruitvale, TX, over TX Hwy 19, (99) between Emory and Wills Point, TX, from Emory, over U.S. Hwy 69, to Lone Oak, TX, then from the junction of U.S. Hwy 69 and Farm Rd. 513 to the junction of Farm Rd. 35 and Farm Rd. 47, then over Farm Rd. 47 to Wills Points, (100) between Terrell and Emory, TX, from Terrell over TX Hwy 34 to Quinlan, TX, then over Farm Rd. 35 to Emory, (101) between Bryan and Crockett, TX, over TX Hwy 21 to Crockett, (102) between Canton and Houston, TX, from Canton over TX Hwy 19 to Huntsville, TX, then over Interstate Hwy 45 and U.S. Hwy 75 to Houston, (103) between Palestine and Kilgore, TX, from Palestine over U.S. Hwy 79 to Jacksonsville, TX, then over TX Hwy 135 to Kilgore, (104) between Tyler and Troup, TX, from Tyler over TX Hwy 110 to Troup, (105) between Longview, TX and junction of U.S. Hwy 271 and Interstate Hwy 20, from Longview over U.S. Hwy 80 to Gladewater, TX, then over U.S. Hwy 271 to junction Interstate Hwy 20, (106) between Sulphur Springs and Winnsboro, TX over TX Hwy 11, (107) between Quitman and Winnsboro, TX over TX Hwy 37, (108) between Newton and Bon Wier, TX over U.S. Hwy 190, (109) between Bleakwood and Bon Wier, TX, from Bleakwood over Farm Rd. 363 to junction U.S. Hwy 190, then over U.S. Hwy 190 to Bon Wier, TX, (110) between Dallas and Athens, TX over U.S. Hwy 175, (111) between Corsicana and Athens, TX over TX Hwy 31, (112) between Athens and Tyler, TX over TX Hwy 31, (113) between Athens and Jacksonville, TX over U.S. Hwy 175, (114) between Corsicana and Palestine, TX over U.S. Hwy 287, (115) between junction of TX Hwy 6 and TX Hwy 164 over TX Hwy 164 to Buffalo, (116) between Buffalo and Palestine, TX over U.S. Hwy 79, (117) between Palestine and Rusk, TX over U.S.Hwy 84, (118) between Rusk and Mount Enterprise, TX, (119) between Mount Enterprise and Tenaha, TX over U.S. Hwy 84, (120) between junction U.S. Hwy 77 and TX Hwy 7 and Marlin, TX over TX Hwy 7, (121) between Marlin and Crockett, TX over TX Hwy 7, (122) between Crockett and Lufkin, TX from Lufkin over TX Hwy 7 to junction of TX Hwy 103, then over TX Hwy 103 to Lufkin, TX, (123) between Crockett and Corrigan, TX over U.S.Hwy 287, (124) between Corrigan and Woodville, TX over U.S. Hwy 287, (125) between Woodville and Jasper, TX over U.S. Hwy 190, (126) between College Station and Huntsville, TX over TX Hwy 30, (127) between Huntsville and Livingston, TX over U.S. Hwy 190, (128) between Navasota and Conroe, TX over TX Hwy 105, (129) between Conroe and Cleveland, TX over TX Hwy 105, (130) between Cleveland and Dayton, TX over TX Hwy 321, (131) between Tyler, and the Forest Grove Power Plant, Texas Power & Light Company, at or near Athens, Henderson County, TX, from Tyler over TX Hwy 31 to Athens, then over U.S. Hwy 175 to an unnumbered country road, then over unnumbered country road to Forest Grove Power Plant, Texas Power & Light Company, (132) between Longview, TX and the plantsite of Longview Plastic Divison, Dunaway Manufacturing Company, at or near Longview, from Longview over Farm Rd. 1845 to its junction with an unnmbered country road known as Shilo Road, then over unnumbered country road to the plantsite of Longview Plastic Division, Dunaway Manufacturing Company, (133) between Longview, TX and the plantsite of Natural Gas Pipe Line Company of America, from Longview over Farm Rd. 2208 to its junction with Farm Rd 2879, then over Farm Rd 2879 to the junction of Farm Rd. 2879, then over Farm Rd. 2879 to the junction of Farm Rd. 2879 and Farm Rd. 449, then over Farm Rd. 449 to the plantsite of Natural Gas Pipe Line Company of America, (134) between Tyler and Garden Valley, TX, from Tyler over U.S. Hwy 69 to Lindale, TX, then over Farm Rd. 16 to Garden Valley, TX, (135) between Marshall, TX and the plantsite of A.M. General Corporation, at or near Woodlawn, TX, from Marshall over U.S. Hwy 59 to the plantsite of A.M. General Corporation at or near Woodlawn, TX, (136) between Cleburne, TX and the plantsite of the KWS Manufacturing Company, at or near Joshua, TX, from Cleburne over TX Hwy 174 to Joshua, then over Farm Rd. 917 to the plantsite of the KWS Manufacturing Company, (137) between New Braunfels and Spring Branch, TX, from New Braunfels over TX 46 to junction of TX 46 and Farm Rd. 311, then over Farm Rd. 311 to Spring Branch, (138) between Smithsons Valley and Startzville, TX, over Farm Rd. 3159, (139) between junction of TX 46 and Farm Rd. 2722 and junction Farm Rd. 2722 and Farm Rd. 2673 over Farm Rd. 2722, (140) between the junction of Interstate Hwy 35 and Farm Rd. 306 and junction Farm Rd. 306 and Farm Rd. 2673, from the junction of Interstate Hwy 35 and Farm Rd. 306 over Farm Rd. 306 to junction Farm Rd. 306 and unnumbered county road, then over Farm Rd. 2673 to the junction of Farm Rd. 2673 and Farm Rd. 306, (141) between the junction of Farm Rd. 306 and Farm Rd. 484 and junction Farm Rd. 32, over TX Farm Rd. 484, (142) between Sulphur Springs, TX and the plantsite and facilities of Texas Utilities Services (1) Thermo Fuel Facilities and (2) Thermo Dragline Erection Site at or near Sulphur Springs, from Sulphur Springs, TX over TX Hwy 11, 2½ miles to junction with County Road, then over unnumbered county road to the plantsite of Texas Utilities Services, (1) Thermo Fuel Facilities and (2) Thermo Dragline Erection Site, (143) between Livingston and Woodville, TX, from Livingston over U.S. Hwy 190 to Woodville, TX, (144) between Madisonville, TX and the plantsite of the Purina Mushroom plant and the Plastic Cap Company, from Madisonville over U.S. Hwy 75 to the plantsite of the Purina Mushroom Plant and the Plastic Cap Company, (145) between Huntsville, TX and the Goree, Ferguson and Ellis Units of the Texas Department of Corrections, and the Texas State Fish Hatchery, (a) from Huntsville over Interstate Hwy 45 to junction with U.S. Hwy 75, then over U.S. Hwy 75 to the Goree Unit of the Texas Department of Corrections, (b) from Huntsville over Farm Rd. 247 to the Ferguson Unit of the Texas Department of Corrections, (c) from the junction of

Farm Rd. 247 and Farm Rd. 980 over Farm Rd. 980 to the Ellis Unit of the Texas Department of Corrections, (d) from Huntsville over Farm Rd. 2821 to the Texas State Fish Hatchery, (146) between Conroe, TX and the plantsite of Exxon Corporation, from Conroe over TX Hwy 105 to junction TX Hwy 105 and Farm Rd. 3083, then over Farm Rd. 3083 approximately 4 miles to unnumbered county road, then over unnumbered county road to the plantsite of Exxon Corporation, serving the plantsites of Brennan Electric Company, C & M Horeshoe Sales Company, Champlin Gas Plant, Conroe Transmission Company, Ft. Worth Pipe and Supply Company, Nison Mobile Homes and Norwell Wielder Supply Company, as off-route points, (147) between junction TX Hwy 105 and Farm Rd. 3083 and plantsite of Jefferson Chemical Company, from junction TX Hwy 105 and Farm Rd. 3083 over TX Hwy 105 to junction Farm Rd. 1485, then over Farm Rd. 1485 to plantsite of Jefferson Chemical Corporation, serving the plantsites of Citus Oil Company, Helena Chemical Company and Owens Corning Fiberglas Company, as off-route points, (148) between Conroe, TX and the plantsite of Heinz Equipment Company, TX, from Conroe over Interstate Hwy 45 to the plantsite of Heinz Equipment Company, (149) between Hearne and Buffalo, TX over U.S. Hwy 79, (150) between Bremond, TX and the plantsite of Texas Utilities Service, Twin Oak Power Plant and Fuel Supply, from Bremond, TX over Farm Rd. 2293 to the junction of Farm Rd. 2293 to the junction of Farm Rd. 2293 and Farm Rd. 979, then over Farm Rd. 979 to the Twin Oak Plantsite, Texas Utilities Service, (151) between the Northern Natural Gas Company, Liquids Extraction Plant at or near Lipan, TX and Granbury, TX, from Granbury, TX over Farm Rd. 4 to the plantsite of Northern Natural Gas Company, (152) between Marshall, TX and the plantsite and warehouse of Little Lake Industries at or near Jefferson, TX, from Marshall, TX over U.S. Hwy 59 for approximately 16 miles to Jefferson, TX, then over TX Hwy 49 to the intersection of Farm Rd. 728, then over Farm Rd. 728 to the plantsite and warehouse entrance to Little Lake Industries, (153) between Burnet, TX and the plantsite and facilities of Southwestern Graphite Company at or near Burnet, TX, from Burnet, TX over TX Hwy 29 to junction with Farm Rd. 2341, then over Farm Rd. 2341 4.4 miles to junction with unnumbered county road, then over unnumbered county road to the plantsite and facilities of Southwestern Graphite Company, (154) between New Caney, TX and plantsite of Jefferson Chemical Company, TX, from New Caney over Farm Rd. 1485 to the plantsite of Jefferson Chemical Company, (155) between the junction of Farm Rd. 1485 and Farm Rd. 3083, and the Exxon Plant in TX, from the junction of 1485 and Farm Rd. 3083 over Farm Rd. 3083 to the plantsite of the Exxon plant, (156) between Porter and Conroe, TX, from Porter over Farm Rd. 1314 to Conroe, (157) between Montogmery and Conroe, TX, from Montgomery over TX Hwy 105 to Conroe, serving the off-route point of Walden, TX, (158) between Cleveland, TX and the junction of TX Hwy 105 and Farm Rd. 1485, from Cleveland over TX Hwy 105 to the junction of TX Hwy 105 and Farm Rd. 1485, (159) between Quitman and Wimmsboro, TX, from Quitman over Farm Rd. 2088 to Perryville, then over Farm Rd. 852 to Winnsboro, serving the plantsites and warehouse facilities of Kendon of Dallas, Kendon Industries, Bronzecraft and United Marketing Associates at or near Perryville via Farm Rd. 852 and unnumbered county road, (160) between College Station and the plantsite of Texas Municipal Power Agency, Gibbon's Creek Electric Power Station at or near Carlos, TX, from College Station over TX Hwy 30 to Carlos, TX, then over Farm Rd. 244 to the plantsite of Gibbon's Creek Electric Power Station, serving as off-route points all lignite and coal mining points in Grimes County, TX, located on and along Farm Rd. 244 between the plantsite of Gibbon's Creek Electric Power Station and Anderson, TX, (161) between College Station and Lyons, TX, from College Station over Farm Rd. 60 to Lyons, (162) between junction of TX Hwy 21 and TX Hwy 21 and Farm Rd. 50, and junction Farm Rd. 50 and TX Hwy 105, from junction of TX Hwy 21 and Farm Rd. 50 over Farm Rd. 50 to junction Farm Rd. 50 and TX Hwy 105, (163) between Marshall, TX and the plantsite of the Henry W. Pirkey Power Plant at or near Ash Springs, TX, from Marshall, TX over TX Hwy 43 to Darco, TX, then over unnumbered county road to the plantsite of the Henry W. Pirkey Power Plant at or near Ash Springs, TX, (164) between Center and Nacogdoches, TX, from Center, TX over TX Hwy 7 to Nacogdoches, TX, (165) between Crockett and Latexo, TX, from (166) between San Antonio and Laredo, TX, from San Antonio, TX over Interstate Hwy 35 and U.S. Hwy 81 to Laredo, TX.

RESTRICTION: Carrier is restricted and prohibited under the foregoing certificate from transporting shipments (1) which originate with shippers or are received from interchange carriers (other than between Central Freight Lines, Inc., Central Express, Inc., or carriers commonly controlled with them) at San Antonio, Balcones Heights, Castle Hills, Olmos Park, Alamo Heights, Terrell Hills, Kelley Air Force Base, Lackland Air Force Base, Longhorn Portland Cement Company and all points and places located on or adjacent to Loop 13, TX, destined to or for interchange at (a) Laredo and intermediate points on U.S. Hwy 81—Interstate Hwy 35 between San Antonio and Laredo, and (b) points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on TX Hwy 285, Port Mansfield and intermediate points on TX Hwy 186 between Port Mansfield and Raymondville, intermediate points between Brownsville and Pharr on U.S. Hwy 281) and (2) which originate with shippers or are received from interchange carriers (other than Central Freight Lines, Inc., Central Express, Inc., or carriers commonly controlled with them) at (a) Laredo and intermediate points between Laredo and San Antonio on Interstate Hwy 35—U.S. Hwy 81 and (b) points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and intermediate points on Texas Hwy 186 between Harlingen and junction Farm Rd. 1420 and Texas Hwy 186 and intermediate points between Brownsville and Pharr on U.S. Hwy 281) destined to or for interchange at San Antonio, Balcones Heights, Castle Hills, Olmos Park, Alamo Heights, Terrell Hills, Kelley Air Force Base, Lackland Air Force Base, Longhorn Portland Cement Company and all points and places located on or adjacent to Loop 13, Texas (3) which originate with shippers or are received from interchange carriers (other than Central Freight Lines Inc., Central Express Inc., or carriers commonly controlled with them) at Laredo destined to, or for interchange at, points on and

south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and intermediate points on Texas Hwy
185 between Port Mansfield and Raymondville, intermediate points between Harlingen and junction F.M. 1420 and Texas Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281) and (4) which originate with shippers or are received from interchange carriers (other than between Central Freight Lines Inc., Central Express Inc., or carriers commonly controlled with them) at points on and south of State Hwy 44 between Encinal and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and Texas Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281) destined to Laredo or for interchange at Laredo. Reference in this restriction to incorporated municipalities also includes any incorporated or unincorporated area wholly surrounded by any such incorporated city, town or village, unincorporated areas immediately adjacent thereto and all incorporated cities, towns and villages which are immediately contiguous thereto. Applicant is further authorized to tack and coordinate the proposed additional service with all services authorized in intrastate commerce under Certificate Nos. 2627, 2054, 4337, and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC–30867 and all subs thereunder; (167) between Marshall, TX, and Scottsville, TX, from Marshall, TX, over Farm Rd. Hwy 1998 to Scottsville, TX, and the off-route point of the plantsite of Alcoa Aluminum Company near Scottsville, TX, (168) between Corrigan, TX, and Moscow, TX, via Camden, TX, and the plantsite of Champion Building Products, International Corporation near Camden, TX, from Corrigan, TX, over Texas F.M. 942 to Camden, TX, then over Texas F.M. 1745 to Moscow, TX serving the plantsite of Champion Building Products, International Corporation near Camden, TX, as an off-route point (169) between Waco, and Mart, TX, from Waco, TX, over Texas Hwy 6 to the intersection with Texas Hwy 164 to Mart, TX, (170) between Paris, TX, and Gladewater, TX, over U.S. Hwy 271 (171) between Mineola and Gladewater, TX, over U.S. Hwy 80 serving the off-route facility of Gulf Oil-US near Big Sandy, TX, (172) between Marshall and Quitman, TX over Texas Hwy 154 (173) between Jefferson, TX and Mount Pleasant, TX, over TX Hwy 49, (174) between Marshall and Atlanta, TX, over Texas Hwy 43 serving the off-route point of Uncertain, TX, (175) between Jefferson and Atlanta, TX, over U.S. Hwy 59 (176) between Sulphur Springs, TX, and Atlanta, TX, from Sulphur Springs, over U.S. Hwy 67 and I–30 to Mount Pleasant, TX, thence over U.S. Hwy 67 to Naples, TX, thence over TX Hwy 77 to Atlanta, (177) between Longview, and Naples, TX, from Longview over U.S. Hwy 259 to the junction of Texas Hwy 338, then over Texas Hwy 338 to Naples, TX, (178) between Su;phur Springs and Linden TX, over Texas Hwy 11 (179) between Nacogdoches and Joaquin, TX, from Nacogdoches over U.S. Hwy 59 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Joaquin, (180) between New Boston and Paris, TX, over U.S. Hwy 82 (181) between New Boston, TX and the junction of U.S. Hwy 67 and Interstate–30 at or near Mount Pleasant, TX, from New Boston, over Interstate–30 to U.S. Hwy 67 near Mount Pleasant, (182) between Henderson and Marshall, TX over Texas Hwy 43 (183) between junction U.S. Hwy 259 and Texas Hwy 338 at or near Naples, TX, and the junction of U.S. Hwy 259 and U.S. Hwy 82 at or near DeKalb, TX from the intersection of U.S. Hwy 259 with Texas Hwy 338 near Naples, TX, over U.S. Hwy 259 to the intersection U.S. Hwy 259 with U.S. Hwy 82 near DeKalb, TX, (184) between Linden and Palestine, TX, over Texas Hwy 155 (185) between Winnsboro and Clarksville, TX, over Texas Hwy 37 (186) between Italy and Terrell, TX, over Texas Hwy 34 and serving Kaufman, TX, as an off-route point (187) between Kilgore, TX, and the junction of Texas Hwy 135 and U.S. Hwy 271 near Gladewater, TX, from Kilgore, TX, over Texas Hwy 135 to the intersection of Texas Hwy 135 and U.S. Hwy 271 at or near Gladewater, TX (188) between Denton and McKinney, TX, U.S. Hwy 380 (189) between Bellville and Industry, TX, over Texas Hwy 159 (190) between Houston and Brownsville, TX, from Houston, over U.S. Hwy 59 to Victoria, TX then over U.S. Hwy 77 to Brownsville, (191) between Houston and Corpus Christi, TX, from Houston over Texas Hwy 35 to Gregory, TX then over U.S. Hwy 181 to Corpus Christi, serving the off-route points of Sweeny, TX, the sites of Amoco Chemicals Corp. and Monsanto Chemical Co. near Chocolate Bayou, TX, (192) between Angleton, and West Columbia, TX, from Angleton over Texas Hwy 288 to junction of Texas Hwy 36, then over Texas Hwy 36 to Freeport, TX, then over
Hwy 36 to West Columbia, (193) between Addicks, TX and junction of Texas Hwy 6 and Interstate Hwy 45, from Addicks over Texas Hwy 6 to junction of Texas Hwy 6 and Interstate Hwy 45 (194) between San Antonio, TX, and Corpus Christi, TX, from San Antonio, over U.S. Hwy 181 and over Interstate Hwy 37 to Corpus Christi, TX, (195) between San Antonio, and Pharr, TX, from San Antonio over U.S. Hwy 281 to Pharr, (196) between Mission and Harlingen, TX, from Mission over U.S. Hwy 83 and U.S. Hwy BR 83 to Harlingen, (197) between Corpus Christi and Freer, TX, over Texas Hwy 44 to Freer, (198) between San Diego and Hebbronville, TX over Texas Hwy 359 (199) between Victor and Kenedy, TX, from Victoria over U.S. Hwy 87 to Cuero, TX, then over Texas Hwy 72 to Kenedy, TX, (200) between Luling and Cuero, TX over U.S. Hwy 183 (201) between Victoria and Seadrift, TX over Texas Hwy 185 (202) between Victoria and Port Lavac, TX, over U.S. Hwy 87 (203) between Laredo and Riviera, TX, from Laredo over Texas Hwy 359 to Hebbronville, TX, then over Texas Hwy to 285 Riviera, (204) between Linn-San Manuel and Raymondville, TX, over Texas Hwy 186 (205) between Harlingen and Mission, TX over Texas Hwy 107 (206) between Victoria and Giddlings, TX over U.S. Hwy 77 (207) between Austin and the junction of Texas Hwy 71 and Texas Hwy 35, over Texas Hwy 71 (208) between Houston and Luling, TX, from Houston over U.S. Hwy 90 and Interstate Hwy 10 to Luling, TX (209) between Houston and Seguin, TX over Alternate U.S. Hwy 90 (210) between Victoria, and Laredo, TX over U.S. Hwy 59 (211) between Brownsville and Laredo, TX, from Brownsville, TX over U.S. Hwy 281 to Pharr, TX, then over U.S. Hwy 83 to Laredo, TX and serving the off-route point of Hidalgo, TX, (212) between Corpus Christi, TX and the junction of Texas Hwy 9 and U.S. Hwy 281, over Texas Hwy 9 (213) between Beeville, and Refugio, TX over Texas Hwy 202 (214) between Alice, and

Skidmore, TX, over Texas Hwy 359 (215) between Raymondville, and Harlingen, TX, from Raymondville over Texas Hwy 186 to Port Mansfield, TX, then over Texas Hwy 186 to the junction of Texas FM Road 1420, then over Texas Farm Road 1420 to Harlingen, (216) between Hallettsville and Refugio, TX over Alternate U.S. Hwy 77 (217) between Port Lavaca, TX and Port O'Connor, TX, from Port Lavaca over Texas Hwy 238 to Seadrift, and then over Texas Hwy 185 to Port O'Connor, TX, (218) between Indianola, and the junction of Texas Hwy 316 and Texas Hwy 238, over Texas Hwy 316 (219) between Sealy and West Columbia, TX over Texas Hwy 36 (220) between Wallis, TX and Matagorda, TX over Texas Hwy 60 serving the facilities of Celanese Chemical Co. near Wadsworth, TX as an off-route point. (221) between Brownsville and Port Isabel, TX over Texas Hwy 48 (222) between South Padre Island, TX and junction Texas Hwy 100 and U.S. Hwy 77, over Texas Hwy 100 (223) between San Antonio and Zapata, TX over Texas Hwy 16 (224) between Houston and Angleton, TX over Texas Hwy 288 (225) between Hitchcock and Richwood, TX over Texas Farm Road 2004 (226) between Galveston and Brazoria, TX, from Galveston over Texas Farm Road 3005 to junction Texas Hwy 332, then over Texas Hwy 332 to Brazoria, TX (227) between Freeport, TX and the Texas Farm Road 523 and Texas Hwy 332, over Texas Farm Road 523 (228) between Elgin and Yoakum, TX over Texas Hwy 95 (229) between Hochheim and Midfield, TX, from Hochheim over Texas Hwy 111 (230) between the junction of Texas Farm Road 1289 and Texas Hwy 185 and the junction Texas Farm Road 1289 and Texas Hwy 238, over Texas Farm Road 1289 (231) between the junction of U.S. Hwy 57 and Interstate Hwy 35 and San Antonio, TX, over Interstate Hwy 35, (232) between the junction of U.S. Hwy 83 and Interstate Hwy 35 and Laredo, TX, over Interstate Hwy 35, (233) between Dilley, TX, and junction Interstate Hwy 35 and U.S. Hwy 83, over U.S. Hwy 35, (234) between Dilley, TX and the junction of Interstate Hwy 35 and U.S. Hwy 57, from Dilley, over U.S. Hwy 81 and Interstate Hwy 35 to junction of Interstate Hwy 35 and U.S. Hwy 57, (235) between Freer and the junction of TX Hwy 44 and Interstate Hwy 35, over Texas Hwy 44 (236) between Fannin, and the sight of Coleta Creek Power Station of Central Power and Light, TX, from Fannin, TX over Texas Farm Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light, (237) between Bay City, and Wadsworth, TX, from Bay City over Texas Farm Road 2668 to junction Texas Road 2668 and Texas Farm Road 521, then over Texas Farm Road 521 to Wadsworth, serving the facilities South Texas Project of the Houston Lighting and Power Co., as an off-route point, (238) between Bruni and the sight of Wyoming Mining and Minerals, TX, from Bruni over Texas Farm Road 2050 to the junction Texas FM Road 2050 and an unnumbered County road, then over an unnumbered County road to the site of Wyoming Mining and Minerals, (239) between Falls City and Campbellton, TX, from Falls City over Texas Farm Road 791 to Campbellton, TX and serving the site of the Pioneer Nuclear, Inc., and Continental Oil Co. Conquista Project, as off-route points (240) between

Kenedy and Three Rivers, TX, over Texas Hwy 72, (241) between Gregory, and Port Aransas, TX, over Texas Hwy 361 (242) between Seguin and junction Texas Hwy 123 and U.S. Hwy 181, over Texas Hwy 123, (243) between Luling and junction Texas Hwy 80 and U.S. Hwy 181, over Texas Hwy 80.

Restriction I: Operations over the foregoing Routes 165–218 are restricted against service (a) at Addicks, Alleyton, Altair, Barker, Belmont, Brookshire, Calaveras, Campbellton, Christine, Columbus, Eagle Lake, East Bernard, Ellinger, Elmendorf, Falls City, Floresville, Garwood, George West, Glidden, Gonzales, Hallettsville, Hobson, Hochheim, John Sue, Jourdanton, Karnes City, Katy, Kenedy, LaGrange, La Vernia, Leming, Moulton, Nada, Nixon, Normanna, Pandora, Pettus, Pleasanton, Poth, Poteet, Saspamco, Schulenburg, Shiner, Somerset, Stockdale, Sutherland Springs, Sweet Home, Three Rivers, Tilden, Tuleta, Tulsita, Weimar, Whitsett and Yoakum, TX and (b) at intermediate points on U.S. Hwy 183 between Gonzales and Hochheim (Route 175), intermediate points on U.S. Hwy 77 between LaGrange and Hallettsville (Route 181), intermediate points on Texas Hwy 71 between LaGrange and Nada (Route 182), intermediate points on U.S. Hwy 90 and Interstate Hwy 10 between Houston and Schulenburg (Route 183), intermediate points on U.S. Hwy 90A between East Bernard and Altair and between Hallettsville and Seguin (Route 184), intermediate points on U.S. Hwy 77A between Hallettsville and Yoakum (Route 191), intermediate points on Texas Hwy 95 between Yoakum and Flatonia (not including Flatonia) (Route 203), and intermediate points on Texas Hwy 111 between Hochheim and Yoakum (Route 204). (c) Service at Seguin, TX, is restricted to tacking and interchange only.

Restriction II: Carrier is restricted and prohibited under the foregoing Routes 165–218 from transporting shipments (1) which originate with shippers or are received from interchange carriers at San Antonio, Balcones Heights, Castle Hills, Olmos Park, Alamo Heights, Terrell Hills, Kelley Air Force Base, Lackland Air Force Base, Longhorn Portland Cement Company and all points and places located on or adjacent to Loop 13, Texas, destined to or for interchange at (a) Laredo and intermediate points on U.S. Hwy 81 Interstate Hwy 35 between San Antonio and Laredo, and (b) points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and intermediate points on Texas Hwy 186 between Port Mansfield and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and Texas Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281) and destined to or for interchange at San Antonio, Balcones Heights, Castle Hills, Olmos Park, Alamo Heights, Terrell Hills, Kelly Air Force Base, Lackland Air Force Base, Longhorn Portland Cement Company and all points and places located on or adjacent to Loop 13, Texas, (3) which originate with shippers or are received from interchange carriers at Laredo destined to, or for interchange at, points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and intermediate points on Texas Hwy 186 between Port Mansfield and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and Texas Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281) and (4) which originate with shippers or are received from interchange carriers at

points on and south of State Hwy 44 between Encinal and Corpus Christi, including Corpus Christi, and Portland and Gregory (except intermediate points on U.S. Hwy 83 between Laredo and Mission, intermediate points on State Hwy 16 between Hebbronville and Zapata, intermediate points between Robstown and Raymondville on U.S. Hwy 77, intermediate points between Riviera and Falfurrias on Texas Hwy 285, Port Mansfield and intermediate points on Texas Hwy 186 between Port Mansfied and Raymondville, intermediate points between Harlingen and junction Farm Rd. 1420 and Texas Hwy 186, and intermediate points between Brownsville and Pharr on U.S. Hwy 281) destined to Laredo or for interchange at Laredo. Reference in this restriction to incorporated municipalities also includes any incorporated or unincorporated area wholly surrounded by any such incorporated city, town or village, unincorporated areas immediately adjacent thereto and all incorporated cities, towns and villages which are immediately contiguous thereto.

Restriction III: Carrier is restricted and prohibited under the foregoing Routes 165–218 from transporting shipments to, from or between any of the following points: Alamo, Alvin, Angleton, Arcola, Barreda, Bay City, Beasley, Bishop, Blessing, Bonney, Brownsville, Chemcel, Clute, Danevang, Donna, Driscoll, East Columbia, Edcouch, Edinburg, El Campo, Elmaton, Elsa, Freeport, Fresno, Harlingen, Hidalgo, Hillje, Hungerford, Jones Creek, Kendleton, Kingsville, LaFeria, Lake Jackson, Lane City, Laredo, LaVilla, Lon Hill, Los Fresnos, Louise, Mackay, Markham, Matagorda, McAllen, Mercedes, Midfield, Mission, Old Ocean, Olmito, Palacious, Pharr, Pierce, Port Isabel, Ricardo, Riviera, Rosharon, San Benito, San Carlos, Sandy Point, San Juan, Santa Rosa, Sweeny, Van Vleck, Wadsworth, Weslaco, West Columbia, and Wharton. (244) between Greenville, and Point, TX, from Greenville over U.S. Hwy 69 to Point, TX, as an alternate route for operating convenience only, (245) between Greenville and Quinlan, TX, from Greenville, TX, over TX Hwy 34 to Quinlan, TX. (246) between Lone Star and Hughes Springs, TX, from Lone Star, TX, over Farm Rd. 250 to Hughes Springs, TX. (247) between Linden and Bivins, TX, from Linden, TX, over Farm Rd. 1841 to Bivins TX, serving all intermediate points in connection with (1) through (247) above, (248) serving the plantsites of Walton Nursery, Coca Cola Bottling Company and Owens Handle Company. *NOTE:* (1) The purpose of this application is to convert certificates of registration into certificates of convenience and necessity. No new or additional commodities or routes are sought beyond those contained in existing certificates of registration. (2) Applicant now holds permanent certificates of public convenience and necessity in addition to Certificates of Registration embracing the routes sought in routes numbered 48, 49, 50, and 51, above. The sole purpose of including such routes is to continue service in the transportation of classes A and B explosives, (3) No duplicating authority is sought and to the extent any duplication may exist the same shall be construed as conferring a single operating right.

Note.—This application is directly related to concurrently filed application by Central Freight Lines Inc., to serve Texarkana, AR. The purpose of this application is to convert applicant's Certificate of Registration to Certificates of Public Convenience and Necessity. Applicant proposes to tack the authority herein with its existing operating authority.

Volume No. OPY–4–76

Decided: April 13, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 26396 (Sub-396), filed March 31, 1981. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *building materials,* between points in Sangamon County, IL, on the one hand, and, on the other, points in the United States.

MC 59806 (Sub-21), filed March 31, 1981. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Ave., Edison, NJ 0887. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 572–1500. Transporting *non-alcoholic beverages,* between points in the United States, under continuing contract(s) with Natural Juice Manufacturing Company, Ltd., of Trivoli, NY, and Unadulterated Food Products, Inc., d.b.a. L & A Juice Co., of Ridgewood, NY.

MC 134716 (Sub-14), filed March 31, 1981. Applicant: RUSH TRUCKING, INC., 200 Southwest 19th St., Ft. Lauderdale, FL 33315. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Stanley Home Products, Inc., of Easthampton, MA.

MC 136786 (Sub-245), filed March 31, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Ave., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *metal products,* between the facilities of The Waldinger Corporation, in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 141546 (Sub-35), filed March 31, 1981. Applicant: BULK TRANSPORT, INC., One Dundee Park, Andover, MA 01810. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523–0800. Transporting *cement,* between points in ME, NH, VT, MA, RI, CT, NY, PA, and NJ.

MC 143636 (Sub-14), filed March 31, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. #1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 S. Sixth St., Springfield, IL 62703, (217) 753–3925. Transporting *sand, rock, gravel and aggregates,* between points in Morgan and Warren Counties, IN, on the one hand, and, on the other, points in Champaign and Vermilion Counties, IL.

MC 144906 (Sub-3), filed March 31, 1981. Applicant: NORTH OPERATING COMPANY, a corporation, 39 Little Brook Rd., Springfield, NJ 07081. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nohawk Paper Mills, Inc., of Cohoes, NY.

Volume No. OPY–4–77

Decided: April 13, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 148576 (Sub-6), filed March 31, 1981. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., S.W., Atlanta, GA 30310. Representative: Brian S. Stern, North Springfield Professional Center II, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic products, between points in the U.S.

MC 149406 (Sub-12), filed March 31, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 33–1341. Transporting *lumber and wood products,* between points in Beltrami County, MN, on the one hand, and, on the other, points in ID,

IL, IA, MN, MT, NE, ND, OR, SD, WA and WI.

MC 149576 (Sub-2), filed March 31, 1981. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., Box 1247, Nixon Station, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Mondo Ltd. of Totowa, NJ.

MC 155076F, filed April 2, 1981. Applicant: VALLEY VIEW DIRT AND GRAVEL CO., a corporation, Cornell, IL 61319. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *pipe and clay products,* between points in the U.S., under continuing contract(s) with Clow Corporation of Carol Stream, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11452 Filed 4-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-041

Decided: April 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 263 (Sub-240), filed March 31, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same as applicant), (208) 232-8831. Transporting: *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Port of Seattle, Seattle, WA.

MC 11722 (Sub-78), filed March 25, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, 503-288-8141. Transporting *food and related products,* between points in Yakima County, WA, on the one hand, and, on the other, points in WA, ID, and MT.

MC 29083 (Sub-2F), filed March 19, 1981. Applicant: BORMANN BROTHERS, INC., 10 Dunham Rd., Billerica, MA 01821. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, 215-385-6086. Transporting *machinery, contractors and building equipment and supplies and those commodities* which because of size or weight require specialized equipment or handling, between points in CT, DE, IL, IN, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, VT, WI, WV, and DC.

MC 52793 (Sub-68), filed March 31, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: Ronald L. Hartman, E. 777 Flower Street, Glendale, CA 91201, (213) 507-1200. Transporting *household goods,* as defined by the Commission, between points in the U.S., under continuing contract(s) with Cutler-Williams Incorporated of Dallas, TX.

MC 58923 (Sub-66), filed March 31, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., S.E., Atlanta, GA 30315. Representative: Robert C. Dryden (same address as applicant), (404) 627-7331. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Texize, Div. of Morton Norwich, of Greenville, SC, (b) Parke-Davis & Co., of Greenwood, SC and (c) Kingsport Press, of Kinsgport, TN.

MC 61282 (Sub-3), filed April 1, 1981. Applicant: ASPEN TRANSPORATION SERVICE, INC., 435 Main St., Gardner, MA 01440. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, 617-966-2093. Transporting *general commodities* (except clases A and B explosives), between points in Cheshire County, MA, on the one hand, and, on the other, points in NH, MA, RI, and CT.

MC 80443 (Sub-48), filed March 25, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *such commodities* as are dealt in and/or handled by retail grocery stores, restaurants, hotels, hospitals, schools, and other institutional users, between St. Paul, MN, on the one hand, and on the other hand points in the U.S.

MC 107012 (Sub-677), filed March 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *furniture and*

fixtures, between points in Orange County, NC, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, SC, TN, VA, and WV.

MC 107012 (Sub-678), filed March 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801, 219–429–2110. Representative: David D. Bishop (same address as applicant). Transporting *machinery* between points in CA, on the one hand, and, on the other, points in FL and GA.

MC 107012 (Sub-687), filed March 30, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of appliances, between points in Iowa County, IA and Lincoln County, TN, on the one hand, and, on the other, points in the U.S.

MC 109443 (Sub-33), filed April 1, 1981. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *petroleum and petroleum products,* in bulk, between points in NY, NJ, MD, DE, OH, MI, and PA.

MC 109633 (Sub-52), filed March 24, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, 312–332–5106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container ends, and closures, between points in IL, IN, and MO, on the one hand, and, on the other, points in IL, IN, IA, MO, MN, and WI.

MC 111432 (Sub-14), filed March 20, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South 6th St., Springfield, IL 62703, 217–753–3925. Transporting (1) *petroleum, natural gas and their products,* (2) *chemicals and related products,* and (3) *coal and coal products,* between points in the U.S., under continuing contract(s) with Union Oil Company of California, of Schaumburg, IL.

MC 115793 (Sub-37), filed March 30, 1981. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW, Washington, DC 20006 (202) 833–1170. Transporting *furniture and fixtures,* between points in NC, on the one hand, and, on the other, points in KY, MO, NC, and TN. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of all outstanding certificates of carrier's, or any pending authority, involving the above specified authority. Applicant shall submit a list of all certificates, with dates of issue, to be cancelled.

MC 121332 (Sub-5), filed March 25, 1981. Applicant: STEVE J. DUNNE CARTAGE, INC., 1800 South Wolf Rd, Des Plaines, IL 60018. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *general commotities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Swift & Company, of Chicago, IL, (b) Dow Chemical, of Des Plaines, IL, (c) Mars, Inc., of Hackettstown, NJ, (d) Hubinger Co., a subsidiary of H.J. Heinz, of Keokuk, IA, (e) Hills Brothers Coffee, Inc., of San Francisco, CA, (f) Lever Brothers Company, of New York, NY, (g) Block Drug Co., of Jersey City, NJ and (h) Johnson & Johnson Baby Products Co., of Piscataway, NJ.

MC 123023 (Sub-19), filed March 31, 1981. Applicant: DiPIETRO TRUCKING CO., INC., 8612 South 218th St., Kent, WA 98031. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101 (206) 624–7373. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of office machines between points in CA, on the one hand, and, on the other, points in OR and WA.

MC 124472 (Sub-6), filed March 30, 1981. Applicant: HARDING TRANSPORTATION, INC., 6875 East Evans Ave., Denver, CO 80222. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *such commodities* as are dealt in by manufacturers of glass and glass products, between points in the U.S., under continuing contract(s) with Libbey-Owens-Ford Company, of Toledo, OH.

MC 129032 (Sub-132), filed March 20, 1981. Applicant: TOM INMAN TRUCKING, INC., 5656 S. 129th East Ave., Tulsa, OK 74145. Representative: Michael H. Lennox, 8903 North Western Ave., Oklahoma City, OK 73114, 405–840–9805. Transporting *building materials,* between points in Tulsa County, OK, on the one hand, and, on the other, points in ID, MT, OR, WA, and WY.

MC 129712 (Sub-43), filed March 25, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *such commodities* as are dealt in or used by dealers, manufacturers, and distributors of (1) agricultural equipment, (2) industrial equipment, (3) road building equipment, and (4) lawn care products, between points in the U.S., under continuing contract(s) with Hesston Corporation, of Hesston, KS.

MC 129863 (Sub-8), filed March 24, 1981. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414–273–7410. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial oils, between points in the U.S., under continuing contract(s) with Ashland Chemical Company, Division of Ashland Oil, Inc., of Dublin, OH.

MC 133302 (Sub-6), filed March 25, 1981. Applicant: WICHITA SOUTHEAST KANSAS TRANSIT, INC., P.O. Box G, Parsons, KS 67357. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except Classes A and B explosives), over Regular Routes (1) Between Gridley, KS and Kansas City, MO: from Gridley over KS Hwy 57 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Garnett, KS, then over U.S. Hwy 59 to Lawrence, KS, then over Interstate Hwy 70 to Kansas City and return over the same route, serving all intermediate points, (2) Between topeka and Yates Center, KS, over U.S. Hwy 75 and return over the same route, serving no intermediate points and serving the off-route points of Leroy, Lamont, Madison and Gridley, KS, (3) Between Eureka, KS and Kansas City, MO: from Eureka over U.S. Hwy 54 to junction KS Hwy 99, then over KS Hwy 99 to Emporia, KS, then over the KS turnpike to Topeka, KS, then over Interstate Hwy 70 to Kansas City and return over the same route, serving all intermediate points between Eureka and Madison, KS, including Eureka and Madison, (4) Between the El Dorado interchange and the Emporia interchange of the KS Turnpike over Interstate Hwy 35 and return over the same route, serving no intermediate points, (5) Between Iola, KS and Kansas City, MO: from Iola over U.S. Hwy 169 to Olathe, KS, then over Interstate Hwy 35 to Kansas City, serving the intermediate point of Garnett, KS, (6) Between Moran and Lawrence, KS over U.S. Hwy 59 serving the intermediate points of Garnett and Ottowa and (7) Between Kansas City,

MO and Emporia, KS over Interstate Hwy 35 and return over the same route, serving no intermediate points.

MC 134082 (Sub-20), filed April 2, 1981. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Rd., Dayton, MD 21036. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005, (202) 296–3555. Transporting *rubber and plastic products*, between points in Anne Arundel County, MD, on the one hand, and, on the other, points in the U.S.

MC 138493 (Sub-11), filed March 31, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Rd., Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ripon Foods, Inc. and Heritage Wafers, Ltd., of Ripon, WI.

MC 142672 (Sub-167), filed March 31, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products* between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 146293 (Sub-81), filed March 24, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum (same address as applicant), 404–963–0291. Transporting *textile mill products*, between those points in the U.S., in and east of WI, IL, KY, TN, and MS.

MC 146703 (Sub-30), filed April 3, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW, Washington, DC 20006, (202) 223–8270. Transporting *food and related products*, between points in the U.S.

MC 147553 (Sub-11), filed April 2, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O.B. 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 1576 Boise, ID 83701 (208) 343–3071. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Waremart, Inc., (b) Ore-Ida Foods, Inc., both of Boise, ID, and (c) Rhodes, Inc., of Pocatello, ID.

MC 148862 (Sub-2), filed March 27, 1981. Applicant: ANGELTOWN CHARTER LINES, INC., 3216 Westminster Blvd., Santa Ana, CA 92703. Representative: John M. Clark (same as applicant) (714) 554–0412. Transporting *passengers and their baggage*, in special and charter operations, between points in CA on the one hand, and, on the other, points in AZ, NV and UT.

MC 150482 (Sub-3), filed April 2, 1981. Applicant: McCAULEY AIR FREIGHT, Rural Delivery No. 2, Box 105 Summerville, PA. 15864. Representative: John Smith (same address as applicant) 814–856–2190. Transporting *general commodities* (except those of unusual value, classes A and B explosives), between Cameron and Elk Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 150973 (Sub-2), filed April 3, 1981. Applicant: HERBERT R. SHIPLEY, INC., 3304 Sykesville Rd., Westminister, MD 21157. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting *latex*, between points in the U.S., under contract(s) with Kent Latex Products, Inc., of Kent, OH. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

MC 151733 (Sub-2), filed March 31, 1981. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, 205–251–2881. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc., of Boston, MA.

MC 152443 (Sub-1), filed March 31, 1981. Applicant: DAVID VOLKERT, d.b.a., VOLKERT TRUCKING, 3181 170th St. East, Rosemount, MN 55068. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *such commodities* as are dealt in or used by elevators, farms, and feed mills, between points in the U.S., under continuing contract(s) with South St. Paul Feed, Inc., of South Paul, MN.

MC 155092 filed April 2, 1981. Applicant: KENTON TRANSFER CO., P.O. Box 386, Kenton, OH 43326. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215, 419–673–0723. Transporting *general commodities* (except classes A and B explosives), between points in Hardin, Union and Marion Counties, OH and Columbus, OH, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–043

Decided: April 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 70832 (Sub-34), filed March 30, 1981. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K. St., NW., Washington, DC 20005, (202) 783–3525. Over regular routes, transportating *general commodities* (except classes A and B explosives), (1) between Wilmington, DE and Norfolk, VA, (a) over U.S. Hwy 13, serving as off-route points, all points in DE and those portions of Va and MD located east of the Chesapeake Bay, and (b) from Wilmington over Interstate Hwy 95 to Richmond, VA, then over Interstate Hwy 64 to Norfolk, and return over the same route, serving as off-route points, all points in MD, VA, and DC, (2) between Harrisburg, PA and Baltimore, MD, over Interstate Hwy 83, serving as off-route points, all points in MD, (3) between Baltimore, MD and Roanoke, VA: from Baltimore over Interstate Hwy 70N to junction U.S. Hwy 340 at or near Frederick, MD, then over U.S. Hwy 340 to junction Interstate Hwy 81 at or near Stephens City, Va, then over Interstate Hwy 81 to Roanoke, Va, and return over the same route, serving as off-route points in MD and VA, (4) between Washington, DC and junction Interstate Hwys 66 and 81 near Strasburg, VA: from Washington over U.S. Hwy 50 to junction Interstate Hwy 66, then over Interstate Hwy 66 to junction VA Hwy 55 at or near Gainesville, VA, then over VA Hwy 55 to junction U.S. Hwy 340 at Front Royal, VA, then over U.S. Hwy 340 to junction Interstate 66, then over Interstate Hwy to junciton Interstate Hwy 81 at or near Strasburg, VA, serving as off-route points, all points in VA, (5) between Harrisburg, PA and Roanoke, VA, over Interstate Hwy 81, serving as off-route points, all points in MD and VA, and (6) serving all intermediate pints on routes (1) through (5) above.

MC 107012 (Sub-686), filed March 31, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop

(same address as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of polyurethane foam, between points in Anne Arundel County and Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-688), filed March 31, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of energy saving articles between points in Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-689), filed March 31, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of artificial floral products, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-690), filed March 31, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpet and carpet samples, between points in Dillon County, SC and points in Laurens County, GA, on the one hand, and, on the other, points in WV.

MC 107323 (Sub-68), filed April 2, 1981. Applicant: GILLILAND TRANSFER Co., 7180 W. 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corporation, of Ada, MI.

MC 109533 (Sub-1393), filed April 2, 1981. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, VA 23224. Representative: John C. Burton, Jr., 1000 Semmes Ave., Richmond, VA 23224, 804–231–8281. Transporting *general commodities* (except classes A & B explosives), over regular routes, (1) between Davenport, IA and St. Louis, MO over U.S. Hwy 61, serving all intermediate points, and (2) serving all points in IL on and North of U.S. Hwy 50 and all points in IN on and North of a line beginning at the IL–IN state line and extending along U.S. Hwy 36 to the IN–OH state line, as off route points in connection with carriers otherwise authorized regular route operations.

MC 110012 (Sub-90), filed April 3, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except clases A and B explosives), between the acilities of the Pillsbury Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 126542 (Sub-18), filed March 31, 1981. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, (205) 634–4885. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cotton and textile products between points in the U.S., under continuing contract(s) with (a) Niki-Lu Industries of Alabama, Inc., of Talladega, AL, (b) Niki-Lu Industries of Florida, Inc., of Miami, FL, and (c) Niki-Lu Industries of Mississippi, Inc., of Leaksville, MS.

MC 127902 (Sub-20), filed April 3, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Drawer 1427, Hickory, NC 28601. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737–1030. Transporting *furniture and fixtures*, between points in Alexander, Caldwell, Catawba, Rutherford and McDowell Counties, NC, on the one hand, and, on the other, points in and west of Jefferson County, FL.

MC 133842 (Sub-2), filed April 2, 1981. Applicant: ZENITH TRANSPORTATION CORPORATION, 5321 West State St., Milwaukee, WI 53208. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Lakeside Oil Co., Inc., of Milwaukee, WI.

MC 138792 (Sub-3), filed April 1, 1981. Applicant: CHANDALAR TRANSPORTATION, INC., P.O. Box 484, Canton, IL 61520. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *food and related products*, between points in Fresno County, CA, Morgan County, IL, Grayson County, TX, Gibson County, TN and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 141932 (Sub-45), filed April 2, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant), (617) 871–2550. Transporting *food and related products*, between the facilities of Luden's, Incorporated, at Berks County, PA, on the one hand, and, on the other, points in the U.S.

MC 142232 (Sub-7), filed March 31, 1981. Applicant: BARRETT TEXTILE TRANSPORT, INC., P.O. Box 6, Industrial Park, Kings Mountain, NC 28086. Representative: Dr. Peter T. Barrett, 2757 Loch Lane, Charlotte, NC 28211, (704) 366–7353. Transporting *polyester yarn*, between points in the U.S., under continuing contract(s) with Unifi Inc., of Yadkinville, NC.

MC 144572 (Sub-48), filed March 31, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Saxon Industries, Inc., of New York, NY.

MC 145032 (Sub-1), filed March 31, 1981. Applicant: NATIONAL TRANSPORTATION SERVICES, INC., P.O. Box 3291, Lubbock, TX 79410. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001, (202) 628–9243. Transporting *transportation equipment*, between points in Angelina County, TX, on the one hand, and, on the other, points in the U.S.

MC 146752 (Sub-2), filed March 31, 1981. Applicant: DLC TRANSPORT, INC., 12 Raymond Ave., Poughkeepsie, NY 12603. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *forest products, lumber and wood products, and building materials*, between points in the U.S., under continuing contract(s) with A. C. Dutton Lumber Corporation, of Poughkeepsie, NY.

MC 147712 (Sub-17), filed March 31, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921–7474. Transporting *metal products*, between Waukegan, IL, on the one hand, and, on the other, points in the U.S.

MC 148833 (Sub-6), filed April 3, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *food and related products* (1) between points in IA, IL, KS, MN,MO, NE, SD, and WI, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, MT, WY, UT, CO, AZ, NM, and TX and (2) between points in NJ, NY, TX, CO, and CA, on the one hand, and, on the other, points in the U.S.

MC 148833 (Sub-7), filed April 3, 1981. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting (1) *building materials*, (2) *lumber and wood products*, between points in the U.S., and (3) *furniture and fixtures*, between points in CA, IL, and NY, on the one hand, and, on the other, points in the U.S.

MC 152133 (Sub-2), filed April 2, 1981. Applicant: THE JOHN R. TRUCKING CO., INC., 327 E. Wyoming Ave., Lockland, OH 45215. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *building materials*, between Cincinnati, OH, on the one hand, and, on the other, points in KY, IN, MI, IL, MO, TN, WV, CO, OK, KS, IA, WI, VA, NC, GA, AL, MS, LA, AR, TX, and FL.

MC 154513 (Sub-1), filed April 3, 1981. Applicant: EAGLE LINES, INC., 1523 Maryland Ave., Bluefield, WV 24701. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *machinery*, between points in WV, VA, KY, and TN on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

MC 154613 (Sub-1), filed April 2, 1981. Applicant: DEPENDABLE TRANSPORTATION, INC., P.O. Box 122, Rushville, OH 43150. Representative: Joseph J. LoPresti, Jr., 2500 Terminal Tower, Cleveland, OH 44113, (216) 241-6602. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, container components, glassware, and television bulb components, between points in IL, IN, NY, OH, and PA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expendite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 154752, filed March 17, 1981. Applicant: L. S. MITCHELL & SONS, INC., 1919 S. Canal St., Highlands, TX 77562. Representative: Joe G. Fender, 9601 Katy Fwy., Suite 320, Houston, TX 77024, 713-827-1407. Transporting *ships' stores and equipment, and ships' spare parts*, between points in Houston and Harris Counties, TX, on the one hand, and, on the other, Galveston, Texas City, Port Arthur, Beaumont, and Corpus Christi, TX and St. Petersburg, FL.

MC 154832, filed March 19, 1981. Applicant: CONTAINER SERVICE CORPORATION, 3061 W. Saner, P.O. Box 210629, Dallas, TX 75211. Representative: Robert E. Cohn, 1747 Pennsylvania Ave., N.W., 9th Floor, Washington, D.C. 20006, (202) 466-6900. Transporting: *general commodities*, (except classes A and B explosives) (1) between Dallas, TX, on the one hand, and, on the other, Oklahoma City, OK, Little Rock, AR, Ft. Smith, AR, Texarkana, AR/TX, Shreveport, LA, Lubbock, TX, Amarillo, TX, El Paso, TX, San Antonio, TX, and Tulsa, OK, on the other, and (2) between Baton Rouge, LA and Houston, TX.

MC 155023, filed March 31, 1981. Applicant: PETERSON BUS SERVICE, INC., P.O. Box 330, New London, MN 56273. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *passengers and their baggage*, in the same vehicle, in round-trip, charter and special operations, between those points in Pope, Kandiyohi, Meeker, and Stearns Counties, MN, on and west of MN Hwy 4 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction US Hwy 71, then north over US Hwy 71 to the northwest county line between Sfearns and Todd Counties, MN, those points in Douglas County, MN on and south of MN Hwy 27, on the one hand, and, on the other, points in the U.S.

Volume No. OP1-114

Decided: April 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Taylor not participating.)

MC 2421 (Sub-35), filed March 18, 1981. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle, S.E., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylfania Ave. and 13th St., N.W., Washington, DC 20004. Transporting *such commodities* as are dealt in by wholesale and retail grocery stores, between points in Catawba County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 35320 (Sub-640), filed February 23, 1981, and previously noticed in Federal Register issue of March 16, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745-7262. Transporting *general commodities* (except classes A and B explosives), serving Charlotte, NC as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Note.—This republication clarifies the territorial description.

MC 47171 (Sub-206), filed March 20, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879-2101. Transporting *machinery and metal products*, between points in GA and SC.

MC 75471 (Sub-3), filed April 1, 1981. Applicant: ELSTON RICHARDS STORAGE COMPANY, 3739 Patterson SE., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting (1) *furniture and fixtures* and (2) *machinery*, between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 124141 (Sub-53), filed March 31, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under

continuing contract(s) with Precision Aire, Inc., of St. Petersburg, FL.

MC 133391 (Sub-6), filed March 9, 1981, and previously noticed in **Federal Register** issue of March 27, 1981. Applicant: SCHWERMAN TRUCKING CO. OF VA, INC., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201, (414) 671–1600. Transporting *clay, concrete, glass or stone products*, between Richmond and Chesapeake, VA, on the one hand, and, on the other, points in NC.

Note.—This republication clarifies the commodity description.

MC 138890 (Sub-17), filed March 31, 1981. Applicant: MOODIE, INC., 300 Acorn Street, Stevens Point, WI 54481. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting *food and related products*, between points in Fond du Lac County, WI, on the one hand, and, on the other, points in the U.S.

MC 148231 (Sub-6), filed March 31, 1981. Applicant: SIKORA & WILSON, INC., d.b.a. EAST-WEST EXPRESS, 7900 N. Frontage Rd., Hinsdale, IL 60521. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507. Transporting (1) *chemicals and related products*, and (2) *Rubber and plastic products*, between points in Cook County, IL, Rockdale County, GA, Mercer County, NJ and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 150080 (Sub-5), filed February 23, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Just Born, Inc., of Bethlehem, PA.

MC 153341F, filed April 2, 1981. Applicant: CUSTOM BUS LEASING, INC., 645 Highway 1378, Wylie, TX 75098. Representative: Robert Q. Stanton, 3800 Republic National Bank Tower, Dallas, TX 75201 (214) 748–8177. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Dallas, Denton, Tarrant, Johnson, Ellis, Kaufman, Rockwall, Hunt, and Colin Counties, TX, and extending to points in the U.S (except HI).

MC 154930 (Sub-1), filed March 31, 1981. Applicant: VIRGINIA EDMONDS, d.b.a. EDMONDS TRANSPORT COMPANY, 733 Grubb Circle, Mesquite, TX 75149. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 339–4108. Transporting *transportation equipment*, between Carrollton, TX, on the one hand, and, on the other, Oklahoma City, OK and Shreveport, LA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11522 Filed 4–15–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

IN FR Doc. 81–8441 appearing at page 17667 in the issue for Thursday, March 19, 1981, make the following correction:

On page 17668, in the second column, in paragraph "MC 82841 (Sub–34)", application of "Hunt Transportation, Inc.", in the tenth line, "UT and MN" should have read "UT and NM".

BILLING CODE 1505–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–6472, appearing at page 14212 in the issue for Thursday, February 26, 1981, make the following correction:

On page 14214, in the first column, in the paragraph "MC 145990 (Sub-4)" filed for "C & E Transport, Inc.", in the eighth line, insert "IN" immediately before "KY".

BILLING CODE 1505–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–83]

Certain Window Shades and Components Thereof; Commission Schedule for Filing Written Submissions on the Presiding Officer's Recommendation; on Relief, Bonding, and the Public Interest; and for Requesting a Public Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Request for written submissions regarding relief, bonding, and the public interest in investigation No. 337–TA–83, Certain Window Shades and Components Thereof.

SUMMARY: Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), in the unauthorized importation into the United States and sale of certain window shades and components thereof that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. No public hearing is presently scheduled in this matter.

Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

Although no public hearing before the Commission is scheduled, requests for such a hearing will be considered by the Commission. If a public hearing is requested and the Commission grants that request, the hearing will be held on Thursday, April 30, 1981.

SUPPLEMENTARY INFORMATION:

Written Presentations on Relief, Bonding, and the Public Interest

If the Commission finds that a violation of Section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in presentations which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors

which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

Therefore, in order to give greater focus to the Commission's consideration of this investigation, the parties to the investigation, Government agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. Briefs must be filed not later than the close of business on April 27, 1981.

Request for Hearing

Written requests for a hearing before the Commission must be received by the Office of the Secretary no later than April 27, 1981. Any request for a hearing must state in detail the reason for such request, including the reasons why the issues in question cannot be addressed adequately by means of written submissions.

Additional Information

The original copy and 11 true copies of all briefs must be filed with the Office of the Secretary not later than April 27, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

By order of the Commission.

Issued: April 13, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–11507 Filed 4–15–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 938–81]

Modification to List of Bureau of Prisons Institutions

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: Attorney General Order No. 646–76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. This order modifies the list by redesignating the Federal Correctional Institution and Lake Placid, New York the Federal Correctional Institution, Ray Brook, New York.

EFFECTIVE DATE: April 7, 1981.

FOR FURTHER INFORMATION CONTACT: Ira B. Kirschbaum, Assistant General Counsel, Bureau of Prisons, U.S. Department of Justice, 320 First Street, N.W., Washington, D.C. 20534 (202–724–3062).

SUPPLEMENTARY INFORMATION: This order is not a rule within the meaning of the Administrative Procedures Act, *see* 5 U.S.C. 551(4), the Regulatory Flexibility Act, *see* 5 U.S.C. 601(2), or Executive Order No. 12291 1(a).

By virtue of the authority vested in me as Attorney General by 18 U.S.C. 4003, 4081, 4082, Attorney General Order No. 646–76, 1, as amended, is further amended at Subparagraph B by redesignating the Federal Correctional Institution at Lake Placid, New York the Federal Correctional Institution, Ray Brook, New York.

Dated: April 7, 1981.

William French Smith,

Attorney General.

[FR Doc. 81–11430 Filed 4–15–81; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–16]

Reports, Recommendations, Responses; Availability

The National Transportation Safety Board on April 9 released the following accident investigation reports:

Aircraft: *Redcoat Air Cargo, Ltd., Bristol Britannia 253F, Registration G–BRAC, Billerica, Massachusetts, February 16, 1980 (NTS B–AAR–81–3).* (Press Release SB 81–11, February 23, 1981.)

Railroad: *Side Collision of Norfolk and Western Railway Company Train No. 86 with Extra 1589 West, near Welch, West Virginia, September 6, 1980 (NTS B–RAR–81–2).* (Press Release SB 81–13, March 4, 1981.)

The Safety Board also announces the issuance of letters containing the following safety recommendations:

A–80–120 Through –122 to the Federal Aviation Administration, November 21, 1980

Issue an emergency airworthiness directive requiring, before further flight, (1) the immediate inspection of pushrods, of all Lycoming O–235–L2A and –L2C engines and (2) replacement of damaged or bulging aluminum pushrods. (Class I, Urgent Action) (A–80–120)

Establish, in consultation with the manufacturer, an inspection interval which will assure that damaged pushrods are discovered before the damage progresses to the point of engine failure. (Class II, Priority Action) (A–80–121)

Issue an airworthiness directive requiring that all Lycoming O–235–L2A and –L2C engines be inspected at the established interval and that damaged pushrods be replaced. (Class II, Priority Action) (A–80–122)

A–81–17 to the Secretary, U.S. Department of Transportation, February 24, 1981

Determine which agencies have jurisdiction over shippers and freight forwarders, and coordinate joint efforts with those agencies to promulgate guidelines that specify the responsibilities of shippers, freight forwarders, and air carrier certificate holders in determining unit weights in bulk air cargo shipments so as to facilitate compliance with current load manifest requirements by air carrier certificate holders. (Class II, Priority Action) (A–80–17)

A–81–18 to the Federal Aviation Administration, February 24, 1981

Promulgate regulations to require that unit pieces in bulk load air cargoes are labeled as to acutal weight. (Class II, Priority Action) (A–81–18)

R–81–37 and –38 to the Norfolk and Western Railway Company, March 17, 1981

Modify existing signals so that an "advance approach" aspect will be displayed for eastbound trains on both tracks at Mohegan when an "approach" aspect is displayed on either track at the west end of Farm. Where similar conditions exist at other locations, also provide an advance aspect. (Class II, Priority Action) (R–81–37)

Establish supervisory procedures at crew-change terminals to insure that all operating department employees coming on duty at any hour of the day are physically fit and capable of complying with all pertinent operating rules. (Class II, Priority Action) (R–81–38)

Recent Federal Aviation Administration Responses to Safety Board Recommendations

A-74-55 (April 1).—Supplements response of Oct. 2, 1978 (43 FR 50063, Oct. 26, 1978) and responds to Board inquiry of Aug. 19, 1980. Installation of VASI's on ILS runways is an ongoing FAA program.

A-75-35 through -37 (March 11).—Supplements response of Sept. 21, 1978 (43 FR 48743, Oct. 19, 1978). Norfolk TRSA expanded to include Langley Air Force Base; TRSA's established by FAA/DOD at selected military locations.

A-76-110 and -113 (March 17).—Supplements response of Nov. 19, 1976, reference recommendations reported at 41 FR 36091, Aug. 26, 1976. Re aerobatic airplanes, study shows uniquely applicable stick force gradient requirements not needed, nor is R&D for installation of accelerometers.

A-78-48 (March 18).—Supplements response of Sept. 11, 1978 (43 FR 46090, Oct. 5, 1978) and responds to Board comments of Oct. 21, 1980. Manufacturers' operating instructions now correct deficiencies re induction icing in aircraft using engines with injection-type carburetors.

A-79-3 (April 1).—Supplements response of May 4, 1979 (44 FR 28897, May 17, 1979) and responds to Board inquiry of Aug. 15, 1980. Safety information, intended to reduce probability of failure in Thompson Model 1900 engine-driven fuel pumps, has been published.

A-79-33 and -34 (April 1).—Supplements response of July 23, 1979 (44 FR 48004, Aug. 16, 1979) and responds to Board inquiry of Aug. 15, 1980. Letter issued, to be followed by advisory circular, reemphasizing need to consider cockpit configuration and instrumentation factors when approving engineering changes or issuing supplemental type certificates. Supplemental Type Certificate SA3357WE-D audited.

A-80-120 through -222 (February 4).—Initial response to recommendations issued Nov. 21, 1980 (see above). FAA concurs and has issued Emergency Airworthiness Directives 80-25-02 and 80-25-02R1.

A-80-142 (April 1).—Initial response to recommendations reported at 46 FR 9822, Jan. 29, 1981. FAA concurs. Airworthiness Directive requiring inspections and overhaul as outlined in Stewart-Warner service manuals is expected by April 3, 1981.

A-81-8 (March 27).—Initial response to recommendations reported at 46 FR 11075, Feb. 5, 1981. FAA's Weather Message Switching Center is modifying and expanding its "Urgent Routing" capabilities.

Recent Responses to Marine Safety Recommendations

M-79-17 through -30 (U.S. Coast Guard, March 30).—Responds to Safety Board comments of Nov. 7, 1979, re initial response of Aug. 6, 1979 (44 FR 50937, Aug. 30, 1979). Discusses use of VHF radiotelephones on USCG cutters, workability of bridge-to-bridge communications, career development training, sufficiency of instructors on training vessels, personnel qualification standards, use of radar equipment and plotting of radar data, taking of medication by watchstanders, initiation of early action in crossing situations, accessibility of lifejackets, automatic emergency lighting for egress from manned spaces on USCG cutters, and removal of drawers from inclined ladders.

M-79-102 (Department of the Navy, March 30).—Responds to Safety Board comments of Feb. 25, 1981, re Navy's response of Sept. 10, 1980 (45 FR 65370, Oct. 2, 1980). Re authorization of unclassified transmission of certain weather observations within the U.S. Economic Zone, Navy reports a new software routine at the Fleet Numerical Oceanography Center will be completed this year.

M-80-55 (Exxon Company, U.S.A., March 5).—Responds to recommendation reported at 45 FR 63581, Sept. 25, 1980. Exxon will include an on-board review of radar and Automated Radar Plotting Aid proficiency in its yearly vessel safety audit program.

M-80-56 through -61 (U.S. Coast Guard, March 30).—Responds to recommendations reported at 45 FR 63581, Sept. 25, 1980. Discusses checklist for verifying condition of inert gas systems of foreign and domestic tankers, sufficiency of existing inert gas regulations, assurance of operation of inert gas system before commencing cargo transfer, maintenance of inerted atmosphere and reporting of hazardous conditions, inspection of flame screens, and specifications for flame arresters.

Recent Responses to Railroad Safety Recommendations

R-78-51 (Pennsylvania Emergency Management Agency, March 23).—Response is to comments of Feb. 6, 1981, on Pennsylvania Department of Transportation's letter of Feb. 28, 1979 (44 FR 21910, Apr. 12, 1979). Upon resolution of the Allegheny County Disaster Plan review, the Safety Board will be notified as to exact implementation.

R-80-26 (Federal Railroad Administration, March 16).—Responds to Board comments of Feb. 18, 1981, re FRA's response of Aug. 18, 1980 (45 FR 57610, Aug. 28, 1980). Reports on tests performed by the National Railroad Passenger Corporation and the Atchison, Topeka and Santa Fe Railway Company on automatic train stop equipment.

R-80-51 through -53 (Conrail, March 18).—Responds to recommendations reported at 46 FR 11075, Feb. 5, 1981. Reports on qualifications for engineers and conductors, training and periodic requalification of operating personnel, and mechanical inspection procedures.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

April 10, 1981.

[FR Doc. 81-11449 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 13, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list

was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

Bureau of Land Management
- 43 CFR Part 2200 Exchanges—General
- Nonrecurring
- Individuals or Households/State or local governments/farms/
- business or other institutions

Individuals and Businesses interested in land owned by Federal Government
Sic: Multiple
Conservation and land management, 115 responses, 345 hours; 1 form, not applicable under 3504(H)
Constance Buckley, 202-395-7340

The rulemaking provides the guidance for the filing, processing and completion of an exchange. The information required of an applicant is needed to determine if the proposed exchange meets the requirements of the Federal Land Policy and Management Act, if the land being conveyed to the United States is acceptable, and the title of the proponent is adequate.

- Bureau of Land Management

43 CFR Part 2920 Leases, Permits and Easements
Nonrecurring
Individuals or households/farms/ businesses or other institutions those who wish to use Federal Lands for non-Federal uses.
Sic: Multiple
Conservation and land management, 1,435 Responses, 3,587 hours; 1 form, not applicable under 3504(H)
Constance Buckley, 202-395-7340

This rulemaking provides the procedure under which an individual can make proposal or file an application to obtain an authorization to use Federal lands for a non-Federal use. The information required from an applicant is needed to determine if the proposed non-Federal use is appropriate and in keeping with the requirements of the Federal Land Policy and Management Act.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Office of Justice Assistance, Research and Statistics

User Survey 1—Survey of Registered and Non-Registered Users of NCJRS
NIJ 2300/1 & 2300/1A
Annually
Individuals or households
Registered Users of the Nat'l Crim. Justice Ref. Services
Criminal Justice Assistance, 3,800 responses, 1,254 hours; $101,838 Federal cost, 2 forms, not applicable under 3504(H)
Andy Uscher, 202-395-4814

These surveys are important to the Institute and to NCJRS Management in assuring that the NCJRS services and products are (1) responsive to the changing needs and requirements of this Nation's criminal justice community and, (2) provided in a most cost effective and efficient manner. The intended uses of these surveys are strictly for administrative and management purposes.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

- Employment and Training Administration

Energy Conservation Employment Survey
MT-316
Nonrecurring
Businesses or other institutions
36 energy mgrs from leading firms in 12 ind.—3 firms, etc.
Sic: Multiple
Training and employment, 36 responses, 18 hours; $53,700 Federal cost, 1 form, not applicable under 3504(H)
Arnold Strasser, 202-395-6880

Recent increases in energy prices have been accompanied by large increases in employment and slack productivity growth. This survey will allow estimates of the extent to which these employment gains and productivity growth declines are attributable to an increase in energy conservation-related jobs and/or the use

of existing employees for conservation-related work.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

• Task Environment Survey (I) and (II)
OPM–21–80
On occasion
Individuals or households
Individuals from the public serviced by sel. Fed. agencies
Central personnel management, 100 responses, 150 hours; $30,000 Federal cost, 2 forms, not applicable under 3504(H)
Robert Veeder, 202–395–4814

Used as a part of an overall program to evaluate the effects of the Civil Service Reform Act of 1978. Opinions will be solicited over the next four years from the public serviced by selected Federal agencies. The results should contribute to the indentification of the strength's of the new law, and the development of constructive alternatives for its shortcomings.

OTHER TEMPORARY COMMISSIONS

Agency Clearance Officer—Paul M. Tessler—FTS–261–1376

New

• Application for life estate lease
Nonrecurring
Individuals or households
Navajo and Hopi heads of hhlds. who are subject to reloc.
Other general government, 325 responses, 487 hours, 1 form, not applicable under 3504(H)
C. Louis Kincannon, 202–395–6880

To be used to apply for life estate leases by members of the Navajo and Hopi Indian Tribes who are subjects to relocation by the Navajo and Hopi Relocation Commission.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81–11524 Filed 4–15–81; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. MC81–1]

Mail Classification Schedule, 1981

April 9, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Of Prehearing Conference", dated April 9, 1981, a prehearing conference will be held on May 13, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 81–11437 Filed 4–15–81; 8:45 am]

BILLING CODE 7715–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Executive Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on May 8, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C., commencing at 9 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on March 20, 1981; (2) Special Committee Activities Report for March-April, 1981; (3) Chairman's Report on RTCA Administration and Management; (4) Approval of RTCA Budget for Fiscal Year 1982; (5) Consideration of Establishing New Special Committees; (6) Approval of Ad Hoc Committee Report on Review of Comments to Technical Standard Orders; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 8, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–11420 Filed 4–15–81; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 139, Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on May 12–14, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Eleventh Meeting Held on March 4–6, 1981; (3) Report on the International Civil Aviation Organization (ICAO) Communications Division Meeting; (4) Review Sixth Draft of Committee Report on Minimum Operational Performance Standards for MLS; (5) Review Draft Report on Future Committee Work; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on April 6, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81–11144 Filed 4–15–81; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 146, Airborne Automatic Direction Finding Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 146 on Airborne Automatic Direction Finding Equipment to be held on May 6–7, 1981 in RTCA Conference 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of First Meeting Held on February 26–27, 1981; (3) Consideration of Report of Airborne Equipment Working Group; (4) Consideration of Report of Ground Equipment Working Group; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296–0484.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on April 6, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-11145 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[Docket No. RFA-305-80-1; Notice No. 2]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Request for public comments on preliminary determinations regarding the development of an Expedited Supplemental Transaction Proposal (Expedited STP) pursuant to section 305(f) of the Regional Rail Reorganization Act of 1973 (Act), 45 U.S.C. 745(f).

SUMMARY: On December 29, 1980, FRA published Notice No. 1 (45 FR 85542) setting forth the process to be followed by FRA in determining whether to propose an Expedited STP for the transfer of all rail properties of the Consolidated Rail Corporation (Conrail) in the States of Connecticut and Rhode Island (the Rail Properties) to another railroad in the region for the purpose of providing freight service. In response to this notice three railroads, the Boston and Maine Corporation (B&M), Central Vermont Railway (CV), and the Providence and Worcester Railroad Company (P&W) (collectively referred to as the potential transferees), expressed interest in acquiring the Rail Properties. However, only the P&W actually submitted a proposed Expedited STP and that submission lacks some of the required projection and plans. FRA has reviewed the P&W submission as well as Conrail's proposed transfer terms and has preliminarily concluded that it cannot make the three affirmative statutory deteminations which are a condition precedent to intiating an Expedited STP. FRA requests public comments on this matter before making final determinations.

DATE: Parties wishing to comment on this Notice shall submit their written comments to FRA by May 18, 1981. Comments received after this date will be considered by FRA to the extent practicable.

ADDRESS: Four (4) copies of written submissions must be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 8211, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number. Written submissions will be available for examination, consistent with the Freedom of Information Act, at the above address between 8:30 a.m. and 5:00 p.m., EST, Monday through Friday. Those desiring notification of receipt of submissions must include a self-addressed stamped postcard.

For the convenience of the public, copies of public comments will also be available for public inspection at the following locations:

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island, between 8:30 a.m. and 4:30 p.m., EST, Monday through Friday.

Connecticut Department of Transportation, Administration Building, 24 Wolcott Hill Road, Wethersfield, Connecticut, between 8:30 a.m. and 4:00 p.m. EST, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, (202) 472-7180. Office hours are 8:30 a.m. to 5:00 p.m. EST, Monday through Friday.

SUPPLEMENTARY INFORMATION: In response to a request by FRA, the potential transferees and Conrail have each stated their position regarding an Expedited STP.

Position of Potential Transferees: Only one of the three potential transferees, the P&W, has submitted a proposed Expedited STP, and that submission lacks some of the required projections and plans. The other two failed to submit financial projections and proposed operating plans to FRA. The B&M indicated that it cannot accept a transfer of all of the properties because its projections indicate that collectively these lines cannot be operated at a profit. The CV had indicated in a letter that it could not meet the FRA data submission deadline and it has subsequently told FRA informally that it is not interested in purchasing all of the Rail Properties. Both railroads continue to express their interest in some of the Rail Properties should Conrail cease to operate them in the future. The B&M and CV statements are attached as Appendix A.

The P&W proposal indicates that it can profitably operate the Rail Properties it if is not obligated to pay the labor protection costs arising from the transfer: "As long as Federal reimbursement funds are available, P&W will work with affected employees who are displaced or dismissed as a result of acquisition to obtain such funds. When or if the Federal reimbursement fund is exhausted, P&W will assume no further liabilities for, and will not pay, any labor protection benefits." The following is a summary of the P&W Expedited STP submission:

The P&W currently operates 212 miles of railroad in the states of Connecticut, Rhode Island, and Massachusetts. Under P&W's proposal, two operating divisions will be established to cover P&W's existing operations and the newly-acquired lines from Conrail. The P&W will implement an operating plan which will improve freight service in these areas. The new Eastern Division will comprise the existing P&W lines plus an additional 36.9 miles of acquisitions and 85.7 miles of trackage rights. The Western Division will comprise 214.9 route miles of newly-acquired lines and trackage rights over an additional 193.2 miles.

The proposed Eastern Division operations represent an increase in P&W's volume of approximately 15,000 loaded cars per year to the Providence and New London areas. The operating plan proposed provides for an interchange with the Central Vermont at New London. Additional train service is to be added at Providence (RI) and Plainfield (CT) to handle this increased traffic.

P&W currently does not provide rail service in the area to be operated as the Western Division. With a volume of approximately 90,000 cars per year in this area, the P&W proposes to interchange traffic at Springfield, Massachusetts, and on the Maybrook Branch, and to institute run-through service between Selkirk and Cedar Hill yards. Further discussions with Conrail should lead to the implementation of reciprocal blocking arrangements between the two railroads. Local and yard service will be provided, serving all locations on these lines which are currently served by Conrail, at levels equal to or exceeding the current service.

Several of the lines under consideration will not be contiguous to the main body of P&W operations. A number of options for service are presented with regard to each of these lines, including further acquisitions of rail property, acquisition of trackage rights, consideration of additional interchange points, and provision of service by Conrail.

The P&W will implement a comprehensive maintenance and rehabilitation program on these lines.

The P&W will either lease or purchase 50 locomotives to meet the projected service requirements on the lines proposed for acquisition. A total of 400 freight cars will be purchased or leased in order to meet shipper's requirements.

It is estimated that during the study period (1979) there were 574 Conrail employees involved in freight operations in Connecticut and Rhode Island. It is projected that 560 of these employees will be required for the continued operations in these states. The capital program for rehabilitation of the lines

will afford additional employment possibilities.

The study assumes that the existing Conrail labor agreements will remain in effect for a period of one year, with implementation of P&W labor agreements in 1983.

Total P&W revenue for 1985 is estimated to be $45 million (1979 dollars) with NROI projected at $1 million. Acquisition and start-up costs are estimated to be in the range of $6 to $10 million [1979 dollars], including purchase price, initial rehabilitation expenses, equipment needs, and other one-time expenses.

This plan for the expanded operation of the P&W does not require any state or federal funding of operations or improvements to the acquired properties.

As its submission on the valuation of the Rail Properties, the P&W submitted a methodology based upon Original Cost Less Depreciation and Excess Depreciation (OCLDD').

Position of Conrail: Conrail has indicated that the following terms are needed if the transaction is to be fair and equitable to Conrail:

(1) The acquiring railroad must agree to a division of revenues on traffic handled jointly with Conrail which does not exceed the divisions prescribed in ICC Docket No. 28300 (50 mile blocks, 20 percent minimum). This agreement is to be embodied in any order of the Special Court directing Conrail to implement a supplemental transaction proposal.

(2) The acquiring railroad must, as is required by sections 305(d)(7) and 508 of the Act, as amended, agree to afford labor protection to all Conrail employees adversely affected by the transfer of Conrail properties by the exercise of seniority rights by other Conrail employees, at the levels prescribed in section 505 of the Act, as amended. This agreement is to be embodied in any order of the Special Court as described above.

(3) The acquiring railroad must agree to assume those charges payable to Amtrak for the carriage of property by rail over those portions of the Northeast Corridor in Connecticut and Rhode Island, as prescribed in the "Northeast Corridor Freight Operating Agreement" between Conrail and the National Railroad Passenger Corporation (Amtrak). This agreement is to be embodied in any order of the Special Court as described above.

(4) The acquiring railroad must agree to pay a purchase price to be determined through negotiation between Conrail and the acquiring railroad, with binding arbitration by FRA if necessary.

(5) The acquiring railroad must provide adequate assurances that it is financially responsible, and capable of fulfilling, and that it will fulfill, all obligations to Conrail which arise from the transfer of Conrail properties in Connecticut and Rhode Island on a timely and responsible basis, and must agree that no such obligation will be subject to any claim, offset, or encumbrance of any kind which the acquiring railroad may be asserting against Conrail on the date of the transfer." Conrail has indicated that "any proposal not meeting the terms would result in a net loss to Conrail based on the present ratio of revenue to variable cost of Conrail's freight operations in Connecticut and Rhode Island, and would in Conrail's view not be fair and equitable, not meet the requirements of section 305(f) of the Act, and not be in the public interest.

In the absence of an Expedited STP, "Conrail plans to undertake a program of corrective action with respect to its rail operations in Connecticut and Rhode Island involving possible (a) line abandonments, (b) branch line or commodity surcharges, and (c) rehabilitation of certain lines."

Discussion of the P&W and Conrail Submissions

1. *Issue of Conrail's Future:* Potential transferees and FRA are unable to factor into their Expedited STP analysis the substantial changes that everyone agrees must be made to the northeast rail system in light of Conrail's inability to achieve profitable operations. These changes, which FRA believes should include sale of Conrail properties to profitable carriers, could dramatically affect the operations and profitability of the Conrail lines in Connecticut and Rhode Island. Because of this uncertainty, FRA does not believe that a decision can be made that any of the potential transferees can operate the Rail Properties on a financially self-sustaining basis or that a transfer of the Rail Properties would promote the establishment and retention of a financially self-sustaining rail system in Connecticut and Rhode Island.

2. *Wide Divergence in Conrail and P&W Positions on Terms of an Expedited STP:* a. *Revenue Divisions*— The P&W proposal contains a recommendation "* * * that the P&W accept the former New Haven divisions on this traffic interchanged with Conrail with the provision that in the event that the average revenue per car when calculated using 1979 rates for all traffic interchanged is less than $350 per car, that Conrail will pay to P&W that additional revenue required to meet the established base requirement." Such divisions are assumed in the P&W's financial projection.

Conrail, however, has stated that substantially lower divisions will be required for the transfer price to be fair and equitable to Conrail. Conrail estimates that the former New Haven divisions, without the $350 minimum, represent a difference of more than 20 percent from the 28300 revenues Conrail proposes. Based upon the size of this difference, it is highly unlikely that FRA could establish a division that would be acceptable to both P&W and Conrail.

b. *Labor Protection Payments*— Conrail takes the position that the transferee must assume all labor protection costs arising out of a transfer. P&W indicates that it will require Federal reimbursement for any labor protection costs it incurs. The Federal funding authorized for labor protection under Title V of the Act is sufficiently low that it is unlikely any Federal funds will be available for protection costs connected with an Expedited STP. Conrail has estimated labor protection costs could be as high as $21 million annually if no Conrail employees transfer to P&W, as was the case with the previous transfer of Conrail properties to P&W under an STP. Conrail has also indicated that an additional one-time cost of $3.8 million would be incurred to move employees associated with the Rail Properties and whom Conrail would continue to employ.

FRA favors repeal of the labor protection provisions contained in Title V and the enactment of less costly but fair and equitable type of labor protection. Such a prospective change in the law, however, cannot be anticipated in making the finding required by May 29, 1981.

FRA sees no resolution to this impasse without waiver by the Conrail employee unions of labor protection payments, or the commitment of additional Federal funds. Neither waiver by Conrail employee unions nor additional Federal funding can be anticipated in our analysis.

FRA does not believe that it would be in the public interest to expend substantial Federal funds to implement an Expedited STP.

Preliminary Determinations

Based upon the above considerations, the FRA preliminarily believes that it cannot make two of the three statutory findings (45 U.S.C. 745(f) (A) and (B)) which are a condition precedent to initiating an Expedited STP, prior to the May 29, 1981 statutory deadline. These two findings are that:

(A) the proposed transferee railroad is financially and operationally capable of assuming the freight operations obligations of the Corporation [Conrail] on a financially self-sustaining basis; [and]

(B) the proposed transfer would promote the establishment and retention of a financially self-sustaining railroad system in the States of Connecticut and Rhode Island adequate to meet the needs of such States.

In as much as P&W and Conrail positions are substantially different with

respect to proposed transfer terms for an Expedited STP, FRA is unlikely to be able to negotiate satisfactory terms prior to May 29, 1981.

FRA requests public comments on these preliminary determinations. All comments received within the comment period will be considered by FRA in making final determinations regarding the development of an Expedited STP.

Issued in Washington, D.C., April 9, 1981.

Robert W. Blanchette,

Federal Railroad Administrator.

Attachment A

Central Vermont Railway, Inc., P. C. Larson, General Manager, 2 Federal Street, St. Albans, Vermont 05478.

February 28, 1981.

Mr. Steve Black,

Federal Railroad Administration, Office of Associate Administrator for Federal Assistance, 400 Seventh Street S.W., Washington, D.C.

Dear Mr. Black: The Central Vermont Railway, Inc. wishes to advise you this date it will not be possible for our company to prepare and forward Potential Transferee Submission requirements by the established date of March 16, 1981. The following will, in detail, explain why this carrier is unable to submit a proposal by the required deadline. We regret to inform you of this because of our sincere interest in the overall health of the industry in Connecticut and Rhode Island. However, we feel sure you will agree because of the following that the Central Vermont Railway, Inc. cannot present an intelligent and responsible submission, meeting the deadline data of March 16, 1981.

However, for the record, please be advised this should not in any way be viewed as a disinterest on our part. We continue to be interested in continued involvement in the lines, as defined in Appendix A Rail Properties.

On January 6, 1981, the Central Vermont Railway, Inc. received from the Department of Transportation Notice No. 1, as it related to FRA Docket No. RFA–305–80–1. On January 16, 1981 the Central Vermont Railway submitted to your office the Company's official letter and required data representing a statement of interest as provided by the docket. On February 10, 1981, we received an invitation from your office, signed by Mr. William E. Loftus, to attend a procedures meeting in Washington scheduled for 1:30 P.M. Thursday, February 12, 1981. A representative of the Central Vermont Railway did attend the session, and met with other interested transferees, Conrail, as well as FRA staff personnel. During the course of the meeting the Central Vermont Railway submitted a list of data items required from FRA and Conrail which would be necessary to enable the Central Vermont Railway to submit a proposal. The list contained such items as engineering information, motive power and car equipment requirements, transportation schedules, copies of current Conrail operating contracts, joint operating agreements, Conrail employee data such as complete rosters, copies of labor agreements, employees by class, etc. In addition to the foregoing, the CV also requested data relating to demurrage income by customer, financial statements of the lines, traffic data by line segment, equipment pools and numerous other items. To date, we have received a very small portion of our request, and the data received is not complete in terms of our request. As an example, the employee data does not show wages, which is very important to us if we are to provide employee protection. The traffic data base which has been provided lacked critical information such as actual origin of Conrail terminating traffic, Conrail's oncoming junctions, Conrail's offgoing junction points on destination traffic. We are also in receipt of associated track charts, which are in good order; however we have not received valuation maps of the properties.

We are sure you will agree that the data requested by the Central Vermont is necessary if the company is to submit a reasonable proposal.

Officers of the Central Vermont Railway on February 18th and 19th, 1981 visually inspected the lines; however while this was helpful only information through observation was acquired.

We feel in fairness to this company, as well as our sincere desire to be fair to Conrail and to the United States Government that it was necessary to advise you of our position this date.

Once again in closing, may I say that the Central Vermont Railway maintains an interest in intelligently evaluating the feasibility of operating the various Conrail lines in Connecticut and Rhode Island should these lines become available to other carriers. If and when the requested data becomes available to us, we will continue our evaluation of these lines and will advise you of our findings.

I wish to express my appreciation for your cooperation in this matter, and please call on me at any time I can be of assistance.

Sincerely yours,

P. C. Larson,

General Manager.

Boston and Maine Corporation, Debtor, Iron Horse Park, North Billerica, Massachusetts 01862, 617/667–8100; Robert W. Meserve, Benjamin H. Lacy, Trustees; Alan G. Dustin, President and Chief Executive Officer.

March 16, 1981.

Office of Chief Counsel,

Federal Railroad Administration, Room 8211, 400 7th Street, S.W., Washington, D.C.

Dear Sir: Attached is a summary of the Boston and Maine's position on the 601 transfer of ConRail's lines in Connecticut and Rhode Island as mandated by the Staggers Rail Act of 1980.

The Boston and Maine has determined that the transfer of *ALL* the lines and Connecticut and Rhode Island would result in unprofitable operations for the Boston and Maine and as a result we will make no offer for these lines at this time.

The Boston and Maine remains interested in some of those lines and offers its help and cooperation in the ongoing process of determining the future of these lines whether they be with ConRail or another carrier such as the Boston and Maine. Our full position will be forwarded to you shortly in the U.S. mail.

Very truly yours,

A. G. Dustin.

Summary of Boston and Maine Position on Section 601 Transfer of Lines in Connecticut and Rhode Island.

1. Boston and Maine cannot accept a section 601 transfer of *ALL* lines in Connecticut and Rhode Island because its projections indicate that collectively these lines cannot be operated at a profit.

2. Boston and Maine continues to be interested in operating lines in these states if ConRail chooses to withdraw or is required to withdraw. A significant amount of B&M's business originates or terminates within these states and any transfer to another carrier could greatly affect Boston and Maine.

3. The section 601 process is significantly flawed because of its use of political boundaries instead of economic or operating boundaries. It is further flawed by the limited time period made available for the potential transferees to complete their studies of the lines to be transferred.

4. Any future restructuring of ConRail should be designed to enhance railroad competition, not diminish it.

5. If lines are transferred from ConRail in the future, ownership of these ConRail lines should remain in the public sector and be operated under lease by interested carriers.

6. Boston and Maine wishes to participate in future restructuring studies of ConRail.

7. Boston and Maine believes that any section 601 transfer will not be in the public interest. There are other restructuring options available which could be far more attractive than a section 601 transfer. For example, Boston and Maine suggests that an operation where more than one carrier had the right to operate to each of the major terminal areas in Connecticut and Rhode Island provides interesting possibilities to improve rail service to the region.

[FR Doc. 81–11278 Filed 4–15–81; 8:45 am]

BILLING CODE 4910–06–M

[FRA Waiver Petition Docket HS–81–4]

Lamoille Valley Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Lamoille Valley Railroad (LVRC) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the LVRC be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a

period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The LVRC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–4, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before May 1, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on April 1, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-11427 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Nos. RSGM–80–41 Through RSGM–80–86]

Petitions for Waiver of Safety Glazing Standards

Notice is hereby given that seven petitioners have submitted requests for temporary or permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as the information that has been submitted in support of the request for the waiver of compliance. It should be noted that each of these petitions involves a request for relief from provisions of the regulation that are applicable to passenger cars.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM–80–1) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (FRA), 400 Seventh Street, SW, Washington, DC 20490. Communications received before May 15, 1981, will be considered by the Federal Railroad Administration before the date final action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.–5 p.m.), in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Illinois Central Gulf Railroad

(Waiver Petition Docket Number RSGM–80–41)

The Illinois Central Gulf Railroad (ICG) seeks a permanent waiver of compliance with Part 223 for a present fleet of approximately 170 passenger cars that is currently used to provide commuter service in the vicinity of Chicago, Illinois. The ICG also seeks a similar waiver for approximately 10 passenger cars owned by the Regional Transportation Authority but operated by the ICG.

The waiver sought by ICG only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The ICG notes that these door windows are in a recessed location between closely coupled cars and, therefore, are not vulnerable to damage or breakage during normal operations. Consequently, the requested waiver would not expose passengers to any increased risk of injury if granted by FRA. The ICG does not believe that the cost of installing the prescribed glazing is justified since it would serve to protect against a non-existent hazard.

Chicago, Milwaukee, St. Paul and Pacific Railroad

(Waiver Petition Docket Number RSGM–80–42)

The Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) seeks a permanent waiver of compliance for its present fleet of 118 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to Milwaukee for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by Milwaukee only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The Milwaukee notes that these door windows are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Burlington Northern

(Waiver Petition Docket Number RSGM–80–43)

The Burlington Northern (BN) seeks a permanent waiver of compliance for its present fleet of 141 passenger cars. The requested waiver would also apply to any similar passenger cars owned by the Regional Transportation Authority but furnished to BN for commuter service in the vicinity of Chicago, Illinois.

The waiver sought by BN only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The BN notes that these doors are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Chicago, South Shore and South Bend Railroad

(Waiver Petition Docket Number RSGM–80–48)

The Chicago, South Shore and South Bend Railroad (South Shore) seeks a temporary waiver of compliance with Part 223 for its present fleet of 49 passenger cars. These cars are currently used to provide passenger service

between South Bend, Indiana, and Chicago, Illinois.

The waiver sought by South Shore would permit these cars to remain in service without the installation of the prescribed glazing materials. The South Shore notes that these cars were originally built in the 1920's and are still in service pending acquisition of replacement equipment. The replacement equipment is being purchased by regional transportation authorities and delivery is anticipated during 1982.

The replacement of vandal damaged windows or a full retrofitting of these cars is sought to be avoided by South Shore due to the anticipated retirement of these cars. The South Shore notes the existing design of these cars does not permit the installation of improved glazing without a substantial modification of the existing window framing. Given the scheduled retirement of the equipment and the difficulty of replacing broken windows with prescribed glazing the South Shore seeks to exempt these cars from the regulation.

National Railroad Passenger Corporation

(Waiver Petition Docket Number RSGM–80–53)

The National Railroad Passenger Corporation (Amtrak) seeks a permanent waiver of compliance with Part 223 for its present fleet of locomotive hauled passenger cars. The waiver sought by Amtrak would apply to the glazing that is installed in windows located in both end facing and side facing door locations.

The Amtrak request indicates that the glazing material currently installed in these locations meets the requirements for large object impacts but fails to meet the bullet impact criteria of the regulation. The failure to meet the bullet impact requirement is only a partial failure, in Amtrak's judgment, because the current material will effectively perform its function if the bullet impact velocity is 850 feet per second rather than the 960 feet per second impact specified in the regulation. Additionally, Amtrak indicates that the location and small size of these door windows presents virtually no safety hazard to either crew members or passengers even if impacted by a bullet. Consequently, granting the requested waiver would not increase the risk of injury to any party to any signficiant degree.

The Amtrak request also seeks a permanent waiver of compliance for a specific group of twenty-five passenger cars identified as Superliner Lounge/Cafe cars. These cars are currently being built for Amtrak and will be delivered over a period of time. These cars will be equipped with a glazing material that was specifically designed to allow distortion free sightseeing by passengers. Recent testing of the side window materials intended for installation in these cars indicates that the materials will meet the large object impact criteria of the regulation but will not fully meet the bullet impact criteria. The material will meet a bullet impact if the bullet is impacting at 945 feet per second but not at the 960 feet per second velocity required under the regulation. Amtrak believes that this marginal deviation is so small that no material increase of injury risk for passengers or crew members will exist if it is permitted to install the selected material on this limited group of cars.

Norfolk and Western Railway

(Waiver Petition Docket Number RSGM–80–66)

The Norfolk and Western Railway (N&W) seeks a permanent waiver of compliance with Part 223 for a fleet of 14 passengers cars used to provide commuter service in the vicinity of Chicago, Illinois. These passenger cars are owned by the Regional Transportation Authority and are operated by the N&W.

The waiver sought by N&W only applies to small windows in the end doors on these cars. These end doors are designed to permit passengers to move between individual cars. The N&W notes that these doors are in a recessed location between closely coupled cars and therefore are not vulnerable to damage or breakage during normal operations.

Long Island Railroad

(Waiver Petition Docket Number RSGM–80–8)

The Long Island Railroad (LIRR) seeks a temporary waiver of compliance with Part 223 for its present fleet of approximately 800 passenger cars. These cars are currently used to provide commuter service in the vicinity of New York, New York.

The temporary waiver sought by the LIRR applies only to the side windows of the multiple unit electrical equipment. The LIRR indicates the size of its fleet of cars and the complexity of the window installation will prevent the LIRR meeting the June 30, 1983, deadline for retrofitting the side windows. The LIRR asks for an extension of that retrofit until December 31, 1985. The LIRR indicates that it will have installed the necessary glazing on the front or end facing locations on this equipment by the 1983 date.

(Sec. 202, 84 Stat. 97 (45 U.S.C. 431); Sec. 1.49(n) regs. of the Office of the Sec. of Trans. 49 CFR 1.49(n))

Issued in Washington, D.C. on April 1, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-11428 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-06-M

[Waiver Petition Docket Nos. LI–80–22 Through LI–81–3]

Petitions for Waiver of Locomotive Safety Standards

As required by 45 U.S.C. 431(c), and in accordance with 49 CFR 211.41 and 221.9, notice is hereby given that nine waiver petitions have been submitted to the Federal Railroad Administration (FRA) requesting temporary, or permanent waivers of compliance with 49 CFR Part 229 (Locomotive Safety Standards).

These regulations prescribe minimum safety standards for all locomotives except those propelled by steam power. The regulations were recently revised. The final rule was published in the **Federal Register** on March 31, 1980, (45 FR 21092) and became effective on May 1, 1980. Each of the railroads or other interested party seeking a waiver is identified below. A brief discussion of each request for waiver is provided.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. The FRA does not anticipate scheduling a public hearing in connection with the aforementioned petitions since the facts do not appear to warrant a hearing.

All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition No. LI–80–1) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before May 15, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable.

Detailed information concerning each petition is on file with the Docket Clerk. Any comments received will also be on file. This material is available for examination by the public during regular business hours (9 a.m.–5 p.m.) in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Ontario Midland Railroad

(FRA Waiver Petition Docket Number LI–80–22)

The Ontario Midland Railroad (OMR) seeks a waiver of compliance for the headlights installed on a single 44 ton locomotive. Additionally the OMR seeks to have this unit excluded from the switching step requirements of the Safety Applicance Standards (49 CFR Part 231).

Staten Island Rapid Transit

(FRA Waiver Petition Docket Number LI–80–23)

The Staten Island Rapid Transit Operating Authority (SIRT), a subsidiary of Metropolitan Transportation Authority of the State of New York, seeks a permanent waiver of compliance for fleet of 52 self-propelled multiple unit electric rapid transit passenger cars. These units are classified as locomotives and are subject to FRA jurisdiction since they operate on tracks that are part of the general railroad system of transportation.

The SIRT seeks the waiver to avoid installation of the speed indicators as required by Section 229.117 and the installation of a pilot or end plate as required by Section 229.123. The SIRT notes that it operates these units to serve some twenty stations located less than one mile apart. The slow acceleration of these cars and this station spacing keeps operating speeds low and eliminates the need for a speed indicator. The installation of an end plate or pilot would not be advantageous, in the SIRT's judgment, because it would tend to force vandal placed debris between the end plate and the third rail with a risk of electrical fire and service delays. Additionally, the SIRT believes that several suicide attempts that failed, due to the existing sill to railhead clearance, could in the future become fatalities due to the presence of a pilot or end plate.

Union Railroad

(FRA Waiver Petition Docket Number LI–80–24)

The Union Railroad (Union) seeks a permanent waiver of compliance for a fleet of 121 locomotives used in switching or transfer service that are not currently equipped with an end plate, pilot or snowplow as required by § 229.123. The Union notes that it operates for short distances at slow speeds and has operated safety for many years without these devices.

Massachusetts Bay Transportation Authority

(FRA Waiver Petition Docket Number LI–80–25)

The Massachusetts Bay Transportation Authority (MBTA) seeks a temporary waiver of compliance to continue operating 9 cab control cars without installing speed indicators as required by Section 229.117. The temporary waiver would apply to 9 cab control cars leased from Canada by the MBTA. These units are being operated in commuter service but are scheduled to be returned to Canada during the summer months of 1981.

Southern Railway System

(FRA Waiver Petition Docket Number LI–80–26)

The Southern Railway System (Southern) seeks a permanent waiver of compliance for approximately 500 locomotives that are equipped with a wheel slide alarm device. The waiver sought by Southern involves the limitations on use of a locomotive which develops a defect identified in Section 229.91. The defective conditions, shorting or grounding of either a motor or a generator, specified in this section would significantly limit the continued operation of a locomotive.

The waiver sought by Southern would permit a more extensive operation of the defective locomotive in order to move the unit to the locomotive repair facilities at either Chattanooga, Tennessee, or Atlanta, Georgia. The waiver is based on Southern's belief that the wheel slide alarm device would provide a sufficient measure of safety to permit the continued "in service" operation of the defective unit.

In support of the waiver request Southern indicates that it is both possible and practical to isolate the single defective motor or generator and to continue the locomotive in service with reduced pulling power. Southern desires to use this reduced power capability while moving the locomotive to one of the two major locomotive repair facilities and notes that the regulation would only permit the locomotive to be moved "lite" or "dead" under the provisions of § 229.9(a).

Fore River Railroad

(FRA Waiver Petition Docket Number LI–80–27)

The Fore River Railroad seeks a permanent waiver of compliance for a single 44 ton locomotive that is not equipped with a wheel slide indicator as required by § 229.115. The Fore River Railroad indicates that this locomotive normally is used for switching, rarely handling even 8 freight cars, and consequently does not normally experience any wheel slip problems.

Grafton and Upton Railroad

(FRA Waiver Petition Docket Number LI–81–1)

The Grafton and Upton Railroad seeks a permanent waiver of compliance for a single 44 ton locomotive that is not equipped with a wheel slide indicator as required by § 229.115. The Grafton and Upton indicates that it has operated this unit for many years without experiencing any problem of slipping or sliding wheels.

Island Voyages Incorporated

(FRA Waiver Petition Docket Number LI–81–2)

Island Voyages Incorporated seeks a limited temporary waiver of compliance with the inspection requirement of § 229.23. Island Voyages indicates that it intends to operate a scenic passenger service from Hyannis to Sandwich on Cape Code in the State of Massachusetts during the summer months of 1981. This service will be provided using a leased locomotive.

There are no immediately available inspection facilities that would permit a "pit inspection" as required by § 229.23. Compliance with this provision would, therefore, severely affect the viability of this operation.

River Terminal Railway

(FRA Waiver Petition Docket Number LI–81–3)

The River Terminal Railway (RT) seeks a permanent waiver of compliance for 16 locomotives that are not equipped with an end plate, pilot or snowplow as required by § 229.123. The RT indicates that it operates primarily within the confines of the Republic Steel Corporation facilities at Cleveland, Ohio, and has operated safely for many years without such a device.

(Sec. 5 of the Locomotive Inspection Act, 36 Stat. 914 (45 U.S.C. 28) and § 1.49(c)(5), regs. of the Sec. of Trans. 49 CFR 1.49(c)(5))

Issued in Washington, D.C., April 1, 1981.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-11429 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket IP80-6; Notice 2]

Sheller-Globe Corp.; Grant of Petition for Inconsequential Noncompliance

Sheller-Globe Corporation of Lima, Ohio ("Sheller-Globe" herein) has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.217-76, Motor Vehicle Safety Standard No. 217-76, *Bus Window Retention and Release*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on April 10, 1980, and an opportunity afforded for comment (45 FR 24752).

Paragraph S5.3.3(b) of Standard No. 217-76 requires that each school bus door emergency release mechanism operate "upward from inside the bus." Because compliance investigation (agency file CIR 1941) of Dodge vans converted by Sheller-Globe to school buses indicated that on 66 vehicles the releases, in fact, operated downward, Sheller-Globe petitioned that this noncompliance be deemed inconsequential as it relates to motor vehicle safety, reasoning:

> Each of these 66 units were (sic) equipped with operating instructions expaining the actual operation of the handle installed and an arrow showing the required downward movement * * *

In addition, Sheller-Globe argued that no confusion was likely since the direction of force, downward, was that generally used by the industry before the effective date of the new requirements.

One comment was received on the petition, from the California Highway Patrol which opposed granting it. In the Patrol's opinion, "to permit a deviation contrary to the standards defeats that portion of the standard whose purpose is added safety through uniformity."

The Patrol is correct in the thought underlying its argument, that one of the purposes of a uniform standard is to minimize confusion at a time when use of a safety device is critical. But against this general purpose the NHTSA must balance the facts of a specific case in determining whether it has an inconsequential relationship to motor vehicle safety. In this instance, there is a minimal number—66—of vehicles and the release mechanisms have operating instructions and directional arrows appropriate for the nonconforming direction, minimizing if not eliminating the possibility of confusion.

Accordingly, petitioner has met its burden of persuasion. It is hereby determined that the noncompliance described above is inconsequential as it relates to motor vehicle safety, and Sheller-Globe's petition is granted.

The engineer and lawyer primarily responsible for this notice are Bob Williams and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); del. of auth. at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 10, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-11471 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

[Docket No. 80-10W; Notice 1]

Transportation of Liquids by Pipeline; Petition for Waiver From Compliance With Requirements for Repair of Weld Defects

LOOP, Inc., petitioned the Materials Transportation Bureau (MTB) on November 25, 1980 (Petition No. 80-10W), for a waiver from compliance with Part 195 on certain crude oil piping girth welds made on LOOP's marine terminal pumping platform.

In October 1980, LOOP discovered during construction that repairs had been made to girth welds in the pumping platform piping which were not in compliance with Part 195. While the repairs were in compliance with API 1104 and would be in compliance with Part 195 if made on pipe installed from a pipelay vessel, the repairs were not in compliance with §§ 195.230 and 195.232. These sections do not allow repair of welds containing cracks nor multiple repairs of welds containing other defects. The LOOP petition sought a waiver from compliance with §§ 195.230 and 195.232 on 5 welds which had contained cracks before repair and 105 welds which had been repaired more than once. Three of the welds with cracks were repaired once and two such welds were repaired twice. Weld repairs were made on pipe ranging from 1 inch to 48 inches in diameter.

The LOOP petition argued that the 5 welds which had cracks repaired and the 105 welds repaired more than once were repaired in such a manner that the completed welds have the same level of safety as welds made under literal compliance with Part 195.

In making its decision on this matter, the MTB considered the following:

1. *Comparison of Allowable Weld Repairs of Part 195 With Industry Codes.* 49 CFR Part 195, "Regulations for the Transportation of Liquids by Pipeline," does not allow the repair of a crack in a weld or any repair to a weld segment more than once.

API 1104, "Standards for Welding Pipelines and Related Facilities," allows company authorization of multiple repairs and repair of cracks less than 8 percent of weld length.

ANSI B31.3, "Chemical Plant and Petroleum Refinery Piping," and ASME "Boiler and Pressure Vessel Code," Section VIII, Division 1, make no limitation on the number of times a weld defect can be repaired or between types of repairs (i.e., cracks or other types).

ANSI B31.4, "Liquid Petroleum Transportation Piping Systems," and ANSI B31.8, "Gas Transmission and Distribution Piping Systems," require repairs to be in accordance with API 1104.

Thus, Part 195 is much more stringent than industry codes concerning the repair of defective welds. Part 195 prohibits the repair of cracks, while all industry codes mentioned allow repair of cracks. Similarly, Part 195 allows a one-time repair of defects other than cracks, while the industry codes allow multiple repair of these defects. Judging from the industry codes and experience with their application, the MTB believes that it is feasible to make an acceptable repair to a crack in a weld or to make acceptable multiple repairs on a weld if adequate precautions are taken to assure the integrity of the weld.

2. *Repair Welding Procedure and Test.* The welds were repaired using the original welding procedure in accordance with the ASME code. Radiographic film for the repaired welds was examined by an independent expert consultant, and the results of his review confirmed the removal of the defects within the acceptance standards of Part 195. Comprehensive laboratory tests were performed to duplicate the actual repair conditions. The results of these tests demonstrated that the conditions under which the welds were repaired provided welds having mechanical properties (i.e., strength, ductility, and hardness) and soundness that meet the requirements of API 1104 prescribed by Part 195, including tensile test, nick break test, radiography, guided bend test, and hardness of weld metal, heat affected zone, and base metal.

Further, impact testing was performed to assure that fracture toughness of the heat affected zone was retained. Based

on this finding, an industry expert using fracture mechanics analysis concluded that the repaired welds should be considered acceptable.

3. *Difficulty of Removing Repaired Welds.* The repaired welds are located throughout the pumping platform, and any work performed to remove these welds would have to be done in an offshore environment. Replacing the repaired welds with short sections of pipe as required by Part 195 would require making two welds for each repaired weld removed. Further, many of the repaired welds connect pipe to valves and fittings, and replacing these welds would be difficult because new bevels on the fittings and valves would be thicker than the pipe. Under these circumstances, the MTB believes that it is highly unlikely that new welds would be of better quality than the existing repaired welds.

4. *Impact of Removing Repaired Welds.* The time required to procure materials and replace the welds would be from 3 to 5 months. The direct construction cost is estimated by LOOP to be from $1.5 million to $2.5 million. Indirect costs are estimated at $8 million for each month of delay.

In consideration of the above, the MTB believes that the repaired welds have the same level of safety as welds made under literal compliance with Part 195. The MTB further believes that to require removal of the repaired welds would burden LOOP with unnecessary delays and needless additional costs without enhancing the safety of the facility. Therefore, the MTB grants to LOOP the requested waiver from compliance with the welding requirements of Part 195 for the repaired welds contained in Petition No. 80–10W, effective May 1, 1981.

MTB has postponed the effective date of the waiver until May 1, 1981, to provide notice and opportunity for public review and comment as required by Sec. 203 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2002). Should public comments disclose any new information that would bear on the safety of the subject welds, MTB will reconsider the waiver, and if warranted, further postpone the effective date until a final decision is made.

Comments should identify the docket number and be submitted to the Docket Branch, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. All comments will be available for public review at the Dockets Branch, Room 8426, 400 Seventh Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m.

(49 U.S.C. 2002; 49 CFR 1.53(a), Appendix A to Part 1, and Appendix A to Part 106)

Issued in Washington, D.C., on April 10, 1981.

Melvin A. Judah,

Acting Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 81-11428 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-60-M

Office of the U.S. Trade Representative

[USITC Investigation No. 337-TA-82]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper; Solicitation of Public Views

Under the provisions of section 337 of the Tariff Act of 1930, as amended, the United States International Trade Commission (USITC) issued an order excluding from entry into the United States certain papermaking machinery which the USITC determined infringed certain claims of U.S. Letters Patent No. RE 28,269 and No. 3,923,593 causing injury to an efficiently and economically operated U.S. industry. The determination and order of the USITC, along with the record on which it is based, has been delivered to the USTR who receives it for the President, leads an interagency review and advises the President concerning what action, if any, should be taken with respect to the USITC action.

The President is authorized by section 337(g) (19 U.S.C. 1337(g)) to disapprove the USITC action for policy reasons thereby terminating the exclusion order, to approve it expressly making the order final immediately, or he may take no action and allow the order to become final following the sixty day period provided for review.

In order to prepare a recommendation to the President, the Trade Policy Staff Committee welcomes the views and opinions of interested parties concerning policy issues, economic or political, which should be considered in relation to the exclusion of this product from importation into the United States.

Comments should be in writing and should be submitted with 19 copies, to the Secretary, Trade Policy Staff Committee, Room 413, 600 Seventeenth Street NW., Washington, D.C. 20506. Submissions should be received no later than close of business May 12, 1981. For further information, call Alice Zalik, (202) 395–3432.

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-11479 Filed 4-15-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 73
Thursday, April 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CONTENTS

1

[M-312, Apr. 9, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m. (open), 1:30 p.m. (closed), April 16, 1981.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

*2. Docket 36446, *Lester Cohen & Stacey Schlau v. Capitol International Airways, Inc.*; Docket 36946, *Gregory James Tharp v. Capitol International Airways, Inc.*; Docket 37481, *Capitol International Airways, Inc. Scheduled Flights Cancellations Enforcement Proceeding*, order on review of an Initial Decision finding Capitol violated sections 404(a)(2) and 411 of the Act. (Memo 418, OGC.)

3. Draft notice of proposed rulemaking to amend Part 374; updating regulations implementing the Consumer Credit Protection Act. (OGC, BCCP)

4. Proposed Liberalization of Regulation of Wet Lease Agreements. (OGC, BIA, BDA)

5. Docket 38086, *Republic-Hughes Airwest Acquisition*, Petition of Julie Holtry for Relief under the Labor Protective Provisions. (Memo 422, BDA, OGC, BCCP)

6. Commuter carrier fitness determination of Capitol Air Service, Inc., d.b.a. Capitol Airlines. (BDA, OGC)

7. Commuter carrier fitness determination of Air Nevada, Inc. (Memo 423, BDA, OGC)

8. Commuter carrier fitness determinations of Chaparral Airlines, Inc., d.b.a. Air Chaparral. (BDA, OGC)

9. Commuter carrier fitness determination of Harbor Airlines, Inc. (BDA, OGC)

10. Fitness determination of Royal Hawaiian Airways, Inc., d.b.a. Royal Hawaiian Air Service. (Memo 420, BDA, OGC)

11. Docket 39289, Republic's notice of its intention to suspend service at Norfolk, Nebraska. (BDA)

12. (1) Docket 33091: *Florida Service Case;* (2) Docket 36499: *Denver/Chicago-Florida Show-Cause Proceeding;* (3) Docket 36590: *Northeast/Ohio Valley/Florida Show-Cause Proceeding;* (4) Docket 37087: *Kansas City-Florida Points Show-Cause Proceeding;* (5) Docket 37188; *Detroit-West Palm Beach Show-Cause Proceeding*, (6) Docket 34291: Revised certificates for various carriers issued according to Part 203 of the Board's Economic Regulations; (7) Docket 37279: Application of National Airlines; and (8) Docket 37452: Application of Southwest Airlines. (BDA)

13. Docket 37392, *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation.* (BDA)

14. Docket 31290, Order to show cause to eliminate prospectively SIFL fares in certain markets based on common fares previously found unlawful by the Board. (Memo 425, BDA, OGC)

15. Docket 32660, IATA agreements amending Japan-originating group inclusive-tour fares and rules. (BIA)

16. Docket 39073, Application of German Cargo Services GmbH for an initial foreign air carrier permit to engage in charter foreign air transportation of property and mail between the United States and the Federal Republic of Germany. (BIA, OGC, BALJ)

17. Docket 39078, Application of Transamerica Airlines for (1) broad international route authority, including Boston, (2) integration of its transatlantic route authority, and (3) Boston-Bermuda authority. (Memo 353-A, BIA, OGC, BALJ)

18. Docket 34727, Application of Lineas Aereas del Caribe, S.A. (LAC) for an initial foreign air carrier permit to engage in the transportation of property between any point or points in Colombia and Miami. (Memo 421, BIA, OGC, BALJ)

19. Docket 35046—Prior approval requirements for charters by foreign air carriers. (OGC, BIA)

20. Requests of the Departments of Defense and State for Board action to require CAAC, Cubana, CSA, LOT, Tarom and Aeroflot to obtain Board approval before operating charter flights to or from the United States. (BIA, OGC)

21. Docket 29977, Grant of Blanket Statements of Authorization to conduct Fifth Freedom charter flights without prior approval of individual flights. (BIA)

22. Dockets 37851, 28202, and 27407. Imposition of a requirement to obtain prior approval for Third and Fourth Freedom charter charter flights, and miscellaneous related matters. (BIA)

23. Docket 33725, Draft final rule to revise and reissue the Board's record retention regulations. (OC, BDA, BIA)

24. Dockets 39255, 39385, 39383, Applications of Pan American World Airways, Eastern Air Lines and Air Florida for amendments to their certificates of public convenience and necessity. (U.S.-Chile) (BIA, OGC)

25. Docket 38861, Application of Capitol International Airways, Inc. for an exemption pursuant to section 416(b). (U.S.-Italy) (BIA, OGC)

26. Discussion of CAB legislative package concerning early sunset. (OGC) (closed meeting starting at 1:30 p.m.)

STATUS: 1–25 open, 26 closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202/673–5068.

[S-604-81 Filed 4-14-81; 4:34 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, April 21, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Commodity Exchange, Inc. Straddle Call Session
Exchange Traded Options (discussion only)

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-597-81 Filed 4-14-81; 2:10 p.m.]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., April 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-598-81 Filed 4-14-81; 2:10 p.m.]

BILLING CODE 6351-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the Provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that its closed meeting held at 2:30 p.m. on Monday, April 13, 1981, the Corporation's Board of Directors determined, on motion of Director William M. Isaac (Appointive), seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Chairman Irvine H. Sprague, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

Recommendations regarding the liquidiation of a bank's assets acquired by the corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,752-SR—Village Bank, Pueblo West, Colorado

Memorandum and Resolution re: Franklin Bank, Houston, Texas

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(9)(A)(ii) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(A)(ii) and (c)(9)(B)).

Dated: April 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-505-81 Filed 4-14-81; 8:45 am]

BILLING CODE 6450-85-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, April 21, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel.

* * * * *

DATE AND TIME: Thursday, April 23, 1981 at 10:00 a.m. The previously scheduled open meeting of Thursday, April 23, 1981 has been cancelled in order to permit Commissioners and staff to appear for testimony on the FEC FY 1982 budget authorization request before the Senate Committee on Rules and Administration.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-503-81 Filed 4-14-81; 3:35 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., May 5, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTER TO BE CONSIDERED: Staff briefing in Municipal Electric Utilities Association of the State of New York, *et al.*, Docket Nos. EL78-24 (Phase I) and EL 78-37 (Phase I).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

[S-600-81 Filed 4-14-81; 2:30 pm]

BILLING CODE 6450-85-M

7

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, April 23, 1981.

PLACE: 1700 G Street NW., board room sixth floor, Washington, D.C.

STATUS: Opening meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the Bank Board meeting of Thursday, April 23, 1981.

Holding Company Acquisition and Merger: Increase in Accounts of an Insurable Type—American Financial Corporation, Cincinnati, Ohio and Great American Insurance Corporation, Cincinnati, Ohio *to acquire* Town and Country Savings & Loan Company, Mariemont, Ohio (uninsured, member) *and merge said association into* Hunter Savings & Loan Association, Cincinnati, Ohio.

Merger, Maintenance of Branch Offices: Cancellation of Membership and Insurance and Transfer of Stock—Union County Federal Savings & Loan Association, Marysville, Ohio *into* Merchants and Mechanics Federal Savings & Loan Association, Springfield, Ohio.

Branch Office Application—Mid-Central Federal Savings & Loan Association, Wadena, Minnesota.

Bank Membership and Insurance of Accounts—Cabrillo Savings & Loan Association, San Jose, California.

Application for Merger—El Camino Savings & Loan Association, Sunnyvale, California *into* Bay View Federal Savings & Loan Association, San Mateo, California.

Branch Office Application—Coast Federal Savings & Loan Association, Sarasota, Florida.

Request for Extension of Time to Establish a Limited Facility—Republic Federal Savings & Loan Association, Altadena, California.

Concurrent Branch Office Applications—(1) Glendale Federal Savings & Loan Association, Glendale, California and (2) San Diego Federal Savings & Loan Association, San Diego, California.

Trust Department Application—First Federal Savings & Loan Association of the Palm Beaches, West Palm Beach, Florida.

Branch Office Application—MidAmerica Federal Savings & Loan Association, Tulsa, Oklahoma.

No. 477, April 14, 1981.

[S-596-81 Filed 4-14-81; 12:32 pm]

BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., April 22, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10383: Between Irwin Brown Company and Dorf International, Inc.—Agency Arrangement.

2. Tokyo Express Co., Inc.—FMC Independent Ocean Freight Forwarder License No. 1483—Proposed Investigation.

3. Agreement No. 10041-6: Proposed Modification and 2 Year Extension of the U.S. Atlantic/Peru Pooling Agreement; No. 10044-6: Proposed Modification and 2 Year Extension of the U.S. Gulf/Peru Pooling Agreement.

4. Agreement No. 9522 DR-10: Modification of the Merchant's Contract of the Med-Gulf Conference, Italian Section to Enlarge its Geographical Scope.

5. Proposed Rule to Limit Certain Combinations of Carriers to One Vote in Conference Matters.

Portions closed to the public:

1. Docket No. 77-19—Consolidated Forwarders Intermodal Corp.—Consideration of the Record.

2. Docket No. 81-11—"50 Mile Container Rules" Implementation by Common Carriers by Water Serving the Atlantic and Gulf Coast Ports of the United States—Possible Violations of the Shipping Act, 1916, and of the Intercoastal Shipping Act, 1933—Motion for Stay of Proceedings.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725.

[S-602-81 Filed 4-14-81; 3:16 pm]

BILLING CODE 6730-01-M

9

NEIGHBORHOOD REINVESTMENT CORPORATION.

Third annual meeting of the board.

TIME AND DATE: 2 p.m., April 22, 1981.

PLACE: Board Room, sixth floor, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Associate Director, Communications, (202) 377-6815.

AGENDA:

1. Call to Order and Remarks of the Chairman.
2. Approval of Minutes, November 10, 1980.
3. Election of Chairman.
4. Election of Vice Chairman.
5. Appointment of Executive Committee.
6. Approval of Audit Committee.
7. Election of Officers.
8. Election of Assistant Secretary.
9. Election of Assistant Treasurer.
10. Executive Director's Report.
11. Approval of Final fiscal year 1981 Budget.
12. Treasurer's Report.

Donnie L. Bryant,

Secretary.

[S-601-81 Filed 4-14-81; 2:56 pm]

10

POSTAL SERVICE.

(Board of Governors)

Notice of vote to close meeting

On April 6, 1981, the Board of Governors of the United States Postal Service voted to close to public observation two portions of its next meeting, currently scheduled for May 5, 1981. Each of the members of the Board voted in favor of partially closing the first of the two portions, and all but Mr. Sullivan voted in favor of closing the second. The meeting is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governor Califano.

The first portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July of 1981, this discussion having not been completed at the April 6 meeting.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

The second portion of the meeting to be closed is to involve a discussion concerning Red-Tag mail. At the August 5, 1980, meeting, the members agreed that management should be directed to prepare a new Rate Commission filing on Red-Tag mail, to be presented to the Board for approval at its regular meeting to be held in May of 1981. The discussion is likely to include consideration of such a filing and of the administrative litigation that probably would ensue, as well as consideration of pending and potential judicial litigation, including appeals and petitions for review now before the U.S. Courts of Appeals for the D.C. Circuit and the Second Circuit.

The Board has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the second portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and postal service), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible chapter 36 strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portions of the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(3), (9)(B), and (10) of title 5 and section 410(c)(3) and (4) of title 39, United States Code, and sections 7.3(c) and 7.3(i) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-599-81 Filed 4-15-81; 8:45 am]

BILLING CODE 7710-12-M

11

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:

DATE AND TIME: April 21, 1981, 10:00 a.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Opening meeting.

The Commission will hold an open meeting on Tuesday, April 21, 1981, at 10:00 a.m. to consider the following item:

Consideration of whether to issue an order which would require the current participants in the Intermarket Trading System ("ITS") and the National Association of Securities Dealers, Inc., ("NASD") to implement an automated interface between the ITS and NASD's NASDAQ System, as enhanced to include, among other things, an order routing and automatic execution capability. For further information, please contact Robert Colby at (202) 272–2888.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

April 14, 1981.

[S-665-81 Filed 4-15-81; 9:39 am]

BILLING CODE 8010-01-M

federal register

Thursday
April 16, 1981

Part II

Office of the Federal Inspector for the Alaska Natural Gas Transportation System

Organization and Equal Opportunity Provisions and Proposed Provisions for Information Gathering, Treatment of Sensitive Documents and Public Access

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Parts 1500 and 1502

Functions, Powers, and Duties; and Organization

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Final rule.

SUMMARY: These rules state for the public the Office of the Federal Inspector's functions, powers, and duties, and its organization. Such rules are required by the Administrative Procedures Act, 5 U.S.C. 552(a)(1)(A) and (B).

EFFECTIVE DATE: Effective on April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044 (202) 275–1144.

SUPPLEMENTARY INFORMATION: Because these rules fall within the exceptions of 5 U.S.C. 553(a)(2) and (b)(A) (as relating to agency management and organization), the normal requirements of notice and comment do not apply. Therefore, these rules are being promulgated as final and are effective immediately. Similarly, because these rules pertain to agency management and organization (as defined in Section 1(a)(3) of Executive Order 12291), the regulatory impact analysis requirements of that order do not apply.

Dated: April 13, 1981.

John T. Rhett,

Federal Inspector.

For the reasons set out above, the Federal Inspector hereby amends Title 10 of the Code of Federal Regulations by adding a new subchapter A consisting of two new parts, Parts 1500 and 1502, and the existing Part 1506 Employee Standards of Conduct. New Parts 1500 and 1502 read as follows:

CHAPTER XV—OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

SUBCHAPTER A—GENERAL PROVISIONS

Part

PART 1500—FUNCTIONS, POWERS AND DUTIES

Subpart A—General Provisions

Sec.

Subpart B—Creation and Authority

Subpart C—Functions and Duties

PART 1502—ORGANIZATION

Sec.

Authority: Alaska Natural Gas Transportation Act, 15 U.S.C. 719; *Decision and Report to Congress on the Alaska Natural Gas Transportation System.* Executive Office of the President, Energy Policy and Planning, issued September 22, 1977; Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979); Executive Order 12142 of June 21, 1979, 44 FR 36927 (June 25, 1979); and 5 U.S.C. 552(a)(1).

PART 1500—FUNCTIONS, POWERS, AND DUTIES

Subpart A—General Provisions

§ 1500.101 Purpose.

This part is intended to provide a general description of the functions, powers, and duties of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI).

§ 1500.102 Seal.

(a) The OFI has adopted an official seal of which judicial notice shall be taken. Its description is as follows: A blue circle encircled by a blue band with the words "Office of the Federal Inspector, Alaska Natural Gas Transportation System" encircling the blue band. Inside the circle, in white, are the letters "FI". Above the letters are three white symbols representing natural gas flames. The symbols get progressively smaller from left to right.

(b) The Official Seal of the OFI is illustrated as follows:

Subpart B—Creation and Authority

§ 150C.201 Summary.

(a) (1) Congress, in its 1976 legislation clearing the way for the Alaska Natural Gas Transportation System (ANGTS), included the requirement that a Federal Inspector be appointed to assure that the project be built as timely as possible, without excessive cost overruns, and with minimal harm to the enviromnent.

(2) OFI was established pursuant to the Alaska Natural Gas Transportation Act of 1976 (ANGTA), 15 U.S.C. 719; Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979); and Executive Order No. 12142, 44 FR 36927 (June 25, 1979).

(b) The Alaska Natural Gas Transportation System (ANGTS) is the statutory designation for the system chosen by the President pursuant to his statutory authority to designate a system for the delivery of Alaska natural gas to the contiguous states. Section 7(a)(4) of ANGTA. The President designated an overland pipeline system beginning at Prudhoe Bay in Northern Alaska, continuing through Alaska into Canada. The system will split in Southern Alberta into eastern and western legs terminating in Dwight, Illinois, and Antioch, California.

respectively. The ANGTS will be designed optimally to carry 2.0 to 2.5 billion cubic feet of gas per day, with greater volumes possible. It is more fully described in Section 2 of the *Decision and Report to Congress on the Alaska Natural Gas Transportation System (Decision)* Executive Office of the President, Energy Policy and Planning, issued September 22, 1977.

§ 1500.202 Statutory background.

(a) *The Alaska Natural Gas Transportation Act of 1976 (ANGTA).*

(1) In 1976 ANGTS was given priority status, and thus removed from the standard regulatory process, by ANGTA. The Congressional purpose of ANGTA was twofold: to provide for a sound system-selection decision, involving the President, Congress, and many Federal agencies; and to expedite construction—once a system was selected—through a number of administrative and judicial innovations. One such innovation was the Federal Inspector.

(2) The President was authorized and directed by Section 7(a)(5) of ANGTA, 15 U.S.C. 719(e), to appoint either a single officer or a board as Federal Inspector, following issuance of his decision selecting a transportation system. The authorities first envisioned by Congress for the Federal Inspector entail monitoring, as contrasted to actual enforcement. In addition to the authority to establish a joint monitoring agreement with Alaska, to monitor compliance with all Federal laws, to compel submission of information, and to report to the President and Congress, the Federal Inspector was authorized to monitor closely the technical aspects of project planning and execution.

(b) *President's Decision.* (1) In 1977 the President selected the Alcan (since changed to Alaskan Northwest Natural Gas Transportation Company) project, as he issued his *Decision and Report to Congress on the Alaska Natural Gas Transportation System (Decision),* Executive Office of the President, Energy Policy and Planning, issued September 22, 1977. In Section 5 thereof, the President determined that, in order to ensure coordinated government oversight, the Federal Inspector must, in addition to the ANGTA authorities (described in paragraph (a) of this section) have "field-level supervisory authority over enforcement of terms and conditions from those Federal agencies having statutory responsibilities over various aspects of (ANGTS)" (*Id.*, at a 41–42). He concluded, however, that the necessary transfer of authorities would have to await a reorganization plan, which in turn necessitated compliance with the substantive and parliamentary requirements of the Reorganization Act of 1977, 5 U.S.C. 901, *et seq.*

(2) In deferring appointment of the Federal Inspector until after transmitting a reorganization plan to Congress, the President substantially expanded the Federal Inspector concept, from Congress' watchdog to the focus of all enforcement of Federal laws related to ANGTS. Also as part of Section 5 of the *Decision,* the President further expanded the Federal Inspector's authority to include pre-approval of the many important planning decisions to be made by the ANGTS sponsors. This took the form of numerous terms and conditions governing construction costs and schedule, safety and design, and environmental protection.

(3) These myriad terms and conditions have the force of law. The President was authorized, by Section 7(a)(6) of ANGTA, to include them in his *Decision.* And because the *Decision* in its entirety was given full legal effect, under Section 8 of ANGTA by joint resolution, H.J. Res. 621, Pub. L. 95–158, 95th Cong. 1st Sess., these terms and conditions have in essence become statutory in nature.

(c) *Reorganization Plan and Executive Order.* (1) In 1979 the OFI was actually established, and the necessary transfer of authorities accomplished through, Reorganization Plan No. 1 of 1979. First, the OFI was transferred "exclusive responsibility for enforcement of all Federal statutes relevant in any manner to preconstruction, construction, and initial operation" of ANGTS. Section 102 of the Reorganization Plan. The OFI is to enforce the legal requirements of many Federal agencies. The Environmental Protection Agency (EPA), the Army Corps of Engineers (COE), Department of Transportation (DOT), Department of Energy (DOE), Federal Energy Regulatory Commission (FERC), Department of the Interior (DOI), Department of Agriculture (USDA), and Department of the Treasury (Treasury), and their respective legal authorities, are specifically enumerated as the most likely to be enforced by the OFI relative to ANGTS. The OFI was also charged with enforcing the terms and conditions found in Section 5 of the *Decision,* as well as fulfilling the monitoring duties set for the Federal Inspector in Section 7(a)(5) of ANGTA and the supplemental enforcement duties found in Section 11 of ANGTA.

(2) Enforcement and monitoring constitute only part of the OFI's authority under the Reorganization Plan. Under Section 202(b), for example, the OFI is to coordinate and expedite the permitting activities of the Federal agencies. This is a permit-scheduling function.

(3) Under Section 202(a) final enforcement actions of the OFI are subject to judicial review only under Section 10 of ANGTA. Thus, complaints must be filed with the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the challenged final OFI action. Review is then expedited (90 days) and of limited scope.

(4) The Reorganization Plan became effective as of July 1, 1979, as per Executive Order 12142. And with the Executive Order, the OFI officially came into existence.

Subpart C—Function and Duties

§ 1500.301 Summary.

Through the combination of authorities described in § 1500.202, the OFI oversees every aspect of ANGTS planning and execution. For ease of understanding, these functions (and the underlying legal authorities) are enumerated under five major groupings: general monitoring and oversight (§ 1500.302); scheduling of permits and other governmental authorizations (§ 1500.303); review and approval of systems, plans, and design during planning (§ 1500.304); cost control (§ 1500.305); and enforcement of Federal statutes and related terms and conditions (§ 1500.306).

§ 1500.302 General monitoring and oversight.

Monitoring and oversight entails the following OFI functions:

(a) *Coordinating enforcement with Alaska.* The OFI is to establish a "joint surveillance and monitoring agreement" with the State of Alaska (§ 7(a)(5)(A) of ANGTA). In this way Federal and State enforcement efforts can be coordinated, to avoid conflicts and to enhance efficiency. The OFI may also work jointly on compliance with the Lower 48 states traversed by ANGTS.

(b) *Monitoring compliance with Federal laws.* The OFI is to monitor compliance with applicable Federal laws and terms and conditions of the many Federal permits and other authorizations issued for ANGTS (§ 7(a)(5)(B) of ANGTA). This includes compliance with the terms and conditions attached to the authorizations.

(c) *Monitoring for effective planning.* The OFI is to "monitor actions taken to assure timely completion of construction schedules and the achievement of quality of construction, cost control, safety, and environmental protection

* * *" (§ 7(a)(5)(C) of ANGTA). The breadth of this monitoring function requires that the OFI follow the various aspects of project planning and execution.

(d) *Reporting to Congress and the President.* One purpose of the monitoring function is to provide the information for the OFI's current and periodic reports to Congress and the President on the status of ANGTS progress (§ 7(a)(5)(E) of ANGTA). In this regard, the OFI publishes a quarterly report on the status of ANGTS (§ 7(a)(5)(E) of ANGTA). This is available to the public upon request.

§ 1500.303 Permit scheduling and coordination.

(a) The Reorganization Plan differentiates between permitting (so-called "nonenforcement") and enforcement, only the latter function being transferred to the OFI. Nevertheless, the OFI is responsible for coordinating and expediting the issuance of permits and other authorizations by the Federal agencies. Section 9(a) and (b) of ANGTA, and Section 202(b) of the Reorganization Plan. OFI coordination can, for example, take the form of "requiring submission of scheduling plans for all permits;" and "serving as the 'one window' point for filing for and issuance of all necessary permits" and data requests. Section 202(b) of the Reorganization Plan.

(b) This coordination function goes beyond mere permit scheduling. It also involves the OFI, pursuant to Section 202(b) of the Reorganization Plan, in evaluating the many discretionary terms and conditions which each Federal agency may impose on ANGTS, to assure that they do not impair project expedition, as per Section 9(c) of ANGTA.

§ 1500.304 Approval of systems, plans, and design.

All significant systems, plans, and design are subject to OFI scrutiny, as a precondition to commencement of construction (Section 5 of the *Decision* and Section 102(h)(3) of the Reorganization Plan). Without listing every approval requirement, the following are the most significant:

(a) *Management plans.* Prior to final certification, the ANGTS applicants must provide a "detailed overall management plan" for OFI approval (Section 5 of the *Decision*, Condition I.1.). Thus, at the outset the applicant's overall strategy for executing the project will be scrutinized.

(b) *Execution contracts.* Several aspects of the contracts with execution contractors (the prime contractor for any given pipeline spread) must be approved by the OFI (Section 5 of the *Decision*, Conditions I.2, I.3, I.7, and I.8). These include contract form (if other than fixed-price), bonding and other prequalification requirements, labor relations procedure, and dispute procedures.

(c) *Cost and schedule control.* The applicants must provide the OFI with detailed "cost and schedule control techniques" (*Id.*, Condition I.4.). This entails, for example, manpower, material, logistical, and equipment planning.

(d) *Operating strategies.* The OFI must approve the applicants' operating strategies. Equipment supply, repair facilities, and spare-part inventories are among the items to be reviewed (*Id.*, Condition I.6.).

(e) *Design review.* The OFI's technical oversight is manifested most in approving the "final design, design-cost estimate, and construction schedule" for the ANGTS applicants (*Id.*, Condition I.5.). Because construction may not start until final design is approved, this review is perhaps the OFI's primary means for assuring proper design and planning, as well as assuring the reasonableness of the design-cost estimate.

(f) *Quality control and assurance.* The OFI must approve the procedures proposed for quality control and quality assurance during construction (*Id.*, Condition I.9.). Apart from these procedures, the OFI must approve technical construction specifications and seismic monitoring systems, to assure pipeline safety and integrity of design, as well as approve plans to assure environmental protection (*Id.*, Safety and Design Conditions II.2 and II.6; Environmental Condition III.2.).

(g) *Procurement review.* As part of the bilateral agreement with Canada relative to ANGTS, the OFI, along with the Northern Pipline Agency in Canada, is charged with endeavoring "to ensure that the supply of goods and services to (ANGTS) will be on generally competitive terms" (*Decision*, Section 7, paragraph 7(a)). Because sanctions for violation include reopening bids, procurement review occurs during the planning process, not after-the-fact. This review is accomplished through detailed reciprocal procedures, which were established by a "diplomatic exchange of notes" and subsequently given regulatory approval by the FERC.

§ 1500.305 Cost control.

In addition to the cost-control purpose and effect of monitoring (§ 1500.302) and systems approval (§ 1500.304), the OFI has additional and more direct cost-control functions.

(a) The Incentive Rate of Return, developed by the Federal Energy Regulatory Commission (FERC), is to be administered by the OFI during planning and construction, *Determination of Incentive Rate of Return*, Order No. 31, Docket No. RM78-12, issued June 8, 1979. The OFI will rule on design changes prior to its approval of the final design during planning and construction (*Determination of Incentive Rate of Return*, Order No. 31, Docket No. RM78-12, issued June 8, 1979. The OFI cost estimate and on scope changes during construction).

(b) both by transfer of enforcement functions under Section 102(d) of the Reorganization Plan, and also by delegation from the FERC pursuant to Section 202(b) of the Reorganization Plan, 45 FR 85511 (December 29, 1980), the OFI will audit expenditures for rate base formation and accounting compliance. This audit must be performed on a timely basis during construction (Section 5 of the *Decision*, Finance Condition IV.2.).

§ 1500.306 Enforcement of Federal laws.

(a) The OFI's enforcement function extends to "all Federal statutes relevant in any manner to pre-construction, construction, and initial operation" of ANGTS. Section 102 of the Reorganization Plan. This transfer includes, but is not limited to, the enforcement functions of the following agencies:

(1) *The Environmental Protection Agency:*

Such enforcement functions of the Administrator and others related to compliance with:

(i) National Pollutant Discharge Elimination System permits (Section 402 of the Clean Water Act of 1977 (CWA)). These permits are required for the discharge of pollutants into waters of the U.S.

(ii) Spill prevention, containment, and countermeasure plans (Section 311 of CWA). These plans are required for major nontransportation oil storage at camps and other facilities.

(iii) Review of permits issued by the Corps of Engineers for dredged and fill materials (Section 404 of CWA). These permits are required for the discharge of dredged or fill material into waters of the U.S.

(iv) New Source Performance Standards (Section 111 of the Clean Air Act). Enforcement of standards of performance for new stationary sources of air pollution such as stationary gas turbines and incinerators.

(v) Prevention of Significant Deterioration review and approval (Sections 160–169 of the Clean Air Act). Review of construction or modification of most stationary air emission sources which emit over 100 tons per day of any air pollutant.

(vi) Resource Conservation and Recovery permits (Resource Conservation and Recovery Act of 1976). Enforcement of permits for disposal or chemical destruction of hazardous wastes.

(2) *The U.S. Army Corps of Engineers.* Such enforcement functions of the Secretary of the Army and others related to compliance with:

(i) Dredged and fill material permits (Section 404 of CWA). Enforcement of permits regulating the discharge in waters of the U.S. of dredged materials and pollutants that comprise fill material.

(ii) Permits for structures in navigable waters (Section 10 of Rivers and Harbors Appropriation Act of 1899). Enforcement for permits for structures, including piers, break waters, bulkheads, revetments, power transmission lines, and aids to navigation, as well as for certain work performed in navigable waters.

(3) *The Department of Transportation:* Such enforcement functions of the Secretary of Transportation and others related to compliance with:

(i) The Natural Gas Pipleine Safety Act of 1968 and related regulations. This entails a comprehensive oversight program to assure quality of construction and pipeline integrity.

(ii) The Federal Aviation Act and related authorizations and regulations, such as, proposed private airport facilities, air traffic limitations, and height requirements for structures like microwave transmitter towers.

(iii) Permits for bridges across navigable waters (Section 9 of Rivers & Harbors Appropriation Act of 1899).

(4) *The Department of Energy and the Federal Energy Regulatory Commission:* Such enforcement functions of the Secretary of Energy, the Commission and others related to compliance with:

(i) Certificates of public convenience and necessity (Section 7 of the Natural Gas Act).

(ii) Authorizations for importation of natural gas, including gas imported from Alberta as predeliveries of Alaska gas (Section 3 of the Natural Gas Act). Enforcement of requirements for facilities necessary to transport this gas.

(5) *The Department of the Interior:* Such enforcement functions of the Secretary of the Interior and others related to compliance with:

(i) Grants of rights-of-way and temporary use permits for Federal lands (Section 28 of Mineral Leasing Act). These grants and permits include those for gas pipelines and related facilities on Federal lands, as well as those for related temporary uses, such as campsites, roads, communications and monitoring sites.

(ii) Land use permits for temporary use of public lands and other associated land uses (Section 302, 501, and 503–511 of the Federal Land Policy and Management Act of 1976). These permits provide authority for temporary use of Federal lands in addition to the authority under the Mineral Leasing Act and include permits for field work preparatory to applying for grants of right-of-way and other associated uses.

(iii) Materials sales contracts (the Materials Act of 1947). These permits concern the removal of mineral or vegetative material from public lands.

(iv) Rights-of-way across Indian lands (Rights of Way Through Indian Lands Act). Grants of rights-of-way issued by the Secretary after tribal consent.

(v) Removal permits (the Materials Act of 1947). These permits also concern removal of mineral or vegetative material from public lands.

(vi) Approval to cross national wildlife refuges (National Wildlife Refuge System Administration Act of 1966 and Upper Mississippi River Wildlife and Fish Refuge Act). Issuances of permits or rights-of-way or permits on wildlife refuges must have Interior approval as being compatible with the purpose for establishing the refuge.

(vii) Wildlife consultation (Fish and Wildlife Coordination Act). Requirement for consultation with Fish and Wildlife Service as to the effects of rights-of-way or permits on wildlife resources.

(viii) Protection of certain birds (Migratory Bird Treaty Act and Bald and Golden Eagles Protection Act). Interior is responsible for protecting migratory birds and eagles, their nests and eggs. Special use permits or waivers are available except in the case of eagles.

(ix) Review of Corps of Engineers' dredged and fill material permits (Section 404 of CWA). *See* similar discussion under paragraph (a) of this section, EPA, and paragraph (b) of this section, the Corps.

(x) Rights-of-way across recreation lands (Land and Water Conservation Fund Act of 1965). Compliance with restrictions for land acquired or developed with the assistance of the Fund.

(xi) Historic preservation (National Historic Preservation Act of 1966). Principally consultation on the effect of system activities on locations covered by the Act.

(xii) Permits issued under the Antiquities Act of 1906. Such permits allow certain institutions to examine ruins, to excavate archeological sites and to gather objects of antiquity on or from Federal lands.

(xiii) System activities requiring coordination and approval under the general authorities of:

(A) The National Trails System Act,

(B) The Wilderness Act,

(C) The Wild and Scenic Rivers Act,

(D) The National Environmental Policy Act of 1969,

(E) The Act of April 27, 1935, dealing with the prevention of soil erosion; and

(F) An Act to provide for the Preservation of Historical and Archeological Data.

The enforcement functions under these Acts generally concern requirements that the purposes and protection set forth in the Act be observed, or, depending on the specific statute, at least be taken into account, in the performance of system activities.

(xiv) Equal opportunity regulations published by the Department. 43 CFR Part 34. These regulations require affirmative action to assure against discrimination in employment and contracting on ANGTS. Section 17 of ANGTA.

(6) *The Department of Agriculture:* Such enforcement functions of the Secretary of Agriculture or other related to compliance with:

(i) Associated land use permits under grants of rights-of-way across Federal lands (Section 28 of the Mineral Leasing Act of 1920). Similar permits to those of Interior above except for lands administered by USDA.

(ii) Land use permits for associated land uses (Section 501 and 503–511 of Federal Land Policy and Management Act of 1976). Similar permits to those of Interior above except for lands administered by USDA.

(iii) Land use permits under the Organic Administration Act of June 4, 1897 and Title III of Bankhead-Jones Farm Tenant Act of 1937. Permits for land use of a non right-of-way nature for National Forest System lands (under the first Act) and National Grasslands (under the second Act).

(iv) Removal of materials under the Materials Act of 1947. Similar permits to those of Interior above except for lands administered by USDA.

(v) Removal of objects of antiquity (Antiquities Act of 1906). Similar permits to those of Interior above except for lands administered by USDA.

(vi) Construction and utilization of national forest roads (Roads and Trails System Act of 1964). Permanent or temporary easements issued for such roads.

(vii) System activities requiring coordination and approval under the general authorities of:

(A) The National Forest Management Act of 1976,

(B) The Multiple Use Sustained-Yield Act of 1960,

(C) The Forest and Rangelands Renewable Resources Planning Act of 1974,

(D) The National Trails System Act,

(E) The Wilderness Act,

(F) The Wild and Scenic Rivers Act,

(G) The Land and Water Conservation Fund Act of 1965,

(H) The Clean Water Act of 1977,

(I) The Fish and Wildlife Coordination Act,

(J) The Fish and Game Sanctuaries Act,

(K) The National Historic Preservation Act of 1966,

(L) An Act to provide for the preservation of Historical and Archeological Data,

(M) The National Environmental Policy Act of 1969,

(N) The Watershed Protection and Flood Prevention Act,

(O) The Soil and Water Conservation Act of 1977, and

(P) The Act of April 27, 1935, dealing with prevention of soil erosion.

The enforcement functions under these acts generally concern requirements that the purposes and protections set forth in the acts be observed, or, depending on the specific statute, at least be taken into account, in the performance of system activities.

(7) *The Department of the Treasury:* Such enforcement functions of the Secretary of the Treasury and others related to compliance with permits and regulations for interstate transport or storage of explosives.

(8) *The Department of Labor:* Pursuant to memorandum of understanding, coordination of functions to assure compliance with:

(i) The Federal Mine Safety and Health Act of 1977, and

(ii) The Occupational Safety and Health Act of 1970.

Regulations promulgated pursuant to these acts are intended to reduce lost work time resulting from workplace injuries and illnesses.

(b) The specific statutes and regulations listed above span the full spectrum of Federal regulatory law. Be they concerned with environmental protection, pipeline integrity, public convenience and necessity, or public land use, these statutes, and the resulting regulations, permits, and terms and conditions, require the OFI to oversee every aspect of ANGTS construction.

PART 1502—ORGANIZATION

§ 1502.1 Purpose.

This part is intended to provide a general description of the organization of the Office of the Federal Inspector (OFI). More detailed information can be obtained from the OFI Public Information Officer.

§ 1502.2 Status.

Pursuant to Section 101(a) of Reorganization Plan No. 1 of 1979, the OFI was created as an independent establishment in the Executive Branch. It is not a component of any department or other agency. The Federal Inspector reports to the Executive Office of the President.

§ 1502.3 Federal inspector.

Pursuant to Section 101(b) of Reorganization Plan No. 1 of 1979, the OFI is headed by a Federal Inspector. Pursuant to Section 7(a)(5) of ANGTA, the Federal Inspector was appointed by the President with the advice and consent of the Senate.

§ 1502.4 Executive policy board.

Established by Executive Order No. 12142, the Executive Policy Board (EPB) is composed of high-level representatives of the Departments of Labor, Agriculture, Energy, Interior, Transportation, the U.S. Army Corps of Engineers, the Federal Energy Regulatory Commission, and the Environmental Protection Agency. The EPB advises the Federal Inspector on policy issues and the exercise of OFI authorities relating to enforcement actions (Section 201 of the Reorganization Plan). But the other functions proposed for the EPB in the *Decision* were transferred to the Federal Inspector (*Id.*).

§ 1502.5 Agency authorized officers.

Each Federal agency which has approval authority for some aspect of the project must appoint an Agency Authorized Officer (AAO) to represent that agency in the Federal Inspector's Office (Section 101(c) of the Reorganization Plan). The AAOs work closely with their agencies and are responsible to the Federal Inspector for assuring timely completion of all necessary actions during this project. In addition, depending on the degree of delegation from the Federal Inspector, they may participate in major enforcement actions related to their agency's responsibilities (Section 202(a) of the Reorganization Plan).

§ 1502.6 Citizen's environmental advisory committee.

The Federal Inspector has established a Citizens' Environmental Advisory Committee to advise him regarding environmental issues associated with the Alaskan segment of the System. (45 FR 41741, June 20, 1980). The Committee provides a formal, direct channel through which views of the environmental community can be made known to the Federal Inspector.

§ 1502.7 Internal organization.

The OFI is headed by the Federal Inspector. There are two Deputy Federal Inspectors, one responsible for operations in Alaska and the Irvine Office and the other responsible for Lower 48 operations and the headquarters offices. An Executive Director coordinates the technical and administrative functions of the OFI. The following organizational components are under the Federal Inspector's supervision:

(a) *The Office of the General Counsel.* The Office of the General Counsel provides all legal services to the Federal Inspector on matters related to environmental, technical, public utility, contract, administrative, and all other laws related to the ANGTS.

(b) *The Office of Equal Employment Opportunity/Minority Business Enterprise/Labor.* The Office of Equal Employment Opportunity/Minority Business Enterprise/Labor (Office of EEO/MBE/Labor) monitors all external EEO and MBE matters including the development and implementation of the affirmative actions plans and regulations required by Section 17 of ANGTA and Title VII of the Civil Rights Act of 1964. This office also administers the OFI EEO program. In addition, the Office of EEO/MBE/Labor works with organized labor and the sponsors on EEO and other labor-related issues.

(c) *The Office of External Affairs.* The Office of External Affairs is responsible for Congressional and Canadian liaison, public affairs, and intergovernmental affairs.

(d) *The Office of Administration.* The Office of Administration is responsible for all normal personnel and financial management functions, including operation of the OFI management information system. In addition, this office provides contract management, procurement, internal audit, and security functions.

(e) *The Office of Policy Analysis.* The Office of Policy Analysis analyzes major

policy and economic issues as they arise and provides program evaluations and special organization studies for the Federal Inspector. It also provides policy oversight and program assistance on socioeconomic impact issues.

(f) *The Office of Engineering Review.* The Office of Engineering Review reviews pipeline design and construction plans, quality assurance and control programs, change orders and requests, cost estimates, and provides both compliance guidance and technical advice and assistance for field inspections.

(g) *The Office of Environmental Review.* The Office of Environmental Review has functions which are similar to those of the Office of Engineering Review, except that this office focuses its attention on solving environmental problems. Although structurally separate, these two units work closely to ensure that both engineering and environmental considerations are addressed in a coordinated manner.

(h) *The Office of Audit and Cost Analysis.* The Office of Audit and Cost Analysis implements the incentive rate of return mechanism and conducts audits of the sponsors' records for purposes of rate base formation. It is also responsible for assuring that the project sponsors establish and maintain effective cost-control and other management systems. These activities enable the Federal Inspector to quickly determine the impact of major decisions on cost and scheduling and to anticipate any potential significant cost or schedule deviations on the part of the project sponsors.

(i) *The Office of Permits, Scheduling, and Compliance.* The Office of Permits, Scheduling, and Compliance tracks, expedites, and coordinates Federal permit issuance. It also monitors resource requirements, generally oversees the regulatory process by working with and advising the field staff, provides guidance and criteria on the enforcement of terms and conditions, laws, and regulations and administers the joint surveillance and monitoring agreement.

(j) *Field Offices in Alaska, San Francisco, and Omaha.* Field Offices in Alaska, San Francisco, and Omaha are responsible for monitoring any preconstruction activities, serve as the "one window" for processing permit applications, and monitor all construction and initial operation activities for the Alaska, Western and Eastern legs of the project. The field offices also enforce laws, regulations, and the terms and conditions of all permits, grants, certificates, and notices-to-proceed.

§ 1502.8 Office and hours.

(a) Offices of the OFI are in the following locations:

(1) *Headquarters.* Room 2407, Post Office Building, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20044;

(2) *San Francisco.* Room 767, Matson Building, 215 Market Street, San Francisco, California 94105;

(3) *Irvine.* 1st Floor, 2302 Martin Drive, Irvine, California 92715;

(4) *Anchorage.* 605 West Fourth Avenue, Pouch 6619, Anchorage, Alaska 99502;

(5) *Fairbanks.* Suite 400, Central Office Building, 1001 Noble Street, Fairbanks, Alaska 99701; and

(6) *Omaha.* Suite 350, 11414 West Center Road, Omaha, Nebraska 68144.

(b) Business hours are from 8:30 a.m. to 5:00 p.m. in Washington, from 8:00 a.m. to 5 p.m. in Irvine, and from 7:30 a.m. to 4:00 p.m. in all other locations. Offices are open Monday through Friday, except for Federal holidays.

[FR Doc. 81-11600. Filed 4-15-81; 8:45 am]

BILLING CODE 6820-AW-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1534

Enforcement Procedures for Equal Opportunity Regulations

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Final rule.

SUMMARY: These rules institute procedures by which the Office of the Federal Inspector (OFI) will enforce existing equal opportunity regulations applicable to the Alaska Natural Gas Transportation System (ANGTS) (43 CFR Part 34). They detail OFI compliance review, complaint investigation, conciliation, and administrative and judicial enforcement, relative both to employment discrimination and to affirmative action plans for employment and contracting.

EFFECTIVE DATE: These rules are effective April 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. John Alexander, Director, Equal Employment Opportunity, Minority Business Enterprise, Office of the Federal Inspector (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Ave, NW., Washington, D.C. 20044 (202) 275–1157

Mr. Rhodell Fields, Deputy General Counsel, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, Washington, D.C. 20044 (202) 275–1144

Ms. Marcia D. Connelly, Attorney-Advisor, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, Washington, D.C. 20044 (202) 275–1144

SUPPLEMENTARY INFORMATION:

I. Background

Section 17 of the Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. Section 719o, and Condition 11 of the President's *Decision* and *Report to Congress on the Alaska Natural Gas Transportation System (Decision)*, approved by H.J. Res. 621, Pub. L. 95–158 (1977), mandate that Federal agencies—by conditioning the various ANGTS permits and other approvals—assure affirmative action against discrimination for employment and contracting on ANGTS. On May 12, 1980, these agencies (through the Department of the Interior) published final rules to meet this statutory mandate, enforcement of which was left to the Federal Inspector (43 CFR Part 34; 45 FR 31095, May 12, 1980).

Section 34.10(d) of these equal opportunity regulations provides for the OFI to establish enforcement procedures, which will be incorporated as an amendment to these regulations. The rule issued today by the OFI constitutes such enforcement procedures. These procedures will appear as a new Part 1534 in Title 10 of the Code of Federal Regulations. Because the OFI is promulgating these procedures, they must appear in the OFI's own regulations, which are codified at 10 CFR Chapter 15. Nevertheless, upon publication of the final enforcement procedures, the Department of the Interior will then reprint the OFI's Part 1534 in 43 CFR Part 34.

II. Comments

On September 11, 1980, a notice of proposed rulemaking was published in the **Federal Register**, providing that comments be filed with the Office of the Federal Inspector by October 10, 1980. There were two sets of comments submitted. The Alaskan Northwest Natural Gas Transportation Co., Pacific Gas Transmission Co. and Northern Border Pipeline Co. (Sponsors) filed joint comments. The Center for National Policy Review (Catholic University School of Law) also submitted comments.

A. The Sponsors contend that "possible spot on site review" provided for in § 1534.2(a) of the enforcement regulations is an inappropriate method for an initial compliance review. They maintain that "[t]he true nature of employment opportunities and minority business opportunities cannot be determined by a brief and unannounced on-site visit." Consequently, they recommend that this provision be deleted, and that advance notice be given of any on-site visits so that "appropriate records may be gathered and presented for meaningful review."

OFI finds that the Sponsors have failed to show that spot on-site reviews are inappropriate. Consequently, they will be retained. The Federal Inspector does plan to provide notice for formal on-site reviews. (See § 1534.2(b)) Moreover, OFI plans to review carefully all pertinent data to ascertain whether a sponsor or contractor is in compliance with the applicable affirmative action plans. Nonetheless, OFI believes that spot on-site reviews constitute a viable method of compliance review.

The Sponsor's comments seem to suggest that spot checks would be the sole method of compliance review. Perhaps, if that were the case, their objections would be valid. However, spot checks represent only one of several methods that will be utilized to monitor compliance. Spot checks could determine the size and composition of a sponsor's or contractor's on-site workforce at any given time. While they will not lead to a determinative finding of compliance or non-compliance, they can serve as a starting point. For instance, if a spot check revealed a dearth of minorities on the workforce at any given point in time, the particular sponsor or contractor would have an adequate opportunity to show that it nonetheless is in compliance. Therefore, OFI finds that the utilization of spot checks as a means of monitoring compliance with ANGTS equal employment regulations is useful. In these circumstances, spot checks constitute a viable method of compliance review and should be retained in these enforcement regulations.

B. Pursuant to § 1534.3(a)(1), the Equal Employment Opportunity Commission (EEOC) will process all complaints alleging, employment discrimination within its jurisdiction. However, the OFI may become involved in cases processed by EEOC under certain circumstances. Section 1534.3(a)(2) provides that when it appears that EEOC's efforts at conciliation may fail, the OFI may then attempt such conciliation. Where conciliation fails, the OFI after consulting with the EEOC, may pursue an enforcement action.

The Sponsors contend that "such potentially overlapping enforcement actions would be extremely unwise." They also maintain that duplication of effort would result from the procedures established to handle complaints alleging both employment discrimination and violation of an approved affirmative action plan. They acknowledge that the preamble to the proposed regulations states that the former allegations will be processed under the MOU and the latter allegations by the OFI. However, they believe that this division of responsibility could possibly render the policy of deferral to the EEOC meaningless.

In other words they anticipate that most employment discrimination complaints will also allege violations of affirmative action plans.

With respect to the Sponsor's first objection, the OFI does not find the complaint investigation procedures duplicative. They are in fact, complimentary. In situations where it appears that EEOC's efforts at conciliation may fail, the OFI then attempts conciliation. The procedures are not utilized concurrently. Moreover, OFI conciliation is attempted prior to judicial enforcement action by either the OFI or EEOC. If OFI's conciliation

efforts are successful, protracted court action is avoided.

However, in situations where both EEOC and OFI conciliation efforts have failed, either the EEOC may take enforcement action under Title VII of the Civil Rights Act, or the OFI may pursue its own enforcement action, under § 1534.5. Although EEOC will process most complaints of employment discrimination, there may be situations where the OFI, nonetheless, may decide to become involved to carry out its own statutory and regulatory mandate. While regular OFI involvement in complaints alleging employment discrimination is not contemplated, § 1534.3(a)(2) provides the necessary flexibility to allow it to become involved in those circumstances where it determines that its participation is warranted.

In addressing the question of dual complaints, the OFI stated in the preample of its notice of proposed rulemaking that "to the extent that dual complaints allege without any basis violation of affirmative action plans, the OFI will summarily reject these complaints." The OFI is under no obligation, legal or otherwise, to entertain spurious complaints. However, since the OFI has clearly stated its position on how these complaints will be handled, it is unnecessary to incorporate that statement into the body of the regulations.

C. The Sponsors have seized upon the language in the preamble that "compliance should be readily revealed * * * in the light of the quantitative nature of the goals and timetables." The Sponsors contend that this statement suggests that OFI will determine compliance by simply comparing two sets of numbers, rather than by judging the "good faith efforts" made to achieve goals.

Judicial decisions have recognized and condoned the establishment of goals and timetables to achieve a desirable diverse workforce. *See, United Steelworkers of America* v. *Weber*, 443 U.S. 193 (1979). Goals and timetables are a useful measuring and monitoring device to assess the progress of an affirmative action program. The OFI will only use goals and timetables as one factor in evaluating compliance with an approved affirmative action plan. However, any great disparity between program goals and the workforce is an indication that further investigation and evaluation is warranted. Any compliance review, however, will evaluate the "good faith efforts" of the particular sponsor, contractor or subcontractor to comply.

D. The Sponsors note that § 1534.4, particularly paragraphs (b), (c) and (e), fails to provide for notice to the appropriate recipient of OFI's compliance related determinations where complaints are directed solely at a contractor or subcontractor. Although they acknowledge that the preamble states that they would in fact receive such notification, they believe that such a requirement should be clearly embodied in the text of the regulations. OFI believes that the Sponsor's observation is valid. Consequently, a new § 1534.4(f) will be added to provide for notice to the appropriate recipient where a complaint is directed solely at a contractor or subcontractor. Prior §§ 1534.4(f) and 1534.4(g) shall be redesignated §§1534.4(g) and 1534.4(h) respectively.

E. Section 1534.4(c)(4) provides that where a contractor or subcontractor appears to be in possible noncompliance, the appropriate recipient has an obligation to assist the OFI in achieving voluntary compliance. If the recipient fails to assist OFI, that may itself constitute noncompliance with the regulations.

The Sponsors have voiced objection to this requirement. First, they indicate that in order to assist, the recipient must have knowledge of the allegations against the contractor or subcontractor. Secondly, they are unclear as to what OFI intends by the use of the word assist. Their objection appears to be strongest, "if the OFI intends this language to require it to utilize financial leverage, or any other type of leverage, to pressure a contractor or subcontractor to take a particular action prior to any hearing or impartial determination of the matter at issue." (Sponsors comments at p. 10.) Consequently, the Sponsors suggest that this provision be deleted in its entirety. However, if the OFI retains the provision, they believe that it should recognize a very limited duty to assist.

The OFI finds the Sponsor's comments on this issue unpersuasive. In response to the Sponsor's first objection, it should be noted the § 1534.4(c)(4) specifically provides for notice to the recipient of the preliminary finding directed to the contractor or subcontractor. Moreover, a new § 1534.4(f) has been added to assure that the appropriate recipient will receive notice of OFI compliance determinations where a complaint is directed solely at a contractor or subcontractor. In these circumstances, the recipient will have actual knowledge of the case and be in a position to lend assistance.

With respect to the second objection, the Sponsor's comments fail to recognize that they are ultimately responsible for achieving the goals reflected in their affirmative action plans. If particular contractors or subcontractors fail to comply, then the appropriate recipients would not be able to meet their goals. Hence, the "assist" provision not only encourages recipients to promote actively voluntary compliance, it requires them to do so. This does not, as the Sponsors suggest, force them to perform the functions of a federal "compliance agency." It is simply a mechanism to facilitate maximum Sponsor participation in achieving the affirmative action goals reflected in their respective plans. The OFI does not perceive any fundamental unfairness in this process.

F. The Sponsors raised several objections to the Federal Inspector's inclusion of a stop work order provision, § 1534.5(c). A stop work order would be invoked only in cases where a sponsor, contractor or subcontractor has consistently and substantially failed to meet its approved affirmative action plan so as to seriously jeopardize the overall equal opportunity goals of Section 17 of ANGTA and the Part 34 Equal Opportunity Regulations for ANGTS.

The Sponsors challenge the legality of the stop work order provision. According to the Sponsors, the OFI's legal authority does not contemplate this type of enforcement provision for equal opportunity matters. They contend that this type of sanction is limited to incidents which pose a serious or immediate threat to the environment or public safety.

The stop work order provision is also criticized as inappropriate injunctive relief, since monetary damages would make whole any victim of a violation. The Sponsors assert that a stop work order, even if limited to the specific project activity, would be inconsistent and incompatible with the expeditious and cost efficient construction of ANGTS.

Albeit for diverse reasons, the Center for National Policy Review and the Sponsors objected to the provisions, §§ 1534.5(c)(1)(iv) and 1534.5(c)(2)(ii), providing for an informal conference and a hearing prior to the invocation of a stop work order. The Center for National Policy Review questions the necessity for an informal conference on the premise that the respondent will have had ample opportunity to provide evidence, argue its case and voluntarily comply. The Sponsors assert that the proposed hearing procedure lacks fairness.

After careful review and analysis of the comments, the OFI makes no modification of the procedures

pertaining to stop work orders, 10 CFR 1534.5(c). The FERC Order issued on February 26, 1980 (Docket No. 78–123, *et al.*), attaching conditions to the certificate of public convenience and necessity issued to the respective sponsors, contains a stop work order provision which the Federal Inspector may impose under certain specific conditions and procedures. The FERC issued an order on May 8, 1980 which appended to the certificates of public convenience and necessity the Part 34 Equal Opportunity Regulations for ANGTS. Likewise, the DOI Stipulations, section 1.17, attached to the grants of right-of-way across Federal lands have a similar stop work order provision.

It is clear from a subsequent FERC order that the stop work order provision is not limited to environmental and public safety matters. In denying the State of Alaska's petition for rehearing on the applicability of a stop work order on state lands, the Commission concluded that the stop work order may be used against serious and immediate problems beyond those jeopardizing the environment and safety:

> * * * The provisions of the condition are primarily procedural in nature, and do not list or delimit the factual situations which might justify or necessitate the issuance of a stop work order. Those matters are left to the judgement and discretion of the Inspector. Thus, if and whenever the Inspector, in his judgement, determines that there exists a "serious and immediate problem which requires the cessation of a particular construction activity," the Inspector is authorized to issue a stop work order (pursuant to the prescribed procedures). The "problem" need not arise out of the specific terms and conditions of a Federal license, permit or certificate; * * * (FERC April 28, 1980 Order, at 3) * * * we recognize that a problem can be serious and immediate (e.g., a construction problem), justifying issuance of a stop work order, without entailing a hazard to health, safety, or the environment * * * (*Id.* at 4, n. 4)
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Moreover, this type of injunctive relief is similar to measures provided for in analogous situations; the TAPS Equal Opportunity enforcement regulations and in Executive Order No. 11246, section 209(5) (to sanction government contractors or subcontractors). The TAPS Equal Opportunity compliance regulations, 43 CFR 27.9(c), permitted the Secretary of the Interior to terminate, suspend or refuse to grant or continue the Federal authorization where the contractor refused to observe or substantially comply with applicable Equal Opportunity laws and regulations. Pursuant to Executive Order No. 11246, § 209(5), the Secretary of Labor has like options for dealing with a recalcitrant government contractor or subcontractor.

Further, the stop work order provision is limited to situations where a sponsor, contractor or subcontractor has consistently and continually failed to comply with its approved affirmative action plan to the extent that such noncompliance has seriously jeopardized the overall equal employment opportunity goals of § 17 of ANGTA and the Part 34 regulations. Contrary to the tenor of the Sponsor's Comments, stop work orders will not be imposed as remedies for individual victims of discrimination. To the extent they contend that damages are sufficient to compensate for that type of injury, the OFI agrees. However, damages are inadequate if the viability of the entire affirmative action program is threatened. As has been repeatedly emphasized, stop work orders will be issued only where a recipient, contractor or subcontractor fails to meet its approved affirmative action plan to such an extent that the equal opportunity objectives of Congress and the President will be thwarted.

The informal conference and hearing prior to the issuance of a stop work order afford due process that exceed statutory and regulatory requirements. None of the pertinent authorities, § 17 of ANGTA, the FERC Order of February 26, 1980, the DOI Stipulations, or the Part 34 regulations require a full scale administrative hearing. Indeed, the FERC Order and the DOI stipulations would permit the Federal Inspector to issue a stop work order immediately after a problem is discovered without any informal or formal proceedings. Hence, the imposition of these two procedural safeguards underscores the OFI's commitment to restrict stop work orders to cases where a full investigation and review of the facts clearly demonstrate that more severe sanctions are necessary if the law is to be met. Moreover, the expeditious and cost-efficient construction of ANGTA will not be impaired since these procedural safeguards ensure that a stop work order will only be used, if at all, in limited circumstances.

G. The Sponsors object to the "imprudent expenditure" policy contained in the preamble. In the context of the rate base formation, any cost escalation attributable to a stop work order will be treated as an "imprudent expenditure." The Sponsors contend that the policy violates the Natural Gas Act since it fails to comply with substantive and procedural provisions for making such determinations. In addition, the sponsors aver that the policy is not a proper subject for the equal opportunity enforcement regulations since it pertains to the rate base.

There is legal precedent to support the OFI policy to exclude from the rate base any quantifiable cost related to serious equal opportunity violations. The Supreme Court in *N.A.A.C.P.* v. *F.P.C.*, 425 U.S. 662, 668 (1976) held that "to the extent that illegal, duplicative, or unnecessary labor costs of regulatees are demonstrably the product of a regulatee's discriminatory employment practices, the Federal Power Commission should disallow them." The Court cited the Natural Gas Act, 15 U.S.C. 717c(a), as statutory authority for its decision. The Natural Gas Act, 15 U.S.C. 717c(a), requires the FERC to establish "just and reasonable" rates for the sale and transportation of natural gas and consequently to allow only such rates as will prevent consumers from being charged any unnecessary or illegal costs. *See, e.g. Tennessee Gas Pipeline* v. *FERC*, 606 F.2d 1094, 1123 (D.C. Cir. 1979), *cert. denied*, 445 U.S. 920 (1980). The OFI policy expressly states that, prior to any determination regarding "imprudent expenditures," the proper procedures will be followed and that it will only consider the cost an "imprudent expenditure" if it can be isolated and quantified.[1]

H. The Center for National Policy Review has noted that no provisions were made to provide a complainant or MBE/FBE with notice of the preliminary finding of compliance or noncompliance. The Center avers that the complainant would be the only party likely to dispute a finding of compliance since the contractor would be satisfied. Also, the Center contends that the ten calendar days is too short a period to require the complainant to submit a brief regarding a decision on the stop work order. The Center asserts that the complainant will not have had ample opportunity as the OFI, Sponsors, contractors or subcontractors have had to review and consider the pertinent information. Moreover, the Center does not see the need for the complainant to be required to submit a brief since the OFI is responsible for vindicating the rights of

[1] The Federal Energy Regulatory Commission delegated to the Office of the Federal Inspector the Commission's authority under Sections 4, 5, 7 and 8 of the Natural Gas Act (15 U.S.C. 717c, d, f and g) and related regulations to review and approve costs and related accounts of ANGTS for inclusion in the ANGTS Sponsor's rate base. 45 FR 85511 (December 19, 1980).

parties aggrieved by actions of contractors.[2]

In light of the Center's comments, the OFI concurs that a complainant or MBE/FBE should be apprised of preliminary findings. Accordingly, OFI has made the following appropriate changes in the regulations to provide a complainant or MBE/FBE notice of the preliminary finding of compliance or noncompliance, §1534.4(c)(1) and the final determination as to compliance, §1534.4(e):

§1534.4(c). Within 30 calendar days of completion of the formal on site review or investigation (which itself will be conducted expeditiously by the OFI but under no set timetable), conducted as per paragraph (b)(4) of this section, the OFI will notify the pertinent recipient contractor or subcontractor in writing of:

(1) Preliminary findings as to compliance or noncompliance; *Any complainant or MBE/FBE will receive notice of the preliminary findings.*

Where a final determination of noncompliance has been made under paragraph (d) of §1534.4, the OFI will so advise the pertinent recipient, contractor, or subcontractor and *any complainant or MBE/FBE* in writing giving an additional 10 calendar days in which to comply voluntarily.

Also, the OFI agrees with the Center that the complainant should not be required to file a brief §1535.4(c)(3)(i). However, OFI maintains that the complainant should have the discretion of submitting a brief and has changed the language in the regulations to reflect that option:

§1534.5(c)(3)(i). Within 10 calendar days of issuances of a recommended decision under either paragraph (c)(2)(i) or (c)(2)(ii) of this section, the respondent recipient, contractor, or subcontractor and, in the case of a complaint investigation, the complainant *may* file a brief agreeing with or contesting the recommended decisions.

The OFI, however, does not agree that additional time is needed to file the brief since the complainant will receive notice of the findings at the various stages of the enforcement process and has means available to apprise himself or herself of other developments and pertinent information regarding his case.

III. Overview of Regulations

These regulations establish procedures by which OFI will enforce existing equal opportunity regulations applicable to the Alaska Natural Gas Transportation System. They consist of five sections. Section 1534.1 is introductory; outlining how the enforcement procedures are structured. Section 1534.2 describes how the OFI will conduct the initial stage of compliance review. Section 1534.3 contains procedures by which the OFI will conduct the initial stage of investigation of complaints filed pursuant to these regulations. Section 1534.4 contains the subsequent procedures which will determine compliance or noncompliance, including preliminary findings and final determinations, and for pursuing conciliation and voluntary compliance. Section 1534.5 contains the actual enforcement procedures that will be utilized where the OFI has made a final determination of noncompliance.

Unless specifically discussed and modified herein, the OFI's policies reflected in the preamble to the proposed regulations remain the same.

These enforcement regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291. And as required by Section 3(g)(1), the OFI explains this conclusion. The statutory affirmative action program for this project does have certain attendant costs. Both the OFI and the sponsoring companies have hired and contracted to administer it. So too, training and technical assistance supporting minority employees and contractors cost money. But on this one project, the annual costs are well below $100 million. Moreover, this program should ultimately enhance such goals as employment and productivity, found in Section 1(b)(3) of Executive Order 12291. In any event these regulations merely set enforcement procedures for the affirmative action program, the costs and benefits of which flow from Section 17 of the Alaska Natural Gas Transportation Act and the existing regulations (43 CFR Part 34) promulgated by other Federal agencies, not by the OFI. The OFI has complied with Section 7(f)(2) of the Executive Order in reaching this conclusion.

Nor do the requirements of 42 U.S.C. 4332(2)(c) apply. Under authority of Sections 9 and 17 of ANGTA, 15 U.S.C. 719g and o; 43 CFR 34.10(d); and Sections 102 and 202 of Reorganization Plan No. 1 of 1979, the OFI is now amending Title 10 of the Code of Federal Regulations by adding a new Subchapter C Enforcement Procedures consisting of Part 1534, as set forth below.

Dated: April 6, 1981.

John T. Rhett,

Federal Inspector.

SUBCHAPTER C—ENFORCEMENT PROCEDURES

PART 1534—ENFORCEMENT PROCEDURES FOR REGULATIONS REQUIRING EQUAL OPPORTUNITY DURING PLANNING, CONSTRUCTION, AND INITIAL OPERATION OF THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Sec.

Authority: Sections 9 and 17 of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719g and o; 43 CFR 34.10(d); and Sections 102 and 202 of Reorganization Plan No. 1 of 1979.

§ 1534.1 General.

(a) Pursuant to § 34.10(d) of the underlying reguations (43 CFR Part 34) and to Section 9 of the Alaska Natural Gas Transportation Act (ANGTA), the Office of the Federal Inspector (OFI) has established in this Part procedures for enforcing Section 17 of ANGTA, Condition 11 of the President's Decision (Decision and Report to Congress on the Alaska Natural Gas Transportation System, approved by H.J. Res. 621, Pub. L. 95–158) and all implementing rules, regulations, orders, and actions taken thereunder (referred to throughout this Part collectively as "these regulations").

(1) Section 1534.2 describes how the OFI will conduct the initial stage of compliance review.

(2) Section 1534.3 describes how the OFI will conduct the initial stage of investigating complaints that these regulations have been violated.

(3) Section 1534.4 describes the subsequent procedures for determining compliance or noncompliance, including preliminary findings and final determinations, and for pursuing conciliation and voluntary compliance, which are the same for both compliance review and also complaint investigation.

(4) Section 1534.5 describes how the OFI will enforce these regulations once it has made a final determination that a recipient, contractor, or subcontractor is not in compliance.

(b) The time limitations imposed by this Part on the OFI and all parties to enforcement are binding, unless for good cause shown the OFI determines that an

[2] It should be noted that OFI's role at this stage of enforcement is not, as the Center suggests, to vindicate the rights of an aggrieved party. The OFI considers the informal conference and hearing processes as a means to ascertain objectively and impartially and evaluate all the facts prior to a determination that more severe sanctions should be imposed.

extension would be in the public interest.

§ 1534.2 Initial stage of compliance review.

(a) The OFI will conduct initial periodic review (including possible spot on-site review) of selected recipients, contractors, and subcontractors to determine compliance with these regulations.

(b) If, based on the initial periodic review conducted under paragraph (a) of this section, the OFI has reasonable cause to believe that these regulations are not being complied with, it will notify the respective recipient, contractor, or subcontractor by letter of a subsequent and formal on-site review, to be conducted after 15 calendar days of that notice. For formal on-site review just involving a contractor and/or subcontractor, the OFI will also forward a copy of the letter of on-site review to the corresponding recipient.

(c) The contents of such a letter giving notice of the subsequent on-site review, issued under paragraph (b) of this section, as well as the remaining procedures for compliance review, are detailed below in § 1534.4.

(d) After completion of initial periodic compliance review, the OFI will certify when a recipient, contractor, or subcontractor is found to be complying with these regulations. This certification of compliance does not, however, preclude a later determination of noncompliance, but only under the following circumstances:

(1) In light of new or additional information which the OFI should not reasonably be expected to possess, the full facts were unknown during the compliance review; or

(2) the OFI subsequently finds noncompliance for a later time period, not the subject of the current initial periodic review.

§ 1534.3 Initial stage of complaint investigation.

(A) Complaints alleging violation of these regulations, in the nature of employment discrimination, will be handled by the Equal Employment Opportunity Commission (EEOC) with OFI coordination, pursuant to the Memorandum of Understanding informally agreed to and, after public comment, planned to be signed into effect by the two agencies.

(1) The EEOC will process all complaints alleging employment discrimination within its jurisdiction. All other complaints will be processed, pursuant to paragraph (b) of this section.

(2) Under the MOU the OFI may become involved in two specific aspects of employment discrimination proceedings handled by the EEOC. First, where it appears that the EEOC's efforts at conciliation may fail, the OFI may then attempt such conciliation. Second, when EEOC and OFI efforts at conciliation have failed the OFI, after consultation with the EEOC, may pursue its own enforcement action.

(b) For all other complaints alleging violation of these regulations, the OFI will, within 35 calendar days of receipt, notify the pertinent recipient, contractor, or subcontractor by letter (appended to which will be a copy of the complaint) of the initiation of an investigation. For complaints just against a contractor and/or subcontractor, the OFI will also forward a copy of the complaint and notice to the corresponding recipient. At the same time the OFI will notify the complainant of this action and the procedures to be followed. Complaints to be investigated by the OFI must be in writing and contain the following:

(1) Name, address, and telephone number of the complainant;

(2) Name and address of the recipient, contractor, or subcontractor charged by the complainant;

(3) Description of the acts alleged to violate these regulations; and

(4) Any other pertinent information.

(c) The contents of the letter initiating investigation, issued under paragraph (b) of this section, as well as the remaining procedures for complaint investigation, are detailed in § 1534.4 immediately below.

§ 1534.4 Procedures for determination of compliance or noncompliance and for conciliation.

(a) This Section governs how the OFI will process cases of possible non-compliance, whether generated through compliance review or complaint investigation, initiated under §§ 1534.2 and 1534.3 respectively.

(b) Upon finding reasonable cause to believe that there is noncompliance, during compliance review, or upon initiating investigation, after receipt of a complaint, the OFI will first notify the potentially noncompliant recipient, contractor, or subcontractor of the following:

(1) A request for pertinent information and data;

(2) A statement of the practices to be reviewed, and the programs or activities affected by the compliance review or complaint investigation;

(3) An opportunity to respond in writing

(i) To explain, support, or otherwise address the practices to be reviewed or

(ii) To rebut or deny the allegations made in the complaint; and

(4) The schedule for review or investigation, including formal on-site review or investigation to commence 15 calendar days after the notice.

(c) Within 30 calendar days of completion of the formal on-site review or investigation (which itself will be conducted expeditiously by the OFI but under no set timetable), conducted as per paragraph (b)(4) of this section, the OFI will notify the pertinent recipient, contractor, or subcontractor in writing of:

(1) Preliminary findings as to compliance or noncompliance; any complainant will receive notice of the preliminary findings;

(2) Where appropriate, recommendations for achieving voluntary compliance;

(3) The opportunity to request that the OFI engage in voluntary compliance negotiations (to be completed within 20 calendar days of this written notice) prior to a final determination of compliance or noncompliance; and

(4) Where a contractor or subcontractor alone appears to be in possible noncompliance, the obligation on the part of the appropriate recipient (after notice of the preliminary finding directed to the contractor or subcontractor) to assist the OFI in achieving voluntary compliance, failure for which may also be processed through these procedures to determine noncompliance with these regulations.

(d) The OFI will render a final determination as to compliance or noncompliance within 45 calendar days of notice given under paragraph (c) of this section.

(1) A final determination of noncompliance will be made in the following situations:

(i) The preliminary recommendation for voluntary compliance is not followed;

(ii) Voluntary compliance is not secured; or

(iii) The preliminary finding of noncompliance is not shown to be false.

(2) A final determination of noncompliance will contain the following provisions:

(i) A statement with specificity of how the recipient, contractor, or subcontractor has violated these regulations;

(ii) A detailed basis for this finding of noncompliance, including how the recipient, contractor, or subcontractor failed to follow the recommendations contained in the OFI's preliminary finding, rendered pursuant to paragraph (c) of this section; and

(iii) Final recommendations on remedial actions to bring the recipient,

contractor, or subcontractor into compliance.

(e) Where a final determination of noncompliance has been made under paragraph (d) of this section, the OFI will so advise the pertinent recipient, contractor, subcontractor, and any complainant in writing, giving an additional 10 calendar days in which to comply voluntarily. If the recipient, contractor, or subcontractor has not so complied, the OFI will institute enforcement proceedings under § 1534.5 below.

(f) In cases where complaints have been filed against contractors or subcontractors only, the OFI will notify the appropriate recipient pursuant to paragraphs (b), (c) and (e) of this section.

(g) All voluntary compliance agreements, whether formed under paragraphs (c)(3) or (e) of this section, will have the following features:

(1) The agreement shall:

(i) Be in writing;

(ii) Be signed by an authorized official of the recipient, contractor, or subcontractor and by the OFI designated official,

(iii) Contain commitments regarding the precise remedial action to be taken and the dates for completion of those remedial actions, including commitments to eliminate all discriminatory practices and conditions; and

(iv) Include a provision that breach of the agreement may result in further enforcement actions by the OFI.

(2) Upon execution of the agreement, the OFI will certify compliance, conditioned upon:

(i) Performance of the commitments given under paragraph (f)(1)(iii) of this section, and

(ii) The full facts being known at the time the agreement was executed.

(h) In the case of complaints, the OFI will notify the complainant of actions taken, including:

(1) Final determination of noncompliance, and subsequent enforcement efforts;

(2) Finding of compliance;

(3) Achieving voluntary compliance through conciliation; or

(4) Closing the investigation due to complainant's failure to cooperate or provide necessary information.

§ 1534.5 Enforcement procedures.

(a) The OFI will act pursuant to this section when it has rendered a final determination of noncompliance, under § 1534.4(d), and the noncompliant recipient, contractor, or subcontractor has failed to comply voluntarily within 10 days thereafter, under § 1534.4(e). In addition, the OFI will act pursuant to this Section when acting against certain employment discrimination, based on determinations of the EEOC, as per § 1534.3(a)(2).

(b) Except as provided in paragraph (c) of this section, the OFI will seek judicial enforcement in the United States District Court having venue, seeking appropriate injunctive and civil fine relief, as provided in 43 CFR 34.11(b) of the 43 CFR Part 34 regulations. Such civil action will be commenced following consultation and coordination between the OFI General Counsel and the Civil Rights Division of the Department of Justice and where appropriate, the EEOC.

(c) In the event that the OFI finds, as part of its final determination made under § 1534.4(d), that a recipient, contractor, or subcontractor has so consistently and substantially failed to meet its approved affirmative action plan that the overall equal opportunity goals of section 17 of ANGTA and the 43 CFR Part 34 regulations are in jeopardy, the OFI may issue a compliance order stopping work on the particular ANGTS activity until compliance is assured. The procedure for issuing such a compliance order entails the following:

(1) Within 10 calendar days of the final determination of noncompliance and related 10-day compliance period (as defined in paragraph (a) of this section), the OFI will issue a show cause order why the noncompliant recipient, contractor, or subcontractor should not immediately be subject to a compliance order and work stoppage. The show cause order will contain the following:

(i) A summary of the final determination of noncompliance;

(ii) A statement of the recipient, contractor, or subcontractor's subsequent failure to achieve voluntary compliance;

(iii) A statement explaining why the violation of the approved affirmative action plan is so serious as to warrant work stoppage; and

(iv) Notice that the OFI will hold an informal conference within 10 calendar days.

(2) The noncompliant recipient, contractor, or subcontractor must present oral argument and documentary support in rebuttal at this informal conference.

(i) If the Director of the OFI Office of Equal Opportunity/Minority Business Enterprise or designee, who will preside over the informal conference, concludes that there are no material facts in issue, he or she will render in writing a recommended decision on the compliance order within 15 calendar days of the close of the informal conference.

(ii) If the Director or designee concludes, however, that there are material facts in issue which cannot be ascertained without a hearing on the record, he or she will set the proceeding for hearing.

(A) The General Counsel of the OFI or designee will preside over and conduct any such hearing on the record, under procedures established by the OFI for similar proceedings (10 CFR Part 1508).

(B) Following the presentation of oral and written evidence, an opportunity for cross-examination, and the filing of briefs, the General Counsel will render in writing a recommended decision on the compliance order within 15 calendar days of the close of the hearing.

(3) The Federal Inspector or delegate will render a final decision on the compliance order. The following process will be employed.

(i) Within 10 calendar days of issuance of a recommended decision, under either paragraph (c)(2)(i) or (c)(2)(ii) of this section, the respondent recipient, contractor, or subcontractor and, in the case of a complaint investigation, the complainant may file a brief agreeing with or contesting the recommended decision.

(ii) Except when the record is unduly voluminous and complex, the Federal Inspector or delegate will issue in writing a final decision within 20 days of receiving the briefs.

(iii) When the final decision is to issue a compliance order and to stop work, the Federal Inspector or delegate will institute the prescribed sanctions, unless the respondent has complied within 10 calendar days of the compliance order.

[FR Doc. 81-11691 Filed 4-15-81; 8:45 am]

BILLING CODE 6820-AW-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1504

Statement of Policy on, and Establishment of Regulations Governing, Information Gathering, Treatment of Sensitive and Proprietary Documents, and Processing Requests for Public Access

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of proposed rulemaking and proposed statement of policy.

SUMMARY: The Federal Inspector has broad authority to gather information needed for his many responsibilities over the Alaska Natural Gas Transportation System (ANGTS). Proposed procedures governing information requests, compulsory subpoena process, judicial enforcement, and administrative sanctions appear in a new 10 CFR Part 1504, Subpart A.

The Office of the Federal Inspector (OFI) insists upon timely compliance with all such information requests. To eliminate hesitation by those submitting information, the OFI states its policy for treating documents claimed to warrant special handling (the term "confidentiality" is frequently used in this context, but will be avoided by the OFI due to its lack of clarity). The OFI agrees in advance to resist public disclosure of "sensitive" information, a narrow category including national security, true trade secret, critical procurement, and secrecy agreement information. But for "business" information (proprietary documents with some marketable value), the OFI only agrees first to give to the submitter notice and opportunity to object, and second to balance the competing interests as to disclosure. Proposed regulations and policy governing such treatment appear in a new Subpart B of 10 CFR Part 1504.

Finally, the OFI proposes to promulgate regulations governing the full range of other issues raised by disclosure requests made under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552. These proposed regulations appear in a new Subpart C of 10 CFR Part 1504.

The OFI is promulgating proposed Part 1504 pursuant to 5 U.S.C. Section 552; Section 7(a)(5) of the Alaska Natural Gas Transportation Act, 15 U.S.C. Section 719; and Reorganization Plan No. 1 of 1979, 44 FR 33663 (in that these regulations and policies are necessary for the proper exercise of the authority transferred to the OFI therein). Also, control of information is essential to the OFI's enforcement function. However, the policies and procedures of the underlying Federal agencies related to ANGTS information are diverse and would therefore impair the OFI's expeditious and proper enforcement of the various Federal laws: That result would be inconsistent with Section 9 of ANGTA (within the meaning of Section 202(c) of the Reorganization Plan and requiring this express determination under Section 1-106 of Executive Order 12142). Accordingly, promulgation of Part 1504 will be a "decision on enforcement matters," as per Section 202(a) of the Reorganization Plan.

DATES: Written comments by May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ned Hengerer, General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20044 (202) 275-1144.

SUPPLEMENTARY INFORMATION:

I. Background

A. OFI Information Gathering Authority

The Federal Inspector has expansive authority to collect information which "he deems necessary to carry out his responsibilities." Section 7(a)(5)(D) of the Alaska Natural Gas Transportation Act [ANGTA], 15 U.S.C. Section 719. These responsibilities are broad (and thus so is the scope of his authority) because Reorganization Plan No. 1 of 1979 has transferred to the Federal Inspector "exclusive responsibility for enforcement of all Federal statutes relevant in any manner to (ANGTS) pre-construction, construction, and initial operation." Since the Federal Inspector "shall carry out the enforcement policies and procedures" of the Federal agencies whose statutes he will enforce (Section 202(c) of the Reorganization Plan), he will have available the added information gathering authority vested in these agencies.[1]

The Federal Inspector also has the means to exercise this authority. Absent voluntary submission (which is both favored and contemplated), the OFI may issue an administrative subpoena. If the subpoena is not satisfied, the OFI may pursue judicial enforcement, including a District Court order directing compliance, imposing civil fines of up to $25,000 per day, and/or, where appropriate, holding the recalcitrant party in contempt of court.[2] For the ANGTS sponsors at least, failure to submit information may—in light of the delays associated with subpoena issuance and judicial enforcement—trigger a less formal but more serious sanction: To the extent that the information requested relates to a valid OFI approval or monitoring action, the OFI may be forced to withhold that action.[3] While such sponsor recalcitrance is very unlikely, the resulting project delay and cost would necessarily be attributed to that sponsor.

While mindful to avoid unnecessarily costly and time-consuming requests for information, the OFI must and will insist on timely compliance with those information requests actually made. The mandate of ANGTA to expedite this project compels such timely compliance. Related to and supporting this position, the OFI announces its overall policy and strategy for handling information once submitted, with particular emphasis on the issue of "sensitive" and "business" information. In this manner any submitter-uncertainty over OFI handling of documents is removed.

B. Access to Documents

The concern most often voiced by those submitting information, claimed to warrant special treatment, is access by others outside the recipient agency. Requests for access come from the general public (including competitors, party litigants, and the media), other agencies (both Federal and state), Congress, and contractors or consultants working for the agency. Separate legal considerations determine whether access for each entity is required, permitted, or prohibited.

Public access to OFI documents is governed first and foremost by FOIA. Access is the statutory preference, while the OFI *may* withhold certain types of information and *must* withhold others, as is also the case under certain other

[1] For example, Section 14 of the Natural Gas Act, 15 U.S.C. Section 717(m); and Section 14(12) of the Natural Gas Pipeline Safety Act, 49 U.S.C. Section 1681(a).

[2] Section 11(c) of ANGTA; and Section 555(d) of the Administrative Procedures Act, 5 U.S.C. Section 555.

[3] The OFI, unlike many regulatory agencies, will exercise its jurisdiction mainly through ongoing oversight, not through *ad hoc* litigation. For example, Section 102 of Reorganization Plan No. 1 of 1979 defines "enforcement" to include "monitoring and any other compliance or oversight activities reasonably related to the enforcement process." As a result, most of the OFI's requests for information will occur outside the confines of the more formalistic "discovery" process, otherwise associated with litigation. Thus, in carrying out its oversight functions, the OFI can—and under Section 9 of ANGTA *must*—minimize the substantial delays necessitated by the adversarial nature of litigation.

statutes, including the Trade Secrets Act, 18 U.S.C. Section 1905, and Section 709 of the Civil Rights Act, 42 U.S.C. Section 2000e–8.

Sharing information between Federal agencies is generally permissible though with some limitations, under the Public Printing and Documents Act, 44 U.S.C. Section 3501, *et seq.* For example, if the OFI is legally bound to deny public access to certain documents, so must another Federal agency receiving the documents from the OFI. Sharing information with state agencies is not as explicitly treated. In the particular case of the Stae of Alaska, however, the joint Federal/State monitoring agreement will specifically provide for document sharing, with the recipient state agencies treating the documents in the same manner as would a Federal Agency[4]

By its terms FOIA does not apply to requests from Congressional committees. Congressional oversight jurisdiction is plenary, with minor exceptions (executive privilege) not germane here.[5] If the OFI—no matter how unlikely—feels compelled to protect certain documents from committee requests, it has only two options: it can seek an accord with the jurisdictional committee (signed by its chairman) restricting disclosure; or it can decide not to take physical possession of the documents in the first place, reviewing them instead at the the submitter's premises.

Finally, independent contractors or consultants working for the OFI under contract will no doubt need access to certain documents which the OFI is according special treatment. They are obligated by their OFI contract, more than by Federal statute, to treat such documents as the OFI requires. Consultants who are special government employees, however, are subject to the same legal constraints as regular OFI employees, including FOIA, the Trade Secrets Act, and the OFI regulations. Members of the OFI Citizens Environmental Advisory Committee fall within this class.

[4] Alaska law requires public access to all records, unless "required to be kept confidential by a federal law or regulation or by state law." AS 09.25.120. The regulations promulgated at this time, 10 CFR Part 1504, are such "Federal regulations." They direct any State official receiving information from the OFI to treat that information in the same manner—including, for example, refusal to grant public disclosure—as would the OFI.

[5] Requests from individual members of Congress are less compelling than those from a committee with jurisdiction over the agency, and the agency may treat such requests under FOIA. *See*, letter from the U.S. Department of Justice to the Federal Trade Commission, May 29, 1980.

C. Document Categories

For purposes of both external access and also internal control, information requested and received by the OFI and warranting some degree of special treatment should be placed in one of two categories: "sensitive" or "business." The submitter of such information will be responsible to designate one of the two categories. Other information will not be designated at all. Of course, a single document may require more than one designation, if only certain portions thereof are "sensitive," others "business," and still others neither "sensitive" nor "business". For certain documents this process might even require page by page designation. The OFI will audit such submissions, rejecting incorrect designations.

The "sensitive" category will be very narrow, only including documents which, except under court order, should in no case be distributed outside the government (and in most cases retained just within the OFI). The following types of information are "sensitive": (a) Documents classisified for national security reasons obviously fall within this category, the only contemplated examples of which relate to the reciprocal procurement review with the Northern Pipeline Agency in Canada. (b) True trade secrets, in the nature of patentable processes, also come within the "sensitive" category. (c) The same holds true for critical procurement information, disclosure of which during the bidding process would cause demonstrable competitive harm. (d) The "sensitive" category would also include information first received by the submitter under a *bona fide* secrecy agreement from the originator of the information. (e) Finally, there could be other documents received under circumstances warranting limited or no distribution. Privileged information developed during non-ANGTS litigation, for example, might warrant an OFI assurance to resist disclosure. Privacy considerations are also relevant here.

The "business" category entails information developed at a cost and possessing marketable value. This is basically proprietary information, disclosure of which would reduce or eliminate its value to the submitter. Unlike "sensitive" information, "business" information may, under certain circumstances, be disclosed to the public. The OFI will balance the economic impact of disclosure against the public interest in access.

D. Administration of FOIA

Establishment of FOIA procedures is more or less *pro forma*. The OFI has generally tracked the FOIA regulations of the Environmental Protection Agency, with changes only to accommodate the unique aspects of this agency. These FOIA regulations detail the procedures to request information, the OFI process for ruling on these requests, rights and responsibilities of both requestors and submitters of information, and fee schedules.

II. Subpart-by-Subpart Analysis

A. Subpart A governs how the OFI gathers information in the first instance. It contains the procedures for the OFI requesting voluntary submission of information, issuing administrative subpoenas when voluntary submission fails, administrative sanctions, and judicial enforcement of subpoenas. Of particular interest is the use of separate procedures for general OFI oversight purposes (Sections 1504.102 thru 1504.106) versus formal OFI proceedings (Sections 1504.107 and 1504.110).

B. Subpart B governs the special treatment of information designated to be "sensitive" or "business." In Section 1504.201 the OFI recognizes and accepts the need to protect "sensitive" documents from public access. In the process, the OFI will also impose strict internal controls. But as a corollary, the OFI will be very stringent in accepting any "sensitive" designation. "Sensitive" information is defined in Section 1504.202, and is more fully explained, as discussed immediately below, in Section 1504.203.

While relatively rare, the first type of "sensitive" information to be protected by the OFI is "classified" information. On June 10, 1980, the U.S. and Canada exchanged diplomatic notes establishing reciprocal procedures to administer the procurement oversight responsibilities of Paragraph 7 of the Agreement Between the United States of America and Canada on Principles Applicable to a Northern Natural Gas Pipeline. These procedures require the OFI to maintain the confidentiality of some of the procurement information disclosed by the Northern Pipeline Agency in Canada. Such information would constitute "foreign government information" and as such would be classified as "confidential" under Executive Order 12065. During the limited period of the procurement process, while this information continues to be "confidential," the OFI would deny public access under FOIA exemption (b)(1), that is, information

properly classified under Executive Order as "in the interest of national defense or foreign policy."

True trade secrets should form the core of the "sensitive" category. The ANGTS sponsors might have to contract for some highly specialized, technical, and secret process or mechanism instrumental to the design or construction effort. The OFI is focusing on more-or-less unique processes, generally capable of being patented. Public disclosure of the process itself—as contrasted to what was produced by use of the process—would cause the contractor severe economic and competitive loss. The OFI recognizes that disclosure of such trade secrets is not in the public interest, for it could both hamper project expedition and also escalate construction costs. Therefore, the OFI will resist any FOIA request for such information, as well as discourage requests from other agencies or Congressional committees, unless adequate protections are provided. FOIA exemption b(4)—while broader than just trade secrets—will be employed. So too, the OFI is of the opinion that the Trade Secrets Act prohibition against unauthorized disclosure is primarily applicable to information like these true trade secrets.[6]

The OFI will scrutinize information under secrecy agreements from a narrow perspective similar to that employed for true trade secrets. These secrecy agreements could well be insisted upon by the trade secret owner. But were the ANGTS sponsors to accede uncritically to demand for secrecy agreements, the OFI would soon be ensnared with excessive numbers of "sensitive" documents, leading to administrative and operational chaos. Thus, the OFI will closely review such secrecy agreements to assure that they are absolutely necessary, are enforceable against the submitter (as through penalty assessment), and were not formed to subvert the OFI's regulations limiting special treatment for "sensitive" information.

Critical procurement information, while most likely outside the Trade Secrets Act, will also be protected through the FOIA b(4) exemption. Critical information would include, for example, tentative bids (including price, vendor, and conditions), disclosure of which before completion of the process would skew the procurement. Such information might be received by the OFI in the context of U.S.-Canadian procurement review or minority business enterprise review. With delay and/or cost escalation being the likely impact of such disclosure, the OFI is again committed to resisting public access. Nevertheless, as each procurement is completed, the adverse effects of disclosure would appear either to decline or disappear altogether. The information would then no longer be critical. Accordingly, unless a compelling case to the contrary can be made by the ANGTS sponsor (the chances of which could well vary with the type of procurement), the OFI will remove the "sensitive" designation after contracts have been awarded. The OFI urges the ANGTS sponsors in particular to comment on this provision. A detailed explanation of pipeline procurement practices would be helpful to the OFI in reaching an equitable result.

Section 1504.205 governs procedures for designating information as "sensitive." These include a detailed petition accompanying submission of the information and a quick determination on the petition by the OFI General Counsel. A negative determination by the General Counsel is non-appealable: The petitioner may amend its petition for a "business" designation, which will not be ruled upon—except when deemed "patently inadequate"—until public access is imminent and the petitioner has been notified. Thus, rejection of a petition for "sensitive" designation is not a "final" agency action, as per Section 10 of ANGTA, 15 U.S.C. § 719h.

Section 1504.206 governs how the OFI will treat information designated as "sensitive." To insure that this "sensitive" information is protected from disclosure, the OFI is establishing an internal control procedure for limited distribution. This will entail, for example, special storage devices, assigned custodians, and logs to assure limitation on copying and distribution. This procedure will be adequate for retaining "classified" documents as per Executive Order 12065 standards. In addition, the submitter will be notified by the OFI of any FOIA requests, as well as any difficulties that the OFI General Counsel is experiencing in resisting disclosure.

Section 1504.202 defines "business" information as essentially "proprietary" information. Section 1504.204 more fully explains "business" information, and delineates the factors that the OFI will weigh in deciding on individual requests for public disclosure. To begin with, the ANGTS sponsors will incur substantial costs to develop or purchase numerous studies, plans, designs, methods, systems, etc., associated with project completion. While not "sensitive" information, these documents nonetheless posses some value: that is, the sponsors might at some time find a willing buyer for the information. Thus, while OFI disclosure of such information would not, strictly speaking, impair the sponsor's competitive position, it might reduce or eliminate the potential for revenues from a future sale.[7]

In a narrow sense, this "business" type of information is proprietary. The sponsors *own* it, and it has *value*. "Business" information generally comes within FOIA exemption b(4), but the OFI is not committed necessarily to exercising its discretion to resist public disclosure. Instead, the OFI will balance the economic harm of disclosure against the public interest supporting the access request. In so doing, the OFI will first notify the submitter of "business" information that a request for access has been made. The submitter—due to the statutory preference of disclosure under FOIA—will then have the burden of proving to the OFI that the requested information is truly valuable and that disclosure will reduce or eliminate that value.[8]

Most "business" information gathered by the OFI will come from the ANGTS sponsors. To the extent that such information is utilized by the sponsors for ANGTS construction, the associated costs will be capitalized for rate base inclusion. As such, the consumers of Alaskan gas will pay for such "business" information (through the

[6] For information within the ambit of this criminal statute, the agency must be authorized by a specific statute, (other than FOIA or statues authorizing information gathering) in order to disclose that information to the public. *Chrylser Corp. v. Brown*, 441 U.S. 281 (1979). The OFI at this time does not intend to discuss this issue of disclosure authority for trade secrets. Instead, it is only asserting that the present weight of authority appears to support this circumscribed reading of the Trade Secrets Act. *See, FOIA Update*, U.S. Department of Justice, Winter 1980, at 4; and Supplemental Brief of the U.S. at 2, *Chrylser Corp. v. Brown*, Nos. 76-1970 and 76-2238 (on remand to the United States Court of Appeals for the Third Circuit, filed July 1979).

[7] While the ANGTS sponsors have been officially selected under the ANGTA process to construct, operate, and own the respective segments, certain contingencies remain during the preconstruction phase, until the major authorizations are completed and financing is assured. During this period the release of "business" information could possibly entail competitive harm which might disrupt project schedule, and as such the OFI would look with disfavor on public access.

[8] If the OFI disagrees and then decides to disclose the information to the public, the submitter will have an opportunity to challenge this in court. While appellate review of these regulations would have to occur under Section 10 of ANGTA, a specific OFI decision either to release or withold information subject to FOIA requests would go to Federal District Court under existing rules.

depreciation and return components of the ANGTS tariffs). Under relevant public utility ratemaking precedent, revenues from a subsequent sale of this "business" information should be used as a credit to rate base, thereby benefitting the gas consumer, who has been paying for such information. Therefore, when ruling on requests for public disclosure of the sponsors' "business" information, the OFI will consider, on the one hand, the likelihood and magnitude of future gas consumer rate reduction if access is denied and, on the other hand, the purpose to be served if access is granted.

Section 1504.207 governs the procedures for designating information as "business." Unlike the designation procedures in Section 1504.205 for "sensitive" information, these procedures do not entail quick OFI General Counsel ruling on the petition, except for summary rejection of patently deficient petitions. Instead, petitions for a "business" designation will be held in abeyance until ripe for decision, which will only occur if a FOIA request has been received or the OFI on its own initiative plans to release the information to the public.

Section 1504.208 governs the treatment of information subject to a pending petition for "business" designation.

C. Subpart C governs procedures for handling requests for public disclosure of information under FOIA. It is more-or-less standard, except that the whole issue of special treatment of certain types of information has been removed, now appearing in Subpart B, as discussed above.

III. Conclusions and Written Comments

This notice of proposed rulemaking is not subject to the requirements of 42 U.S.C. § 4332(2)(C). Morever, it is not a "major rule" within the meaning of Section 1(b) of Executive Order 12291. As required by Section 3(g)(1), the OFI explains this conclusion. The proposed Part 1504 merely explains how the OFI will implement its information gathering authority (15 U.S.C. § 719e(a)(5)(D)); how the OFI will handle documents for which confidential treatment is requested; and how the OFI will process public disclosure requests under the Freedom of Information Act. The annual effect on the economy is minor, well below $100 million. Nor will there be a major increase in costs or prices or significant adverse effects on competition, employment, etc. These regulations do not require the three companies sponsoring ANGTS to compile information. Any information requests will be required by the many federal statutes which the OFI will be enforcing relative to ANGTS. The OFI complied with Section 3(c)(3) of the Executive Order in reaching this conclusion.

This notice of proposed rulemaking does not establish an "information collection requirement," as defined at 44 U.S.C. § 3502(4). Accordingly, the requirements of Pub. L. 96-511 do not apply.

Interested parties are invited to submit written comments on the proposed regulations to the OFI. Five copies should be submitted by May 18, 1981.

Dated: April 13, 1981.

John T. Rhett,

Federal Inspector.

For the reasons set out above, the Office of the Federal Inspector proposes to amend Title 10 of the Code of Federal Regulations, Subchapter A, by adding a new part, Part 1504, to read as follows:

PART 1504—GATHERING, HANDLING, AND DISCLOSING INFORMATION

Subpart A—Procedures Governing OFI Information Requests, Subpoena Process, Judicial Enforcement, and Administrative Sanctions

Subpart B—Treatment of "Sensitive" and "Business" Information

Subpart C—Public Requests for Information

Authority: 5 U.S.C. 552; Sections 7(a)(5) and 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. Section 719; and sections 102 and 202 of Reorganization Plan No. 1 of 1979 (44 FR 33663, June 12, 1979).

Subpart A—Procedures Governing OFI Information Requests, Subpoena Process, Judicial Enforcement, and Administrative Sanctions

§ 1504.101 Scope.

(a) The Federal Inspector has expansive authority to collect information which "he deems necessary to carry out his responsibilities." Section 7(a)(5)(D) of the Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. 719e(a)(5)(D). Absent voluntary submission, the Office of the Federal Inspector (OFI) may issue an administrative subpoena and, if necessary, pursue judicial enforcement of unsatisfied subpoenas.

(b) This subpart describes the procedures which will be used when voluntary OFI requests for information relevant to the general oversight functions of the OFI are not fulfilled. It also provides the procedures to be used during any formal OFI proceeding for issuing and enforcing administrative subpoenas.

§ 1504.102 General oversight—OFI requests for information.

(a) The OFI will exercise its jurisdiction mainly through general project oversight, not through *ad hoc* adjudication. As a result, most of the OFI's requests for information should occur outside the confines of litigation.

(b) The OFI will make requests for information in writing, except when a written communication would result in an unacceptable delay, in which case

any oral request will be confirmed in writing. Requests will provide an adequate description of the information requested and state a reasonable period of time, consistent with the mandate of ANGTA to expedite the regulatory process, within which the information should be submitted.

(c) When the request for information has not been satisfied, the OFI may take further action under either or both Sections 1504.103 and 1504.104 below.

§ 1504.103 General oversight—informal sanctions.

(a) If the request for needed information is not satisfied, as per paragraph 1504.102(c) immediately above, the OFI may—as an alternative to or in addition to issuing an adminstrative subpoena—withhold any regulatory approval or monitoring action to which the needed information relates.

(b) The director of the OFI office responsible for the specific regulatory approval or monitoring action and in need of the information withheld may, after consultation with the General Counsel, withhold such approval or action, as per paragraph (a) of this section.

(c) Delays associated with the OFI withholding approval or action, as per paragraph (a) of this section, will be attributed to the recalcitrant entity, to which the unsatisfied but valid information request had been made.

§ 1504.104 General oversight—subpoenas.

(a) *Justification.* If the request for needed information is not satisfied, as per § 1504.102(c), the OFI may issue a subpoena compelling production under this section.

(b) *Issuance.* Subpoenas for the production of information deemed necessary for the OFI to carry out its general oversight and monitoring responsibilities may be issued either by the Federal Inspector or by the OFI General Counsel or designee.

(c) *Contents.* Subpoenas will bear the OFI name and seal and the name and position of the issuing officer. Subpoenas will command the production of reasonably described information at a designated place and time, not to exceed 10 calendar days from date of service.

(d) *Service.*

(1) A subpoena will be served upon the person(s) named in the subpoena by delivering a copy of the subpoena to the person(s) named.

(2) Delivery of the subpoena may be made by:

(i) Any legally-accepted method, or

(ii) Any other method that provides the person with actual notice prior to the return date of the subpoena.

(e) *Motion to quash.* A motion to quash a subpoena may be made no more than 5 calendar days from the date of service. Such motion shall be filed with the issuing officer and shall set forth specific reasons why the information requested is clearly not necessary for the OFI to carry out its duties. The issuing officer may deny or grant the motion in whole or part; stay or extend the time for compliance; or modify the subpoena as appropriate.

§ 1504.105 General oversight—compliance orders.

(a) When a subpoena issued pursuant to Section 1504.104 has been neither quashed nor satisified, the OFI may issue a compliance order, as per Section 11(a)(1) of ANGTA, 15 U.S.C. § 719(a)(1). Either the Federal Inspector or the OFI General Counsel may issue such an order.

(b) Such compliance order will specify (1) the subpoena violated and (2) a time of compliance, not to exceed 10 calendar days.

§ 1504.106 General oversight—judicial enforcement.

In addition to pursuing remedies available under other applicable provisions of law, the OFI may, after the issuance and violation of a compliance order,

(a) Seek judicial enforcement of the unsatisfied subpoena;

(b) Commence a civil action pursuant to Section 11(a)(2) of ANGTA, 15 U.S.C. § 719i(a)(2), in the district court of the United States having venue for appropriate relief, including an injunction against or civil penalties (not to exceed $25,000 per day) for, violating the compliance order; and/or

(c) Where appropriate, seek an order from the district court holding the defendant in contempt of court.

§ 1504.107 Formal OFI proceedings—Discovery.

(a) To the extent that it undertakes an enforcement or other regulatory action which requires an agency hearing on the record or which otherwise could result in the imposition of serious sanctions against the responding person, the OFI will gather the necessary information through interrogatories, document production, depositions, and other forms of discovery.

(b) The rules governing such discovery will appear as part of the OFI's rules of practice and procedure, 10 CFR Part 1508.

(c) Unjustified refusal to comply with discovery requests may result in the OFI issuing a subpoena compelling compliance, as per Section 1504.108.

§ 1504.108 Formal OFI proceedings—subpoenas.

(a) *Justification.* If the discovery request for information is refused, as per § 1504.107(c), if a requested witness refuses to appear, or if a party refuses to produce evidence, the OFI may issue a subpoena compelling discovery, attendance, or production under this Section.

(b) *Issuance.* Subpoenas justified under paragraph (a) of this section may be issued by the OFI presiding officer on his or her own motion or on a motion filed with the presiding officer by any party to the OFI proceeding. Subpoenas will be issued if the presiding officer finds that the information requested is necessary to the duties of the OFI and should not otherwise be withheld.

(c) *Contents.* Subpoenas will bear the OFI name and seal, the name and position of the issuing officer, and the title of the proceeding. Subpoenas will command a named person to testify or produce reasonably described evidence or information at a designated time and place.

(d) *Service.* Service will be accomplished in accordance with paragraph 1504.104(d).

(e) *Motion to quash.* A motion to quash a subpoena may be made no more than 5 calendar days from the date of service. Such motion shall be filed with the OFI presiding officer who issued the subpoena (and where appropriate served on the party applying for the subpoena) and shall set forth specific reasons why the information requested is clearly not necessary for the OFI to carry out its duties, or should otherwise be withheld. The OFI presiding officer may deny or grant the motion in whole or part; stay or extend the time for compliance; or modify the subpoena as appropriate.

§ 1504.109 Formal OFI proceedings—compliance orders.

When a subpoena issued pursuant to § 1504.108 has been neither quashed nor satisfied, the OFI may issue a compliance order in accordance with the procedures set forth in § 1504.105.

§ 1504.110 Formal OFI proceedings—judicial enforcement.

Judicial enforcement of a compliance order, issued under § 1504.109, may be sought in accordance with § 1504.106.

Subpart B—Treatment of "Sensitive" and "Business" Information

§ 1504.201 General policy.

(a) The OFI agrees in advance to resist disclosure of "sensitive" information, a narrow category including national security, true trade secret, critical procurement, and secrecy agreement information.

(b) For "business" information (proprietary documents with some marketable value), however, the OFI only agrees (1) to give to the submitter notice and opportunity to object, and (2) to balance the competing interests as to disclosure.

§ 1504.202 Document categories.

(a) The "sensitive" category is very narrow, only including documents which, except under court order, should in no case be distributed outside the government (and in most cases retained just within the OFI). The following types of information are "sensitive":

(1) Documents classified for national security reasons are "sensitive," the only contemplated examples of which relate to the reciprocal procurement review wit the Northern Pipeline Agency in Canada.

(2) True trade secrets, in the nature of patentable processes, also come within the "sensitive" category.

(3) The same holds true for critical procurement information, disclosure of which during the bidding process would cause demonstratable competitive harm.

(4) The "sensitive" category also includes information originally received by the submitter under a *bona fide* secrecy agreement from the third party originator of the information.

(5) There could possibly be other documents received under circumstances warranting limited or no distribution. Privileged information developed during non-ANGTS litigation, for example, might warrant an OFI agreement to resist disclosure. Privacy considerations might also be relevant here. Because "sensitive" designation of this type of information is presently only hypothetical, it will receive no elaboration in § 1504.203.

(b) The "business" category entails information developed at a cost and possessing demonstrable market value. This is basically proprietary information, disclosure of which would reduce or eliminate its value to the submitter. Unlike "sensitive" information, "business" information may, under certain circumstances, be disclosed to the public. The OFI will balance the economic impact of disclosure against the public interest in access.

§ 1504.203 Factors governing designation of information as "sensitive."

(a) *National security.* While relatively rare, the first type of "sensitive" information to be protected by the OFI is "classified" information. Through a formal U.S.-Canadian exchange of diplomatic notes establishing reciprocal procedures to adminster procurement oversight, the OFI is required to maintain the "confidentiality" of certain information disclosed by the Northern Pipeline Agency. Such information would constitute "foreign government information" and as such would be classified as "confidential" under Executive Order 12065. During the limited period of the procurement process, while this information continues to be "confidential," the OFI will deny public access under FOIA exemption (b)(1), that is, information properly classified under Executive Order as "in the interest of national defense or foreign policy." (See § 1504.317(a)(1) of Subpart C of this Part).

(b) *Trade secrets.* True trade secrets are the core of the "sensitive" category. The ANGTS sponsors might have to contract for some highly specialized, technical, and secret process or mechanism instrumental to the design or construction effort. Public disclosure of the process itself—as contrasted to what was produced by use of the process—would cause the contractor severe economic and competitive loss. Disclosure of such trade secrets is not in the public interest, for it could both hamper project expedition and also escalate construction costs. Therefore, the OFI will resist any FOIA request for such information, as well as discourage requests from other agencies or Congressional committees, unless adequate protections are provided. FOIA exemption b(4)—while broader than just trade secrets—will be employed. (See § 1504.317(a)(4) of Subpart C of this Part). So too, the Trade Secrets Act prohibition against unauthorized disclosure applies primarily to information like these true trade secrets.

(c) *Secrecy Agreements.* The OFI will scrutinize information under secrecy agreements from a narrow perspective similar to that employed for true trade secrets. These secrecy agreements could well be insisted upon by the trade secret owner contracting with the ANGTS sponsor. The OFI will closely review such secrecy agreements to assure that they are:

(1) Absolutely necessary;

(2) Enforceable against the submitter (as through penalty assessment); and

(3) Not formed to circumvent the OFI's regulations limiting special treatment for "sensitive" information.

(d) *Critical procurement.* Critical procurement information will be protected through the FOIA b(4) exemption, and includes primarily tentative bids (price, vendor, and conditions), disclosure of which before completion of the process would skew the procurement, leading to delay and/or cost escalation. Nevertheless, as each procurement is completed, the adverse effects of disclosure would appear to decline or disappear altogether. The information would then no longer be critical. Accordingly, unless a compelling case to the contrary can be made by the ANGTS sponsor, the OFI will remove the "sensitive" designation after contracts have been awarded.

§ 1504.204 Factors governing designation of information as "business".

(a) *Proprietary nature.* "Business" information is proprietary in nature. The ANGTS sponsor owns it, and it has value. In particular, the ANGTS sponsor will incur substantial costs to develop or purchase numerous studies, plans, designs, methods, systems, etc., associated with project completion. While not "sensitive" information, these documents nonetheless possess some value; that is, the sponsors might at some time find a willing buyer for the information.

(b) *Treatment.* "Business" information generally comes within FOIA exemption b(4), but the OFI is not committed necessarily to resisting its public disclosure. Instead, the OFI will balance the economic harm of disclosure against the public interest supporting the access request. In so doing, the OFI will first notify the submitter of "business" information that a request for access has been made or that the OFI on its own initiative intends to disclose it, as detailed in Section 1504.208 below. The submitter will then have the burden of proving to the OFI that the requested information is truly valuable and that disclosure will reduce or eliminate that value.

(c) *Factors against disclosure.* While OFI disclosure of such information would not, strictly speaking, impair competitive position, it might reduce or eliminate the potential for revenues from a future sale. Beside this general economic impact, the OFI will consider the following ANGTS-specific factors militating against disclosure:

(1) For "business" information merely held by an ANGTS sponsor but owned by a third party, such as procurement-related information of a prospective

vendor or contractor, public disclosure might be shown to impair the sponsor's ability to procure future goods and services at a reasonable price.

(2) To the extent that "business" information is utilized by the sponsors for ANGTS construction, the associated costs will be capitalized for rate base inclusion. As such, the consumers of Alaskan gas will pay for such "business" information. The revenues from any subsequent sale of this "business" information should be used as a credit to rate base, thereby benefitting the gas consumer, who has been paying for such information. Therefore, when ruling on requests for public disclosure of the sponsors' "business" information, the OFI will consider, on the one hand, the likelihood and magnitude of future gas consumer rate reduction if access is denied and, on the other hand, the purpose to be served if access is granted.

(3) While the OFI's authority to gather information is expansive (see Subpart A of this Part), public disclosure of certain types of "business" information might increase submitter resistance and thereby increase the OFI's need to use compulsory rather than voluntary process for subsequent information gathering. This eventuality could impair the OFI's ability to expedite ANGTS construction, something which the OFI would try to avoid.

(d) *Factors favoring disclosure.* (1) Disclosure is the statutory preference under FOIA.

(2) For "business" information related to its overall role of administering the equal opportunity program for ANGTS preconstruction and construction (see 43 CFR Part 34 and 10 CFR Part 1534), the OFI will accord the maximum public access permitted within relevant legal parameters, as described in this subpart.

§ 1504.205 Procedures to designate information as "sensitive."

(a) Any person, who has been requested by the OFI to provide information which that person believes to be "sensitive," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "sensitive" designation.

(b) A petition for "sensitive" designation must contain the following:

(1) A thorough statement (including documentary support and sworn affidavits if appropriate) explaining why the information is "sensitive," pursuant to the criteria set forth in §§ 1504.202 and 1504.203;

(2) When appropriate, the length of time and the circumstances under which the information should remain designated "sensitive"; and

(3) The name and address by which the petitioner can promptly be reached by the OFI (through letter or telegram) concerning the petitioned-for designation.

(c) Upon receipt of the petition, the OFI General Counsel or designee will determine whether information will be designated as "sensitive."

(1) The General Counsel or designee will make this determination as soon after receipt of the petition as is practicable, but in the interim the petitioner may not assume that the petition has been approved.

(2) The General Counsel or designee will notify the petitioner of one of the three following determinations:

(i) The information is designated as "sensitive" and thus will be protected from public disclosure under all circumstances, as per § 1504.206;

(ii) The information is not designated as "sensitive," in which case the petitioner may, where appropriate, consider petitioning the OFI for a "business" designation, as per § 1504.207; or

(iii) The petition is inadequate for making a final determination, in which case the petitioner will have five calendar days from receipt of the determination in which to cure the petition.

§ 1504.206 Treatment of "sensitive" information.

(a) For information designated by the OFI as "sensitive," under paragraph 1504.205(c)(2)(i), the OFI will take the following internal steps:

(1) The designated information will be officially stamped on its face as "sensitive," with the notations that public disclosure is absolutely prohibited; that the OFI General Counsel must first approve disclosure within the Government; and that internal distribution and copying is also prohibited unless approved by the OFI Security Officer.

(2) The OFI will impose stringent internal control procedures for the designated information, including special locked storage facilities, an assigned custodian, and a system of written logs to assure limitation on distribution and copying.

(b) When a request for public disclosure of the designated information is received, the OFI Freedom of Information Officer will so notify the original submitter of the "sensitive" information.

(c) If the OFI subsequently encounters difficulties in resisting public disclosure of "sensitive" information, the OFI General Counsel or designee will so notify the original submitter, affording an opportunity for the submitter to take whatever supplemental legal action it deems appropriate to assist the OFI in resisting disclosure.

§ 1504.207 Procedures to designate information as "business".

(a) Any person, who has been requested by the OFI to provide information which that person believes to be "business," must so designate the information on its face and also submit, simultaneously with the information, a petition justifying that "business" designation.

(b) A petition for "business" designation must contain the following:

(1) A concise statement explaining why the information is "business," pursuant to the criteria set forth in § 1504.204 of this Part, including particular analysis of the factors and against disclosure;

(2) When appropriate, the length of time and the circumstances under which the information should remain designated "business"; and

(3) The name and address of a responsible person, who can speak for the petitioner and who can promptly be reached by the OFI (through the letter or telegram) concerning the petitioned-for designation.

(c) Upon receipt of the petition, the OFI General Counsel will briefly review the matter and reject petitions which are patently inadequate. This brief review, however, does not constitute final action on the petition. Until the petition is formally considered (see § 1504.208 of this part) by the OFI, the petitioner may not assume that the petition has been approved.

§ 1504.208 Treatment of "business" information.

(a) For information petitioned to be designated as "business," for which the petition has not been rejected as patently inadequate under § 1504.207(c) immediately above, the OFI will stamp "'business' petition pending," with the notation that public disclosure is not allowed without prior official OFI approval pursuant to this Section, whether in the case of FOIA requests or disclosure at the OFI employee's own initiative. Otherwise, the OFI will impose no special procedures for internal control.

(b) When a request for public disclosure of the information stamped "business" is received or when the OFI on its own initiative intends to make public disclosure, the OFI Freedom of Information Officer will so notify the

original submitter of the information, giving the submitter up to five days to supplement the original petition for "business" designation, first filed pursuant to § 1504.207(a) above. This supplementation should include the following:

(1) Statement of any change in facts since the petition was first filed (including whether the petition has become unnecessary);

(2) Detailed explanation of the market value of the information at issue and why disclosure would reduce or eliminate that value; and

(3) Suggested ways to minimize economic harm from disclosure while still affording public access, such as isolating the specific portions of documents warranting special treatment.

(c) As part of the OFI initial determination on any FOIA request for stamped information (under Sections 1504.309 and 1504.312 of Subpart C below) or as part of an independent OFI decision to disclose that stamped information to the public, the OFI General Counsel or designee will make one of the following decisions on the pending petition for "business" designation:

(1) The information is not "business" within the meaning of § 1504.204(a), and the petition is therefore denied. If there is no other reason to withhold public disclosure, the OFI Freedom of Information Officer will then grant the FOIA request.

(2) The information is "business" within the meaning of § 1504.204(a). The petition is therefore granted and the information is designated as "business." However, when balancing the competing factors as to disclosure under §§ 1504.204(b)-(d), the public interest favors disclosure. Thus, the OFI Freedom of Information Officer will then grant the FOIA request.

(3) The information is "business" within the meaning of § 1504.204(a). The petition is therefore granted, and the information is designated as "business." When balancing the competing factors as to disclosure under § 1504.204(b)-(d) the public interest is against disclosure. Thus, the OFI Freedom of Information Officer will then deny the FOIA request as per § 1504.312 of Subpart C below, subject to the petitioner's ongoing assistance to the OFI in defense of any proceeding that might thereafter be brought to compel the OFI to disclose the "business" information.

(d) The OFI Freedom of Information Officer will immediately advise the petitioner (submitter of the information at issue) of:

(1) The determinations made pusuant to either § 1504.208(c)(1) or § 1504.208(c)(2) and

(2) The fact that the information at issue will be publicly disclosed within ten calendar days of that determination.

Subpart C—Public Requests for Information

§ 1504.301 Purpose and scope.

(a) This subpart describes the procedures by which records may be obtained from the Office of the Federal Inspector for the Alaska Natural Gas Transportation System (OFI), in accord with the Freedom of Information Act, 5 U.S.C. Section 552. That provision of law requires that this agency, "upon any request (other than that made by another Federal agency) for records which (1) reasonably describes such records, and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person."

(b) The procedures in this subpart do not apply to requests for records published in the **Federal Register**, for materials which are legally owned by OFI employees in their personal capacity, and for materials which are readily available to the public, such as books, journals, and periodicals available through reference libraries, even is such materials are in OFI's possession.

§ 1504.302 Policy on disclosure of OFI records.

(a) The OFI will make records available to the public, to the greatest extent possible in keeping with:

(1) The spirit of the Freedom of Information Act,

(2) The rights of individuals to privacy,

(3) The rights of persons in "sensitive" and "business" information entitled to special treatment (pursuant to Subpart B of this Part), and

(4) The need to promote frank internal policy deliberations and to pursue official activities without undue disruption.

(b) All OFI records shall be available to the public upon request, unless disclosure is prohibited by court order, Executive Order, statute, provision of this subsection, or an exemption under the Freedom of Information Act.

§ 1504.303 Partial disclosure of records.

If a requested record contains both exempt and non exempt material, the nonexempt material shall be disclosed after the exempt material has been deleted.

§ 1504.304 Existing records.

(a) The Freedom of Information Act does not require the creation of new records in response to a request, nor does it require the OFI to place a requestor's name on a distribution list for automatic receipt of certain kinds of records as they come into existence. Instead, it establishes requirements for disclosure of existing records.

(b) All existing OFI records are subject to routine destruction according to standard record retention schedules.

§ 1504.305 Where and to whom requests for OFI records should be sent.

(a) Although OFI records may be located in or more of the OFI's branch offices, all requests for OFI records should be sent to OFI Headquarters, addressed to: Office of the Federal Inspector, Alaska Natural Gas Transportation System, Freedom of Information Officer, Room 3407, Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20044.

(b) To the extent that requests are received by a branch office of the OFI, the request will not be deemed received by the OFI until received at OFI headquarters, following transmission by the branch office.

§ 1504.306 Form of request.

A request shall be made in writing and shall reasonably describe the records sought in a way that will permit their identification and location. If such information is available, the request should identify the subject matter of the record, the date when it was made, the person(s) or the office which made the records, the present custodian of the record, and any other information which will assist in the location of the requested records.

§ 1504.307 Requests which do not reasonably describe records sought.

(a) If the description of the records sought in the request is not sufficient to allow the OFI to identify and locate the requested records, the OFI will notify the requestor that the request cannot be processed further until additional information is furnished.

(b) The OFI will make reasonable effort to assist in the identification and description of records sought and to assist the requestor in formulating his request.

(c) If a request is described in general terms (e.g., all records having to do with a certain area), the OFI may communicate with the requestor with a view towards reducing the administrative burden of processing a

broad request and minimizing the fees payable by the requestor.

§ 1504.308 Responsibilities of Freedom of Information Officer.

(a) Upon receipt of a written request, the Freedom of Information Officer shall mark the request with the date of receipt, indicate the date by which a response is due, and note any other pertinent administrative information. The Freedom of Information Officer shall monitor the handling of the initial request and any appeals to ensure a timely response.

(b) The Freedom of Information Officer shall maintain a file concerning each initial request and any appeals received. This file shall contain a copy of the request, initial and appeal determinations, and other pertinent correspondence and records.

(c) The Freedom of Information Officer shall collect and maintain the information necessary to compile the reports required by 5 U.S.C. 552(d).

§ 1504.309 Time allowed for issuance of initial determination.

(a) Except as otherwise provided in this Section, the Freedom of Information Officer shall not later than the tenth working day after the date of receipt of a request for records, issue a written determination to the requestor, stating:

(1) Which of the requested records will, and which will not, be released, and

(2) The reason for any denial of a request.

(b) The period of 10 working days shall be measured from the date the request is first received, pursuant to Section 1504.305 of this Part.

(c) There shall be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date when a requestor is notified by the OFI that his request does not reasonably identify the records sought and the date when the requestor furnishes a reasonable indentification.

(d) There shall also be excluded from the period of 10 working days (or any extension thereof) any time which elapses between the date when a requestor is notified by the OFI that prepayment of fees is required and the date when the requestor pays, or makes suitable arrangements to pay such charges. See paragraph 1504.318(c).

(e) The OFI may extend the basic 10-day period established under paragraph 1504.309(a) by a period not to exceed 10 additional working days by furnishing written notice to the requestor, within the basic 10-day period, stating the reasons for such extension and the date by which the OFI expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following circumstances require the extension:

(1) There is a need to search for and collect the requested records from field facilities;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request (or among two or more components of the OFI).

(f) Failure of the OFI to issue a determination within the 10-day period (together with any authorized extensions) shall constitute final agency action, which authorizes the requestor to commence an action in an appropriate Federal District Court to obtain the records.

§ 1504.310 Records of other Federal agencies.

(a) If the release of a record would be of concern to both the OFI and another Federal agency, the record will be made available by the OFI only if the interest of OFI is the primary interest. The OFI has the primary interest in a record if it was developed pursuant to OFI regulations, directives, or request, even though the record originated outside the OFI.

(b) If the OFI does not have primary interest in the records, the request shall be referred in writing to the agency having the primary interest.

§ 1504.311 Records obtained from the public; notice to the donor.

(a) If a requested record was obtained by the OFI from a person or entity outside the Government, the OFI official responsible for processing the request shall, before making a decision on the request and when it is administratively feasible to do so, seek the views of that person or entity in writing on whether the record should be released.

(b) For "sensitive" or "business" information, notice to the entity providing the information is required and governed by Subpart B of this Part.

§ 1504.312 Initial denial of requests.

(a) An initial denial of a request may be issued only for one or more of the following reasons:

(1) The record requested is not known to exist.

(2) The record is not in the OFI's possession.

(3) A statutory provision, a provision of this Part, a court order, or an Executive Order requires that the information not be disclosed.

(4) The record is exempt from mandatory disclosure under 5 U.S.C. 552(b), and the OFI has decided that the public interest would not be served by disclosure.

(5) The record is believed to exist in OFI's possession but has not yet been located (see paragraph 1504.312(e) below).

(b) Each initial determination to deny a request shall be written, signed, and dated, and it shall state the basis for denial of a record or any part of a record.

(c) The written denial of a request shall include the name and title of the person(s) participating in a decision to deny that request.

(d) The denial shall state the administrative procedure for appealing this determination against releasing any record or part of a record.

(e) When a request must be denied because the record has not yet been located (although it is believed to exist in OFI's possession), the OFI office responsible for maintaining the record shall both continue to search diligently (until it is located or it appears that the record does not exist or is not in OFI's possession), and also periodically inform the requestor of the office's progress.

§ 1504.313 Appeals from initial denials.

(a) Any person whose request has been denied in whole or in part by an initial determination may appeal that denial by addressing a written appeal to the address shown in Section 1504.305.

(b) An appeal should be mailed no later than 30 calendar days after the date the requestor received the initial determination denying the request. An untimely appeal may be treated either as a timely appeal or as a new request, at the option of the Freedom of Information Officer.

(c) The appeal letter shall contain the date of the initial determination, and the name and address of the person who issued the initial denial. The appeal letter shall also indicate which of the records, to which access was denied, are the subject of the appeal.

§ 1504.314 Appeal determinations.

(a) The Federal Inspector will make one of the following legal determinations in connection with every appeal from the initial denial of a request for an existing, located record:

(1) The record must be disclosed;

(2) The record must not be disclosed, because a statute or a provision of this Part so requires; or

(3) The record is exempt from mandatory disclosure but legally may be disclosed as a matter of OFI discretion.

(b) The Federal Inspector may decide to delegate his authority over the appeal process.

§ 1504.315 Contents of determination denying appeal.

A determination denying an appeal from an initial denial shall contain the following:

(a) It shall be in writing;

(b) It shall state which of the exemptions in 5 U.S.C. 552(b) apply to each requested existing record;

(c) It shall state the reason(s) for denial of the appeal;

(d) It shall also state the name and position of each OFI officer or employee who directed that the appeal be denied; and

(e) It shall further state that the person whose request was denied may obtain judicial review of the denial by complaint filed with the District Court of the United States in the District in which the complainant resides, in which the OFI records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4).

§ 1504.316 Time allowed for issuance of appeal determination.

(a) Except as otherwise provided in this Section, the Federal Inspector shall—no later than the twentieth working day after the date of receipt by the Freedom of Information Officer at OFI Headquarters of an appeal from an initial denial of a request for records—issue a written determination stating which of the requested records (as to which an appeal was made) shall be disclosed and which shall not be disclosed.

(b) The period of 20 working days shall be measured from the date when an appeal is first received by the Freedom of Information Officer at OFI Headquarters.

(c) The Federal Inspector may extend the basic 20-day period established under paragraph 1504.316(a) by a period not to exceed 10 additional working days, by furnishing written notice to the requestor within the basic 20-day period, stating the reasons for such extension and the date by which the Federal Inspector expects to be able to issue a determination. The period may be so extended only when absolutely necessary, only for the period required, and only when one or more of the following circumstances require the extension:

(1) There is a need to search for and collect the records from field facilities or other establishments that are separate from the office processing the appeal;

(2) There is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) There is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the OFI.

§ 1504.317 Exemption categories.

(a) 5 U.S.C. 552(b) establishes nine exclusive categories of matters which are exempt from the mandatory disclosure requirements of 5 U.S.C. 552(a). No request under 5 U.S.C. 552 for an existing, located record in the OFI's possession shall be denied by any OFI office or employee, unless the record contains (or its disclosure would reveal) matters which are:

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order (See Subpart B of this Part);

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute, other than 5 U.S.C. 552(b); *Provided*, that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential (See Subpart B of this Part);

(5) Interagency or intragency memoranda or letters which would not be available by law to a party, other than an agency, in litigation with the agency;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record complied by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The fact that the appplicability of an exemption permits the withholding of a requested record (or portion thereof) does not necessarily mean that the record must or should be withheld.

§ 1504.318 Fees; payment; waiver.

(a) *Fee schedule.* Fees will be charged requestors for searching for and reproducing requested records, in accordance with the following schedule: Record search time (OFI employees), $5.00 per half hour; computer programming time (OFI employees), $16.00 per half hour; reproduction of documents (paper copy of paper original), $0.20 per page; and other costs of searching for or duplicating records (including such items as: computer system time; contractor computer programming time; reproduction of photographs, microforms, or magnetic tape; computer printouts; and transportation of records), actual direct cost of the OFI.

(b) *Method of payment.* All fee payments shall be in the form of a check or money order payable to the order of the "The Office of the Federal Inspector, Alaska Natural Gas Transportation System" and shall be sent to the address in § 1504.305.

(c) *Prepayment or assurance of payment.* If the OFI determines or estimates that the unpaid fees attributable to one or more requests by the same requestor exceed or will exceed $25.00, OFI need not search for, duplicate, or disclose records in response to any request by that requestor until the requestor pays, or makes acceptable arrangements to pay, the total amount of fees due (or estimated to become due) under this Section. (See § 1504.309(d)). In such a case, the OFI office shall promptly

inform the requestor (by telephone, if practicable) of the need to make payment or arrangements to pay.

(d) *Reduction or waiver of fee.* The fee chargeable under this section may be reduced or waived by the OFI, if the public interest would be served. A request for reduction or waiver of fees should be addressed to the OFI Freedom of Information Officer.

(e) The OFI Freedom of Information Officer shall maintain a record of all fees charged requestors for searching for and reproducing requested records under this section. If, after the end of 60 calender days from the date on which request for payment was made, the requestor has not submitted payment to the OFI Freedom of Information Officer, the Freedom of Information Officer shall place the requestor's name on a delinquent list. If a requestor whose name appears on the delinquent list makes another request under this part, the OFI Freedom of Information Officer shall inform the requestor that the OFI will not process the request until the requestor submits payment of the overdue fee from the earlier request.

[FR Doc. 81-11692 Filed 4-15-81; 8:45 am]
BILLING CODE 6820-AW-M

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Thursday, April 16, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing April 13, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

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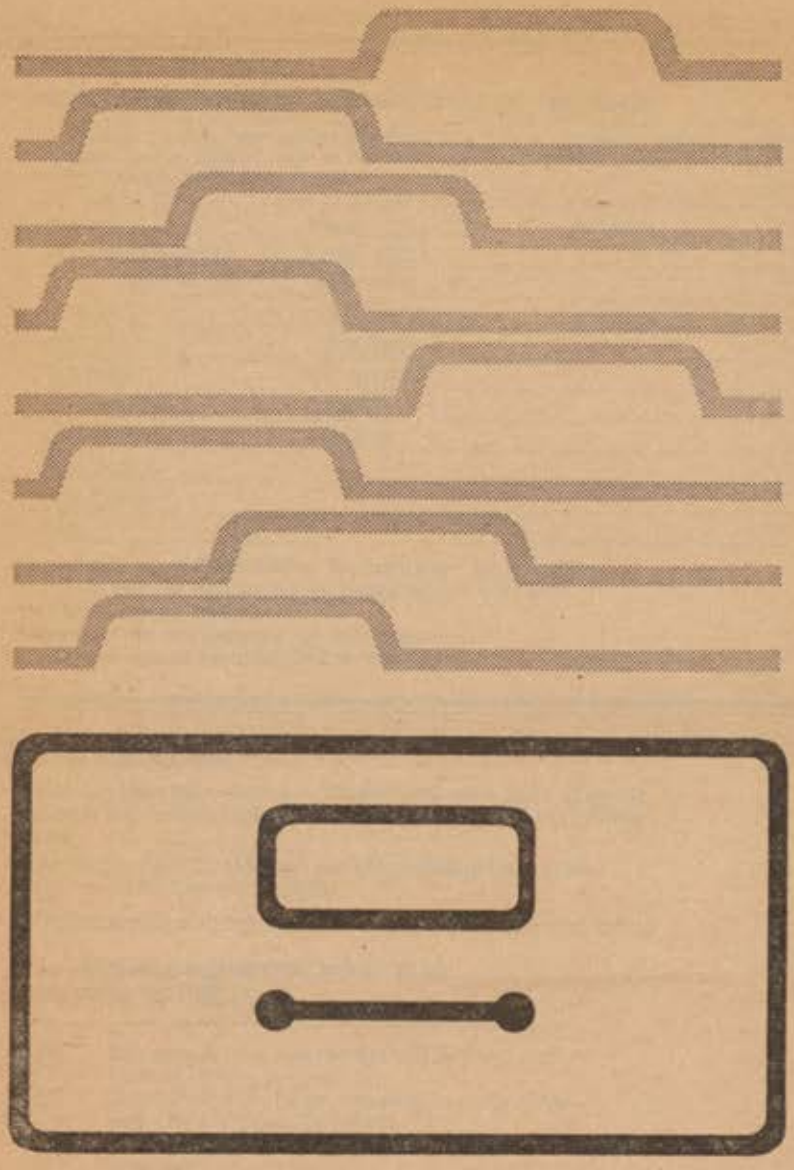

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