

Thursday
April 30, 1981

Federal Register

Highlights

- 24141 Economic support fund assistance for Nicaragua** Presidential determination.
- 24148 Mortgages** FHLBB authorizes Federal savings and loan associations and Federal mutual savings banks to make, purchase, participate or otherwise deal in adjustable mortgage loan instruments which permit adjustment of the interest rate.
- 24174 Natural Gas** DOE/FERC computes and makes available maximum lawful prices and inflation adjustments prescribed in Title I of the Natural Gas Policy Act before the beginning of any month for which such figures apply.
- 24184 Radioactive Materials** DOT/RSPA renews exemption for air transport of limited quantities of materials exhibiting low levels of radiation.
- 24225 Energy** DOE gives notice of availability of the National Electric Reliability Study proposed final report and related technical study reports.
- 24452 Metric System** Interagency Committee on Metric Policy publishes notice alerting interested parties to the existence of final version of the Metric Conversion Policy for Federal agencies and the accompanying Federal Agency Guidelines for implementation of Metric Conversion Policy. (Part V of this issue.)

CONTINUED INSIDE



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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

24223 Antidumping Commerce/ITA issues final results of administrative review of antidumping duty order for Spun Acrylic Yarn for Italy.

24186 Endangered and Threatened Wildlife and Plants Interior/FWS defers effective dates for rules relating to Hawaiian Tree Snails, the Texas Poppy-Mallow and Gypsum Wild Buckwheat and Todsens Pennyroyal.

24224 Imports CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from the Polish People's Republic.

Regulatory Agendas

24201 CAB
24412 ED/Sec'y
24424 HHS/Sec'y
24217 ICC
24212 IDCA/AID
24458 Interior/Sec'y
24216 NSF
24498 DOE (Part VII)
24504 GSA (Part VIII)
24514 NCUA (Part IX)

Regulatory Flexibility Agenda

24209 CFTC
Privacy Act Documents
24213, Justice (2 documents)
24329
24225 DOE/BPA

24366 Sunshine Act Meetings

Separate Parts of This Issue

24409 Part II, DOT/FAA
24412 Part III, ED
24424 Part IV, HHS/Sec'y
24452 Part V, Interagency Committee on Metric Policy
24458 Part VI, Interior/Sec'y
24498 Part VII, DOE
24504 Part VIII, GSA
24514 Part IX, NCUA

Contents

Federal Register

Vol. 46, No. 83

Thursday, April 30, 1981

- The President**
ADMINISTRATIVE ORDERS
 24141 Nicaragua; economic support fund assistance (Presidential Determination 81-5 of April 14, 1981)
- Agency for International Development**
PROPOSED RULES
 24212 Regulatory agenda
- Agricultural Marketing Service**
RULES
 24143 Oranges (navel) grown in Ariz. and Calif.
 24145 Grapes grown in Calif.
 24143 Limes, imported and grown in Fla.
PROPOSED RULES
 Milk marketing orders:
 24188 Eastern Colorado
NOTICES
 Stockyards; posting and deposting:
 24219 Rawhide, Ariz., et al.
 24219 Trenton Livestock Market, Inc., Fla., et al.
- Agriculture Department**
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
- Animal and Plant Health Inspection Service**
RULES
 Animal and poultry import restrictions:
 24146 Horses from countries affected with CEM; Japan added to list; final rule affirmed
 24146 Horses, male, from countries affected with CEM; California; final rule and request for comments
 Viruses, serums, toxins, etc.:
 24147 Biological products exemption; authority delegation to Deputy Administrator, Veterinary Services; final rule affirmed
- Army Department**
NOTICES
 Meetings:
 24225 Military Personal Property Symposium
 24225 Science Board
- Arts and Humanities, National Foundation**
NOTICES
 Meetings:
 24332 Museum Panel
- Bonneville Power Administration**
NOTICES
 24225 Privacy Act; systems of records
- Civil Aeronautics Board**
PROPOSED RULES
 24201 Regulatory agenda
NOTICES
 24220 All-cargo air service certificate applications
 Hearings, etc.:
 24221 Air California
 24220 Subsidy rate; January-June for local service carriers
- 24221 Texas International-Continental acquisition case
- Civil Rights Commission**
NOTICES
 Meetings; State advisory committees:
 24221 New York
 24221, 24222 Pennsylvania (2 documents)
- Coast Guard**
RULES
 Regattas and marine parades; safety of life:
 24177 Union Bay, Portage Bay, and Lake Washington, Wash.; Seattle Opening Day Yacht Parade and Crew Race
PROPOSED RULES
 Pollution:
 24213 Ocean dumping electronic surveillance equipment; installation; withdrawn
- Commerce Department**
See International Trade Administration; National Technical Information Service; Patent and Trademark Office.
- Commodity Futures Trading Commission**
PROPOSED RULES
 24209 Regulatory flexibility agenda
- Copyright Royalty Tribunal**
NOTICES
 24366 Meetings; Sunshine Act
- Customs Service**
NOTICES
 24360 Tariff classification of merchandise; Region II rulings program; manual supplement
- Defense Department**
See Army Department.
- Economic Regulatory Administration**
NOTICES
 Consent orders:
 24227 Farmer's Union Central Exchange
 24228 J. M. Huber Corp.
- Education Department**
PROPOSED RULES
 24412 Regulatory agenda
- Energy Department**
See also Bonneville Power Administration; Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
PROPOSED RULES
 24498 Regulatory agenda
NOTICES
 Consent orders:
 24291 Koch Industries, Inc.
 24225 National electric reliability study; availability of reports; inquiry

Environmental Protection Agency**RULES**

Air quality implementation plans; approval and promulgation; various States, etc.:

24180 Colorado

PROPOSED RULES

Air quality planning purposes; designation of areas:

24214 District of Columbia

NOTICES

Water pollution; discharge of pollutants (NPDES):

24295 Illinois

Hazardous waste:

24295 National Contingency Plan, draft revision; meetings

Equal Employment Opportunity Commission**NOTICES**

Records and reports:

24296 Apprenticeship information and local union reports; waiver of filing reports

Federal Aviation Administration**RULES**

Air carriers certification and operations:

24409 Large general aviation airplanes, safety requirements; correction

Airworthiness directives:

24159 Airbus Industrie

24160 Beech

24158 Boeing

24157 Lockheed-California Co. (2 documents)

24158

24155 Puritan-Bennett Aero Systems Co.

24156 Societe Nationale Industrielle Aerospatiale

24161 Control areas

24162- Control zones (7 documents)

24168

24163 Control zones and transition areas

24168 Control zones and transition areas; correction

24170 Jet routes and reporting points; facility name change

24169 Restricted areas

24167- Transition areas (9 documents)

24172

24167, VOR Federal airways (2 documents)

24169

PROPOSED RULES

Air traffic rules, special:

24199 Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada

Airworthiness directives:

24189 Beech

24188 Boeing

24193 Kawasaki

24192 Mitsubishi

24196, Restricted areas (2 documents)

24198

24194- Transition areas (3 documents)

24195

NOTICES

24355 Aircraft tires; performance standards, retread, repair and alterations; advisory circular; inquiry; extension of comment period

24356 Exemption petitions; summary and disposition

Federal Communications Commission**NOTICES**

Hearings, etc.:

24296 Comark Television, Inc., et al.

Federal Election Commission**NOTICES**

24366 Meetings; Sunshine Act

Federal Energy Regulatory Commission**RULES**

Natural Gas Policy Act of 1978:

24174 Ceiling prices; maximum lawful prices and inflation adjustment factors

NOTICES

Hearings, etc.:

24239 Central Power & Light Co.

24228- Consolidated Hydroelectric, Inc. (12 documents)

24238

24239 Energenics Systems, Inc.

24240 Kennebago Corp.

24234 Louisiana Power & Light Co.

24243 Mitchell Energy Co., Inc.

24241 New England Hydro

24242 New York State Electric & Gas Corp.

24234 Northern Natural Gas Co.

24244 Northwestern Public Service Co.

24244 Pacific Power & Light Co.

24244 Puget Sound Power & Light Co.

24245 Shaw, Robert

24234 Sullivan, Paul J.

24245 Thornton Lake Resource Co.

24246 Water Song Resources, Partnership

24242 Wilcox, Gregory

24247 Wilmington, N.Y.

24366 Meetings; Sunshine Act

Natural Gas Policy Act of 1978:

24249- Jurisdictional agency determinations (5

24279

documents)

Federal Highway Administration**NOTICES**

Environmental statements; availability, etc.:

24358 Arlington, Va.; intent to prepare

24360 Clark County, Nev.; intent to prepare

24358 Cumberland County, Maine; intent to prepare

24359 Quincy, Illinois and Marion County, Mo.; intent to prepare

24358 Raleigh County, W. Va.; intent to prepare

Federal Home Loan Bank Board**RULES**

Federal savings and loan system:

24148 Adjustable mortgage loan instruments;

procedures governing interest rate changes;

renegotiable rate and variable rate mortgage loan regulations superseded

NOTICES

24366 Meetings; Sunshine Act (2 documents)

Federal Railroad Administration**NOTICES**

Petitions for exemption, etc.:

24360 Aroostook Valley Railroad Co.

Federal Reserve System**NOTICES**

Bank holding companies; proposed de novo nonbank activities:

24299 Citicorp et al.; correction

24366 Meetings; Sunshine Act

Federal Trade Commission**RULES**

Prohibited trade practices:

- 24173 Boekamp, Inc., et al.
 24174 Energy Efficient Systems, Inc., et al.
 24173 National Tea Co. et al.

Fish and Wildlife Service**RULES**

Endangered and threatened species:

- 24186 Final rules; deferral of effective dates and request for comments
 24186 Endangered and threatened species; wildlife and plants list; annual publication; correction

Forest Service**NOTICES**

Meetings:

- 24219 Lincoln National Forest Grazing Advisory Board
 24219 Pacific Crest National Scenic Trail Advisory Council
 24220 Sierra National Forest Grazing Advisory Board; postponement

General Accounting Office**NOTICES**

- 24299 Regulatory reports review; proposals, approvals, violations, etc. (NRC) (2 documents)

General Services Administration**PROPOSED RULES**

- 24504 Regulatory agenda

Geological Survey**NOTICES**

Environmental statements; availability, etc.:

- 24304 Pacific Outer Continental Shelf mineral exploration proposals
 Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
 24304 Houston Oil and Minerals Corp.

Health and Human Services Department

See also National Institutes of Health; Public Health Service.

PROPOSED RULES

- 24424 Regulatory agenda

Hearings and Appeals Office, Energy Department**NOTICES**

Applications for exception:

- 24285 Cases filed
 24286 Decisions and orders
 Remedial orders:
 24284, Objections filed (2 documents)
 24288

Historic Preservation Advisory Council**NOTICES**

- 24303, Meetings (2 documents)
 24304

Indian Affairs Bureau**RULES**

Tribal government:

- 24177 Indian tribe reorganization under Federal statute; deferral of effective date

Interior Department

See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.

PROPOSED RULES

- 24458 Regulatory agenda

International Development Cooperation Agency

See Agency for International Development.

International Trade Administration**NOTICES**

Antidumping:

- 24223 Spun acrylic yarn from Italy
 Scientific articles; duty free entry:
 24222 Jewish Hospital et al.

Interstate Commerce Commission**PROPOSED RULES**

- 24217 Regulatory agenda

NOTICES

Motor carriers:

- 24312 Finance applications (2 documents)
 24321- Permanent authority applications (4 documents)
 24325
 24315 Permanent authority applications; restriction removals

Rail carriers:

- 24320 Western Pacific Railroad Co.; contract tariff exemption

Justice Department**PROPOSED RULES**

- 24213 Privacy Act; implementation

NOTICES

Pollution control; consent judgments:

- 24329 Evangeline Refining Co.
 24328 Tecumseh Corrugated Box Co.
 24329 Whirlpool Corp.
 24329 Privacy Act; systems of records

Land Management Bureau**NOTICES**

Coal leases, exploration licenses, etc.:

- 24305, Colorado (2 documents)
 24306
 24310 Wyoming; inquiry
 24305 New Mexico
 Environmental statements; availability, etc.:
 24307 APS/SDG&E interconnection project; Ariz. and Calif.; supplement and hearings
 Exchange of public lands for private land:
 24311 Oregon
 Meetings:
 24310 Burley District Grazing Advisory Board
 24310 California Desert Conservation Area Advisory Committee
 24307 Oil and gas leasing; call for nominations and comments; Mineral Leasing Act; Alaska Withdrawal and reservation of lands, proposed, etc.:
 24305, Oregon (2 documents)
 24306

Management and Budget Office**NOTICES**

- 24340 Agency forms under review

- Metric Policy Interagency Committee**
NOTICES
24452 Metric conversion policy for Federal agencies; final policy and implementation guidelines
- National Credit Union Administration**
RULES
Federal credit unions:
24153 State chartered federally insured credit unions; "most favored lender" status; interpretation and policy statement
PROPOSED RULES
24514 Regulatory agenda
NOTICES
24330 Central Liquidity Facility, regular members; repayment, security, and credit reporting agreement
- National Institutes of Health**
NOTICES
Meetings:
24300 Aging Review Committee
24301 Allergy and Clinical Immunology Research Committee
24301 Allergy and Infectious Diseases National Advisory Council
24301 Animal Resources Review Committee
24303 Arthritis, Diabetes, and Digestive and Kidney Diseases National Advisory Council
24302 Arthritis, Diabetes, and Digestive and Kidney Diseases National Institute, Scientific Counselors Board
24300 Cancer Biology and Diagnosis, Scientific Counselors Board
24302 General Medical Sciences National Advisory Council
24302 Microbiology and Infectious Diseases Advisory Committee
24300 Transplantation Biology and Immunology Committee
- National Park Service**
RULES
Special regulations:
24178 Glacier Bay National Monument; humpback whale protection; deferral of effective date and request for comments
- National Science Foundation**
PROPOSED RULES
24216 Regulatory agenda
- National Technical Information Service**
NOTICES
Patent licenses, exclusive:
24223 Johnson & Johnson International
- National Transportation Safety Board**
NOTICES
24332 Accident reports, safety recommendations and responses, etc.; availability
- Nuclear Regulatory Commission**
NOTICES
Applications, etc.:
24336 Commonwealth Edison Co. et al.
24335 Exxon Nuclear et al.
24337 Maine Yankee Atomic Power Co.
24338 Portland General Electric Co. et al.
- 24339 Southern California Edison Co. et al.; finding of no significant antitrust changes
Meetings:
24334 Reactor Safeguards Advisory Committee
24336 Safety goal, development
- Panama Canal Commission**
NOTICES
24347 Privacy Act; systems of records, annual publication; correction
- Patent and Trademark Office**
RULES
Patent cases:
24179 Reexamination requests; filing fees and refunds
- Pension Benefit Guaranty Corporation**
NOTICES
24348 Multiemployer pension plans; bond/escrow exemption request; Woolco Fashionwear Corp.; inquiry
- Public Health Service**
NOTICES
Meetings:
24303 Toxicology Program, National; Scientific Counselors Board
- Research and Special Programs Administration, Transportation Department**
RULES
Hazardous materials:
24183 Intermodal portable tanks (specifications IM 101 and IM 102); correction
24185 Intermodal portable tanks; trailer-on-flatcar service (specifications IM 101 and IM 102)
24184 Radioactive materials, low-level; air transportation of limited quantities; exemption renewal
- Securities and Exchange Commission**
NOTICES
Hearings, etc.:
24349 Central Power & Light Co.
24350 System Fuels, Inc., et al.
Self-regulatory organizations; proposed rule changes:
24352 American Stock Exchange, Inc., et al.
24350 National Securities Clearing Corp.
24351 New York Stock Exchange, Inc.
24354 Pacific Stock Exchange, Inc.
24354 Stock Clearing Corp. of Philadelphia
24367 Meetings; Sunshine Act
- Soil Conservation Service**
NOTICES
Environmental statements; availability, etc.:
24220 Conneautville Flood Prevention RC&D Measure, Pa.
- Textile Agreements Implementation Committee**
NOTICES
Cotton, wool, and man-made textiles:
24224 Poland

Transportation Department

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; Research and Special Programs Administration, Transportation Department.

Treasury Department

See Customs Service.

Veterans Administration**RULES**

- 24183 Procurement; correction

NOTICES

- 24364 Paperwork control; calendar of significant information collections
Senior Executive Service:
24365 Performance Review Board; membership

MEETINGS ANNOUNCED IN THIS ISSUE**AGRICULTURE DEPARTMENT****Forest Service—**

- 24219 Lincoln National Forest Grazing Advisory Board, Carlsbad, N. Mex. (open), 6-19-81
24219 Pacific Crest National Scenic Trail Advisory Council, Mt. Shasta, Calif. (open), 6-25-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

- 24332 Museum Panel, Washington, D.C. (closed), 5-18 through 5-20-81

CIVIL RIGHTS COMMISSION

- 24221 New York Advisory Committee, New York, N.Y. (open), 5-27-81
24221, Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 5-21-81 (2 documents)
24222

DEFENSE DEPARTMENT**Army Department—**

- 24225 Army Science Board, Fort Huachuca, Ariz. (closed), 5-19 through 5-21-81
24225 Military Personal Property Symposium, Arlington, Va. (open), 5-21-81

HEALTH AND HUMAN SERVICES DEPARTMENT**National Institutes of Health—**

- 24300 Aging Review Committee, Bethesda, Md. (open), 6-25 and 6-26-81
24301 Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially open), 6-10-81
24301 Animal Resources Review Committee, Bethesda, Md. (partially open), 6-3 and 6-4-81
24300 Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, Bethesda, Md. (partially open), 5-14 through 5-16-81
24302 Board of Scientific Counselors, National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases, Bethesda, Md. (partially open), 6-4 through 6-6-81
24302 Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (open), 6-9 and 6-10-81
24301 National Advisory Allergy and Infectious Diseases Council, and its Subcommittees, Bethesda, Md. (partially open), 5-28 and 5-29-81

- 24302 National Advisory General Medical Sciences Council, Bethesda, Md. (partially open), 6-4 and 6-5-81
24303 National Arthritis, Diabetes and Digestive and Kidney Diseases Advisory Council, Bethesda, Md. (partially open), 6-1 and 6-2-81
24300 Transplantation Biology and Immunology Committee, Bethesda, Md. (partially open), 6-1-81
Public Health Service—
24303 National Toxicology Program Board of Scientific Counselors, Research Triangle Park, North Carolina, (open), 5-27 and 5-28-81

HISTORIC PRESERVATION ADVISORY COUNCIL

- 24304 Savannah, Ga., 5-21-81
24303 Trenton, New Jersey, 5-11-81

INTERIOR DEPARTMENT**Land Management Bureau—**

- 24310 Burley District Grazing Advisory board, Malad, Idaho (open), 5-27-81
24310 California Desert Conservation Area Advisory Committee, San Bernardino, Calif. (open), 5-27-81

NUCLEAR REGULATORY COMMISSION

- 24334 Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 5-7 through 5-9-81
24336 Safety Goal (open), Chicago, Ill., 5-19-81; Boston, Mass., 5-27-81; Los Angeles, Calif., 6-4-81; and Atlanta, Ga., 6-11-81

RESCHEDULED MEETINGS**AGRICULTURE DEPARTMENT****Forest Service—**

- 24220 Sierra National Forest Grazing Advisory Board, Fresno, Calif. (open), postponed from 5-8-81 to 6-1-81

HEARINGS**ENVIRONMENTAL PROTECTION AGENCY**

- 24295 National Contingency Plan, Boston, Mass., 5-18-81; Chicago, Ill., 5-20-81; Dallas, Tex., 5-21-81; San Francisco, Calif., 5-22-81 and Washington, D.C., 5-28-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR	Ch. VII.....	24458
Administrative Orders:		
Presidential Determinations:		
No. 81-5 of		
April 14, 1981.....		24141
7 CFR		
907.....		24143
911.....		24143
925.....		24145
944.....		24143
Proposed Rules:		
1137.....		24188
9 CFR		
92 (2 documents).....		24146
106.....		24147
10 CFR		
Proposed Rules:		
Ch. II.....		24498
Ch. III.....		24498
Ch. X.....		24498
12 CFR		
545.....		24148
741.....		24153
Proposed Rules:		
Ch. VII.....		24514
14 CFR		
39 (7 documents).....		24155-
		24160
71 (23 documents).....		24161-
		24172
73.....		24169
75.....		24170
125.....		24409
Proposed Rules:		
Ch. II.....		24201
39 (4 documents).....		24188-
		24193
71 (4 documents).....		24194-
		24196
73 (2 documents).....		24196,
		24198
93.....		24199
16 CFR		
13 (3 documents).....		24173-
		24174
17 CFR		
Proposed Rules:		
Ch. I.....		24209
18 CFR		
271.....		24174
20 CFR		
Proposed Rules:		
Ch. III.....		24424
21 CFR		
Proposed Rules:		
Ch. I.....		24424
22 CFR		
Proposed Rules:		
Ch. II.....		24212
25 CFR		
52.....		24177
Proposed Rules:		
Ch. I.....		24458
28 CFR		
Proposed Rules:		
16.....		24213
30 CFR		
Proposed Rules:		
Ch. II.....		24458
Ch. VII.....		24458
33 CFR		
100.....		24177
Proposed Rules:		
158.....		24213
34 CFR		
Proposed Rules:		
Subtitle A.....		24412
Ch. I.....		24412
Ch. II.....		24412
Ch. III.....		24412
Ch. IV.....		24412
Ch. V.....		24412
Ch. VI.....		24412
Ch. VII.....		24412
36 CFR		
7.....		24178
Proposed Rules:		
Ch. I.....		24458
Ch. XII.....		24458
37 CFR		
1.....		24179
40 CFR		
52.....		24180
Proposed Rules:		
81.....		24214
41 CFR		
8-1.....		24183
Proposed Rules:		
Ch. I.....		24504
Ch. 14.....		24458
Ch. 25.....		24216
Ch. 34.....		24412
101.....		24504
42 CFR		
Proposed Rules:		
Ch. I.....		24424
Ch. II.....		24424
Ch. III.....		24424
Ch. IV.....		24424
43 CFR		
Proposed Rules:		
Subtitle A.....		24458
Ch. I.....		24458
Ch. II.....		24458
45 CFR		
Proposed Rules:		
Subtitle A.....		24424
Ch. II.....		24424
Ch. III.....		24424
Ch. VI.....		24216
Ch. XIII.....		24424
49 CFR		
171.....		24183
172.....		24184
173.....		24183
174 (2 documents).....		24183,
		24185
175.....		24184
176.....		24183
178.....		24183
Proposed Rules:		
Ch. X.....		24217
50 CFR		
17 (2 documents).....		24186
Proposed Rules:		
Ch. I.....		24458
Ch. IV.....		24458

Presidential Documents

Title 3—

Presidential Determination No. 81-5 of April 14, 1981

The President

Economic Support Fund Assistance for Nicaragua

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

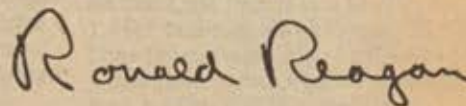
(1) determine and direct, in accordance with the requirements of section 533(f) of the Act, that assistance to the Government of Nicaragua under chapter 4 of part II of the Act be terminated;

(2) determine under section 614(a)(1) of the Act that the continuation of assistance to the Government of Nicaragua pursuant to loans previously extended under chapter 4 of part II of the Act, without regard to section 533(f) of the Act, is important to the security interests of the United States; and

(3) authorize the continuation of such assistance.

You are requested to report this determination to the Congress immediately in accordance with the requirements of the Act.

This determination shall be published in the Federal Register.



THE WHITE HOUSE,

April 14, 1981.

Presidential Documents

Transmitted by Special Agent in Charge, FBI, New York, New York, to the President, Washington, D.C., on January 1, 1964.

Re: [illegible] (NY 100-100000-100000)

Enclosed for the President are two copies of a letterhead memorandum (LHM) dated and captioned as above.

Very truly yours,
[illegible]

Enclosed for the President are two copies of a letterhead memorandum (LHM) dated and captioned as above.

Enclosed for the President are two copies of a letterhead memorandum (LHM) dated and captioned as above.

Enclosed for the President are two copies of a letterhead memorandum (LHM) dated and captioned as above.

Very truly yours,
[illegible]

THE WHITE HOUSE

January 1, 1964

Rules and Regulations

Federal Register

Vol. 46, No. 83

Thursday, April 30, 1981

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 520]

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 May 1-May 7, 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: May 1, 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 28, 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.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.820 is added as follows:

§ 907.820 Navel Orange Regulation 520.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 1, 1981, through May 7, 1981, are established as follows:

- (1) District 1: 1,200,000 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, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-13353 Filed 4-30-81; 12:00 pm]

BILLING CODE 3410-02-M

7 CFR Parts 911 and 944

[Lime Reg. 42; Lime Import Reg. 9]

Limes Grown in Florida and Limes Imported Into the United States

AGENCY: Agricultural Marketing Service.

ACTION: Interim rule.

SUMMARY: These regulations specify minimum grade and size requirements for shipments of fresh limes grown in Florida, and for limes imported into the United States. Such action is necessary to assure the shipment of adequate supplies of limes of acceptable grades and sizes in the interest of producers and consumers.

DATES: Lime Regulation 42 effective May 1, 1981 and expires on August 15, 1981. Lime Import regulation 9 effective May 4, 1981; comments which are received by June 1, 1981, will be considered.

ADDRESS: Send comments to: Office of the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The lime import regulation is issued under section 8e (7 U.S.C. 608e-1) of this act. The regulation applicable to limes

grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that this action will tend to effectuate the declared policy of the act.

These grade and size requirements reflect the Department's appraisal of the need for regulating limes during the period May 1 through August 15, 1981, based on the available supply and current and prospective market demand conditions. The committee has adopted a marketing policy for the 1981-82 season Florida lime crop, in which it estimates that this season 2,200,000 bushels of limes will be produced in Florida. Of this amount, it estimates 1,100,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1981-82 season.

The lime import regulation is issued under section 8e of the act, which requires that when specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

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 of these regulations until 30 days after publication in the *Federal Register* (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) shipment of the current crop of limes grown in Florida is now underway; (2) the current Florida lime and lime import regulations (45 FR 27910, 57364) will expire April 30, 1981; (3) the Florida lime regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (5) the requirements for Florida limes and imported limes are the same as those currently in effect; (6) the lime import requirements are mandatory under § 8e of the act, and they should become effective on the date specified; (7) the

grade and size requirements for imported limes are the same as those for Florida limes; and (8) at least three days notice of this import regulation is provided, the minimum prescribed by § 8e of the act.

Forms required for operations under this Part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the requirements for the handling of Florida limes and those applicable to imported limes should be and are established as follows: (§ 911.344 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

PART 911—LIMES GROWN IN FLORIDA

1. Section 911.344 is added to read as follows:

§ 911.344 Florida Lime Regulation 42.

(a) During the period May 1, 1981, through August 15, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided*, That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade: *Provided further*, That such limes not meeting these requirements may be handled within the production areas, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar

varieties) are at least 1 1/4 inches in diameter; *Provided*, That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirements; *Provided further*, That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000-1016).

PART 944—FRUITS; IMPORT REGULATIONS

Section 944.208 is added to read as set forth below:

§ 944.208 Lime Import Regulation 9.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited during the period May 4, 1981, through August 15, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.344 Florida Lime Regulation 42.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) *Minimum quantity exemption:* Any person may import up to 250 pounds of

limes exempt from the requirements specified in this section.

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

Dated: April 28, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-13271 Filed 4-29-81; 9:25 am]

BILLING CODE 3410-02-M

7 CFR Part 925

[California Desert Grape Regulation 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes quality, container, inspection and packing handling regulations for grapes grown in Southeastern California during the period May 1-August 15, 1981. Such action is necessary to assure shipment of ample supplies of grapes of acceptable quality and to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 1, 1981. Section 925.300 expires on August 15, 1981.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 925 (7 CFR Part 925; 45 FR 40565), regulating the handling of grapes grown in a designated area of Southeastern California. This marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the California Desert Grape Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of grapes, as

hereafter provided, will tend to effectuate the declared policy of the act.

This rule contains material incorporated by reference. This material is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

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

These requirements reflect the Department's appraisal of the need for regulating 1981 season shipments of California desert grapes, based on available supply and current and prospective market demand conditions. The committee estimates 1981 shipments of grapes at 4,000,000 lugs (22 pounds net weight), compared with shipments of 4,379,886 in 1980, 4,084,764 in 1979, and 3,629,855 in 1978.

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). It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified. Shipments of grapes from the production area are expected to begin on or about May 1, 1981, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this Part are subject to clearance by the Office of Management and Budget.

Therefore, new § 925.300 is added to read as follows: (§ 925.300 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 925.300 California Desert Grape Regulation 1.

During the period May 1, 1981, through August 15, 1981, no person shall handle any variety of grapes unless such grapes are handled in accordance with the requirements of this section, and no person shall pack any such grapes on any Saturday or Sunday, unless approved in accordance with paragraph (g).

(a) *Grade and size.* Such grapes shall meet the minimum grade and size requirements specified in § 2851.884 for U.S. No. 1 Table grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (7 CFR 2851.880-2851.912).

(b) *Minimum maturity.* Such grapes shall meet the minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3-1436.17 of the Administrative Code of California (Title 3).

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

(i) Sawdust pack with inside dimensions of 7¼ x 14½ x 18½ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¼ x 12½ x 15½ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) x 13½ to 14½ (outside) x 16½ to 17½ (outside), specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¼ or 8¼ x 11½ x 18½ inches specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 (inside) x 15¼ (outside) x 19½ (outside), specified as container 38R;

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

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

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

(d) Organically grown grapes.

Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met:

(1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and the variety of grapes, and such other information as may be needed by the committee to carryout these provisions.

(2) Each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (c)(3) of this section.

(e) *Inspection.* (1) No handler shall handle any grapes unless such grapes have been inspected at shipping point by the Federal-State Inspection Service, and an appropriate inspection certificate has been issued certifying that such grapes meet the minimum requirements specified in this section.

(2) All containers of such grapes shall be lot stamped with the lot stamp number by an authorized inspector, except only 90 percent of the containers in a 3' x 3' pallet need be stamped, if the containers not stamped are in the center tier of the pallet.

(f) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), (c), (d), and (e) if the committee determines that (1) the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner and (2) the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

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

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

Dated April 27, 1981 to become effective May 1, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-13254 Filed 4-29-81; 9:25 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Japan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule that extended to Japan the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). The action is necessary to protect the livestock of the United States from such disease.

EFFECTIVE DATE: July 8, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, Maryland 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified not a "major rule." The Department has determined that this rule will not have an annual effect on the country of \$100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Department records show that a total of only eight horses were imported from Japan during the 12 months previous to July 1980.

A document published in the *Federal Register* on July 8, 1980 (45 FR 45888-45889) declared that since contagious equine metritis (CEM), an infectious and communicable venereal disease of horses, had been found to exist in Japan, the prohibitions on the importation of certain horses from or that have been in that country within 12 months immediately preceding their export to the United States were placed in effect. The document stated that the

amendment was necessary as an emergency measure to protect the livestock of the United States against the introduction and dissemination of CEM in the United States.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment.

The factual situation which was set forth in the document on July 8, 1980, still provides a basis for the amendment. Accordingly, it has been determined that the final rule revising § 92.2(i)(1) should remain effective as published in the *Federal Register* on July 8, 1980.

Done at Washington, D.C., this 23rd day of April, 1981.

Norvan L. Meyer

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12743 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document adds the State of California to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that this State has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

DATES: Effective date: April 23, 1981. Comments must be received on or before June 29, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." This regulation

should result in only an insignificant annual effect on the economy; should result in no increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Actions of this kind were anticipated under the provisions of 9 CFR 92.4 published in the Federal Register (45 FR 1003-1006) Friday, January 4, 1980, and are specifically considered in the Final Impact Statement prepared for that action. Thus, the Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The economic impact of the addition of California to the list of States approved to accept stallions from countries affected with CEM should not be significant. This action will provide a means by which stallions from countries affected with CEM and bound for California could be imported directly into California. This should result in a decrease of transportation costs for such horses of approximately 20%. Furthermore, only 26 stallions from countries affected with CEM were imported into the United States in 1980.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action.

This amendment relieves certain restrictions presently imposed on certain horses being imported into the United States, and should be made effective immediately in order to permit affected persons to move certain horses into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this

emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), authorizes the importation of male horses (stallions over 231 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of California to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 92 reads as follows:

Authority: Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134f.

§ 92.4 [Amended].

2. In 9 CFR, Part 92, § 92.4(a)(5)(ii) is amended by adding "The State of California," before "The State of Colorado," as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

All written submissions made pursuant to this final rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 23rd day of April, 1981.

Norvan L. Meyer,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12744 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

9 CFR 106

Exemption for Biological Products Used in Department Programs or Under Department Control or Supervision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule in the Federal Register on Thursday, October 2, 1980, amending the regulations concerned with animal biological products by adding a new Part 106 which provides authority for the Deputy Administrator, Veterinary Services, to exempt biological products from one or more requirements contained in the regulations. This provision is necessary to facilitate conducting animal disease control and eradication programs in certain situations.

EFFECTIVE DATE: October 2, 1980.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Veterinary Biologics Staff, Room 827, 301-436-8245, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "Major Rule." Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it does not affect the commercial interstate distribution and sale of licensed animal vaccines.

A document published in the Federal Register on October 2, 1980 (45 FR 65183-65184) authorized the Deputy Administrator, Veterinary Services, to use Brucella Abortus Vaccine in a manner other than in accordance with required label instructions. However, the amendment was written more broadly authorizing the Deputy Administrator to exempt products for use in other situations where the Department will be in a position to supervise or control the use of the exempted product.

The document specified that the amendments were needed immediately because delay in their implementation would have serious adverse effects on the National Brucellosis Eradication Program.

Comments were solicited for 60 days after publication of the regulation and one was received. It took no exception to the regulation as written, but considered the added regulation unnecessary and redundant because these exemptive powers are already provided for in the current regulations. It has been determined that the final rule should remain effective as published in the Federal Register on October 2, 1980.

Done at Washington, D.C., on this 23rd day of April 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12742 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

(No. 81-206)

Adjustable Mortgage Loan Instruments

Dated: April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board hereby authorizes Federal savings and loan associations and Federal mutual savings banks to make, purchase, participate or otherwise deal in adjustable mortgage loan instruments, which permit adjustment of the interest rate. A rate adjustment may be implemented through changes in the payment amount, the outstanding principal loan balance, and the term of the loan, provided that the term never exceeds 40 years. Adjustments to the interest rate must be based upon the movement of an index agreed to by the lender and the borrower. This regulation replaces and subsumes existing regulations authorizing Federally-chartered thrift institutions to make renegotiable-rate mortgage loans and variable-rate mortgage loans. By this action, the Board preempts all state laws that would directly or indirectly restrict a Federal association or Federal savings bank from making an adjustable mortgage loan, including state laws prohibiting the charging of interest on interest. The regulation provides for notice to borrowers of payment changes, prohibits prepayment penalties, and

requires full disclosure of the types of adjustable mortgage loans offered by individual institutions. Promulgation of this regulation will provide Federally-chartered thrift institutions with broad flexibility in designing various types of mortgage loan instruments.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377-6466) or Joseph A. McKenzie, Office of Policy and Economic Research ((202) 377-6763); Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Board proposed to amend its renegotiable-rate mortgage (RRM) regulation with regard to maximum annual interest-rate changes and grouping of loans, and to amend its alternative mortgage instrument regulation to make it consistent in certain respects with the RRM regulation (FHLBB Res. No. 80-653; 45 FR 72675, November 3, 1980).

After studying the comments received both in response to that proposal and at joint hearings held with the Office of the Comptroller of the Currency, the Board requested comment on several additional issues not specifically addressed in its October 1980 proposal (FHLBB Res. No. 81-118; 45 FR 15175, March 4, 1981). The request greatly broadened the scope of possible amendments to the Board's adjustable-rate mortgage regulations by raising the following issues: whether a limitation should be placed on the amount by which payments may be increased; whether, if such a limitation were imposed, there should also be a limitation on the amount by which the interest rate may be adjusted periodically; whether additions to the principal loan balance should be permitted in connection with a limitation on monthly payment increases; and whether the proposed amendments should contain a provision regarding adjustment of the interest rate over the life of the loan other than the 5 percentage-point limitation initially proposed.

On March 23, 1981, the Office of the Comptroller of the Currency issued final regulations governing the issuance by national banks of adjustable-rate mortgage loans. In summary, the regulations permit interest rate increases of up to 2 percentage points per year with no limitation on the amount by which the rate may be increased over the life of the loan. Negative amortization is permitted, though not in excess of 10 percent of the principal loan balance at the beginning

of any five-year period. Changes in the interest rate must be tied to one of three specified indices—the Board's RRM index, the 3-year Treasury securities rate, or the 6-month Treasury bill rate. The regulations do not apply to mortgage loans that, instead of limiting interest rate adjustments, contain a limitation on the amount by which the monthly payment may be increased from one time interval to the next.

Overview of Comments

The Board has received some 830 comments on adjustable-rate mortgages since October 1980: approximately 650 comments in response to its February 1981 request and 181 comments in response to its October 1980 proposal. Approximately 54 percent of the comment letters were from Federal savings and loans, 19 percent were from state-chartered savings and loans, and 11 percent were from consumers and consumer-oriented organizations. Other commenters included trade associations, real estate professionals, secondary market entities, title insurers, lawyers, investment brokers and consultants, commercial banks, and the Federal Home Loan Banks.

Savings and loans overwhelmingly supported the broadest possible liberalization of the Board's adjustable-rate mortgage regulations. The majority of associations supported the elimination of both periodic and aggregate interest-rate adjustment limitations, favoring instead imposition of a cap of 10 percent or less on the amount by which the monthly payment could be increased from one interval to the next. Industry commenters felt that the decision as to the frequency of adjustments to both the interest rate and the monthly payment should be left to each association. Approximately 58 percent of the 160 associations addressing the issue asserted that movement of the loan interest rate should be a managerial decision rather than formally tied to one or more specified indices; a majority of those recommending a specific index preferred one relating to the cost of funds. Approximately 80 percent of the associations supported regulatory authorization of negative amortization in connection with loans containing caps on monthly payment increases. Of those associations commenting on the issue, approximately 55 percent suggested that no prepayment penalties should be permitted in connection with adjustable-rate mortgages, while 28 percent recommended that the existing RRM prepayment penalty provision be retained.

In contrast, consumers opposed any liberalization of the restrictions currently contained in the RRM regulation. Their major concern was that large interest-rate increases, and consequent payment increases, might make it impossible for home buyers to meet mortgage payments. Some concern was also expressed with the impact negative amortization could have on a borrower's ability to repay the loan in those areas where property values cannot be expected to rise steadily.

Adjustable Mortgage Loan Instruments

After careful consideration of the comment letters, testimony at the hearings, staff reports and other available information, the Board has determined to authorize a flexible mortgage instrument. An adjustable mortgage loan (AML) permits adjustment of the interest rate, which may be implemented through changes in the payment amount, the outstanding principal loan balance, the loan term, or any combination of these variables. The AML regulation imposes no restriction on the amount by which any of these factors may be adjusted, except that the term of an AML, inclusive of adjustments, may never exceed 40 years from the date of loan closing. Interest-rate adjustments must reflect the movement of one of the indices authorized by paragraph (c) of the regulation. The regulation provides that, for purposes of determining compliance with the Board's loan-to-value limitations (12 CFR 545.6-2(a)) relative to an AML that permits rate increases to be implemented as additions to principal, the Board will assume continued compliance where the original loan-to-value ratio met the regulatory limitations.

The AML regulation replaces existing provisions authorizing Federally-chartered thrift institutions to issue RRM's (12 CFR 545.6-4(a)) and VRM's (12 CFR 545.6-4(c) (1980)). This approach was supported by over 95% of those commenting on the issue of whether the Board's adjustable-rate mortgage regulations should be combined into one regulation. By rescinding the VRM regulation, the Board effectively deletes existing provisions that limit an association's VRM investments to 50 percent of the association's total home mortgage loans and that would have prohibited VRM investments altogether after December 31, 1982. By this action, the Board also deletes the requirement in 12 CFR 545.6-4(a) that Federal associations offer the choice of a conventional fixed-rate mortgage to applicants who are eligible for a VRM,

graduated payment mortgage or reverse annuity mortgage.

As with the VRM and RRM regulations, the AML regulation applies only to loans made on the security of one-to-four family homes that are or are to be occupied by the borrowers. Associations are not restricted as to adjustment of the interest rate on any other type of loan.

Indices

In its October 1980 proposal, the Board requested comment on whether one or more different indices should be substituted for the indices currently utilized in the Board's adjustable-rate mortgage regulations. The RRM is currently tied to a national average mortgage-rate index, and the VRM is tied to a national cost-of-funds index. While some commenters suggested use of either a cost-of-funds index or an average mortgage-rate index, a number of commenters suggested that lenders be given the choice of several specified indices.

Some commenters supported the use of a single index, citing the need for uniformity among mortgage instruments to allow a secondary market to be established. It was also suggested that use of a single index might aid borrowers' "comparison shopping" for an AML. Those supporting authorization of several indices, however, argued that it would significantly increase lenders' flexibility without harming establishment of a secondary market. These commenters felt that secondary market entities would indicate the indices acceptable to them, and that lenders would then be free to use any other index on mortgages originated for their own portfolios.

The Board has determined to permit AML lenders to utilize any interest-rate index that is readily verifiable by the borrower and that is beyond the control of the lender. This provision effectively prohibits AML lenders from utilizing their own cost of funds or current mortgage loan rate as an index, a result that was felt to be an important consumer protection. At the same time, it will allow associations flexibility in choosing relevant indices, a fact that will not disadvantage the consumer, especially in view of the comprehensive disclosure this regulation requires. The regulation does list a number of indices that would be acceptable, including the Board's national average mortgage rate index, currently used on the RRM; the Board's average cost-of-funds to FSLIC-insured institutions, either for all Federal Home Loan Bank Districts (currently used on the VRM) or for a particular District or Districts; the three-

or six-month Treasury bill rates; or the monthly average yield on Treasury securities with a maturity of one, two, three, or five years.

Rate and Payment Limitations; Negative Amortization

As is noted above, the great majority of associations favored the elimination of both periodic and aggregate limitations on adjustment of the interest rate. The AML regulation imposes no such limitations, nor does it limit the size of adjustments to the payment amount.

In formulating the regulation, the Board took into account that interest rates have shown enormous volatility in the recent past in contrast to the much smaller rate fluctuations that used to characterize financial markets. Associations currently are obtaining a large portion of their funds in rate-sensitive liabilities, whether deposits or borrowings. Of total deposits outstanding, almost 58 percent are already in deposits that are rate-sensitive or not subject to rate control. Meanwhile, the Depository Institutions Deregulation Committee is considering proposals that would further hasten deregulation of interest rates on deposits. In less than five years, all existing rate controls on deposits—which already are hardly rigid in nature—will lapse by law.

In contrast, only about seven percent of mortgages held by associations at the end of 1980 were adjustable-rate, and almost all of these permitted only limited rate-change flexibility. Thus, there is an enormous disparity in rate flexibility as between the asset and liability sides of the balance sheet and savings and loan management remains severely constrained in its ability to pursue sound asset/liability maturity policies. This creates serious problems for the savings and loan industry and its ability and willingness to put additional funds into mortgages.

The Board believes it is inconsistent and unsound to expose associations to the impact of wide swings in the cost of funds, which occurred as a result of the deregulation of liabilities, without providing associations with the power to attain complementary changes in the mortgage portfolio yield. The mortgage borrower is ultimately hurt by restrictions on mortgage loan instruments that discourage Federal associations from placing the bulk of their lending funds in residential mortgages. The borrower is also hurt by restrictions that make it difficult for associations, the dominant source of mortgage lending, to remain viable and

compete effectively for funds *vis-a-vis* other savings competitors.

Against these factors, the Board considered the benefits of imposing constraints on the amount of periodic and aggregate rate increases to limit the financial burden that unusually large payment increases may impose on a borrower. The Board is of the view that the inclusion of rate-adjustment limitations in a loan contract should depend on the situation of the particular borrower, the geographic area, the interest rate offered on the loan, whether the loan is to be sold, and a variety of other pertinent factors. The only feasible way to structure a loan instrument that is responsive to all of these factors is to permit the lender and the borrower to determine the provisions of a loan.

The Board is firmly of the opinion that AMLs will contain a variety of payment caps and rate-change limitations even though not required by regulation. Lenders, who have an interest in ensuring that borrowers meet scheduled payments, are aware that such constraints make economic sense in a time of volatile interest rates. Thus, from the lender's point of view, some form of payment or rate-change limitation may be the surest way of simplifying underwriting of the loan. More importantly, borrower resistance to a totally unlimited mortgage instrument could render such an instrument unmarketable. Finally, third parties such as mortgage insurers and secondary market purchasers will likely exert pressure that will result in market limitations on AMLs. The Board believes that competition and other factors in the mortgage market will encourage lenders to compete on terms and conditions that will best serve all parties involved, and that the mortgage market is competitive enough to produce the appropriate constraints.

Because the Board believes associations should be given maximum flexibility in designing rate-adjustable mortgage instruments, the regulation places no limits on the amount of negative amortization that can occur on an AML. The Board is of the view that individual associations should be free to develop their own underwriting standards relative to negative amortization. While the Board's regulations require private mortgage insurance on all loans exceeding 90 percent of the value of the security property, the Board believes the determination as to how much the loan balance exceeds 90 percent of the value of the property due to negative amortization should be left to the lender

and the mortgage insurer. Therefore, the Board will assume continued compliance with its loan-to-value requirements (12 CFR 545.6-2(a)) if the original loan-to-value ratio of the AML met the requirements.

Prepayment Penalty

The Board requested comment on whether the authorization to charge a prepayment penalty on an adjustable-rate loan should be eliminated altogether if the Board's regulations are liberalized. Currently, RRM borrowers may prepay without penalty at any time after notice of the first interest-rate adjustment, and VRM borrowers may prepay without penalty during a 90-day period surrounding each adjustment of the interest rate.

The Board has determined to permit AML borrowers to prepay their loans in full or in part without penalty at any time during the loan term. The Board believes that, since the AML regulation gives lenders broad flexibility in shaping rate-sensitive mortgage loan instruments, borrowers should be given maximum flexibility in locating alternative sources of financing should a particular interest rate or monthly payment adjustment prove excessively burdensome. Approximately 55 percent of all associations commenting on the issue supported elimination of the authorization to charge a prepayment penalty if all periodic rate-adjustment limitations were eliminated.

Disclosure

The Board requested comment on how to ensure that the ramifications of adjustable mortgages, especially regarding negative amortization, are properly disclosed. Lenders addressing this issue urged the Board to keep disclosure documents simple. Some requested that the Board provide a standardized disclosure document such as is contained in the RRM regulation. Consumers generally requested comprehensive disclosure documents.

The Board's current RRM regulation sets out a disclosure form describing the basic operation of an RRM that must be given to applicants at the time of receipt of an RRM application, while the VRM regulation establishes disclosure requirements without setting out a required format.

The AML regulation establishes a disclosure format similar to that of the RRM and attempts to ensure that consumers are given the information to negotiate and choose the mortgage instrument most suitable to their needs. At the time of receipt of an AML loan application, the borrower must be furnished a disclosure form. The form

must contain a textual explanation of the flexibility provided for by the AML regulation. It also must contain a summary of the key terms of the type of AML to be offered the borrower, and requires a short explanation of each term. Finally, the disclosure form requires the lender to provide an example of the operation of the type of AML to be offered the borrower.

Notice of Payment Adjustments

In October 1980, the Board proposed to amend its VRM regulation to require notification of an interest-rate adjustment at least 60 but not more than 90 days prior to the rate adjustment, and requested comment on whether the appropriate length of a notification period would be longer or shorter than that proposed. Currently, the RRM regulation requires at least 90 but not more than 120 days notice, and the VRM regulation requires 30 days notice prior to rate adjustment.

The majority of commenters felt a 90-day minimum notice period would be excessively long for an instrument that would allow interest rate adjustments as often as every six months. Most of these commenters felt the proposed 60-day notice period was acceptable, but asserted a 30-day notice period was more appropriate for a mortgage instrument that permitted adjustments every six months.

The Board has determined to require that notification of an AML payment adjustment be given at least 30 but not more than 45 days prior to the adjustment. A longer notice period would not be appropriate in view of the fact that the regulation imposes no limitations on the frequency with which interest rates and payments may be adjusted. A 30-day minimum notice should not hinder a borrower searching for alternative financing since the borrower may prepay the principal loan balance at any time without penalty.

Conversion Option for Elderly Borrowers

In its February 1980 request for comments, the Board noted that one of the adjustable-rate mortgage plans reviewed by the California State Legislature in 1980 contained a provision that would have permitted an adjustable-rate mortgage borrower to convert to a fixed-rate loan after reaching the age of 65. The adjustable-rate loan would have had to have been in effect for at least nine years prior to the conversion, and the security property would have had to remain the borrower's principal residence.

The Board has determined not to require associations to extend such an option to elderly borrowers. The Board believes that inclusion of such an option in a loan contract is a decision that should be left to individual associations. This approach was supported by most of the commenters. Four of the five trade associations commenting on the issue also opposed making such a provision mandatory. Only one consumer commented on the issue, supporting extension of such an option to elderly borrowers.

Grouping Authority

The current RRM regulation authorizes extension of the initial renewal or adjustment period for up to six months longer than subsequent periods. The extended period is added at the beginning of the initial three-, four-, or five-year term or adjustment period rather than at the end. The regulation provides that the initial index rate, which in conjunction with the index rate available at the time of adjustment of the interest rate establishes the amount by which the contract interest rate may be adjusted, be set at the end of the extended period. As a result, neither the lender, the borrower nor secondary market investors know the value of the initial index rate at the time the loan is closed.

In order to eliminate this uncertainty, the Board's October 1980 proposal would have required that the initial index rate be established as of the date that is six months prior to the date three, four or five years before the first adjustment of the index rate—i.e., three, four or five years *plus* six months prior to the first adjustment. This meant that, where the initial term or adjustment period is extended by less than six months, the initial index rate would actually have pre-dated the closing date of the loan.

However, because the AML regulation gives associations broad authority to establish a payment schedule, it is unnecessary to address specifically the matter of extending the first period to permit grouping of loans. The regulation merely provides that the initial index value must be the value most recently available at, or within six months prior to, the date of loan closing. This allows associations greater flexibility in picking the initial index value than would have been available under the Board's October 1980 proposal, and ensures that all parties will know the initial index value as of loan closing. It also prevents the confusion and abuse that could accompany use of a more remote initial index value.

Extension of Loan Maturity

In its October 1980 proposal, the Board proposed to permit both VRM and RRM borrowers to extend the loan term by up to ten years in order to avoid or lessen the impact on monthly payments of interest-rate increases. Currently, VRM borrowers may extend the loan term up to a maximum of one-third of the original loan term; RRM borrowers do not have a right of extension. Federal associations commenting on this proposal opposed inclusion of such a provision by almost a two-to-one ratio, pointing out that, on any loan with an original maturity of twenty-five or more years, extension of the loan maturity would provide very little mitigation of monthly payment increases while substantially increasing the total number of payments on the loan. These commenters also suggested that such authority would create administrative problems for lenders and secondary market investors.

In keeping with its view that associations should be given maximum flexibility in designing mortgage loan instruments, the Board has determined not to require associations to give AML borrowers this option. Inclusion of such an option in a loan contract is most appropriately an individual association's decision.

Federal Preemption of State Laws

In the AML regulation, the Board codifies its view that the regulation is promulgated pursuant to the Board's plenary and exclusive authority to regulate all aspects of the operations of Federally-chartered savings and loan associations and mutual savings banks. As such, the Board's exercise of this authority is preemptive of any state law purporting to restrict the ability or right of any Federal association or Federal savings bank to use adjustable mortgage loan instruments. This preemption has the effect of precluding the application of the laws of approximately 30 states prohibiting the charging of interest on interest. The Board also takes this opportunity to amend 12 CFR 545.6-4, pertaining to other alternative mortgage instruments, by inserting a similar preemption of inconsistent state law.

Graduated Payment Adjustable Mortgage

In September 1980, the Board proposed to promulgate a regulation authorizing Federal associations to issue graduated payment adjustable mortgages (GPAMs). A GPAM would combine the adjustable-rate feature of the RRM with the graduated payment

feature of the GPM, which permits negative amortization.

Although the Board considered incorporating the GPAM into the AML regulation, it was felt that all of the implications of such an amalgamation had not yet been fully explored. Therefore, the Board determined at this time to authorize a new loan instrument that permits adjustments to the payment, principal loan balance and the loan term only if such adjustments result from rate changes.

Transition Period

The regulation provides that associations may continue to make VRMs and RRM's for up to 90 days after the effective date of this regulation. This authority will prevent disruption of existing lending activities of associations.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) it is in the public interest since it will increase the availability of mortgage funds and provide lenders with flexibility in earnings during a time of unstable market conditions.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Subchapter C—Federal Savings and Loan System

PART 545—OPERATIONS

§ 545.6-2 [Amended]

1. Remove the existing reference in paragraph (a)(4)(iii) of § 545.6-2 to the title of § 545.6-4a and substitute in its place "(adjustable mortgage loan instruments)".

2. Amend § 545.6-4 by revising paragraph (a); removing paragraph (b)(6)(iv), replacing "; and" at the end of subparagraph (b)(6)(iii) with a period, and adding the word "and" at the end of paragraph (b)(6)(ii); removing paragraph (c); and redesignating paragraph (d) as paragraph (c); to read as follows:

§ 545.6-4 Alternative mortgage instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6-2(a) of this Part may use the alternative mortgage instruments described in this section. The instruments described in this section allow certain payment and other

provisions otherwise prohibited by this Subchapter. An association using an alternative mortgage instrument shall obtain and retain in the loan application file a certification signed by the prospective borrower indicating that the borrower has received the disclosure materials specified in this section before electing to take the alternative mortgage instrument.

(2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in the alternative mortgage instruments set forth in this section, or to directly or indirectly restrict such ability or right.

(c) *Reverse-annuity mortgage.* * * *

3. Revise § 545.6-4a in its entirety to read as follows:

§ 545.6-4a Adjustable mortgage loan instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6-2(a) of this Part may use adjustable mortgage loan instruments as described in this section.

(2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, participate, or otherwise deal in adjustable mortgage loans, or to directly or indirectly restrict such ability or right.

(b) *Description.* (1) An adjustable mortgage loan is a loan that permits adjustment of the interest rate. Adjustments to the interest rate may be implemented through changes in the payment amount and/or through adjustments to the outstanding principal loan balance or the loan term, provided that the total loan term may not exceed 40 years, and shall reflect the movement of one of the indices authorized by paragraph (c) of this section.

(2) Adjustments to the principal loan balance are permissible only if the initial payment amount is sufficient to fully amortize the loan at the beginning of the loan term and if the payment amount is adjusted at least every five

years to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan.

(3) For purposes of determining compliance with the loan-to-value-ratio limitations set out in § 545.6-2(a) of this Part, the Board will assume continued compliance where the original loan-to-value ratio met the requirements of § 545.6-2(a).

(4) Prepayment in full or in part of the outstanding principal loan balance may be made without penalty at any time.

(c) *Index.* (1) Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of an index authorized by subparagraph (2) of this paragraph, subject to such rate-adjustment limitations, if any, as an association may provide. The initial index value shall be the most recently available value of the index at, or within six months prior to, the date of the closing of the loan. The amount of a rate adjustment shall reflect the difference between the initial index value and either the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or the index value most recently available as of the date of notification of a payment adjustment: *Provided*, That where the movement of the index permits an interest-rate increase, the association may decline to increase the interest rate by the indicated amount, and the association may decrease the interest rate at any time.

(2) For the purpose of adjusting the interest rate, an association may use any interest-rate index that is readily verifiable by the borrower and is beyond the control of the association. An association may use

(i) The national average mortgage contract rate for major lenders on the purchase of previously-occupied homes, as computed monthly by the Board, published in the Board's *Journal*, and made available in news releases;

(ii) The average cost of funds to FSLIC-insured savings and loan associations, either for all Federal Home Loan Bank Districts or for a particular District or Districts, as computed semi-annually by the Board, published in the Board's *Journal*, and made available in news releases;

(iii) The monthly average of weekly auction rates on United States Treasury bills with a maturity of three months or six months, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month;

(iv) The monthly average yield on United States Treasury securities adjusted to a constant maturity of one, two, three, or five years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release B.13(415) during the first week of each month; or

(v) Any other interest-rate index that meets the requirements of this paragraph (c)(2).

(d) *Costs or fees.* The borrower may not be charged any costs or fees in connection with regularly-scheduled adjustments to the interest rate, the payment, the outstanding principal loan balance, or the loan term.

(e) *Notice to borrower of payment adjustment.* At least thirty (30) but not more than forty-five (45) days before adjustment of the payment, the association shall send written notification to the borrower containing the following information:

(1) The fact that the payment on the loan with the association, secured by a mortgage or deed of trust on property located at the appropriate address, is scheduled to be adjusted on a particular date;

(2) The outstanding balance of the loan on the adjustment date, assuming timely payment of the remaining payments due by that date;

(3) The interest rate on the loan as of the adjustment date, the index value on which that rate is based, the period of time for which that interest rate will be in effect, the next following payment adjustment date, and the rate adjustment dates, if any, between the upcoming payment adjustment date and the next following payment adjustment date;

(4) The payment amount as of the payment adjustment date;

(5) The date(s), if any, on which the rate was adjusted since the last payment adjustment, the rates on each such rate adjustment date, and the index values corresponding to each such date;

(6) The dates, if any, on which the outstanding principal loan balance was adjusted since the last payment adjustment, and the net change in the outstanding principal loan balance since the last payment adjustment;

(7) The fact that the borrower may pay off the entire loan or a part of it without penalty at any time; and

(8) The title and telephone number of an association employee who can answer questions about the notice.

(f) *Disclosure.* An applicant must be given, at the time of receipt of an application, or upon request, a disclosure notice in the following form:

IMPORTANT INFORMATION ABOUT THE ADJUSTABLE MORTGAGE LOAN— PLEASE READ CAREFULLY

You have received an application form for an adjustable mortgage loan ("AML"). The AML may differ from other mortgages with which you are familiar.

General Description of Adjustable Mortgage Loan

The adjustable mortgage loan is a flexible loan instrument. Its interest rate may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Federal regulations place no limit on the amount by which the interest rate may be adjusted either at any one time or over the life of the loan, or on the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). This does not mean that the particular loan agreement you sign must, by law, permit unlimited interest-rate changes. It merely means that, if you desire to have certain rate-adjustment limitations placed in your loan agreement, that is a matter you should negotiate with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on AMLs to compare the terms and conditions.

Another flexible feature of the AML is that the regular payment amount may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, Federal regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate such terms with the lender.

A third flexible feature of the AML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when, because of adjustments to the interest rate, the payment amount is either too small to cover interest due on the loan, or larger than is necessary to pay off the loan over the remaining term of the loan.

The final flexible feature of the AML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.

The combination of these four basic features allows an association to offer a variety of mortgage loans. For example, one type of loan could permit rate adjustments with corresponding changes in the payment amount. Alternatively, a loan could permit rate adjustments to occur more frequently than payment adjustments, limit the amount by which the payment could be adjusted, and/or provide for corresponding adjustments to the principal loan balance.

Index

Adjustments to the interest rate of an AML must correspond directly to the movement of an index, subject to such rate-adjustment limitations as may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although taking such an increase is optional by the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

[Name and description of index to be used for applicant's loan, initial index value (if known) or date of initial index value, a source or sources where the index may be readily obtained by the borrower, and the high and low index rates during the previous calendar year.]

KEY TERMS OF FEDERAL SAVINGS AND LOAN ASSOCIATION'S ADJUSTABLE MORTGAGE LOAN

Following is a summary of the basic terms on the type of AML to be offered to you. This summary is intended for reference purposes only. Important information relating specifically to your loan will be contained in the loan agreement.

[Provide summary of basic terms of the loan, including the loan term, the frequency of rate changes, the frequency of payment changes, the maximum rate change, if any, at one time, the maximum rate change, if any, over the life of the loan, the maximum payment change, if any, at one time, minimum increments, if any, of rate changes, and whether there will be adjustments to the principal loan balance, in the following format:
Loan term _____
Frequency of rate changes _____
Frequency of payment changes _____]

How Your Adjustable Mortgage Loan Would Work

Initial Interest Rate

The initial interest rate offered by _____ Federal Savings and Loan Association on your AML will be established and disclosed to you on [commitment date, etc.] based on market conditions at the time.

[Insert a short description of each of the key terms of the type of AML to be offered to the borrower, using headings where appropriate.]

Notice of Payment Adjustments

_____ Federal Savings and Loan Association will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. [Describe what information the notice will contain.]

Prepayment Penalty

You may prepay an AML in whole or in part *without penalty at any time* during the term of the loan.

Fees

You will be charged fees by _____ Federal Savings and Loan Association and by other persons in connection with the origination of

your AML. The association will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly-scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan term initiated by the lender.

Example of Operation of Your Type of AML

[Set out an example of the operation of the type of AML to be offered to the borrower, including, where appropriate, the use of a table.]

(g) *Transition period.* Until July 31, 1981, associations may continue to make, purchase, participate or otherwise deal in variable-rate mortgage loans pursuant to § 545.6-4(c) of this Part or renegotiable-rate mortgage loans pursuant to § 545.6-4a of this Part, as those sections were constituted prior to April 30, 1981.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13094 Filed 4-29-81; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

[IRPS 81-3]

Statement of Interpretation and Policy; State Chartered Federally Insured Credit Unions as "Most Favored Lenders"

AGENCY: National Credit Union Administration.

ACTION: Statement of Interpretation and Policy.

SUMMARY: In IRPS 80-11 NCUA stated that it would interpret Section 205(g)(1) of the Federal Credit Union Act to accord "most favored lender" status to a state chartered federally insured credit union. This status would be triggered only when the interest rate the credit union could normally charge on a loan was less than the discount rate plus one percent. If triggered, this status would apply only when the credit union granted a loan other than a first mortgage loan, a business loan of \$1000 or more, or an agricultural loan of \$1000 or more. This document replaces IRPS 80-11. It removes the trigger mechanism and states that the "most favored lender" status will apply to any loan the credit union grants.

EFFECTIVE DATE: April 1, 1980 (the effective date of Pub. L. 96-221).

FOR FURTHER INFORMATION CONTACT:

John L. Culhane, Jr., Senior Attorney, or Barbara A. Burrows, Attorney-Advisor, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456. Telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Pub. L. 96-221, the Depository Institutions Deregulation and Monetary Control Act of 1980, added Section 205(g)(1) to the Federal Credit Union Act. Section 205(g)(1) reads as follows:

If the applicable rate prescribed in this subsection exceeds the rate an insured credit union would be permitted to charge in the absence of this subsection, such credit union may, notwithstanding any State constitution or statute which is hereby preempted for the purposes of this subsection, take, receive, reserve, and charge on any loan, interest at a rate of not more than 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve District where such credit union is located or at the rate allowed by the laws of the State, territory, or district where such credit union is located, whichever may be greater.

In IRPS 80-11 NCUA stated that it would interpret this Section to grant "most favored lender" status to state chartered federally insured credit unions. This status would be triggered whenever one per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve District where a credit union was located was higher than the rate the credit union could normally charge on a loan other than a first mortgage loan, a business loan of \$1000 or more, or an agricultural loan of \$1000 or more. Once triggered, the credit union would have two options. It could charge up to one per centum in excess of that discount rate or it could charge any rate any other lender could charge on that loan under state law, whichever would be greater. 45 FR 78624 (1980).

After the IRPS was published, credit unions and credit union trade associations requested that NCUA reconsider certain aspects of its interpretation. While the commenters agreed with NCUA that Section 205(g)(1) grants "most favored lender" status to state chartered federally insured credit unions, they argued for certain changes in the interpretation. Two of the commenters' arguments are being addressed in this IRPS. First, they argued that the statute could be interpreted in such a way as to eliminate the trigger mechanism. Second, they

argued that the statute could be interpreted in such a way as to accord "most favored lender" status regardless of the type of loan being granted.

The trigger mechanism was imposed based on NCUA's interpretation of the phrase, "the applicable rate prescribed in this subsection." Although noting that the phrase was not entirely clear, NCUA interpreted the phrase to refer to one percent over the discount rate for ninety-day commercial paper, as that rate was the only rate specifically set out in Section 205(g)(1). In addition, this interpretation seemed to be consistent with certain references in the legislative history of Pub. L. 96-221. See Conf. Rep. No. 842, 96th Cong., 2d Sess. 78 (1980).

The commenters argued that an equally supportable reading of the phrase would be that "the applicable rate prescribed in this subsection" refers both to one percent over the discount rate for ninety-day commercial paper and to the rate allowed by the laws of the state, territory, or district where the credit union is located. It was further argued that this interpretation would be more consistent with the Congressional intent of placing state chartered federally insured credit unions in parity with national banks. And it was also argued that this interpretation would avoid the operational problems associated with a trigger mechanism. The NCUA Board is persuaded by these arguments and has revised its interpretation accordingly.

The limitation on the loans that could be granted by a credit union as a "most favored lender" was imposed based on NCUA's interpretation of the structure of Title V of Pub. L. 96-221. Title V contained three parts. Part A was entitled, "Mortgage Usury Laws." Part B was entitled, "Business and Agricultural Loans." Part C was entitled, "Other Loans." Section 205(g)(1) was added by Part C; hence it appeared that it applied only to loans that were not covered by Parts A or B.

The commenters argued that an equally supportable reading would be that a loan could be made at the greatest rate permissible under either Parts A, B, or C. It was further argued that this interpretation would be more consistent with the Congressional intent of placing state chartered federally insured credit unions in parity with national banks. And it was also argued that this interpretation was supported by Section 528 of Pub. L. 96-221 which, in pertinent part, states that: "In any case in which one or more provisions of, or amendments made by . . . this title [i.e. Title V] . . . apply with respect to the same loan, mortgage, credit sale, or

advance, such loan, mortgage, credit sale, or advance may be made at the highest possible rate." The NCUA Board finds these arguments persuasive and has revised its interpretive ruling accordingly.

However, the Board once again cautions state chartered federally insured credit unions that Section 525 of Pub. L. 96-221 permits a state to elect not to have Section 205(g)(1) of the Federal Credit Union Act apply in that state. Before granting loans under the authority of Section 205(g)(1) and this interpretive ruling, a state credit union should contact its state supervisory agency to determine whether or not Section 205(g)(1) has been superceded.

According to the NCUA Board cancels IRPS No. 80-11 and in its place adopts the following.

Text of Statement of Interpretation and Policy [IRPS 81-3]

Section 205(g)(1) of the Federal Credit Union Act states that:

If the applicable rate prescribed in this subsection exceeds the rate an insured credit union would be permitted to charge in the absence of this subsection, such credit union may, notwithstanding any State constitution or statute which is hereby preempted for the purposes of this subsection, take, receive, reserve, and charge on any loan, interest at a rate of not more than 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where the insured credit union is located or at the rate allowed by the laws of the State, territory, or district where such credit union is located, whichever may be greater.

NCUA interprets this Section to grant "most favored lender" status to state chartered federally insured credit unions. On any particular class of loans, state chartered federally insured credit unions may charge interest at a rate not to exceed the greater of one percent over the discount rate on ninety-day commercial paper or the rate allowed to the "most favored lender" on the particular class of loans under state law, provided the greater of either of these rates exceeds the rate state chartered federally insured credit unions are normally permitted to charge under state law.

Rosemary Brady,

Secretary NCUA Board.

April 24, 1981.

[FR Doc. 81-12999 Filed 4-29-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-41-AD; Amdt. 39-4092]

Puritan-Bennett Aero Systems Co.;
Airworthiness DirectivesAGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing Airworthiness Directive Amendment 39-4017, (46 FR 3495), AD 81-02-03, as amended by Amendment 39-4066, (46 FR 16888), which requires replacement of regulator diaphragms in certain Puritan-Bennett Aero Systems Company (PBASCo) oxygen masks. After issuing Amendment 39-4066, the agency was advised by the manufacturer that additional oxygen masks may have been delivered with improper diaphragms. The superseding is necessary to revise the AD applicability by adding 97 serial numbers of masks.

DATES: Effective April 30, 1981.

Compliance schedule—Within 120 calendar days from the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Puritan-Bennett Aero Systems Co., 111 Penn Street, El Segundo, California 90245.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 8W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This supersedes Amendment 39-4017, (46 FR 3495), AD 80-02-03, as amended by Amendment 39-4066, (46 FR 16888), which was adopted in accordance with NPRM procedures. A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring replacement of the oversized diaphragm in certain PBASCo

oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series was published in the Federal Register at 45 FR 59904. The proposal was prompted by an FAA determination that certain regulators on PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series contain oversized diaphragms. Under certain conditions, an oversized diaphragm can cause the regulator inlet valve either to leak or to develop positive pressure within the facecone. Although the regulator may work properly in normal usage, it can develop one of the above conditions without warning. There is no reliable field test method for determining when or where the mask will develop the problems. Since this condition is likely to exist or develop on other oxygen masks of the same type design, this AD requires replacement of the oversized diaphragm in certain PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series.

Interested persons have been afforded the opportunity to participate in the making of this Amendment 39-4017, which was amended by Amendment 39-4066. No objections were received. However, after issuing Amendment 39-4066, the FAA was advised by the manufacturer that PBASCo masks P/N 174010-03, S/N 294 through 390, should have been included in the applicability statement. In addition, it has come to light that initially PBASCo did not serialize the oxygen masks. These masks, without serial numbers, are not included in the AD because they were delivered long before the oversized diaphragm was designed and they have the satisfactory diaphragm installed. Therefore, the FAA is superseding Amendment 39-4017, as amended by Amendment 39-4066, to designate all known oxygen masks, including the additional oxygen masks, which, if previously identified to the agency, would have been originally included in the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Puritan-Bennett Aero System Company: Applies to Puritan-Bennett Aero Systems Company oxygen masks P/N 174039, 174010-

01, 174010-03, and ZMR100 series as listed below.

Note.—Masks manufactured without serial numbers are not affected by this AD.

S/N for P/N 174039

0001 through 0012

S/N for P/N 174010-01 and 174010-03

00100 through 00144

146, 147, 149

00150 through 00194

195 through 259

261 through 273

275 through 292

294 through 390

S/N for P/N ZMR100 series

6603 through 7234.

Compliance required as indicated, unless already accomplished.

To prevent the regulator inlet valve from causing either leakage or positive pressure within the facecone, accomplish the following:

(a) Within 120 calendar days from the effective date of this Airworthiness Directive, remove diaphragm assembly P/N F334-1001-1 and install diaphragm assembly P/N F334-1001-1 modified to include diaphragm and plate assembly P/N F334-1003-1, Revision E.

(b) After modification per paragraph (a) of this AD, permanently mark letter "M" at the end of or beneath the mask serial number. This serial number is located under the face cushion on the left-hand side of the hardshell on the 174039 and ZMR100 series masks, and on the back surface of the head harness on the 174010-01 and 174010-03 masks.

(c) The modified diaphragm replacement of paragraph (a) of this AD shall be accomplished by returning the mask to Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245. However, this replacement in the ZMR100 series masks listed below may be accomplished in the field in accordance with the following Puritan-Bennett Aero System ATA Component Maintenance Manuals:

35-10-25 for the ZMR160 mask
35-10-27 for the ZMR129 mask
35-10-28 for the ZMR129-1 mask
35-10-29 for the ZMR118 mask

Note.—Puritan-Bennett Aero Systems Company Service Bulletin No. 1, dated April 15, 1980, pertains to the subject of this Airworthiness Directive.

Alternate inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This AD supersedes amendment 39-4017, (46 FR 3495) AD 81-02-03, as amended by amendment 39-4066 (46 FR 16888).

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to:

Puritan-Bennett Aero Systems Co., 111 Penn Street, El Segundo, California 90245.

These documents may also be examined at: FAA Western Region Office, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261; and at:

FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591.

An historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region Office.

This amendment becomes effective April 30, 1981.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The amendment is not a major rule under Section 1(b) and 8 of the Executive Order 12291. This amendment only effects 930 oxygen masks and involves approximately \$56,000.00 in related costs. It has been determined under the criteria of the Regulatory Flexibility Act this rule, as promulgated, will not have a significant impact on a substantial number of small entities.

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

Issued in Los Angeles, Calif., on April 6, 1981.

John D. Mattson,
Director, FAA Western Region.

Note.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on January 19, 1967.

[FR Doc. 81-12781 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

AD requires inspection of the leg-to-ring welded junction of the tail rotor gearbox tripod mount assembly for cracks, replacement as necessary, and installation of tail ballast. The AD is necessary to prevent failure of the tail rotor gearbox tripod mount assembly, which could result in loss of control of the helicopter.

DATES: Effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by the telegraphic AD issued May 25, 1979, which contained this amendment.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable manufacturer's service literature may be obtained from: Societe Nationale Industrielle Aerospatiale (SNIAS), 37, Blvd. de Montmorency, 75781 Paris Cedex 16, France.

A copy of the manufacturer's service literature is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: On May 18, 1979, a telegraphic airworthiness directive was issued and made effective immediately as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters. The AD required inspection of the leg-to-ring welded junctions of the tail rotor gearbox tripod mount assembly for cracks, replacement as necessary, and repetitive inspections. The AD was superseded on May 25, 1979, by a telegraphic AD which required an additional inspection of the mount assembly using the dye penetrant method, and installation of tail ballast, as well as clarification of the repetitive inspection schedule, the applicability statement, and the need to use new mount assemblies for replacements. AD action was necessary to prevent failure of the tail rotor gearbox tripod mount assembly, which could result in loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. owners and operators

of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters by individual telegrams issued May 25, 1979. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. Editorial changes have been made to the AD for purposes of clarification.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model SA 365C series helicopters, certificated in all categories, which have skid type landing gear P/N 365A82.1370 and/or P/N 365A82.1400 installed, and either do not have tail ballast installed in accordance with Aerospatiale Drawing 365MR0351, or are not modified in accordance with Aerospatiale Service Bulletin Dauphin No. 53.04, dated May 10, 1979.

Compliance required as indicated, unless already accomplished.

To prevent failure of the tail rotor gearbox tripod mount assembly, accomplish the following:

(a) Within the next five hours time in service after the effective date of this AD, and every five hours thereafter, and prior to the first flight of each day, inspect the tail rotor gearbox tripod mount assembly, P/N 360A23.0024 (hereinafter referred to as TRGB mount assembly) for cracks in accordance with Aerospatiale Work Card No. 53.10.605, dated March 1979, or an FAA-approved equivalent.

(b) If any crack or cracks are found, remove the TRGB mount assembly from service and replace with a new TRGB mount assembly, and thereafter inspect in accordance with paragraph (a) until compliance with paragraph (c) is accomplished.

(c) Within the next 100 hours time in service:

(1) Incorporate a tail ballast weight in accordance with Aerospatiale Dauphin Service Bulletin No. 53.04, dated May 10, 1979, or an FAA-approved equivalent.

(2) Remove the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, dated March 1979, or an FAA-approved equivalent.

(3) Inspect the three leg-to-ring junction welds of the TRGB mount assembly for cracks using the dye penetrant method in accordance with Aerospatiale Standard Practice Manual, Section 02.80, dated August 1976, or an FAA-approved equivalent, and

(i) If no cracks are found, reinstall the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, dated March 1979, or an FAA-approved equivalent, and return to service.

14 CFR Part 39

[Docket No. 21683; Amdt. 39-4106]

Societe Nationale Industrielle Aerospatiale Model SA 365C Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters by individual telegrams. The

(ii) If any cracks are found, remove the TRGB mount assembly from service, replace with a new TRGB mount assembly, reinstall the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, or an FAA-approved equivalent, and return to service.

(d) After accomplishment of paragraph (c) of this AD, the inspection requirements of this AD may be discontinued.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by the telegraphic AD issued May 25, 1979, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

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

Issued in Washington, D.C., on April 21, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12790 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-19-AD, Amdt. No. 39-4098]

Airworthiness Directive: Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides terminating action by amending an existing Airworthiness Directive (AD) applicable to Lockheed-California Company Model L-1011-385 series airplanes by providing for the replacement of main landing gear truck pivot pins and pivot pin journal bushings. This amendment is needed to establish terminating action information which will provide relief for operators affected by the original AD.

DATES: Effective date May 22, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1. Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Chimere, Aerospace Engineer, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6359.

SUPPLEMENTARY INFORMATION: Amendment 39-3629 (44 FR 69279), AD 79-25-02, requires visual checks and inspections of the main landing gear piston clevis lugs, including the web area directly above the lugs on the main landing gear assemblies of Lockheed-California Company Model L-1011-385-1 series airplanes. After issuing Amendment 39-3629, the FAA evaluated substantiating data and additional

service instructions prepared by the manufacturer and determined that the procedures and replacements as set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, provide alternate means of compliance with the inspection requirements of the original AD, including actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the FAA is amending Amendment 39-3629 to provide for the installation of main landing gear truck beam and shock strut piston pivot pin and bushings according to the procedures set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981.

Since this amendment provides an alternative means of compliance, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3629 (44 FR 69279), by renumbering paragraphs (c), and (d) of AD 79-25-02 to (d) and (e) respectively and adding a new paragraph (c) as follows identical to paragraph (c) in this amendment.

(c) Installation and/or modification of the main landing gear uplock snubber, truck pivot pin and bushings using Kits 1630462-101, -103, -105, and -107 or alternate Kits 1630462-109, -111, -113, and -115 per Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981.

constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

This amendment becomes effective May 22, 1981.

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

Note.—Since the regulatory action involves amendments which are relieving in nature: The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); it is not major under the provisions of Executive Order 12291; the preparation of a regulatory evaluation is not warranted.

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

Issued in Seattle, Wash., on April 17, 1981.

Charles R. Foster,

Northwest Region.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-12986 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-18-AD, Amdt. 39-4097]

Airworthiness Directive: Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides terminating action by amending an existing Airworthiness Directive (AD) applicable to Lockheed-California Company Model L-1011-385 series airplanes by providing for the replacement of main landing gear truck pivot pins and pivot pin journal bushings. This amendment is needed to establish terminating action information which will provide relief for operators affected by the original AD.

DATES: Effective date May 22, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1. Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Chimierine, Aerospace Engineer, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification

Office, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-8359.

SUPPLEMENTARY INFORMATION:

Amendment 39-3448 (44 FR 23819), AD 79-08-04, requires visual checks and inspections of the main landing gear truck pivot pins and replacement of the pins, if necessary, on the main landing gear assemblies of Lockheed-California Company Model L-1011-385-1 series airplanes. After issuing Amendment 39-3448, the FAA evaluated substantiating data and additional service instructions prepared by the manufacturer and determined that the procedures and replacements as set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, provide alternate means of compliance with the inspection requirements of the original AD, including actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the FAA is amending Amendment 39-3448 to provide for the installation of main landing gear truck beam and shock strut piston pivot pin and bushings according to the procedures set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981.

Since this amendment provides an alternative means of compliance, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3448 (44 FR 23819), by renumbering paragraphs (d) and (e) of AD 79-08-04 to (e) and (f) respectively, and adding a new paragraph (d) as follows:

(d) Installation and/or modification of the main landing gear uplock snubber, truck pivot pin and bushings using Kits 1630482-101-103, -105, and -107 or alternate Kits 1630462-109, -111, -113, and -115 per Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California

92520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

This amendment becomes effective May 22, 1981.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), not major under the provisions of Executive Order 12291 and the preparation of a regulatory evaluation is not warranted since the regulatory action involves amendments which are relieving in nature, with a minimal anticipated manner.

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

Issued in Seattle, Wash., on April 17, 1981.

Charles R. Foster,

Northwest Region.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-12987 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NW-44-AD, Amdt. 39-4087]

Airworthiness Directives: Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Boeing Model 720/720B series airplanes by decreasing the initial inspection threshold for the wing lower skin splice stringers; and extending the applicability to the 707-300, -400, 300B, and 300C series. This action is necessary because cracks have been detected on 720 airplanes which had accumulated less than 18,000 landings as well as on a 707-400 airplane. This action is intended to prevent cracks from developing which would seriously compromise the structural capability of the wing lower surface.

DATE: Effective date May 17, 1981.

ADDRESSES: The service bulletins specified in this airworthiness directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

History

Airworthiness Directive (AD) 79-19-01 (44 FR 52676, September 10, 1979) requires inspection and repair, as necessary, of the wing lower skin splice stringers of Boeing 720/720B airplanes.

Recent inspections have revealed the following:

1. Many small cracks were found in the wing lower surface skin splice stringers of a Boeing 707-400. The cracks initiated from fastener holes in the splice stringers.

2. AD 79-19-01 required a mandatory inspection of all 720/720B airplanes. Cracks have been found in the same area of 720/720B airplanes with less than 18,000 landings.

A Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (45 FR 68661) on October 16, 1980, which proposed lowering the inspection thresholds, and extending the applicability of the AD to 707-300, -400, -300B, and 300C series airplanes.

Public Participation

All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given all matters presented. Only one comment was received.

Comment

The Air Transport Association of America (ATA) on behalf of American Airlines stated that the service experience at American on their B707-300B/300C airplanes had revealed on cracking of the stringer splices. They, therefore, believe it inappropriate to amend AD 79-19-01 to extend it to these airplanes.

While the adverse service experience was discovered on a B707-400 airplane, the structural similarity between the B707-400 and the B707-300, 300B, and 300C series airplanes in the lower wing panels makes it reasonable to expect that the crack development will be

similar for all series. Since this condition, therefore, is likely to exist or develop in other products of the same type design, the rule, as proposed, is adopted. It is estimated 170 US registered aircraft will be affected by this AD, that it will take approximately 8 manhours per aircraft to accomplish the required actions and that the average labor cost per manhour will be \$35. Based on these figures, the total cost impact of this AD is estimated to be \$47,600 per inspection for the fleet.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 79-19-01 (Amdt. 39-3556, 44 FR 52676), as follows:

Delete paragraph A and the applicability sentence which precedes it and replace with the following:

Boeing: Applies to all Boeing 720/720B, 707-300, 707-400, 707-300B, and 707-300C series airplanes.

A. After the effective date of this Amendment, perform a low frequency eddy current inspection for cracks in the wing lower surface splice stringers in accordance with Boeing Service Bulletin 3226 Revision 4, dated October 17, 1980, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office. The inspections are to be made at the threshold times within the prescribed initial interval and repetitive intervals shown below.

Airplane	Threshold (landings)	Initial inspection (landings)		Repetitive interval (landings)
		Within	Unless accomplished within the last	
720/720B	14,000	715	715	1,430
707-300/400	21,000	1,675	1,675	3,350
707-300B	19,000	1,425	1,425	2,850
707-300C	17,000	725	725	1,450
707-300C (passenger only)	17,000	1,425	1,425	2,850

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. A final regulatory evaluation prepared for this action is contained in the regulatory docket and summarized earlier in this rule. A copy of it

may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on April 2, 1981.

Charles R. Foster,
Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1987.

[FR Doc. 81-12988 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21682, Amdt. 39-4105]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes by individual telegrams. The AD requires initial and repetitive inspections for cracks of the two rear attachment lugs of the landing gear brake control pedal position transmitter brace assembly, and replacement or modification of the brace assembly prior to further flight if cracks are found. The AD is necessary to prevent possible reduction in braking performance.

DATES: Effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-16-52, issued August 1, 1980, which contained this amendment. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. A copy of each service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American

Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: On August 1, 1980, telegraphic AD T80-16-52 was issued and made effective immediately as to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes. The AD was issued following reported failures of the two rear attachment lugs of the brake control pedal position transmitter brace assembly. The AD required initial and repetitive inspections for cracks of the two rear attachment lugs of the landing gear brake control pedal position transmitter brace assembly, and replacement or modification of the brace assembly prior to further flight, if cracks are found. AD action was necessary because cracking or failure of the lugs could cause reduction in braking performance and subsequent inability of the flight crew to bring the airplane to a safe stop following a landing or rejected takeoff.

Subsequent to issuance of the telegraphic AD, the FAA became aware that certain serial numbers in the applicability statement should not have been included. The amendment, as adopted, includes this correction. In addition, the FAA became aware that the preventive modification may be accomplished on an uncracked P/N A3241000000002 brace assembly in addition to a P/N A3241000000003 brace assembly. The amendment, as adopted, incorporates this alternate action. These changes are relieving in nature and therefore notice and public procedure thereon is unnecessary. Editorial changes have also been made for ease of reading.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued August 1, 1980, to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

§ 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, serial numbers 002 through 095 inclusive, except serial numbers 058, 061, 080, 082, 089, 090 and 094, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent reduction in brake performance, accomplish the following:

(a) Within the next 50 landings after the effective date of this AD, and thereafter at intervals not to exceed 50 landings, visually inspect the two rear attachment lugs of brake pedal position transmitter cast brace assembly, P/N A3241000000002 or A3241000000003, for cracks in accordance with Airbus Industrie Service Bulletin A300-32-264, dated May 27, 1980, or an FAA-approved equivalent. Report defects found to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(b) If a crack or cracks are found as a result of any inspection required by paragraph (a) of this AD, replace the brace assembly prior to further flight with a serviceable brace assembly.

(c) The inspections required by paragraph (a) of this AD may be discontinued after installation of a cast brace assembly modified in accordance with Airbus Industrie Service Bulletin A300-32-267, dated July 4, 1980, or an FAA-approved equivalent.

(d) Airplanes may be ferried in accordance with FAR §§ 21.197 and 21.199 to a facility where inspections and repairs can be accomplished.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 30, 1981, as to all persons except those persons to whom it was immediately effective by telegraphic AD T80-16-52, issued August 1, 1980, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order

12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

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

Issued in Washington, D.C., on April 21, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12994 Filed 4-29-81; 8:45 am]

BILLING CODE 4810-13-M

14 CFR Part 39

[Docket No. 72-WE-8 AD, Amdt. 39-4085]

Beech Model C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM and 3TM; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Beech aircraft modified in accordance with Volpar Supplemental Type Certificate (STC) SA4-1531, SA111WE, SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-gear Installation by increasing the number of landings allowed between the repetitive inspections specified in the AD. The service history has shown that the requirements of the AD can be relaxed and the requirements of safety can be served with an increased number of landings between inspections.

DATE: Effective April 16, 1981.

Compliance schedule.—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Same as original.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-1494, (37 FR 15421), AD 72-16-02, as amended by Amendment 39-1549, (37 FR 23418), as amended by Amendment 39-2211, (40 FR 22124) which currently requires repetitive inspections for cracks in the landing gear for airplanes incorporating Volpar Tri-gear Installation on certain Beech series airplanes. Based on the subsequent service history, the FAA has determined that the number of landings between inspections can be increased without compromising safety. Therefore, the FAA is further amending Amendment 39-1494, as amended by Amendment 39-1549, as amended by Amendment 39-2211 by increasing the number of landings allowed between repetitive inspections on Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6N, 3N, 3NM, and 3TM aircraft modified in accordance with Supplemental Type Certificate (STC) SA4-1531, STC SA111WE, STC SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-gear Installation.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by further amending Amendment 39-1494, (37 FR 15421), AD 72-16-02, as amended by Amendment 39-1549, (37

FR 23418), as amended by Amendment 39-2211, (40 FR 22124) by revising paragraph 1.a. of the amendment to read, in pertinent part, as follows:

and thereafter at intervals not to exceed 100 hours time in service or 70 landings

Amendment 39-1494 became effective August 3, 1972.

Amendment 39-1549 became effective November 3, 1972.

Amendment 39-2211 became effective May 27, 1975.

This amendment becomes effective April 30, 1981.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This amendment is not a major rule under Sections 1.(b) and 8. of the Executive Order 12291. The amendment to the AD is relieving in that it allows an increase in the number of landings allowed between inspections. It has been determined under the criteria of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities. 5 U.S.C. 605.

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

Issued in Los Angeles, Calif., on March 31, 1981.

John Mattson,
Director, FAA Western Region.

[FR Doc. 81-12805 Filed 4-29-81; 8:48 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AEA-1]

Amendment to North Atlantic Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action expands the North Atlantic control area to provide additional control area airspace offshore. This action will ensure efficient joint use of warning area airspace by permitting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT:

George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to expand the North Atlantic control area as published in the *Federal Register* (46 FR 12985) to coincide with scheduled expansions of Warning Areas W-72 and W-386 by separate nonregulatory action. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. This rule is the same as that proposed in the notice. Section 71.163 was republished on January 2, 1981 (46 FR 449).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations expands the North Atlantic control area to coincide with the scheduled expansion of Warning Areas W-72 and W-386 by separate nonregulatory action. The North Atlantic Control Area is one of several additional control areas which are categories of controlled airspace designated for the purpose of extending the application of domestic air traffic control procedures into offshore airspace. This action allows for a more efficient civil joint use of the airspace defined as the North Atlantic Control Area by using these domestic procedures rather than oceanic air traffic control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the North Atlantic Control Area under § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449), is amended, effective 0901 G.m.t., June 11, 1981, by revising the description to read as follows:

That airspace extending upward from 2,000 feet MSL within the area bounded by a line beginning at Lat. 35°29'30" N., Long. 75°24'50" W.; thence along a line 3 NM east of and parallel to the U.S. shoreline to Lat. 41°40'00" N.; thence to Lat. 41°40'00" N., Long. 67°00'00" W.; to Lat. 39°00'00" N., Long. 67°00'00" W.; to Lat. 38°35'00" N., Long. 68°53'00" W.; to Lat. 38°20'00" N., Long. 69°57'00" W.; to Lat.

37°31'00" N., Long. 71°41'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 35°05'35" N., Long. 72°40'00" W.; to Lat. 34°29'17" N., Long. 73°34'23" W.; to Lat. 34°33'10" N., Long. 73°40'50" W.; to Lat. 34°21'18" N., Long. 73°58'53" W.; to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 7, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12768 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-13]

Alteration of Control Zone; Little Rock, Arkansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zone at Little Rock, Arkansas (Adams). The intended effect of the amendment is to eliminate unnecessary controlled airspace for aircraft executing instrument approach procedures to Adams Field Airport. This amendment is necessary since a review of controlled airspace at Little Rock, Arkansas (Adams) revealed it is in excess of that needed for aircraft arriving/departing the Adams Field Airport.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (917) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) the Little Rock, Arkansas, control zone is designated for

the protection of aircraft executing instrument approach procedures to the Adams Field Airport. A review of the required airspace disclosed that the control zone description is in excess of that required. Therefore, this action reduces the size of the control zone. This action will release the constraints and, in effect, the impact on the user imposed by the control zone. Therefore, public circularization of this action was not considered necessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, June 11, 1981, as follows:

Little Rock, Arkansas (Adams)

Within a 5-mile radius of Adams Field (latitude 34°43'49" N., longitude 92°13'59" W.), (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12413 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ANW-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone Oak Harbor, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The nature of the action being taken is alteration of the control zone at Oak Harbor. The intended effect of the action is to release controlled airspace which will result in more efficient utilization of the affected airspace. The circumstances which

created the need for the action is the reevaluation of the airspace requirements at Oak Harbor.

DATES: Effective date: June 11, 1981.

Comment date: Comments must be received on or before May 30, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

The airspace requirements for the Oak Harbor Airport were reevaluated and it was determined that the present five mile radius control zone could be reduced to a three mile radius zone with a two mile extension to the east. Reduction of the controlled airspace will not eliminate that required for the protection of aircraft executing instrument procedures at the Oak Harbor Airport. Since this action results in increased public access to the affected airspace, notice and public procedures are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, June 11, 1981, as follows:

Oak Harbor, Washington

Replace description in its entirety and substitute: "within a 3 mile radius of the Oak Harbor Airport (latitude 48°15'06"N, longitude 122°40'40"W), excluding the portion within the Whidbey Island, Washington, Control Zone; within 2.5 miles each side of the 091° bearing from the airport extending from the 3 mile radius zone to 5 miles

east of the airport. The control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Washington, April 1, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12630 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-NE-10]

Amend the Effective Hours of the Lawrence, Massachusetts, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Lawrence, Massachusetts, Control Zone by changing the effective hours to coincide with the period of operation of the Control Tower. A recent conversion in time of operation of the Lawrence Control Tower necessitates this change.

DATES: Effective date: April 21, 1981.

Comment date: Comments on the Rule must be received on or before June 21, 1981.

ADDRESS: Send comments to Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: As the hours of operation of the Lawrence Control Tower have been changed, it is necessary to change the present

description of the Lawrence, Massachusetts, Control Zone so that the effective hours will coincide with the period of operation of the Control Tower.

Request for Comments on the Rule

Although this action is in the form of a Final Rule, which was not preceded by notice and public procedure, comments are invited on the Rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the Rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the Rule that might suggest the need to modify the Rule.

The Rule

The FAA is amending subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Lawrence, Massachusetts, Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

§ 71.171 [Amended]

1. Amend § 71.171 of the Federal Aviation Regulations so as to amend the description of the Lawrence, Massachusetts, Control Zone by removing:

"The Lawrence Control Zone will be effective from 0700 to 2300 . . ."

and inserting in lieu thereof:

"The Lawrence Control Zone will be effective from 0800 to 1800 hours (local time) daily or during the specific dates and times established in advance by a Notice to Airmen which, thereafter, will be continuously published in the Airport Facility Directory."

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

(Secs. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under the provisions of Department of Transportation Regulatory and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on April 8, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-12616 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ARM-22]

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the control zone and 700' and 1,200' transition areas at Williston, North Dakota, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 29 standard instrument approach procedure (SIAP) developed for the Sloulin Field International Airport, Williston, North Dakota.

EFFECTIVE DATE: 0901 GMT, June 11, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 19, 1981, the FAA published for comment (46 FR 4946) a proposal to alter the control zone and 700' and 1,200' transition areas at Williston, North Dakota. The only comments received as a result of the circular expressed no objection.

Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) alters the control zone and 700' and 1,200' transition areas at Williston, North Dakota, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 29 standard instrument approach procedure developed for the Sloulin

Field International Airport, Williston, North Dakota.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart F, § 71.171 so as to alter the following control zone to read:

Williston, North Dakota

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'37" N., longitude 103°38'18" W.); within 1.5 miles each side of the Williston VORTAC 136° radial, extending from the 5-mile radius area to 1.5 miles southeast of the Williston VORTAC, and within 2 miles north and 3 miles south of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius area to 10 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.

By amending Subpart G, § 71.181 so as to alter the following transition area to read:

Williston, North Dakota

That airspace extending upward from 700' above the surface within a 10-mile radius of the Sloulin Field International Airport (latitude 48°10'37" N., longitude 103°38'18" W.); within 3.5 miles each side of the Williston VORTAC 316° radial, extending from the 10-mile radius area to 11.5 miles northwest of the VORTAC; within 3.5 miles north and 5.5 miles south of the 126° bearing from the Sloulin Field International Airport extending from the 10-mile radius area to 16 miles southeast of the airport; and that airspace extending upward from 1,200' above the surface within a 25-mile radius of the Williston VORTAC (latitude 48°15'12" N., longitude 103°45'01" W.) extending from the west edge of V-439 clockwise to the north edge of V-430, and within 45 miles of the Williston VORTAC extending from the south edge of V-430 clockwise to the east edge of V-439 excluding the Watford and Newtown 1,200' transition areas.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures [44 FR

11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 27, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-12776 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Docket No. 81-AAL-1]

Redescription of Control Zone; Anchorage, Alaska (Anchorage International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Anchorage International Airport geographical reference point has been changed because a new runway was commissioned. This amendment redescribes the Anchorage, Alaska (Anchorage International Airport) control zone based upon the new reference point. This change will not affect controlled airspace volume, but will result in slight shifting to the northwest of the 5-mile radius control boundaries.

DATES: Effective date: June 11, 1981.

Comment date: Comments must be received on or before July 27, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attn.: Chief, Air Traffic Division, Docket No. 81-AAL-1, 701 C Street, Box 14, Anchorage, Alaska 99513.

Comments may be examined in the Rules Docket, weekdays except Federal Holidays, between 8:00 a.m. and 4:30 p.m.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513.

An informal docket may be examined at the office of the Chief, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, it prescribes only a minor change in the Anchorage International Airport control zone boundary and will not cause additional constraints on the public; and, thus, was not preceded by notice and public procedure. Comments are however invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide a factual basis to support the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

History

The Anchorage International Airport recently commissioned a new runway which required that the airport reference point be reestablished at coordinates latitude 61°10'39"N., longitude 149°59'38"W. Because portions of the boundaries of the Anchorage International Airport control zone are based on a radius from the airport reference point, it is necessary to redescribe the control zone based upon the reestablished airport reference point. The volume of controlled airspace will remain the same, but the five-mile radius boundaries would move approximately ½-mile northwest.

The Rule

This amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) redescribes the Anchorage International Airport control zone based upon a revised airport reference point.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71), as republished (46 FR 455), is amended, effective 0901 G.m.t. June 11, 1981, by amending Anchorage, Alaska (Anchorage International Airport) control zone by deleting the coordinates "(Latitude 61°10'16"N., longitude 149°58'38"W.)" and substituting coordinates "(latitude 61°10'39"N., longitude 149°59'38"W.)" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958, (49 U.S.C. § 1348(a) and § 1354(a);

Sec. 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a 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 and it is not a major rule under Executive Order 12291.

Issued in Anchorage, Alaska, on April 2, 1981.

Garland P. Castleberry,
Acting Director, Alaskan Region.

[FR Doc. 81-12634 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ARM-15]

Establishment of Control Zone: Provo, Utah

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Provo, Utah, to provide controlled airspace for aircraft executing the new instrument landing system (ILS) standard instrument approach procedure (SIAP) developed for the Provo Municipal Airport, Provo, Utah.

EFFECTIVE DATE: 0901 G.m.t. June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 19, 1981, the FAA published for comment (46 FR 4945) a proposal to establish a control zone at the Provo Municipal Airport, Provo, Utah. The only comments received as a result of the circular expressed no objection.

Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) establishes a control zone for the Provo Municipal Airport, Provo, Utah to provide controlled airspace for aircraft executing the new ILS standard instrument approach procedure.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart F, § 71.171 so as to establish the following control zone to read:

Provo, Utah

Within a 5-mile radius of Provo Municipal Airport (latitude 40°12'58" N, longitude 111°43'14" W). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter to be continuously published in the Airport/Facility Directory.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures (44 FR 11034)) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 27, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-12777 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-14]

Designation of Control Zone, Burns, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Burns, Oregon, to provide controlled airspace to protect aircraft executing instrument operations at the Burns Municipal Airport. Weather observation and reporting is now available at the airport and complete the criteria needed for control zone establishment.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist

(ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On January 8, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a part-time control zone at Burns, Oregon (46 FR 2085). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. This is the same amendment as that proposed in the notice. Section 71.171 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 455).

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t., June 11, 1981, by adding a control zone at Burns, Oregon, to read as follows: Burns, Oregon

Within a 5 mile radius of the Burns Municipal Airport (latitude 43°35'32"N, longitude 118°57'14"W); and within 2 miles each side of the Wildhorse VOR (latitude 43°35'36"N, longitude 118°57'14"W) 090° radial extending from the 5 mile radius zone to 9.5 miles east of the Wildhorse VOR; within 2.5 miles each side of the Wildhorse VOR 141° radial extending from the 5 mile radius zone to 9.5 miles southeast of the Wildhorse VOR; within 2 miles each side of the Wildhorse VOR 227° radial extending from the 5 mile radius zone to 8.5 miles southwest of the Wildhorse VOR. This control zone shall be effective during the times established by a Notice to Airmen and thereafter published continuously in the Airport/Facility Directory.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12778 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-11]

Designation of Control Zone; Coeur d'Alene, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Coeur d'Alene, Idaho, to provide controlled airspace to protect aircraft executing instrument operations at the Coeur d'Alene Municipal Airport. Weather observation and reporting is now available at the airport and complete the criteria needed for control zone establishment.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On February 9, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a part-time control zone at Coeur d'Alene, Idaho (46 FR 11555). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. This is the same amendment as that proposed in the notice. Section 71.171 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 455). No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t. June 11, 1981, by adding a control zone at Coeur d'Alene, Idaho, to read as follows: Coeur d'Alene, Idaho

Within a 5-mile radius of Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho (latitude 47°46'28"N, longitude 116°49'05"W); within 4 miles each side of the Coeur d'Alene VOR

251° radial extending from the 5 mile radius zone to 7 miles southwest of the airport. The control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region

[FR Doc. 81-12779 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-18]

Alteration of Pocatello and Idaho Falls, Idaho, Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action provides for controlled airspace for aircraft to operate on direct routes or on radar vectors throughout east central Idaho at altitudes considerably lower than the existing floor of controlled airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On December 11, 1980, a Notice of Proposed Rulemaking was published in the Federal Register (45 FR 81603) stating that the Federal Aviation Administration proposed to alter transition areas at Pocatello and Idaho Falls, Idaho. Interested persons were invited to participate in this rulemaking proceeding by submitting written

comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t. June 11, 1981, as follows:

Pocatello, Idaho

By amending Pocatello, Idaho, transition area by deleting all words after, "east of the VORTAC;" beginning on line 4.

Idaho Falls, Idaho

By amending Idaho Falls, Idaho, transition area by deleting all words after, "northeast of the VORTAC;" beginning on line 4 and substituting: "That airspace extending upward from 1200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00"W and the south edge of V298, extending east along V298 to the west edge of V465, southwest on V465 to the north edge of V4, west on V4 to the south edge of V269, then northeast on V269 to the INT of the 29-mile radius circle centered on the Pocatello, VORTAC, then clockwise via the 29-mile radius arc to latitude 43°05'40"N, longitude 113°08'00"W, then direct latitude 43°20'30"N, longitude 112°45'30"W, then direct latitude 43°32'00"N, longitude 112°35'00"W, then direct latitude 43°50'20"N, longitude 112°30'00"W, then direct to point of beginning, excluding that airspace within Federal Airways and the Jackson, WY, Burley, ID, transition areas."

(Sec. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12767 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 80-ANW-20]****Alteration of Transition Area, Medford, Oregon****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This action provides for controlled airspace for aircraft to operate on direct routes or on radar vectors throughout Northwest California and Southwest Oregon at altitudes considerably lower than the existing floor of controlled airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:**History**

On February 17, 1981, a Notice of Proposed Rulemaking was published in the *Federal Register* (46 FR 12501) stating that the Federal Aviation Administration proposed to alter transition area at Medford, Oregon. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t. June 11, 1981, as follows:

Medford, Oregon

Delete line 9 and remainder of description and substitute "west by the east edge of V23E; and that airspace west of the Medford VORTAC bounded on the north by the south edge of V287; on the west by the east edge of V27; on the south by the north edge of V122." (Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510; sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69))

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), since this action only involves an established body of

technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 2, 1981.

Charles R. Foster,*Director, Northwest Region.*

[FR Doc. 81-12840 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M**14 CFR Part 71****[Airspace Docket No. 80-ASW-55]****Alteration of VOR Federal Airways****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment alters part of VOR Federal Airway V-77E by revoking the segment between Pioneer, Okla., and Oklahoma City, Okla., and extending VOR Federal Airway V-354 from Pioneer via TRUMP, Okla., Intersection to Oklahoma City. This action improves traffic flow in the Oklahoma City terminal area.

EFFECTIVE DATE: June 11, 1981.**FOR FURTHER INFORMATION CONTACT:**

Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:**History**

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the segment of alternate airway V-77E between Pioneer, Okla., and Oklahoma City, Okla. In addition, V-354 has been extended from Pioneer to Oklahoma City via TRUMP, Okla., Intersection (46 FR 12982). This amendment permits more flexibility for maneuvering traffic in the Oklahoma City terminal area, thereby reducing delays and improving safety. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments have been received objecting to the proposal. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends part of V-77E by revoking that segment between Pioneer, Okla., and Oklahoma City, Okla., and extends V-354 from Pioneer via TRUMP, Okla., Intersection to Oklahoma City. This action will improve traffic flow in the terminal areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., June 11, 1981, as follows:

1. By amending V-77, by deleting the words "Pioneer, Okla., including an E alternate via INT Oklahoma City 037" and Pioneer 186° radials;" and substituting for them the words "Pioneer, Okla.;"

2. By amending V-354, by deleting the words "From Pioneer, Okla.;" and substituting for them the words "From Oklahoma City, Okla., via INT Oklahoma City 045" and Pioneer, Okla., 186° radials; Pioneer;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Polts,*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-12774 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M**14 CFR Part 71****[Airspace Docket No. 81-ASW-15]****Revocation of Transition Area; LaGrange, Tex.****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment will revoke the transition area at LaGrange, Texas. The intended effect of the amendment is to cancel controlled airspace for aircraft

executing an instrument approach procedure to the Rocky Creek Ranch Airport. This amendment is necessary to release controlled airspace previously designated for aircraft executing an instrument approach procedure. Since there is no instrument approach to this airport, the controlled airspace is not necessary.

EFFECTIVE DATE: June 11, 1981.

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

SUPPLEMENTARY INFORMATION: On June 15, 1966, a final rule was published in the Federal Register (31 FR 8358) stating that the Federal Aviation Administration proposed to designate the LaGrange, Texas, transition area. There is no current instrument approach procedure to this airport; the need for designated controlled airspace is unnecessary. Since this action releases controlled airspace for public use, I find that notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, by deleting the LaGrange, Texas, transition area.

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

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12018 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-14]

Revocation of Transition Area; Mullin, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment will revoke the transition area at Mullin, Texas. The intended effect of the amendment is to cancel controlled airspace for aircraft executing an instrument approach procedure to the Smokey Bend Ranch Airport. This amendment is necessary to release controlled airspace previously designated for aircraft executing an instrument approach procedure. The FAA has been notified that the proposed nondirectional radio beacon (NDB) will not be installed.

EFFECTIVE DATE: June 11, 1981.

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

SUPPLEMENTARY INFORMATION: On April 17, 1980, a final rule was published in the Federal Register (45 FR 26033) stating that the Federal Aviation Administration was designating the Mullin, Texas, transition area. Since this time, the sponsor has notified the FAA that the proposed NDB would not be installed, therefore, eliminating the need for the transition area. Since this action releases controlled airspace for public use, I find that notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, by deleting the Mullin, Texas, transition area.

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

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12017 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-45]

Alteration of Transition Area and Control Zone Amendment; Greenville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: In a rule published in the Federal Register on January 29, 1981, Vol. 46, page 9563, altering the transition area and control zone at Greenville, Texas, the statement that the control zone would be part-time was omitted from the description. This action corrects that error; thereby making the description of the control zone as intended for the protection of aircraft executing instrument approach procedures to the Majors Field Airport.

EFFECTIVE DATE: June 11, 1981.

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

SUPPLEMENTARY INFORMATION: Federal Register document 81-3301, published on January 29, 1981, (46 FR 9563) altered the transition area and control zone at Greenville, Texas, to designate the necessary controlled airspace for newly established instrument approach procedures. In describing the transition area and control zone, the statement at the end of the description which permits the airspace to be part-timed was inadvertently omitted. This amendment corrects the error. Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the Federal Register on January 2, 1981 (46 FR 455). Since this amendment is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In Federal Register Document No. 81-3301 as published in 46 FR 9563 on January 29, 1981, under Greenville, Texas, add the following: "This control zone is effective during the specified dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

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

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12626 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AWE-17]

Designation of New VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a new VOR Federal Airway V-388 between Paradise, Calif., and Palm Springs, Calif. V-388 permits a lower minimum en route altitude (MEA) in this area, thereby saving fuel, reducing controller workload, and increasing aviation safety.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the

Federal Aviation Regulations (14 CFR Part 71) to designate a new VOR Federal Airway V-388 from Paradise, Calif., to Palm Springs, Calif., via a north dogleg (46 FR 12983). This airway is designed to provide a route which permits a lower minimum en route altitude (MEA) between those terminal areas. The MEA for the current direct route is 13,000 feet MSL. This action increases aviation safety by providing a lower MEA, thereby saving fuel. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, and except as specifically discussed below, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a new VOR Federal Airway V-388 from Paradise, Calif., to Palm Springs, Calif. V-388 permits a lower minimum en route altitude (MEA), thereby increasing aviation safety and aids flight planning.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., June 11, 1981, by adding "V-388 From Paradise, Calif., via INT Paradise 067" and Palm Springs, Calif., 287° radials; to Palm Springs."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12772 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-13]

Amendments to Restricted Areas R-2524 Trona, Calif., and R-2509 Cuddeback Dry Lake, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments realign the boundaries of two restricted areas within their existing lateral and vertical dimensions and change the name of an existing restricted area. The change benefits the requirements of the using agencies for more efficient scheduling and will result in no additional restrictions to nonparticipating aircraft.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

The Rule

These amendments to §§ 71.151 and 73.25 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) realign R-2524 Trona, Calif., and R-2509 Cuddeback Dry Lake, Calif., within the confines of their existing vertical and lateral dimensions, and renames R-2509 as R-2509 Superior Valley, Calif. There are no changes to the existing activities in either area. This internal realignment of existing restricted area airspace is to benefit the requirements of the using agency for more efficient scheduling and utilization of the area. Because this action only involves a name change and interdivision of existing restricted area airspace and adoption of the amendment would not be affected by public comment, I find that notice and public procedure are unnecessary. Sections 71.151 and 73.25 were republished on January 2, 1981 (46 FR 446 and 787).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.151 and 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 787) are amended, effective 0901 G.M.T., June 11, 1981, as follows:

1. In § 71.151 by changing "R-2509 Cuddeback Dry Lake, Calif." to read "R-2509 Superior Valley, Calif."

2. In § 73.25 by changing "R-2509 Cuddeback Dry Lake, Calif." to read "R-2509 Superior Valley, Calif." and by changing the description of the boundaries to read:

"Boundaries. Beginning at Lat. 35°15'56"N., Long. 117°12'27"W.; to Lat. 35°24'00"N., Long. 117°12'27"W.; to Lat. 35°24'00"N., Long. 116°55'20"W.; to Lat. 35°15'56"N., Long. 116°55'20"W.; to point of beginning."

3. In § 73.25 under "R-2524 Trona, Calif." by changing the description of the boundaries to read:

"Boundaries. Beginning at Lat. 35°47'46"N., Long. 116°55'20"W.; to Lat. 35°24'00"N., Long. 116°55'20"W.; to Lat. 35°24'00"N., Long. 117°12'27"W.; to Lat. 35°15'56"N., Long. 117°12'27"W.; to Lat. 35°15'56"N., Long. 117°26'00"W.; to Lat. 35°36'00"N., Long. 117°26'00"W.; to Lat. 35°36'00"N., Long. 117°16'52"W.; to Lat. 35°47'46"N., Long. 117°16'52"W.; to point of beginning."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 9, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12769 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 80-AGL-48]

Cleveland, Ohio, VORTAC Facility Name Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The name of the Cleveland, Ohio, VORTAC has been changed to "DRYER." These amendments substitute the name "DRYER" in the description of all airways, jet routes, and compulsory reporting points in which Cleveland appears.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of these amendments to §§ 71.123, § 71.181, § 71.203, § 71.207, § 75.100 and § 75.400 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to amend the description of several VOR Federal Airways, Jet Routes and Compulsory Reporting Points that have Cleveland, Ohio, in their text. The Cleveland VORTAC has been renamed DRYER; therefore, it is necessary to alter the text of all descriptions where the Cleveland VORTAC name appears. Since these amendments are editorial in nature, they are minor matters on which the public would have no particular desire to comment, therefore notice and public procedure thereon is unnecessary. Sections 71.123, 71.181, 71.203, 71.207, 75.100 and 75.400 were republished in the Federal Register on January 2, 1981, (46 FR 409, 540, 747, 754, 834 and 848).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, §§ 71.123, 71.181, 71.203, 71.207, 75.100 and 75.400 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (46 FR 409, 540, 747, 754, 834 and 848) and amended (45 FR 85439 and 71774) are further amended, effective 0901 G.m.t., June 11, 1981, in each instance in which the Cleveland, Ohio, VORTAC is used in the description of the airspace by deleting the word "Cleveland" and substituting for it the word "DRYER" in the following airspace descriptions:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.123 [Amended]

1. Under the descriptions of Airways V-5, V-6, V-14, V-26, V-30, V-40, V-42, V-75, V-126, V-435 and V-443.

§ 71.181 [Amended]

2. Under the description of the Cleveland, Ohio, transition area.

§ 71.203 [Amended]

3. Under the descriptions of the Cleveland, Ohio, and GILLS, Ohio, low altitude reporting points.

§ 71.207 [Amended]

4. Under the description of the Cleveland, Ohio, high altitude reporting point.

PART 75—ESTABLISHMENT OF JET ROUTES AND REPORTING POINTS

§ 75.100 [Amended]

5. Under the descriptions of Jet Route Nos. 29, 34, 60, 82, 83, 85, 162, 518, 545.

§ 75.400 [Amended]

6. Under the description of area high route J810R.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12773 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ARM-21]

Establishment of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes 700' and 1,200' transition areas at Powell, Wyoming to provide controlled airspace for aircraft executing the new nondirectional radio beacon (NDB) standard instrument approach procedure developed for the Powell Municipal Airport, Powell, Wyoming.

EFFECTIVE DATE: 0901 G.m.t., August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 12, 1981, the FAA published for comment (46 FR 2630) a proposal to establish a 700' and 1,200' transition area at Powell,

Wyoming. The only comments received as a result of this circular expressed no objections.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (FAR's) establishes 700' and 1,200' transition areas at Powell, Wyoming, to provide controlled airspace for aircraft executing the new NDB standard instrument approach procedure developed for the Powell Municipal Airport, Powell, Wyoming.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart G, § 71.181 so as to establish the following transition areas to read:

Powell, Wyoming

That airspace extending upward from 700' above the surface within an 8-mile radius of the Powell Municipal Airport (latitude 44°52'10" N., longitude 108°47'29" W.) and within 3 miles each side of the Powell NDB (latitude 44°52'10" N., longitude 108°47'02" W.) 164° bearing extending from an 8-mile radius area to 9 miles southeast of the Powell NDB; and that airspace extending upward from 1,200' above the surface beginning at latitude 45°22'00" N., longitude 108°55'00" W., to latitude 45°22'00" N., longitude 108°11'00" W., to latitude 44°11'00" N., longitude 108°11'00" W.; thence southwestward along the edge of the Worland, Wyoming, 1,200' transition area to latitude 44°00'00" N., longitude 108°25'00" W., to latitude 44°00'00" N., longitude 108°42'30" W., to latitude 44°25'45" N., longitude 108°57'30" W., to latitude 44°25'45" N., longitude 109°41'45" W.; thence along the west side of V-465 to point of beginning, excluding the Cody, Wyoming, 1,200' transition area.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 or Significant under DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 31, 1981.

F. L. Cunningham,
Acting Director, Rocky Mountain Region.

[FR Doc. 81-12990 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-58]

Alteration of Transition Area: Falfurrias, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Falfurrias, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Brooks County Airport. This amendment is necessary to properly describe the transition area due to the nondirectional radio beacon (NDB) approach being changed from Runway 30 to Runway 35.

EFFECTIVE DATE: June 11, 1981.

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

SUPPLEMENTARY INFORMATION: On January 29, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 9630) stating that the Federal Aviation Administration proposed to alter the Falfurrias, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t., June 11, 1981, as follows:

Falfurrias, Texas

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Brooks County Airport (latitude 27°12'30" N., longitude 98°07'15" W.); and within 3.5 miles each side of the 177° bearing of the Brooks County NDB (latitude 27°12'23"

N., longitude 98°07'24" W.) extending from the 6-mile radius area to 8.5 miles south of the NDB.

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

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12991 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-48]

Alteration of Transition Area: Elk City, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Elk City, Okla. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Elk City Municipal Airport. This amendment is necessary to provide protection for aircraft executing a new area navigation (RNAV) approach to Runway 17.

EFFECTIVE DATE: June 11, 1981.

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

SUPPLEMENTARY INFORMATION: On October 30, 1980, a notice of proposed rulemaking was published in the Federal Register (45 FR 71810) stating that the Federal Aviation Administration proposed to alter the Elk City, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments

were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, as follows:

Elk City, Oklahoma

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Elk City Municipal Airport (latitude 35°25'30"N., longitude 99°23'35"W.), (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12992 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 16889, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 19, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 4948) stating that the Federal Aviation Administration proposed to designate the Big Lake, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 g.m.t., June 11, 1981, by adding:

Big Lake, Texas

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Big Lake, Texas, Reagan County Airport, (latitude 31°11'51", longitude 101°28'21") and within 3 miles each side of the 345° bearing from the NDB (latitude 31°11'33" N., longitude 101°28'08" W.) extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

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

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12993 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-57]

Alteration of Transition Area: Andrews, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Andrews, Tex. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Andrews County Airport. This amendment is necessary to protect aircraft executing instrument approach procedures to the Andrews County Airport and release unnecessary controlled airspace to the aviation public.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 16889, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 19, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 4946) stating that the Federal Aviation Administration proposed to alter the Andrews, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective, 0901 g.m.t., June 11, 1981, as follows:

Andrews, Texas

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Andrews County Airport, Andrews, Tex., (latitude 32°19'53" N., longitude 102°31'38" W.), and within 3 miles each side of the 355° true bearing from the Andrews County NDB (latitude 32°20'56" N., longitude 102°32'10" W.), extending from the 7-mile radius area to 8.5 miles north of the Andrews County NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c),

14 CFR Part 71

[Airspace Docket No. 80-ASW-59]

Designation of Transition Area: Big Lake, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Big Lake, Tex. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Reagan County Airport. This amendment is necessary to protect aircraft executing instrument approach procedures to the Reagan County Airport using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: June 11, 1981.

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a 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 flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12093 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3063]

Boekamp, Inc., et al.; 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 San Diego, Calif. firm and its corporate officer engaged in the manufacture, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. Respondents are further prohibited from making any energy-related advertising claim without reliable substantiation and barred from using the term "energy saver" or similar terms in product names. The order additionally requires respondents to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements or promotional material which contain prohibited claims or which fail to include required disclosures.

DATES: Complaint and order issued April 9, 1981.¹

FOR FURTHER INFORMATION CONTACT:

Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION:

On Thursday, December 4, 1980, there was published in the Federal Register, 45 FR 80301, a proposed consent agreement with analysis in the Matter of Boekamp, Inc., a corporation, and Konrad Boekamp, individually and as an officer of said 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.

Comments were filed and considered by the Commission. 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—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service, 13.170-30 Durability or permanence, 13.170-34 Economizing or saving, 13.170-43 Heating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-45 Maintain records, 13.533-53 Recall of merchandise, advertising material, etc., 13.533-75 Warranties. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper or Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts. Subpart—Using

Misleading Name—Goods: § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13004 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9126]

National Tea Company, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on July 23, 1980 (45 FR 53455), by modifying Paragraph 1G of the Order to relieve respondent from the obligation of divesting a specific store, since no purchaser could be found.

DATES: Order issued July 23, 1980. Modifying order issued April 15, 1981.

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

SUPPLEMENTARY INFORMATION: In the Matter of National Tea Company, a corporation, and Applebaums' Food Markets, Inc., a corporation. The prohibited trade practices and/or corrective actions as codified under 16 CFR Part 13, and appearing in 45 FR 53455, remain unchanged.

(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)

The Order Modifying Cease and Desist Order Issued July 23, 1980 is as follows:

The Federal Trade Commission having considered respondent National Tea Company's petition filed on January 29, 1981 to reopen this matter and to modify the consent order to cease and desist issued by the Commission on July 23, 1980, and having determined that reopening and modification of the order is warranted:

It is ordered that this matter be, and it hereby is reopened and that Paragraph 1(G) of the Commission's order be and it is hereby modified to read as follows:

(G) The "disposition stores" means the following National ("N") stores and Applebaums' ("A") store:

1. N-80 (2326 Louisiana, St. Louis Park);
2. N-91 (3115 E. 38th St., Minneapolis);

¹ Copies of the Complaint and the Decision and Order filed with the original document.

3. N-99 (150 Apache Plaza, St. Anthony Village);

4. N-210 (4300 Xycon Ave., New Hope);

5. N-130 (1901 W. 80th St., Bloomington); and

6. A-8 (900 E. Maryland, St. Paul).

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13003 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3062]

Energy Efficient Systems, Inc., et al.; 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 Middletown, Conn. corporation and two corporate officers engaged in the advertising, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. The order further prohibits respondents from making any energy-related advertising claim without reliable substantiation, and bars them from using the term "energy saver," or similar terms in product names. Additionally, respondents are required to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements and promotional materials which contain prohibited claims or which fail to include required disclosures.

DATES: Complaint and order issued April 9, 1981.¹

FOR FURTHER INFORMATION CONTACT: Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Thursday, Dec. 4, 1980, there was published in the Federal Register, 45 FR 80301, a proposed consent agreement

with analysis in the Matter of Energy Efficient Systems, Inc., a corporation, and John P. White and Elaine B. Owen, individually and as officers of said 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.

Comments were filed and considered by the Commission. 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—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service, 13.170-30 Durability or permanence, 13.170-34 Economizing or saving, 13.170-43 Heating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-45 Maintain records, 13.533-53 Recall of merchandise, advertising material, etc., 13.533-75 Warranties. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts. Subpart—Using Misleading Name—Goods: § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13005 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Prices Under the Natural Gas Policy Act for May, June, and July 1981

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June, and July, 1981. Section 101(b)(6) of the NGPA required that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPFR (202) 357-8500.

Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978.

Order Of The Director, OPFR

Issued April 22, 1981.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of May, June, and July, 1981, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to sections 102, 103, 106(b)(1)(B), 107(c)(5), 108, and 109 of the NGPA. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA.

¹ Copies of the Complaint and the Decision and Order filed with the original document.

Table III of § 271.102(c) contains the inflation adjustment factors.

Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

1. Section 271.101(a) is amended by inserting the maximum lawful prices for

May, June and July, 1981, in Tables I and II.

2. Section 271.101(a), Table II, is amended by adding footnote number ³ to read as follows:

³ The price for certain Permian Basin gas, small producers, for the month of July, 1979, reflects the correct price as originally published for that month.

As revised § 271.101(a) Tables I and II are set forth below.

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of May, June and July, 1981, in Table III. As revised, § 271.102(c) Table III is set forth below.

§ 271.10 Ceiling prices for certain categories of natural gas.

Table I—Natural Gas Ceiling Prices (Other Than NGPA Secs. 104 and 106(a))

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979
B, 102, New, Natural Gas, Certain OCS Gas	\$2.078	\$2.096	\$2.116	\$2.136	\$2.156	\$2.177	\$2.196	\$2.220	\$2.224	\$2.268
C, 103, New, Onshore Production Wells	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195
G, 107(c)(1), High-Cost Gas (deep gas) ²	2.078	2.096	2.116	2.136	2.156	2.177	2.196	2.220	2.244	2.268
107(c)(5), Gas Produced from Tight Formations ³								4.124	4.158	4.192
H, 108, Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426
I, 109, Not Otherwise Covered	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980
B, 102, New Natural Gas, Certain OCS Gas	\$2.292	\$2.314	\$2.336	\$2.358	\$2.381	\$2.404	\$2.428	\$2.453	\$2.478	\$2.504
C, 103, New, Onshore Production Wells	2.113	2.128	2.143	2.158	2.173	2.188	2.204	2.221	2.238	2.255
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.205	1.213	1.221	1.229	1.238	1.247	1.256	1.266	1.276	1.286
G, 107(c)(1), High-Cost Gas (deep gas) ²	2.292									
107(c)(5), Gas Produced from Tight Formations ³	4.226	4.256	4.286	4.316	4.346	4.376	4.406	4.442	4.476	4.510
H, 108, Stripper Gas	2.452	2.475	*2.499	2.523	2.548	2.573	2.598	2.625	2.652	2.680
I, 109, Not Otherwise Covered	1.750	1.762	1.774	1.786	1.799	1.812	1.825	1.839	1.853	1.867

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981	Feb. 1981	Mar. 1981	Apr. 1981	
B, 102, New Natural Gas, Certain OCS Gas	\$2.532	\$2.560	\$2.588	\$2.614	\$2.640	\$2.667	\$2.696	\$2.729	\$2.761	
C, 103, New, Onshore Production Wells	2.274	2.293	2.312	2.329	2.346	2.363	2.384	2.406	2.428	
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.297	1.308	1.319	1.329	1.339	1.349	1.361	1.373	1.385	
G, 107(c)(5), Gas Produced from Tight Formations ³	4.548	4.586	4.624	4.658	4.692	4.726	4.768	4.812	4.856	
H, 108, Stripper Gas	2.710	2.740	2.770	2.798	2.826	2.855	2.888	2.922	2.956	
I, 109, Not Otherwise Covered	1.683	1.699	1.915	1.929	1.943	1.957	1.975	1.993	2.011	

¹ Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I.

² Commencing November 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas under section 107(c)(1) of the NGPA is deregulated. (See, Part 272 of the Commission's Regulations.) Prior to that date, the maximum lawful price applicable to deep high-cost gas was the price specified in Subpart B of Part 271.

³ The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979 (See, § 271.703 and § 273.204.)

* The price for stripper gas for the month of November 1979, reflects the correct price as originally published for that month.

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:		
	May 1981	June 1981	July 1981
B, 102, New Natural Gas, Certain OCS Gas	\$2.787	\$2.813	\$2.840
C, 103, New, Onshore Production Wells	2.444	2.460	2.476
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.394	1.403	1.412
G, 107(c)(5), Gas Produced from Tight Formations ²	4.888	4.920	4.952
H, 108, Stripper Gas	2.984	3.012	3.041
I, 109, Not Otherwise Covered	2.024	2.037	2.050

TABLE II.—Natural Gas Ceiling Prices: NGPA Sections 104 and 106(a)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:												
		Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979
Post-1974 gas	All producers	\$1.630	\$1.639	\$1.650	\$1.661	\$1.672	\$1.684	\$1.696	\$1.708	\$1.722	\$1.736	\$1.750	\$1.762	\$1.774
1973-1974 Biennium gas	Small producer	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480	1.490	1.500
Do	Large producer	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152
Interstate rollover gas ¹	Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715
Do	Large producer	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646	.650	.654
Replacement contract gas or re-completion gas	Small producer	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829	.835	.841
Do	Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635	.639	.643
Flowing gas	Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Do	Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355	.357	.359
Certain Permian Basin gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501
Do	Large producer	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Certain Rocky Mountain gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501
Do	Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.366	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400
Do	Other contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370	.373	.376
Minimum rate gas ²	All producers	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:												
		Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981
Post-1974 gas	All producers	\$1.786	\$1.799	\$1.812	\$1.825	\$1.839	\$1.853	\$1.867	\$1.883	\$1.899	\$1.915	\$1.929	\$1.943	\$1.957
1973-1974 Biennium gas	Small producer	1.510	1.521	1.532	1.543	1.555	1.567	1.579	1.592	1.605	1.619	1.631	1.643	1.655
Do	Large producer	1.160	1.168	1.176	1.184	1.193	1.202	1.211	1.221	1.231	1.241	1.250	1.259	1.268
Interstate rollover gas ¹	Small producer	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.728	.741
Do	Large producer	.659	.664	.669	.674	.679	.684	.689	.695	.701	.707	.712	.717	.722
Replacement contract gas or re-completion gas	Small producer	.847	.853	.859	.865	.872	.879	.886	.893	.901	.909	.916	.923	.930
Do	Large producer	.647	.652	.657	.662	.667	.672	.677	.683	.689	.695	.709	.705	.710
Flowing gas	Small producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
Do	Large producer	.361	.364	.367	.370	.373	.376	.379	.382	.385	.388	.391	.394	.397
Certain Permian Basin gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
Do	Large producer	.443	.446	.449	.452	.455	.459	.463	.467	.471	.475	.479	.483	.487
Certain Rocky Mountain gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
Do	Large producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.403	.406	.409	.412	.415	.418	.421	.425	.429	.433	.436	.439	.442
Do	Other contracts	.379	.382	.385	.388	.391	.394	.397	.400	.403	.406	.409	.412	.415
Minimum rate gas ²	All producers	.220	.222	.224	.226	.228	.230	.232	.234	.236	.238	.240	.242	.244

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:					
		Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981	July 1981
Post-1974 gas	All producers	\$1.975	\$1.993	\$2.011	\$2.024	\$2.037	\$2.050
1973-1974 Biennium gas	Small producer	1.670	1.685	1.700	1.711	1.722	1.733
Do	Large producer	1.279	1.291	1.303	1.311	1.319	1.327
Interstate rollover gas ¹	Small producer	.741	.741	.743	.748	.753	.758
Do	Large producer	.729	.736	.743	.748	.753	.758
Replacement contract gas or re-completion gas	Small producer	.938	.946	.955	.961	.967	.973
Do	Large producer	.716	.722	.729	.734	.739	.744
Flowing gas	Small producer	.474	.478	.482	.485	.488	.491
Do	Large producer	.401	.405	.409	.412	.415	.418
Certain Permian Basin gas	Small producer	.568	.563	.568	.572	.576	.580
Do	Large producer	.491	.495	.499	.502	.505	.508
Certain Rocky Mountain gas	Small producer	.558	.563	.568	.572	.576	.580

Maximum lawful price per MMBtu for deliveries made in:

		Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981	July 1981
Do.....	Large producer	.474	.478	.482	.485	.488	.491
Certain Appalachian Basin gas.....	North subarea contracts dated after 10-7-69.	.446	.450	.454	.457	.460	.463
Do.....	Other contracts	.419	.423	.427	.430	.433	.436
Minimum rate gas ²	All producers	.246	.248	.250	.252	.254	.256

¹ The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contract as adjusted for inflation. (See § 271.402(c)(3).)² Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.³ The price for certain Permian Basin gas, small producers, for the month of July 1979, reflects the correct price as originally published for that month.

(b) * * *

§ 271.102 Calculation of inflation adjustment for certain maximum lawful prices.

(c) * * *

TABLE III.—Inflation Adjustment

Month of delivery	Factor ¹
1977:	
May.....	1.00636
June.....	1.00636
July.....	1.00431
August.....	1.00431
September.....	1.00431
October.....	1.00463
November.....	1.00463
December.....	1.00463
1978:	
January.....	1.00597
February.....	1.00597
March.....	1.00597
April.....	1.00889
May.....	1.00889
June.....	1.00889
July.....	1.00581
August.....	1.00581
September.....	1.00581
October.....	1.00581
November.....	1.00581
December.....	1.00581
1979:	
January.....	1.00581
February.....	1.00667
March.....	1.00667
April.....	1.00667
May.....	1.00713
June.....	1.00713
July.....	1.00713
August.....	1.00805
September.....	1.00805
October.....	1.00805
November.....	1.00690
December.....	1.00690
1980:	
January.....	1.00690
February.....	1.00713
March.....	1.00713
April.....	1.00713
May.....	1.00774
June.....	1.00774
July.....	1.00774
August.....	1.00843
September.....	1.00843
October.....	1.00843
November.....	1.00744
December.....	1.00744
1981:	
January.....	1.00744
February.....	1.00904
March.....	1.00904
April.....	1.00904
May.....	1.00643
June.....	1.00643
July.....	1.00643

¹ Factor by which price in preceding month is multiplied.

[FR Doc. 81-13003 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute

April 24, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Deferral of effective date for final rule.

SUMMARY: At the request of the Office of Management and Budget, the Bureau of Indian Affairs is delaying the effective date of 25 CFR Part 52, which was published in the Federal Register as a final rule on January 7, 1981 (46 FR 1668). The effective date is being deferred so that the Office of Management and Budget will have adequate time to review and approve the information collection requirements that are contained in this rule.

DATES: The effective date of 25 CFR Part 52 is deferred to June 15, 1981. This extension is effective April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Farring, Division of Tribal Government Services, Branch of Tribal Relations, Bureau of Indian Affairs, 202-343-4045.

SUPPLEMENTARY INFORMATION: 25 CFR Part 52, as published in the Federal Register on January 7, 1981 (46 FR 1668) was originally scheduled to become effective on February 6, 1981. However, because of the President's moratorium on the publication of final rules and final rules becoming effective, it was necessary to defer the effective date of 25 CFR Part 52 to April 30, 1981 (46 FR 19233; March 30, 1981).

The Office of Management and Budget reviewed 25 CFR Part 52 during the moratorium and determined that the information collection requirements contained in §§ 52.8, 52.10, 52.11, 52.12, 52.19, and 52.23 must be approved by that Office as required by the Paperwork Reduction Act of 1980. So that the Bureau of Indian Affairs will comply with the Act, the effective date of 25 CFR Part 52 is deferred to June 15, 1981. The information collection

requirements may not become effective unless they have been approved by the Office of Management and Budget.

Dated: April 24, 1981.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-13006 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-81-02]

Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a restricted zone in the areas of Union Bay, Portage Bay and Lake Washington on May 2, 1981 from 0800 until 1400. This action is required to permit the conducting of an approved marine event. It is intended to restrict general navigation in the area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This final rule will be effective from 0800 until 1400 on May 2, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR R. B. MILLSON, Boating Safety Office, (206) 442-7355.

SUPPLEMENTARY INFORMATION: 1. This regulation is published as a final rule. The rule is effective in less than 30 days after publishing since there is insufficient time to publish a proposed rule before the date of the event. In addition, this regulation is needed in order to protect life and property during the event.

2. The final rule has been submitted to the Director, Office of Management and Budget, for a ten-day review in accordance with section (3C3) of Executive Order 12291. It is not considered a major rule under the terms of Executive Order 12291 since it will involve minimal costs and will have

insignificant impact on recreational and commercial vessels and other marine interests in the area affected by the rule. This conclusion follows from the fact that the rule will only be effective for a six-hour period on a Saturday. Furthermore, the rule is necessary to insure the protection of life and property in the area during the event.

3. For the reasons stated in paragraph 2, the District Commander has determined that the rule will not have a significant impact on a substantial number of small entities.

4. In accordance with DOT Order 2100.5, economic impact from this rule will be minimal for the reasons stated in paragraph 2. Consequently, an economic evaluation is not required.

DRAFTING INFORMATION: The principal persons involved in drafting this notice are LCDR R. B. MILLSON, USCG, Project Officer, CCGD13 Boating Safety Office, and LT PECOS BILL FIELD, USCG, Project Attorney, CGD13 Legal Office.

Discussion of Final Rule

5. The annual yachting season Opening Day Yacht Parade sponsored by the Seattle Yacht Club is scheduled to be held on May 2, 1981 in the Lake Washington Ship Canal between Portage Bay and Webster Point beginning at about 0800 and ending at about 1400 Pacific Daylight Savings Time. A collegiate crew race will also be conducted in this area between 1100 and 1200 PDST. As a result of these two events, traffic in the area will be congested.

6. By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100 U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the waters described is promulgated. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulation and cite persons and vessels in violation.

FINAL REGULATIONS:

In consideration of the foregoing, the Coast Guard is amending Part 100 of Title 33 Code of Federal Regulations, by adding the following new section:

§ 100.35-1301 Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(a) The patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels

on the parade course and in the adjoining water areas immediately prior to, during and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 1030 PDST until the termination of the yacht parade.

(b) Specific areas restricted to general navigation or anchorage from 0800 PDST until termination of the yacht parade are:

(1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47°39' N. 122°18'40" W. across Portage Bay to the Northwest corner of "L" shaped moorage (at foot of East Shelby St.) 425 yards Southwest of 47°33' N. 122°18'40" W.

(2) All waters of Portage Cut (also known as Montlake Cut), to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters between an East and West line connecting Bay Channel Buoy 27, Union Bay Channel Buoy 29 and Union Bay Channel Buoy 31 and Webster Point Light 33 and an East and West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, 470 yards East of Union Bay Channel Buoy 30 to a point 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern edge of the channel described above. This area is generally the area South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs showing over their sides.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; (46 U.S.C. 454, 49 U.S.C. 1655(b)(1)) 33 CFR Part 100.35; 49 CFR 1.46(b))
Dated: April 24, 1981.

C. E. Larkin,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 81-13097 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-14-M

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Park and Preserve

AGENCY: National Park Service, Department of Interior.

ACTION: Deferral of effective date of final rule with request for comments.

SUMMARY: The National Park Service is further postponing the effective date of a final rule which was previously postponed until April 30, 1981. This rule was published in the Federal Register on December 30, 1980 (45 FR 85741), and was scheduled to become effective on January 29, 1981. On that day a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period.

In a notice published February 17, 1981 (46 FR 12496), the National Park Service postponed the effective date of this rule until March 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (46 FR 13193) directed agencies to suspend or postpone the effective dates of all rules that had been promulgated in final form but not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior issued a notice on March 30, 1981 (46 FR 19233), delaying the effective date of the Glacier Bay regulations until April 30, 1981.

This notice further delays the effective date of these regulations until May 29, 1981. This is necessary as the review of these rules under Executive Order 12291 is not complete. Public comment was solicited until April 9, 1981 (46 FR 19233) on whether this rule is major under the criteria of the Order.

DATES: The new effective date for these final rules is May 29, 1981. Comments on this new effective date must be received on or before May 15, 1981.

ADDRESS: Written comments should be sent to Associate Director, Management and Operations, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Maureen Finnerty, Division of Ranger Activities and Protection, National Park

Service, Washington, D.C. 20240,
telephone: (202) 343-4874.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish
and Wildlife and Parks.

April 23, 1981.

[FR Doc. 81-13096 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

Rules of Practice in Patent Cases; Fee for Filing a Request for Reexamination

AGENCY: Patent and Trademark Office,
Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules of practice in patent cases to add a new fee for the filing of a request for reexamination of a patent and to provide for a refund if the request is denied. Public Law 96-517 of December 12, 1980 authorizes reexamination beginning on July 1, 1981. Public Law 96-517 requires a person requesting reexamination to pay a fee established by the Commissioner of Patents and Trademarks. This amendment establishes the fee for filing a request for reexamination and the amount of any refund if the request is denied.

DATES: Effective date: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. R. Franklin Burnett by telephone at (703) 557-3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This notice changes two rules to add an appropriate fee for requesting reexamination and to refund a portion thereof if reexamination is not ordered. 35 U.S.C. 41(g) requires 60 days notice in the Federal Register before a fee can take effect. 35 U.S.C. 41(d) requires that the Commissioner establish fees for services, such as reexamination, which will recover the estimated average cost to the Office of performing the service.

Background:

A notice of proposed rulemaking relating to the fee, and refund, as well as the procedures for reexamination, was published in the Federal Register on January 13, 1981 at 46 FR 3162-3174 and in the Official Gazette on February 17, 1981 at 1003 O.G. 36-47. An oral hearing was held on April 16, 1981. This amendment relates only to section 1.21

on fees and section 1.26 on refunds. It is being issued separately to meet the 60-day notice requirement of 35 U.S.C. 41(g). The reexamination procedures will be the subject of a later amendment. There is no difference in the amount of the fee or refund between the final rule and the proposal.

Discussion of the Background and Major Issues Involved: Two written comments and one oral comment relating to proposed section 1.21(x) indicated that the fee of \$1500 seemed excessive. One comment indicated that it should be \$65, the amount of the current filing fee for a United States patent application. Several oral comments indicated the amount of the fee was appropriate. In response, it is not considered possible to charge only \$65 for a reexamination because 35 U.S.C. 41(d) requires the Commissioner to set the fee for reexamination at a level which will recover the estimated average cost to the Office. The estimated average cost reported to the Congress, and still considered proper, is \$1500 per reexamination.

Two written comments and one oral comment referred to proposed section 1.26(c). One written comment proposed the use of a percentage rather than a dollar amount in the rule wording. In response, it is felt that the wording using the actual dollar amount is clearer. Since the amount of the fee is expected to be changed infrequently, changing section 1.26 to follow a change in § 1.21 would not be burdensome. One written comment and one oral comment indicated that a fixed fee should be set without any refund in order to simplify processing. Although a fixed fee system would be less complicated, it is felt that persons who have not received a reexamination in response to their request should not be required to pay the same amount as those who had the reexamination requested. No comments were received concerning the amendments to paragraphs (a) and (b) of section 1.26 which reorganize some of the wording and raise the minimum refund without specific demand from ten cents to fifty cents.

Environmental, Energy, and Other Considerations.

The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354).

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291.

Amendment of Regulations

For the reasons set out in the preamble and under the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and 41, Part 1 of Title 37 CFR is amended as set forth below.

1. Section 1.21 is amended by adding a new paragraph (x) to read as follows:

§ 1.21 Patent and miscellaneous fees and charges

(x) To file a request for reexamination—\$1,500.00

2. Section 1.26 is revised to read as follows:

§ 1.26 Refunds.

(a) Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of fifty cents or less will not be returned unless specifically demanded within a reasonable time, nor will the payer be notified of such amount; amounts over fifty cents but less than one dollar may be returned in postage stamps, and other amounts by check or, if requested, by credit to a deposit account.

(b) Refund of a portion of any international search fee paid to the Patent and Trademark Office may be made where the prior art search made during the subsequent examination of a national application is wholly or partly based on the earlier international search made in the international application for which the search fee was paid. The amount of the refund will be as determined by the examiner according to the value of the prior international search made by the Patent and Trademark Office as an International Searching Authority, as 90 percent, 45 percent, or 0 percent of the international search fee. If the amount of the refund is not a multiple of \$5, it will be rounded to the next higher multiple of \$5. (Note § 1.446 for refund of the search fee in an international application.)

(c) If the Commissioner decides not to institute a reexamination proceeding, a refund of \$1,200.00 will be made to the requestor of the proceeding. Reexamination requestors should indicate whether any refund should be made by check or by credit to a deposit account.

Dated: April 17, 1981.

Rene D. Tegtmeyer,
Acting Commissioner of Patents and
Trademarks.

Approved:

Robert B. Ellert,
Acting Assistant Secretary for Productivity,
Technology and Innovation.

April 20, 1981.

[FR Doc. 81-12093 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A8 FRL 1808-1]

Air Programs; Approval and Promulgations of State Implementation Plans; Colorado

AGENCY: Environmental Protection
Agency.

ACTION: Final rulemaking.

SUMMARY: EPA today is approving portions of Regulation No. 3, "Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees", which is contained in the Colorado State Implementation Plan. Regulation No. 3 has been amended to meet the requirements of Section 172 and 173 of the Clean Air Act which are the new source review nonattainment area requirements.

EFFECTIVE DATE: June 1, 1981.

ADDRESSES: Copies of the materials submitted by the Governor of Colorado and comments received on the proposal may be examined during normal business hours at:

Environmental Protection Agency, Air
Programs Branch, Region VIII, Suite
200, 1860 Lincoln Street, Denver,
Colorado 80295

Environmental Protection Agency,
Public Information Reference Unit,
Room 2922 (EPA Library), Mail Code
PM-213, 401 M Street, SW.,
Washington, D.C. 20460

The Office of the Federal Register, 1100
L Street, NW, Room 8401,
Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Eliot Cooper, Air Programs Branch,
Environmental Protection Agency, 1860
Lincoln Street, Denver, Colorado 80295,
(303) 837-3711.

SUPPLEMENTARY INFORMATION:

Background

In our October 5, 1979, Final
Rulemaking (44 FR 57405 and 57406) on
the Colorado SIP, EPA noted the
following deficiencies in Colorado's

requirements for permits to construct
major sources and modifications
(Regulation NO. 3):

1. The requirement in State law for the automatic issuance of an emission permit when specific time limits have been exceeded is inconsistent with the requirements of Sections 110 and 173 of the Act. EPA stated that all permits issued for this reason will be invalid, and disapproved that portion of Regulation No. 3.

2. The exemption for sources increasing emissions by less than 10 percent could exempt major modifications for new source review and, therefore, it is inconsistent with Sections 171 and 172 of the Act.

3. The exemption from offset requirements in nonattainment areas for sources with "actual" emissions less than the 50 tons per year, 1,000 pounds per day or 100 pounds per hour cutoffs must be revised to be "allowable" emissions.

4. As required by Section 173(1)(A), offsets, in addition to being greater than one-for-one, must represent reasonable further progress toward attainment of the national ambient air quality standards as required by Section 171(1).

5. The definition of "source" and "facility" must be the same as defined by EPA's Emission Offset Interpretative Ruling (44 FR 3274, January 16, 1979).

6. "Significant" as defined in Section (D)(3)(d) must be the same as defined by EPA's Emission Offset Interpretative Ruling, Section (II)(D).

7. It did not provide for a program consistent with Section 172(b)(11)(A) of the Act.

With the exception of the first deficiency EPA conditionally approved Regulation No. 3 with the understanding that these deficiencies would be corrected by March 1, 1980, (44 FR 57428 and 45 FR 7802).

State Submittal

On June 20, 1980, the Governor of Colorado submitted to EPA the following amended rules:

**REPEAL AND REPROMULGATION
OF REGULATION NO. 3 "A Regulation
Requiring Air Pollutant Emission Notice,
Emission Permits and Fees."**

**REVISIONS TO COMMON
PROVISIONS REGULATION** as they
relate to changes in Regulation No. 3.

Regulation No. 3, in general, requires emission offsets and lowest achievable emission rate technology (LAER) for major new sources and modifications that will significantly affect nonattainment areas. It also provides for banking of offsets and alternative emission reductions ("bubble").

Regulation No. 3 was written from both the Emission Offset Interpretative Ruling and EPA's September 5, 1979, proposed changes (44 FR 51924) to this ruling. In meeting the combination of the old and the proposed new requirements, Regulation No. 3 is at least as stringent as either the old or new set of requirements. However, on August 7, 1980 (45 FR 52676), EPA promulgated final rules amending the emission offset new source review regulations interpretative ruling (40 CFR 51.18). Since the State will have nine months to submit regulations consistent with the recently issued rules, EPA is not disapproving any portion of the State's regulations which is consistent with previous regulations, but not consistent with the recent promulgation.

Comments

On September 5, 1980 (45 FR 58881), EPA proposed to approve portions of Regulation No. 3 and solicited comments. Two commentors responded.

Both commentors objected to EPA's proposed disapproval of the provisions in Section IV.D.2.b(ii)(G) which exempt fuel switching to certain alternate fuels, including shale oil, on the basis that the State's requirement is not restricted to sources capable of accommodating the change prior to December 21, 1976. The commentors stated that the exemption for alternate fuel use was put into the Colorado Air Quality Control Act to accommodate similar provisions in the Federal Fuel Use and Conservation Acts and, therefore, EPA cannot broadly reject this provision without violating procedures in other Federal laws.

EPA has rejected the provision for an exemption from a "major modification" due to a fuel switch to shale oil, since our previous and newly published regulations (August 7, 1980, 45 FR 52676) do not provide for this exemption and the State made no showing of the impact this exemption would have on air quality in areas that already violate National Ambient Air Quality Standards for total suspended particulates. (The entire State of Colorado is attainment for sulfur dioxide). Although the State did provide that reasonable further progress could not be interfered with, EPA believes that uncertainties in determining reasonable further progress due to the nature of the total suspended particulate plans, which only contain commitments for nontraditional source control measures, makes this determination impossible. Therefore, EPA believes that this exemption is not authorized under the Clean Air Act.

One commentor objected to the provision in EPA's proposal that a

source which escapes review due to discrepancies between State and Federal regulations, or receives a State permit not fully in compliance with federal regulations, would be subject to federal enforcement action.

EPA felt this was the best approach since the State regulations were adequate except for certain provisions. Our other option was to disapprove the entire regulation until the regulation met all our concerns. Since these provisions only would apply to specific and rare instances, we felt our approach would benefit all concerned parties.

One comment addressed the automatic issuance of an emission permit when statutory defined time limits have been exceeded. Although EPA agrees that time limits for action on a permit application are necessary to avoid delays in the permitting process, EPA disagrees that time limits are essential for precluding the permitting authority from denying a permit application by inaction and, thereby, avoiding or delaying an applicable decision. Any permit issued for this reason would violate the requirements of Section 110 and 173 of the Clean Air Act.

EPA proposed to disapprove that portion of Regulation 3 which allowed for excluding fugitive particulate emissions in determining the applicability of the new source review requirements if the applicant demonstrates that there would be no public health impact. Both commenters objected to EPA's assertion that available health effects data would not support the claim that, based on size and substance, fugitive particulate emissions will not adversely affect public health or welfare. They note that the applicant must make a showing that there are no adverse effects. In addition, the commenters believed that by rejecting this exemption EPA was ignoring the mandate of Congress which intended EPA to act with administrative good sense with regard to all questions involving the total suspended particulate standard.

Although EPA has used a Fugitive Dust Policy in rural and nonindustrialized areas when making nonattainment designations under Section 107 of the Act and developing control strategies, it is EPA's position that particulate matter, regardless of size and substance, shall be included in the applicability determination, since the health impact cannot be assessed with the health effects data now available. In addition, Regulation 3 includes no criteria for an adequate demonstration. More importantly, the

existing standard does not provide for this exemption.

Comments were also received on the definition of "reconstruction" as removing any incentive for a facility to modernize, and the six month "debugging" provisions as a practical approach to a problem which Congress did not address in the 1977 Amendments to the Act. Our response to these comments appears in the *EPA Action* section of this notice.

EPA Action

The automatic issuance of a permit when specific defined time limits have been exceeded, was disapproved in our October 5, 1979, final rulemaking. This provision remained unchanged in the revised Regulation No. 3. An amendment to the Colorado Air Quality Control Act will be needed before this deficiency can be remedied.

EPA finds the amended Colorado rules have resolved deficiencies 2 through 7 summarized earlier in this notice. However, in amending these rules the Colorado Air Quality Control Commission made additional changes to Regulation No. 3 which EPA finds unacceptable. These changes and EPA's concerns are as follows:

1. Section IV.D.2.(b).(ii).(G) exempts from the "major modification definition" a "change of an existing oil-fired or gas-fired boiler to the use of a coal/oil mixture, shale oil, or coal-derived fuels provided that such change would not interfere with reasonable further progress (RFP) towards attainment of any National Ambient Air Quality Standard."

EPA is disapproving this exemption since it does not include a requirement that the source was capable of accommodating such a change prior to December 21, 1976.

2. Section IV.D.2.(b).(iii.), the definition of "major modification" and "major stationary source" in the Common Provisions Regulation provide that fugitive emissions of particulate matter from any of the 26 listed sources will be excluded in determining whether a source is major, even though quantifiable, if the owner or operator of the source demonstrates to the satisfaction of the Colorado Air Pollution Control Division that such emissions are of a size and substance that will not adversely affect public health or welfare.

EPA is disapproving this exclusion based on size and substance of particulate matter since this demonstration regarding public health impact cannot be made with the health effects data now available. At this time, it is EPA's position that particulate

matter, regardless of size and substance, shall be included in the applicability determination since the existing National Ambient Air Quality Standard (NAAQS) for total suspended particulates (TSP) was established to protect public health and does not provide for this type of exemption. The particulate standard is currently being reviewed and the possibility of a new size specific standard exists. However, until the review of the particulate standard is complete (1981) and unless it is changed, EPA is disapproving this exemption. In addition, even if such an exemption were permissible under existing federal standards and regulations, this portion of the regulation provides no criteria for the Division's decision and, thus, is too vague to be acceptable.

3. Under Section IV.H.6. the Division may grant an applicant a period greater than six months to bring a source into compliance. EPA is disapproving this extension since it would not meet the requirements of Section 110(i) of the Act.

4. Regulation No. 3 also lacked a definition of a "reconstruction." In our Emission Offset Interpretative Ruling as well as in the recently promulgated new source review regulations (40 CFR 51.18(j)(1)(ix)), EPA defines "reconstruction" as improvements at an existing source which equal 50 percent or more of the capital cost for replacing the source.

The Administrator included this approach, in accordance with Congressional intent, to subject new construction in nonattainment areas to requirements such as LAER even though a replacement of an older unit would result in a net reduction from previous emission levels.

This was premised on the fact that nonattainment areas require very stringent permitting procedures to overcome the inertia of the nonattainment problem. Having a reconstruction provision would promote maximum air quality improvements by requiring more construction projects to meet LAER and bring other sources in the State under common control into compliance with the attainment plan.

If any major source is "reconstructed" in a nonattainment area in Colorado and escapes review under Section IV.D.2., Requirements Applicable To Nonattainment Areas, its State permit will not be deemed valid by EPA and will be subject to federal enforcement action.

5. Section IV.D.2.(iii)(AA) requires fugitive emissions being regulated under Regulation No. 6, Standards of Performance for New Stationary

Sources, and Regulation No. 8, The Control of Hazardous Air Pollutants, to be included in the determination of whether a major modification has occurred. This provision also appears in the definition of Major Stationary Source in the Common Provisions Regulation.

EPA has a provision which appears in the definition of "potential to emit" and provides that fugitive emissions shall be included in determining "potential to emit" for any stationary source being regulated under Section 111, New Source Performance Standards (NSPS), the Section 112, National Emission Standards for Hazardous Pollutants (NESHAPS). Colorado's Regulation No. 6 and No. 8 are not up to date with current additions to EPA's NSPS and NESHAPS regulations and, therefore, sources could be exempted from review under IV.d.2 until the State updates their regulations.

Therefore, any source which escapes review under Section IV.D.2 by discounting its fugitive emissions since it was not subject to Regulation No. 6 or No. 8, even though EPA had made revisions to NSPS or NESHAPS applicable to that source, will be subject to federal enforcement action.

6. Section IV.D.2.(b).(ix) provides that, with respect to sources located in nonattainment areas without an approved implementation plan or a plan which is "incomplete," the significant net increase in "potential to emit," provided for in Major Modifications, Section IV.D.2.(b)., shall be determined only with respect to increases and decreases that have occurred at the particular piece of process equipment which has been modified (i.e., the "bubble concept" shall be applied only to the particular piece of process equipment). In EPA's final new source review regulation, published on August 7, 1980, (45 FR 52696-52697), this distinction between complete and incomplete SIP's has been eliminated. Therefore, this provision in the State regulation is no longer permissible since the dual definition now applies across the entire nonattainment area. The State will have until May 7, 1981, to submit regulations consistent with this recently issued rule.

Regulation No. 3 also has provisions for banking of emission offsets and the "bubble" approach. In both provisions, SIP revisions are required. EPA will base its review of these SIP revisions on the demonstration of RFP for banking, and conformity with the conditions set forth in our Alternative Emissions Reduction Options Policy Statement ("Bubble Policy," December 11, 1979, Federal Register).

Although EPA has noted these additional deficiencies in Regulation No. 3 and set forth conditions when EPA would take necessary enforcement action should invalid State permits be issued, we do find Regulation No. 3 to be adequate to satisfy the requirements of Section 172 and 173 of the Act.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking 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 (date of publication). 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 the 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 requirements of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They impose no new regulatory requirements. The disapprovals also are not Major because they preserve the status quo. New and modified sources will continue to be subject to existing review requirements. In addition, each of these disapprovals involves only a single narrow issue and is expected to affect only a small number of sources.

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 response to those comments are available for public inspection at EPA Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295.

(Sec. 110, and 172 of the Clean Air Act as amended (42 USC 7410 and 7572))

Dated: January 29, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulation is amended as follows:

Subpart G—Colorado

1. Section 52.320(c)(21) is added as follows:

§ 52.320 Identification of plan.

(c) * * *

(21) On June 22, 1980, the Governor submitted the following amended rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 3 "A Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees."

REVISIONS TO COMMON PROVISIONS REGULATION as they relate to changes in Regulation No. 3.

2. Section 52.324 a new paragraph (c) is added as follows:

§ 52.324 Legal authority.

(c) The requirements of § 51.11(a)(4) of this chapter are not met since Regulation No. 3 provides that an emission permit be issued when automatically specific defined time limits have been exceeded. EPA will consider invalid any permit granted automatically pursuant to Section IV.F. of Regulation No. 3. Persons constructing or modifying sources under the authority of automatically issued permits will be subject to Federal enforcement action.

§ 52.327 [Amended]

3. In Section 52.327, paragraphs (a)(2) and (a)(3) are removed.

§ 52.328 [Removed]

4. Section 52.328 is removed.

5. Section 52.329 is revised as follows:

§ 52.329 Rules and regulations.

(a) *Part D disapproval.* Regulation No. 3 and the Common Provisions Regulations are approved except for the following provisions which are disapproved:

(1) Section IV.D.2(b)(ii)(G), which exempts from "major modification," a change of an existing oil-fired or gas-fired boiler to the use of a coal/oil mixture, shale oil, or coal-derived fuels, provided that such change would not interfere with reasonable further progress toward attainment of any National Ambient Air Quality Standard.

(2) Section IV.D.2.(b)(iii), "major modification" and the definition of "major stationary source" in the Common Provisions Regulation that provides that fugitive emissions of particulate matter from any of the 26 listed source categories will be excluded in determining whether the source is major, even though quantifiable, if the owner or operator of the source demonstrates to the satisfaction of the Colorado Air Pollution Control Division that such emissions are of a size and substance that will not adversely affect public health or welfare.

(3) Section IV.H.6., that allows the Division to grant an applicant a period of greater than six months to bring a source into compliance.

(4) Regulation No. 3 did not include a provision for "reconstruction," and certain fugitive emissions may escape review since they were not included in Colorado Regulations No. 6 and No. 8, but were regulated under Federal New Source Performance Standards or National Emission Standards for Hazardous Pollutants. Any source which escapes review because of these deficiencies in Regulation No. 3 will be subject to federal enforcement actions.

[FR Doc. 81-13074 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-38-M

VETERANS ADMINISTRATION

41 CFR Part 8-1

Procurement Responsibility and Authority

Correction

In FR Doc. 81-12028 appearing on page 22895 in the issue of Wednesday, April 22, 1981, make the following correction:

In the first column of page 22896, in the last line of paragraph (a)(1) of § 8-1.403-51, "... is \$200,000." should have read "... is \$500,000."

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 174, 176, and 178

[Docket No. HM-167; Amdt. Nos. 171-60, 173-144, 174-40, 176-13, 178-65]

Intermodal Portable Tanks; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule issued under Docket HM-167, Intermodal Portable Tanks, which was published in the *Federal Register* on Thursday, January 29, 1981 (46 FR 9880). This action is necessary to correct editorial errors in the section references; to correct certain omissions, and to clarify certain requirements. In addition, the IM Tank Table which was published separately from Docket HM-167 (available from the Associate Director for Hazardous Materials Regulation through the Dockets Branch (DCA-22)), also contains references which need clarification. Consequently, a correction to the IM Tank Table will be issued and

will be available through the Dockets Branch after May 1, 1981. These changes will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard C. Barlow (202-755-4906) or Hattie L. Mitchell (202-426-2075), Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Since the publication of the final rule under Docket HM-167, several discrepancies have surfaced which include incorrect section references, typographical errors, and unclear phrases within sections. Because the changes do not impose additional requirements, public notice is not necessary. The MTB has determined that there is not environmental impact and no significant economic impact associated with these changes.

The following is a summary of the corrections made in Docket HM-167 appearing on page 9880 in the January 29, 1981, issue of the *Federal Register*.

Part 171

In § 171.7, a paragraph designation is corrected.

Part 173

In § 173.32a, paragraph (e)(1)(ii) is revised to clarify that the requirements for welded joints in tank shells are only intended to apply to new construction of IM portable tanks. Paragraph (e)(3) is revised to provide for tanks that do not meet the specifications for reasons other than those exceptions listed in § 173.32a (e)(1), but otherwise have been designed for a level of safety equivalent to that provided by specification tanks, and may be re-marked (certified) as a DOT specification IM 101 or IM 102 portable tank upon approval by the Associate Director for HMR.

In § 173.118a, a paragraph designation is corrected.

In § 173.190, a paragraph is added to authorize the shipment of phosphorus, white or yellow, in IM 101 portable tanks.

In § 173.266, paragraph (a)(3) is corrected to specify the correct percentage of hydrogen peroxide by weight as 60 percent.

In § 173.272, a paragraph designation is corrected.

In item numbers 25 and 26, certain paragraph designations are added or corrected.

Part 176

In § 176.76, paragraph (g)(2), the 55,000 pound gross weight restriction is removed.

Part 178

In § 178.270-2, paragraph (e) is corrected to clarify when a jacket is needed and the introductory text to paragraph (f) is corrected to clarify if a tank is lined, the lining material must meet the specified requirements.

In § 178.270-7, a typographical error is corrected.

In § 178.270-11(d)(1), the first sentence is corrected by removing the reference to diameter. This removes the confusion created by designating a valve diameter without specifying which diameter. The minimum flow capacity is sufficient to limit the minimum size of the valve. Paragraph (d)(5) is corrected in response to a commenter in a petition for reconsideration and clarifies the fact that the insulation and the jacket together must be effective at 1200F, and the jacket by itself must withstand 1200°F.

In § 178.270-12(b), a clerical error is corrected.

In § 178.270-13(c) (1) and (2), the paragraph headings are changed to avoid confusion with terms used in the regulations of the International Convention for Safe Containers. Also, in § 178.270-13(c)(1), the first sentence is changed to correct an error in the test procedure.

In consideration of the foregoing, FR Document 81-2734 published January 29, 1981 (46 FR 9880) and Parts 173 and 176 of Title 49 Code of Federal Regulations are corrected and amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.7 [Corrected]

1. In § 171.7, paragraph "(d)(23)" is corrected to read "(d)(24)."

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Section 173.32a is corrected by revising paragraphs (e)(1)(ii) and (e)(3) to read as follows:

§ 173.32a Approval of specification IM portable tanks.

* * * * *

(e) * * *

(1) * * *

(ii) Any IM portable tank which is modified or re-rated and brought into full conformance with IM 101 or IM 102 specification except that compliance with the ASME weld procedure and

welder performance qualifications is not required;

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before September 1, 1981, giving the reasons why the necessary modification cannot be made. After reviewing this notification, the Associate Director for HMR may authorize the tank to be remarked (certified) as a DOT specification IM 101E * * * * or IM 102E, * * * * as applicable (with the asterisks replaced by the DOT exemption number).

§ 173.118a [Corrected]

3. In § 173.118a, paragraph "(b)(4)" is corrected to read, "(b)(5)."

4. In § 173.190, paragraph (b)(5) is added to read as follows:

§ 173.190 Phosphorus, white or yellow.

(b) * * *

(5) Specification IM 101 portable tanks (§§ 178.270, and 178.271 of this subchapter) are authorized under the conditions specified in the IM Tank Table. The material must be immersed in water or blanketed with an inert gas and be loaded at a temperature not exceeding 140°F. After unloading, the tank must be filled with an inert gas or water having a temperature not exceeding 140°F.

§ 173.266 [Corrected]

5. In § 173.266, paragraph (a)(3) is corrected by changing "70 percent" to read "60 percent."

§ 173.272 [Corrected]

6. In § 173.272, paragraph "(i)(29)" is corrected to read "(i)(30)."

7. In item number 25, the following paragraph references listed are corrected to read as follows:

"§ 173.263(a)(30)" is corrected to read

"§ 173.263(a)(31)"

"§ 173.264(a)(20)" is corrected to read

"§ 173.264(a)(21)"

"§ 173.270(a)(6)" is corrected to read

"§ 173.270(a)(3)"

"§ 173.271(a)(19)" is corrected to read

"§ 173.271(a)(20)"

"§ 173.290(a)(3)" is corrected to read

"§ 173.290(a)(4)"

"§ 173.294(a)(12)" is corrected to read

"§ 173.294(a)(4)"

8. In item number 25, "§§ 173.277(a)(9)", and "173.295(a)(13)" are added.

9. In item number 26, the following paragraph references are corrected as follows:

"§ 173.131(a)(2)" is corrected to read

"§ 173.131(a)(3)"

"§ 173.245(a)(35)" is corrected to read

"§ 173.245(a)(37)"

PART 176—CARRIAGE BY VESSEL

§ 176.76 [Amended]

10. In § 176.76, paragraph (g)(2) is removed.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

11. Section 178.270-2 is corrected by revising paragraphs (e) and (f) to read as follows:

§ 178.270-2 General.

(e) When credit is taken for insulation to reduce the required emergency venting capacity of safety relief devices, the insulation must be jacketed or otherwise protected from the accumulation of moisture or foreign matter that would decrease its efficiency or corrode the tank.

(f) Each portable tank that has a lining must have a lining material that meets the following requirements:

§ 178.270-7 [Corrected]

12. In § 178.270-7, the word "or" in the last sentence is changed to "and."

13. Section 178.270-11 is corrected by revising the first sentence in paragraph (d)(1) and (d)(5) to read as follows:

§ 178.270-11 Pressure and vacuum relief devices.

(d) * * *

(1) *Pressure relief valves (spring-loaded).* Each pressure relief valve must have a minimum vent capacity of at least 170 standard cubic meters per hour (SCMH) (6,000 standard cubic feet per hour (SCFH)).

(5) Insulation systems, used for the purpose of reducing the venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:

§ 178.270-12 [Corrected]

14. In § 178.270-12, paragraph (b), fourth line from the top of page 9898, "to" is changed to read "of."

15. In § 178.270-13, the italicized subparagraph headings in (c) (1) and (2) the introductory sentence in paragraph (c)(1), are corrected to read as follows:

§ 178.270-13 Testing.

(c) * * *

(1) *Longitudinal inertia.* "The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical." * * *

(2) *Lateral inertia.*

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

Note.—The Materials Transportation Bureau has determined that since these corrections do not impose additional requirements, this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's 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.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan I. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 81-13099 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-80-M

Research and Special Programs Administration, Materials Transportation Bureau

49 CFR Parts 172 and 175

[Docket No. HM-149C; Amdt. Nos. 172-67, 175-19]

Air Transportation of Limited Quantities of Radioactive Materials; Exemption Renewal

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

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is renewing the exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of limited quantities of materials exhibiting low levels of radiation. These materials do not present a significant hazard to passengers and crew on an aircraft. The effect of this action is to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

EFFECTIVE DATE: May 3, 1981.

ADDRESS: Copies of supporting documents and the Draft Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following

address: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590. Telephone (202) 426-2075.

SUPPLEMENTARY INFORMATION: The MTB published a Notice of Proposed Exemption Renewal on April 9, 1981 (46 FR 21202) seeking public comment on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantities of materials exhibiting low levels of radiation. The period for submitting comments ended on April 17, 1981, during which MTB received three comments concerning the proposal. All comments support the renewal of this exemption.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM-149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions are discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The present exemption expires on May 3, 1981. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.204, paragraph (c)(4) is revised to read as follows:

§ 172.204 Shipper's certification

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-

carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1981.

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

3. In § 175.700, paragraph (c) is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

Authority 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1, and paragraph (a)(4) of Appendix A to Part 106.

Note.—The Materials Transportation Bureau has determined that this regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A draft regulatory evaluation and environmental assessment is available for review in the Docket. Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. These amendments will not affect not-for-profit enterprises, or small governmental jurisdictions. Small businesses potentially affected include light manufacturing, air carriers, wholesale traders, health services, and research and development services. The total number of such small entities affected is likely to be less than 100,000. The economic impact on such small entities will be positive.

Issued in Washington, D.C. on April 24, 1981.

L. D. Santman,
Director, Materials Transportation Bureau.
[FR Doc. 81-12088 Filed 4-29-81; 8:45 am]
BILLING CODE 4910-60-M

49 CFR Part 174

[Docket No. HM-167; Amdt. No. 174-40A]

Intermodal Portable Tanks—"Trailer-on-Flatcar Service"

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

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise a regulation which prohibits the transportation of an IM 101 or IM 102 portable tank in trailer-on-flatcar (TOFC) service. The regulation, which prohibits TOFC rail service, was promulgated in a final rule issued under Docket HM-167, Intermodal Portable Tanks, published on January 29, 1981 (46 FR 9880). The effect of this final rule is to permit TOFC service under conditions specified by the Associate Administrator for Safety of the Federal Railroad Administration.

The Materials Transportation Bureau (MTB) believes that this revision to the final regulation governing TOFC service by rail (§ 174.63(d)(2)), is needed to allow the continuation of a needed service, and will impose no undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the MTB published the final rule on Intermodal Portable Tanks under Docket HM-167 (46 FR 9880) which authorized the use of two new specification intermodal portable tanks. One of the principal commenters to the NPRM under Docket HM-167 was the AAR who submitted several comments concerning the design, test, and usage of IM portable tanks when carried in rail service. The AAR comments were discussed in the preamble to the final rule (46 FR 9881-9883).

The AAR took exception to the proposed authorization for the

transportation of portable tanks in TOFC service. The MTB and the FRA carefully reviewed the matter and decided that there may be merit in AAR's comments. As a result, TOFC service was prohibited in the final rule and MTB opened Docket HM-177 entitled, "Transportation of Hazardous Materials in TOFC Service." In addition, the MTB held a public hearing on February 25, 1981 (46 FR 8055), in Rosemont, Illinois, at which a representative of the AAR stated he did not believe that tank containers were being transported at high centers of gravity (higher than 98 inches above rail) in TOFC operations. Subsequent to the hearing, a petition for reconsideration of the final rule issued under Docket HM-167 was received from the AAR removing its objection to authorized transportation of portable tanks in TOFC service. However, the AAR objected to the requirement of obtaining FRA approval for container-on-flatcar (COFC) service. Rather, the AAR proposal supported the use of industry standards to monitor TOFC and COFC service. The MTB is not aware of the existence of a formal industry standard specifying conditions for TOFC and COFC transportation of hazardous materials in intermodal portable tanks. Therefore, the MTB will keep Docket HM-177 open to receive proposals for the adoption of such a standard. However, as an interim measure until proposals are received and considered during a rulemaking proceeding, FRA's Associate Administrator for Safety will approve the conditions for TOFC and COFC service for IM portable tanks, as is required for DOT 51, 56, and 57 portable tanks and cargo tanks (See §§ 174.61(c) and 174.63(b)).

As stated in the preamble to the final rule (46 FR 9880, page 9888), the Office of Management and Budget (OMB) must clear the report preparation and recordkeeping requirements adopted in the rule. Acting under the Paperwork Reduction Act of 1980, OMB has approved the specified reporting and recordkeeping requirements; Applications for Designation as an Approval Agency (OMB Approval No. 2137-0008), Applications for Approval of an IM Portable Tank (OMB Approval No. 2137-0011), Certification Reports for an IM Portable Tank under DOT Exemption (OMB Approval No. 2137-0012), Proposed Addition (or Change) to IM Tank Table (OMB Approval No. 2137-0013), and Manufacturing Data and Test Reports (OMB Approval No. 2137-0014).

In consideration of the foregoing, § 174.63(d)(2) is revised to read as follows:

§ 174.63 Freight containers and portable tanks and IM portable tanks.

(d) * * *

(2) May not be transported in trailer-on-flatcar (TOFC) service except under conditions approved by the Associate Administrator for Safety, FRA.

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

Note.—The Materials Transportation Bureau has determined that, since this rule amends a previous final rule to permit the use of TOFC service in the rail mode, which service would have been prohibited by the previous final rule (46 FR 9880), this rule will reduce costs and regulatory burdens. Therefore, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan I. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 81-13100 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Correction of Error in Lists of Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule—correction of error.

SUMMARY: In the Federal Register (46 FR 11665) of February 10, 1981, the Service published a correction to an error that appeared in the May 20, 1980, Republication of Lists of Endangered and Threatened Species (45 FR 33768). This error involved the incorrect listing of Hartmann's mountain zebra (*Equus zebra hartmannae*) as an Endangered species; actually Hartmann's mountain zebra is officially listed as a threatened species. Unfortunately, the published correction, through a typographical error, perpetuated the false impression that Hartmann's mountain zebra is an

Endangered species pursuant to the Act. The present notice informs the public that Hartmann's mountain zebra (*Equus zebra hartmannae*) is a Threatened species, not an Endangered species; it was officially listed as Threatened by publication of a rulemaking in the Federal Register (44 FR 49218) on August 21, 1979. We regret the perpetuation of this error, and apologize for the inconvenience it has caused. This notice was prepared by John L. Paradiso, Office of Endangered Species (703/235-11975).

Dated: April 24, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

§ 17.11 [Amended]

Therefore, 50 CFR 17.11(h) is amended: By adding between "Zebra, Grevy's" and "Zebra, mountain:" Zebra, Hartmann's mountain—*Equus zebra hartmannae*—South West Africa/Namibia—Entire—T—54—NA—NA.

[FR Doc. 81-13095 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-55-M

50 CFR 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates for Final Rules; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree snails, the Texas poppy-mallow and gypsum wild buckwheat and Todsens pennyroyal. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: The rules are deferred until May 30, 1981. This deferral is effective April 30, 1981. Comments must be received on or before May 15, 1981.

ADDRESSES: Written comments should be sent to Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Telephone 703-235-2771 or Ms. Patricia Bangert, Office of the Solicitor, Telephone 202-343-2172.

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, directed Federal agencies to defer the effective dates of regulations issued in final form but not yet in effect for a 60-day period. In notices published February 4, 1981 (46 FR 10707), February 17, 1981 (46 FR 12496), and March 30, 1981 (45 FR 60), the Department of the Interior deferred the effective dates of the regulations listed below to April 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13193, February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had been promulgated in final form but had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further deferring the effective dates of the rules listed below to the dates indicated to allow the Department sufficient time to determine whether the rules are major and to comply with the terms of the Order.

Rule	Date published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan. 13, 1981, 46 FR 3178, 3184 (2 documents). (Hawaiian Tree snails and Texas Poppy-mallow).	May 30, 1981.
Fish and Wildlife Service 50 CFR Part 17, Endangered and Threatened species.	Jan. 19, 1981, 46 FR 5730. (Gypsum wild buckwheat and Todders pennyroyal).	May 30, 1981.

The Department is requesting public comment on whether the rules listed are major under Executive Order 12291. Written comments must be sent to the address given above on or before May 15, 1981.

Dated: April 24, 1981.

F. Eugene Hester,

Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 81-13155 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 46, No. 83

Thursday, April 30, 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

Agriculture Marketing Service

7 CFR Part 1137

Milk in the Eastern Colorado Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend an order provision affecting the regulatory status of a distributing plant. The action was requested by a regulated handler that operates two fluid milk distributing plants in the market. It would remove the requirement that a distributing plant must dispose of at least 50 percent of its milk receipts as fluid milk products on routes before the plant is qualified for pool plant status and thus have its producer milk pooled and priced under the order. The suspension is proposed for May 1981 through August 1981.

DATE: Comments are due not later than May 7, 1981.

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

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

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require

that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1981 in the requested suspension period if this is found necessary. The initial request for the action was received on April 20, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provision of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the months of May 1981 through August 1981:

In § 1137.7 (a)(1) the words "an amount equal to 50 percent or more of the total receipts of".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington D.C. 20250, not later than May 7, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include May 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would make inoperative for May through August 1981 the provision that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes. The order now requires that a distributing plant must dispose of at least 50 percent of its milk

receipts as fluid milk products on routes before the plant is qualified for pool plant status.

The suspension was requested by Meadow Gold Dairies, a proprietary handler who operates two distributing plants in the market. The handler indicates that the request is supported by a major cooperative association in the market who regularly supplies all of the fluid milk needs of the two plants.

The handler indicates that its Greeley, Colorado distributing plant will be unable to meet the 50 percent route disposition requirement because of the loss of substantial Class I sales due to school closings in May. It claims that this situation will continue until September 1981 when schools will reopen.

Furthermore, Meadow Gold Dairies states that without the suspension it might be able to meet the 50 percent route disposition requirement by moving considerable quantities of fluid milk products between its two distributing plants associated with the market. The handler indicates, however, that this would involve excessive additional handling and energy costs and disrupt the production schedules of the two plants. It contends that the temporary suspension action will permit the orderly marketing of the milk supply from producers normally associated with the Greeley distributing plant.

Signed at Washington, D.C., on April 24, 1981.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-12962 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-55-AD]

Airworthiness Directive: Boeing Model 747-100/-200 and SR Series Airplanes With Certain Autopilot Installations Produced by Sperry Flight Systems.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of Time for Comments on NPRM.

SUMMARY: A Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (45 FR 80830) on December 8, 1980, proposing an amendment which would prohibit the use of the autopilot for automatic landings on certain Boeing Model 747 series airplanes, until these airplanes are modified. Comments on the NPRM were to be received by the FAA on or before January 30, 1981.

Recent Boeing flight tests indicate an extended development program may be necessary to design an acceptable modification. In addition, requests have been made by the airline industry to extend the comment period. The FAA concurs with these requests, and accordingly, the comment period is extended.

DATE: The deadline for comments is extended to May 15, 1981.

ADDRESS: Send comment(s) on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde L. Halstead, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

Availability of NPRMS

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION:

Performance and failure analyses recently conducted by the Boeing Commercial Airplane Company have revealed that under certain flight conditions single faults of the automatic landing system with a Monitor and Logic (M&L) Unit, can result in sink rates which exceed 12 feet per second at touchdown.

Factors not previously considered or assumed to be negligible include high altitude effects, automatic stabilizer trim tolerances and single channel hardover. These factors with the single faults can result in sink rates which may exceed the limit load of the landing gear.

As a solution, Boeing had proposed a modification to the automatic stabilizer trim system which would change the

elevator trim threshold to $\pm 0.5^\circ$ centered at the 3° (nominal) elevator trailing edge down position when dual channel automatic landing system is engaged. After extensive flight testing, Boeing indicates this proposed change while effective in reducing the descent rate is not acceptable when the overall performance through touchdown and rollout is considered.

The rejection by Boeing of this solution and the need to define and flight evaluate a new design will require additional time.

These developments, coupled with the requests received from the airline industry, support extending the comment period.

Extension of Comment Period

Accordingly, the deadline for comments on the NPRM in Docket No. 80-NW-55-AD is hereby extended to May 15, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this extension of comment period is necessary to afford all interested persons an opportunity to present their views on a proposed rule. It, therefore—(1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 1103; February 28, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Seattle, Wash., on April 15, 1981.

Charles R. Foster,
Director Northwest Region.

[FR Doc. 81-12889 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-CE-4-AD]

Beech Models 99, 99A, A99A, A99 and B99 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD), applicable to Beech Models, 99, 99A, A99A, A99 and B99 Airplanes. This AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List for these

Beech model airplanes. The new Kinds of Operations Equipment List cites the kinds of operations for which the airplanes were type certificated and lists the systems and equipment that must be installed and operable for each kind of operation. Some items of equipment which the present Beech 99 series MEL and CDL allow to be inoperative could result in the unsafe operation of these airplanes.

DATE: Comments must be received on or before June 1, 1981.

ADDRESS: Send comments on the proposal in duplicate to: FAA Central Region, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 81-CE-4-AD, 601 East 12th Street, Kansas City, Missouri 64108.

FOR FURTHER INFORMATION CONTACT:

Charles J. Maple, Flight Test Pilot, Aircraft Certification Program, FAA, Room 238, Mid-Continent Airport Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 942-4283.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Information on the economic, environmental and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the AD Docket Number and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. 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. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Although the FAA Approved Airplane Flight Manuals (AAFM) for Beech Model 99 series airplanes contain a Minimum Equipment List (MEL) and Configuration Deviation List (CDL), the certification basis for these airplanes did not speak to the inclusion of such lists in the AAFM. In addition, prior to December 1, 1978, Federal Aviation Regulation (FAR) Part 135 did not include provisions whereby those airplanes could be operated with inoperable equipment if that equipment

was authorized on an MEL. However, at the time of the certification of these airplanes, which was prior to the 1978 date, the manufacturer presented such lists for inclusion in the approved AFM. Since certification requirements do not specifically prohibit the inclusion of these lists and these documents did identify equipment deviations appropriate to the particular situations encountered in operations conducted in accordance with the provisions of Part 135 prior to December 1, 1978, the FAA established an airworthiness and operations committee in the Central Region which developed the MEL/CDL lists that appeared in the AAFM. For reasons hereinafter set forth, the agency has determined that inclusion of these lists in the AAFM is not now appropriate. For instance, the addition of certain equipment in these airplanes made it necessary for the FAA to accomplish certain revisions of these documents. In making these revisions, several items of equipment required by previously issued ADs were allowed to be inoperative subject to the condition that specific inspections be performed prior to each flight. For example, AD 69-24-02 requires an out-of-trim warning system while the MEL in the AAFM permitted the system to be inoperative if certain visual checks are made prior to takeoff. As a result, the MEL and CDL portions of the AAFM permitted the operation of the airplane in a configuration that could result in an unsafe condition.

Also, effective December 1, 1978, Part 135 was revised to establish more stringent operating, crew qualification, and maintenance requirements, with the intent to provide a higher level of safety in commuter aircraft operations. New Section 135.179 of the FARs, included in this revision, provides for the use of an MEL and contains certain requirements for the MEL contents. Attendant to this action, Flight Operations Evaluations Boards (FOEBs), in various FAA regions, developed a Master Minimum Equipment List (MMEL) for most nontransport category airplanes. As a part of their responsibilities, the Central Region FOEB developed an MMEL effective July 25, 1979, for Model 99 series aircraft since these airplanes are primarily used in Part 135 operations. Following the development of an MMEL for the Beech Model 99 series airplanes, certain conflicts between this list and the earlier approved MEL and CDL in the AAFM were obvious. Following publication of the MMEL, the FAA received requests to permit certain items of equipment to continue to be inoperative as permitted by these older

lists. The FAA, on more than one occasion, met with interested parties in an attempt to resolve these conflicts. As a result of those meetings, the FAA reviewed the documents in question, along with requests to revise specific items on the MMEL and the data submitted to support the requests. Following this review, the FOEB revised certain items on the MMEL that had become effective July 25, 1979, and superseded it with MMEL Revision 1, effective July 3, 1980. Upon comparison of the approved and revised MMEL developed by the FOEB with the MEL and CDL of the AAFM, the agency has determined that the MEL and CDL in the AAFM allow certain items to be inoperative that could result in the unsafe operation of these airplanes. Additionally, the existence of two FAA-approved documents (the MEL and CDL in the AAFM and the separate MMEL document) inject an element of confusion into the administration of the revised FAR Part 135 requirements.

To correct the situation noted in regard to the possible unsafe conditions that may result from the use of the MEL and CDL in the Beech 99 series AAFM and confusion resulting from the existence of two FAA-approved documents, the FAA believes that the MEL and CDL in the AAFM should be deleted and replaced by Kinds of Operations Equipment List approved as prescribed by Type Certification Regulation, Section 23.1583(h) of the FARs. Since the condition described herein may exist or develop in other airplanes of the same type design when the existing AAFM is followed, an AD is being proposed which rescinds FAA approval of the MEL and CDL contained in the Beech Model 99 series Airplane Flight Manuals, and directs their deletion, together with related references from those manuals. In addition, a new Kinds of Operations Equipment List developed by the FAA in cooperation with the airplane manufacturer, would be required to be added to the AAFM.

The existing Beech 99 Master Minimum Equipment List (MMEL) that was made effective July 3, 1980, by the FAA Central Region Flight Operations Evaluation Board (FOEB) and those Beech 99 MELs authorized under FAR 135.179 may need to be revised/updated to be consistent with the Kinds of Operations Equipment List; however, such actions are not part of this AD.

The MMEL can only be revised/updated by the appropriate FOEB. An MEL which is consistent with the updated MMEL and approved by the FAA under FAR 135.179 or an operating

rule which provides for use of an MEL may authorize certain operations with certain inoperative equipment.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive.

Beech: Applies to Models 99, 99A, A99A and A99 (Serial Numbers U-1 through U-145 and U-147) and Model B99 (Serial Numbers U-146, U-148 and subsequent) airplanes certificated in all categories.

Compliance: required as indicated, unless previously accomplished. To preclude operations with inoperative systems which are required to be functioning for safe flight, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Make the following revisions to the applicable Approved Airplane Flight Manual (AAFM) and operate the airplane in accordance with the revised manual.

1. In P/N 99-590012-1D, FAA Approved Airplane Flight Manual for Beechcraft 99 Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-35" and the entry "Configuration Deviation List . . . 4-44."

(b) Remove and destroy pages 4-35 through 4-46.

2. In P/N 99-590019-1C, FAA Approved Flight Manual for the Beechcraft 99A Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-31" and the entry "Configuration Deviation List . . . 4-40."

(b) Remove and destroy pages 4-31 through 4-42.

3. In P/N 99-590023-1, FAA Approved Flight Manual for the Beechcraft A99A Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-33" and the entry "Configuration Deviation List . . . 4-42."

(b) Remove and destroy pages 4-33 through 4-44.

4. In P/N 99-590024-1, FAA Approved Flight Manual for the Beechcraft A99 Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-29" and the entry "Configuration Deviation List . . . 4-38."

(b) Remove and destroy pages 4-29 through 4-40.

5. In P/N 99-590026-1, FAA Approved B99 Airliner Airplane Flight Manual:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-33" and the entry "Configuration Deviation List . . . 4-42."

(b) Remove and destroy pages 4-33 through 4-44.

(B) In the applicable FAA Approved Airplane Flight Manual identified in paragraph A of this AD:

1. In Section 1, Limitations, delete in its entirety, the paragraph which reads as follows:

"The airplane is approved for the following types of operation when required equipment is installed and operational as defined herein.

1. VFR day and night.
2. IFR day and night.
3. Known icing conditions.
4. FAR 135 operations when all pertinent limitations and performance considerations are complied with.
5. FAR 91 operations when all pertinent limitations and considerations are complied with."

2. In Section 1, Limitations, insert the Kinds of Operations Equipment List, a copy of which is attached hereto and identified as Appendix I for temporary insertion until an identical permanent list is provided by the manufacturer, and operate the airplane in accordance with that Equipment List.

(C) This AD may be accomplished by the holder of at least a private pilot certificate issued under part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service. An entry must be made in the Aircraft Maintenance Records indicating compliance with this AD.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-5448.

This proposed rule, if promulgated, will not result in a major rule nor meet any criteria of a major rule as defined in Section 1(b) of Executive Order No. 12291 dated February 17, 1981. The annual effect on the economy and the economic impact on airplane operators, commuting public, local airport and government agencies because of this action was assessed for direct costs involved plus anticipated or estimated cost increases. The direct cost as a result of this action is largely a one-time only administrative cost to airplane operators and the Federal Aviation Administration. The anticipated or estimated costs are primarily related to any changes in airplane maintenance and maintenance scheduling which may result from this action. This action will not impose any design changes or any new airworthiness requirements.

It has also been determined under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354) under 5 U.S.C. 605(b), that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. This determination is based on the past 5-year Beechcraft Model 99 service difficulty record which shows there would not be a significant economic impact due to systems or

equipment failures on the Beech 99 operators, small airport operators and/or the commuting public. In addition, the new Kinds of Operation Equipment List is not significantly different from the previous MEL/CDL in the Beech 99 AFMs and, therefore, would not adversely affect operation of those airplanes.

Issued in Kansas City, Missouri, on April 9, 1981.

John E. Shaw,
Acting Director, Central Region.

Appendix.—Kinds of Operations Equipment List

This airplane may be operated in day or night VFR, day or night IFR and icing

	VFR day	VFR night	IFR day	IFR night	Icing
Electrical Power:					
1. Battery	1	1	1	1	1
2. D.C. Generator	2	2	2	2	2
3. D.C. Loadmeter	2	2	2	2	2
4. D.C. Generator Warning Light	2	2	2	2	2
5. Inverter	2	2	2	2	2
6. Inverter Warning Light	1	1	1	1	1
7. Feeder Limiter Warning Light	1	1	1	1	1
8. Battery Monitor System	1	1	1	1	1
Equipment/Furnishings: 1. Exit Signs—Self-Illuminated	3	3	3	3	3
Fire Protection:					
1. Engine Fire Detector	2	2	2	2	2
2. Firewall Fuel Shutoff	2	2	2	2	2
Flight Controls:					
1. Flap System	1	1	1	1	1
2. Flap Position Indicator	1	1	1	1	1
3. Horizontal Stabilizer Trim System—Main	1	1	1	1	1
4. Horizontal Stabilizer Trim System—Standby	1	1	1	1	1
5. Stabilizer out-of-trim Aural Warning Indicator	1	1	1	1	1
6. Trim-in-Motion Aural Indicator	1	1	1	1	1
7. Horizontal Stabilizer Position Indicator	1	1	1	1	1
8. Stall Warning Horn	1	1	1	1	1
9. Trim Tab Indicator—Rudder	1	1	1	1	1
10. Trim Tab Indicator Aileron	1	1	1	1	1
Fuel:					
1. Fuel Boost Pumps (4 are installed)	(1)	(1)	(1)	(1)	(1)
2. Fuel Quantity Indicator	2	2	2	2	2
3. Fuel Quantity Gauge Selector Switch	1	1	1	1	1
4. Nacelle Not-Full Warning Light	2	2	2	2	2
5. Crossfeed Light	1	1	1	1	1
6. Fuel Boost Pump Low Pressure Warning Light	2	2	2	2	2
7. Fuel Flow Indicator	2	2	2	2	2
8. Jet Transfer Pump	2	2	2	2	2
Ice and Rain Protection:					
1. Engine Inlet Scoop Deicer Boot	2	2	2	2	2
2. Engine Inlet Scoop/Deicer/Propeller Deicer Indicator	2	2	2	2	2
3. Engine Inertial Anti-Icing System	2	2	2	2	2
4. Pitot Heat	0	0	2	2	2
5. Alternate Static Air Source	0	0	1	1	1
6. Engine Auto-Ignition System	2	2	2	2	2
7. Propeller Deicer	0	0	0	0	2
8. Windshield Heat (Left)	0	0	0	0	1
9. Surface Deicer System	0	0	0	0	1
10. Stall Warning Mounting Plate Heater	1	1	1	1	1
11. Wing Ice Light (Left)	0	0	0	0	1
12. Windshield Wiper (Left)	1	1	1	1	1
Landing Gear:					
1. Landing Gear Position Indicator Lights	3	3	3	3	3
2. Landing Gear Handle Light	1	1	1	1	1
3. Flap-Controlled Landing Gear Aural Warning	1	1	1	1	1
4. Nose Steering Disconnect Actuator	1	1	1	1	1
Lights:					
1. Cockpit and Instrument (Required Illumination)	0	1	0	1	0
2. Anti-Collision	0	2	0	2	0
3. Landing Light Assembly (two lamps)	0	1	0	1	0
4. Position Lights (System)	0	1	0	1	0
5. Cabin Door Warning Light	1	1	1	1	1
6. Baggage Door Warning Light	1	1	1	1	1
Navigation (Instrument):					
1. Altimeter (left)	1	1	1	1	1
2. Airspeed (left)	1	1	1	1	1
3. Magnetic Compass	1	1	1	1	1
4. Outside Air Temperature	1	1	1	1	1
Vacuum System: 1. Suction Gauge	1	1	1	1	1
Propeller:					
1. Autofeather System	2	2	2	2	2
2. Low Pitch Light (PT6A-20 Engine Only)	2	2	2	2	2
3. Do not Reverse Warning Light	2	2	2	2	2
Engine Indicating:					
1. Tachometer Indicator (Propeller)	2	2	2	2	2
2. Tachometer Indicator (Gas Generator)	2	2	2	2	2

	VFR day	VFR night	IFR day	IFR night	icing
3. ITT Indicator.....	2	2	2	2	2
4. Torque Indicator.....	2	2	2	2	2
Engine Oil:					
1. Oil Temperature Indicator.....	2	2	2	2	2
2. Oil Pressure Indicator.....	2	2	2	2	2
3. Low Oil Pressure Light.....	2	2	2	2	2
4. Engine Chip Detector.....	2	2	2	2	2

¹PER AFM limitations.

NOTE 1.—The zeros (0) used in the above list mean that the equipment and/or system was not required for type certification for that kind of operation.

NOTE 2.—The above system and equipment list is predicated on a crew of one pilot.

NOTE 3.—Equipment and/or systems in addition to those listed above may be required by operating regulations (FAR Part 135) that may specify certain items of equipment for more than one pilot.

[FR Doc. 81-12996 Filed 4-29-81; 6:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 77-SW-8]

Mitsubishi MU-2B Series Airplanes (Certificated Under Type Certificate A10SW); Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to certain Mitsubishi MU-2B series airplanes by providing an alternate means of compliance involving an elevator trim tab bracket and rod modification. The amendment is needed to make the AD applicable to additional Model MU-2B series airplanes, because the FAA has determined that these airplanes are also susceptible to the trim tab bracket and rod failures to which the AD is directed and to allow additional modifications which will eliminate repetitive inspections and lubrication requirements.

DATE: Comments must be received on or before May 20, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 77-SW-8, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service bulletin may be obtained from Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901. A copy of the technical data is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: R. T. Weaver, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Documents should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

This notice proposes to amend Amendment 39-2841 (42 FR 10842), AD 77-04-07, which currently requires inspection of the elevator trim tab bracket for wear and repair as necessary on Mitsubishi Models MU-2B-25, -26, -26A, -35, -36, -36A airplanes certificated under Type Certificate A10SW. After issuing Amendment 39-2841, the FAA has determined that the reasons for issuing AD 77-04-07 are valid for additional Model MU-2B airplanes and that, if a specific modification of the elevator trim tab bracket and rod is accomplished, the repetitive inspections and lubrication required by the AD are no longer necessary. Therefore, the FAA is considering amending Amendment 39-2841 to make the AD applicable to additional Model MU-2B series airplanes and to allow additional modifications which will eliminate repetitive inspections on Mitsubishi MU-2B series airplanes certificated under Type Certificate A10SW.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-2841 (42 FR 10842), AD 77-04-07, as follows:

By revising the model effectivity to read: Mitsubishi Aircraft International, Inc., applies to MU-2B Series (s/N 313 S.A., 321 S.A., 348 S.A. through 352 S.A., 355 S.A. through 399 S.A., 652 S.A., 661 S.A., 697 S.A., through 741 S.A.) certificated in all categories.

By revising paragraphs (a), (b), and (c) of the amendment to read as follows:

(a) For Model MU-2B-25, S/N 313 S.A., at the initial inspection replace the 010A-22119 brackets with 010A/22127 brackets in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 019/27-003 dated September 15, 1980; thereafter inspect the 010A-22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection in accordance with Service Bulletin SB 002-27-001 dated December 8, 1976, or with SB 019/27-003 dated September 15, 1980.

(b) For Models MU-2B-26, MU-2B-26A, and MU-2B-40, S/N 321 S.A., 348 S.A. through 352 S.A. and 355 S.A., through 399 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N 661 S.A., 697 S.A. through 741 S.A., inspect the 010A-22127 bracket in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 019/27-003 dated September 15, 1980. After the initial inspection, inspect the 010A/22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection.

(c) For Model MU-2B-25, S/N 313 S.A., and Models MU-2B-26, MU-2B-26A, and MU-2B-40, S/N's 321 S.A., 348 S.A. through 352 S.A., 355 S.A. through 399 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N's 661 S.A., 697 S.A. through 741 S.A., apply Molycote grease in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1976, or SB 019/27-003 dated September 15, 1980, to the inner surface of the bracket bushing and outer surface of the spacer. Apply the grease at intervals not to exceed 100 hours' time in service from the last application.

By adding a new paragraph (d) to read:

(d) Replacement of the 010A-22119 brackets and 010A-22127 Elevator trim tab brackets with the 010A-22127-3 trim tab bracket in accordance with Part 3 of the Mitsubishi Aircraft International Service Bulletin SB 019/27-003 dated September 15, 1980, will remove the requirement for the 300-hour repetitive inspections of paragraphs (a) and (b) and the 100-hour repetitive grease applications of paragraph (c).

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 since it affects only 17 airplanes and adds requirements resulting in a total cost of less than \$10,000. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact." It has also been determined for the same reasons cited above that 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.

Issued in Fort Worth, Texas, on April 8, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-12997 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-11]

Kawasaki Heavy Industries, Ltd. Models KV107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to issue a new airworthiness directive (AD) which would require an identification of service life expectancy on the main rotor tension-torsion strap assemblies, P/N 107R2003-1 of the Kawasaki Model KV107-II/-IIA helicopters. This AD is necessary due to a determination of Boeing Vertol's Model 107 revised operational spectrum, which identifies mandatory removal and replacement of the tension-torsion strap assemblies on or before the accumulation of 27,800 hours time in service. The two helicopter designs are nearly identical. Failure of a strap assembly will result in loss of a main rotor blade.

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

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-11, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, including economic impact data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments and information submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

Boeing Vertol revised their aircraft operational spectrum to identify a life expectancy factor of the main rotor tension-torsion strap assembly. It was once considered to have infinite life. It was concluded by Boeing Vertol, and the FAA concurred, that the main rotor tension-torsion straps of the Model 107-II would experience a high probability of fatigue failure, although no fatigue failure has been experienced in any of the helicopters. A service life of 27,800 hours was assigned to the strap assembly. Amendment 39-3987, AD 80-25-08, effective December 12, 1980, for the Boeing Vertol Model 107-II helicopter, established this finite service life for the tension-torsion strap assembly. In view of the similarity of the type design of the Kawasaki and the Boeing Vertol models, it is likely that the same potential condition may exist on the Kawasaki models. Accordingly, an airworthiness directive is being proposed which requires the removal and replacement of the tension-torsion strap assemblies (P/N 107R2003-1) on or before the accumulation of 27,800 hours' time in service. Failure of a strap will result in loss of a main rotor blade.

There are presently four U.S. registered KV107-II/-IIA helicopters in service. The cost for the replacement of tension-torsion straps for these

helicopters is presently \$86,400. The labor cost associated with the installation of these tension-torsion straps, based on 48 hours per helicopter at \$35 per man-hour, is estimated to be \$6,720. This results in an estimated costs impact to the U.S. KV107-II/-IIA fleet of \$93,120 or \$0.84 per flight hour for each helicopter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new directive:

Kawasaki Heavy Industries, Ltd. (KHI).

Applies to Models KV107-II and KV107-IIA helicopters equipped with main rotor tension-torsion strap assemblies, P/N 1107R2003-1, certificated in all categories (Airworthiness Docket 81-ASW-11).

Compliance required as indicated.

To prevent fatigue failure of the main rotor tension-torsion strap assemblies, remove from service tension-torsion strap assemblies Part No. 107R2003-1 on or before the accumulation of 27,800 hours' time in service and replace with an airworthy part that meets the requirement of this AD.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed rule that will not be a major regulation under the provisions of Executive Order 12291. It has been further determined that this document does not involve a significant regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and the impact is so minimal that it does not warrant the preparation of regulatory evaluation.

If it is subsequently determined to have an impact a draft regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

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 since four aircraft are affected.

Issued in Fort Worth, Texas, on April 15, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12998 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-29]

**Transition Area, Atchison, Kans.;
Proposed Alteration****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Atchison, Kansas, to provide additional airspace for aircraft executing a new instrument approach procedure to the Amelia Earhart Airport utilizing the Atchison nondirectional radio beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before May 23, 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 M. 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 rulemaking 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 23, 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, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Atchison, Kansas. To enhance airport usage, an additional instrument approach procedure is being developed for the Amelia Earhart Airport, Atchison, Kansas, utilizing the Atchison NDB as a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Atchison, 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 new 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, § 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:

Atchison, Kansas

That airspace extending upward from 700 feet above the surface within a 5 mile radius

of the Amelia Earhart Airport (Latitude 39°34'15" N, Longitude 95°10'47" W) and within 3 miles each side of the St. Joseph VORTAC 207° radial extending to 5 miles northeast of the airport; within 2.5 miles each side of the SUMMR waypoint (Latitude 39°42'29" N, Longitude 95°12'02" W) 174° bearing extending from the 5 mile radius area to 6 miles northwest of the airport and within 3 miles each side of the 003° bearing from the Atchison, Kansas NDB (Latitude 39°34'20" N, Longitude 95°10'58" W) extending from the 5 mile radius area to 8.5 miles northwest of the 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))

Note.—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 April 3, 1981.

John E. Shaw,

Acting Director, Central Region.

(FR Doc. 81-12615 Filed 4-29-81; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-CE-2]

**Transition Area, Lyons, Kans.;
Proposed Alteration****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Lyons, Kansas, to provide additional controlled airspace for aircraft executing a new VOR/DME-A instrument approach procedure to the Lyons-Rice County Municipal Airport, Lyons, Kansas.

DATE: Comments must be received on or before May 27, 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 M. 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 rulemaking 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 27, 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 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, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Lyons, Kansas. To enhance airport usage, a new VOR/DME-A instrument approach procedure

to the Lyons-Rice County Municipal Airport, Lyons, Kansas, is being established. The establishment of this new instrument approach procedure entails the alteration of the transition area at Lyons, 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, § 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:

Lyons, Kansas

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Lyons-Rice County Airport (38°20'33" N/98°13'35" W) and 3 miles each side of the 349° bearing of the Lyons nondirectional beacon (NDB) (38°20'50" N/98°13'36" W) extending from the 5 mile radius to 8.5 miles northwest; and 3 miles each side of the Hutchinson VORTAC (37°59'48.8" N/97°58'01.7" W) 326° radial and extending from the 5 mile radius to 5.5 miles southeast, excluding that airspace that overlies the Hutchinson, Kansas, transition area.

(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))

Note.—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 April 3, 1981.

James O. Robinson,
Acting Director, Central Region.

[FR Doc. 81-12010 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ARM-20]

Establishment of 700' and 1,200' Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to establish 700' and 1,200' transition areas at Douglas, Wyoming to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure (SIAP) developed for the Converse County Airport, Douglas, Wyoming.

DATES: Comments must be received on or before June 15, 1981.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the Office of Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-534), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

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 be submitted in triplicate to the

Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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 NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a 700' and 1,200' transition area at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 SIAP for the Converse County Airspace, Douglas, Wyoming.

At present, the Converse County Airport is visual flight rule (VFR) only. As a result of the new VOR runway 28 SIAP developed for the Converse County Airport, it is necessary to change the status of the subject airport from VFR to instrument flight rule (IFR) and develop a 700' and 1,200' transition area to provide controlled airspace for aircraft executing the VOR runway 38 SIAP.

It is proposed to make the establishment of the transition areas coincide with the effective date of the new standard instrument approach. Accordingly, the FAA proposes the following amendments to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending Subpart G, § 71.181 so as to establish the following transition areas:

Douglas, Wyoming

That airspace extending upward from 700' above the surface within a 9-mile radius of the Converse County Airport, Douglas, Wyoming (latitude 42°44'40" N., longitude 105°21'56" W.) within 5 miles each side of the Douglas VORTAC 123° radial extending from the 9-mile radius to 18.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200' above the surface within the area bounded by a line beginning at a point latitude 43°14'00" N., longitude 105°28'01" W., east along the south edge of V26 to latitude 43°28'30" N., longitude 104°30'00" W., to latitude 43°00'00" N., longitude 104°30'00", east to the Wyoming-Nebraska State boundary, south to the north edge of V100, west to the west edge of V19, northwest to latitude 42°27'30" N., longitude 105°52'05" W.; thence to point of beginning, excluding the Casper and Cheyenne, Wyoming, transition areas.

Drafting Information

The principal authors of this document are Robert E. Greene, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel, Rocky Mountain Region.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 8(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 or Significant under DOT Regulatory Policies and Procedures (44 FR 11034) and at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on March 31, 1981.

F. L. Cunningham,

Acting Director, Rocky Mountain Region.

[FR Doc. 81-12631 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-11]

Proposed Temporary Restricted Areas, Twenty Nine Palms, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a temporary restricted area with five subdivisions in the vicinity of Twenty Nine Palms, Calif., to contain a major joint military exercise. Appropriate portions of the area would

be included in the Continental control area. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed restricted area during the time the area is in use by the military.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-11, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWE-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed

in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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, SW., 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 procedure.

The Proposal

The FAA is considering amendments to § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R-2514A, R-2515B, R-2514C, R-2514D, and R-2514E McGregor, N. Mex., to contain a major joint military readiness exercise entitled BOLD STAR 81. The applicable proposed restricted areas would be included in the Continental Control Area. This exercise will provide training for several military commands operating under the sponsorship of the U.S. Air Force Readiness Command, Langley AFB, Va. The air activities associated with the exercise will be such that flight by nonparticipating aircraft cannot be safely conducted simultaneously within the proposed temporary restricted areas when they are in use by the military. These activities will consist of air operations such as close air support, interdiction, air defense/counter air, electronic warfare, reconnaissance, tactical airlift missions, and aerial refueling. It is estimated that approximately 200 aircraft would be utilized to conduct approximately 100 fixed wing and 200 helicopter sorties daily. The boundary abutments to the existing restricted areas are necessary to accommodate interarea transition into and out of R-2501N, S, E, and W which, along with existing BRISTOL and TURTLE MOAs, will be used extensively during the exercise. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the

temporary areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communication frequencies would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed temporary restricted areas would be designated as joint use to permit use by the controlling agency for nonparticipating VFR and IFR air traffic when the areas are not in use by the military. The military would provide aerial access to private or public use land within the proposed temporary areas. The Department of the Air Force will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Send comments on environmental and land use aspects to: Mr. Gilbert N. Burnet, Headquarters TAC/DEEV, Langley AFB, Va. 23685, telephone 804-764-4430. The description of these restricted areas under Parts 71 and 73 were republished on January 2, 1981, [46 FR 446 and 787].

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73), as republished [46 FR 446 and 787], as follows:

1. By amending § 71.151, after "R-2513 Hunter-Liggett, Calif." to add, the following designations:

R-2514A Twenty Nine Palms, Calif.
R-2514B Twenty Nine Palms, Calif.
R-2514C Twenty Nine Palms, Calif.
R-2514D Twenty Nine Palms, Calif.

2. By amending § 73.25 after "R-2513 Hunter-Liggett, Calif." to add the following designations:

R-2514A Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°41'00" N., Long. 116°30'00" W.; to Lat. 34°43'00" N., Long. 116°28'00" W.; to Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°41'00" N., Long. 116°05'00" W.; to Lat. 34°41'00" N., Long. 116°03'00" W.; to Lat. 34°36'00" N., Long. 115°58'00" W.; to Lat. 34°35'00" N., Long. 115°55'00" W.; to Lat. 34°33'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°20'00" N., Long. 116°20'00" W.; to Lat. 34°30'00" N., Long. 116°26'00" W.; to Lat. 34°36'00" N., Long. 116°28'00" W.; thence to point of beginning.

Designated altitudes. Surface to FL 500.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

R-2514B Twenty Nine Palms, Calif.

Boundaries. Beginning at Lat. 34°41'00" N., Long. 116°30'00" W.; to Lat. 34°36'00" N., Long. 116°28'00" W.; to Lat. 34°30'00" N., Long. 116°26'00" W.; to Lat. 34°20'00" N., Long. 116°20'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°14'00" N., Long. 116°28'00" W.; to Lat. 34°18'00" N., Long. 116°37'00" W.; to Lat. 34°28'00" N., Long. 116°42'00" W.; thence to point of beginning.

Designated altitudes. 500 feet AGL to FL 500.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va. R-2514C Twenty Nine Palms, Calif.

Boundaries. Beginning at Lat. 34°18'00" N., Long. 116°37'00" W.; to Lat. 34°14'00" N., Long. 116°28'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°08'00" N., Long. 115°53'00" W.; to Lat. 34°03'00" N., Long. 116°13'00" W.; to Lat. 34°03'00" N., Long. 116°24'00" W.; to Lat. 34°04'00" N., Long. 116°32'00" W.; thence to point of beginning.

Designated altitudes. 2,000 feet AGL to 17,000 feet MSL.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va. R-2514D Twenty Nine Palms, Calif.

Boundaries. Beginning at Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°43'00" N., Long. 115°27'00" W.; to Lat. 34°22'00" N., Long. 115°35'00" W.; to Lat. 34°17'00" N., Long. 115°41'00" W.; to Lat. 34°17'00" N., Long. 115°44'00" W.; to Lat. 34°25'00" N., Long. 115°44'00" W.; to Lat. 34°25'00" N., Long. 115°47'00" W.; to Lat. 34°33'00" N., Long. 115°47'00" W.; to Lat. 34°35'00" N., Long. 115°55'00" W.; to Lat. 34°36'00" N., Long. 115°58'00" W.; to Lat. 34°41'00" N., Long. 116°03'00" W.; to Lat. 34°41'00" N., Long. 116°05'00" W.; thence to point of beginning.

Designated altitudes. 500 feet AGL to FL 500.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va. R-2514E Twenty Nine Palms, Calif.

Boundaries. Beginning at Lat. 34°43'00" N., Long. 115°27'00" W.; to Lat. 34°41'00" N., Long. 114°51'00" W.; to Lat. 34°14'00" N., Long. 114°48'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°17'00" N., Long. 115°44'00" W.; to Lat. 34°17'00" N., Long. 115°41'00" W.; to Lat. 34°22'00" N., Long. 115°35'00" W.; thence to point of beginning.

Designated altitudes: 14,000 feet MSL to FL 500.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12775 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-ASO-19]

Proposed Temporary Restricted Area, Elgin AFB, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a temporary restricted area in the vicinity of Elgin AFB, Fla., to contain a major joint military exercise to be conducted between October 24-31, 1981. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed temporary restricted area during the time the area is in use by the military.

DATE: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASO-19, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is

located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASO-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

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, SW., 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 procedure.

The Proposal

The FAA is considering an amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to designate a temporary restricted area identified as R-2929, Eglin AFB, Fla., to contain a major military readiness exercise between October 24-31, 1981. This exercise will provide training for several military commands operating under the sponsorship of the U.S. Air Force Readiness Command, Langley AFB, Va. The air activities associated with the exercise will be such that flight by nonparticipating aircraft cannot be safely conducted simultaneously within the proposed temporary restricted area when it is in use by the military. These activities will consist of air operations such as close air support, interdiction, air defense/counter air, electronic warfare, reconnaissance, tactical airlift missions, and aerial refueling. It is estimated that approximately 120 aircraft would be utilized to conduct approximately 150-200 sorties daily. The boundary abutments to the existing restricted areas and MOAs are necessary to accommodate interarea transition into and out of the existing areas which will be used extensively during the exercise. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the temporary areas when military activity permits. Additionally, a reverse charge telephone number and radio communication frequencies would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed temporary restricted area would be designated as joint use to permit use by the controlling agency for nonparticipating VFR and IFT air traffic when the area is not in use by the military. Procedures would be established to maintain the integrity of the Bob Sikes Airport instrument approach. The Department of the Air Force will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Send comments on environmental and land use aspects to: Captain Ron Descheneaux, Headquarters TAC/DEEV, Langley AFB, Va. 23665, telephone 804-764-4430. Section 73.29 of Part 73 was republished on January 2, 1981 (46 FR 793).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73), as republished (46 FR 793), by adding a new restricted area to read as follows:

"R-2929 Eglin AFB, Fla.

Boundaries. Beginning at Lat. 30°33'30" N., Long. 86°38'00" W.; thence clockwise along the Eastern boundary of R-2915A to Lat. 30°43'00" N., Long. 86°38'00" W.; to Lat. 30°43'00" N., Long. 86°27'30" W.; thence along the Western boundary of R-2918 to Lat. 30°33'30" N., Long. 86°25'30" W.; to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0700-1700, local time, October 24-31, 1981.

Controlling agency. FAA Jacksonville ARTCC.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command, Langley AFB, Va."

(Secs. 307(a) 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 23, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12964 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 19497; Notice No. 81-5]

Proposed Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish special Airport Traffic Areas and Air Traffic Rules in U.S. airspace near Sault Ste. Marie, Ontario, and Abbotsford, British Columbia, Canada. The proposed rule would require pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive authorization from Canadian Air Traffic Control before operating in the designated special airport traffic area. The requirements would, by establishing consistency with rules applied in Canadian Positive Control Zones enhance the level of safety within the designated U.S. airspace. The rule would reduce the midair collision potential caused by uncontrolled and unknown aircraft operating in the airspace in which air traffic control is currently provided by Canada to aircraft operating under instrument flight rules (IFR).

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

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No., 800 Independence Avenue, SW., Washington, DC 20591.

Or delivered in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed,

stamped postcard on which the following statement is made: "Comments to Docket No. 19497." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the 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, SW., Washington, DC 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 procedure.

Background

By a letter dated January 9, 1978, the Superintendent of International Coordination, Transport Canada, requested the FAA to issue a special air traffic rule under Part 93 of the Federal Aviation Regulations. That rule would establish special airport traffic areas and air traffic rules that would apply to operations in U.S. airspace within control zones designated for certain Canadian airports. It would require pilots to establish two-way radio communication with the Canadian airport traffic control tower and receive a Canadian ATC clearance before operating in the specified areas. The U.S. areas (control zones) affected would be described as special airport traffic areas and would be associated with airports located at Sault Ste. Marie, ON, and Abbotsford, BC, Canada.

Through letters of agreement, jurisdiction of certain U.S. airspace juxtaposed to Canadian positive control zones is delegated by the United States to the Canadian air traffic facilities for the control of IFR traffic. However, unlike the requirements for operation in U.S. airport traffic areas under FAR §§ 91.85 and 91.87, Canadian rules for

positive control zones in Canadian airspace require aircraft to have authorization to enter or operate in the control zone and to maintain two-way radio communications with the control tower. Further, the Canadian requirement does not govern aircraft operating in U.S. airspace. Similarly, a U.S. airport traffic area does not exist, under the general rules, for Canadian airports and the requirements of §§ 91.85 and 91.87 do not apply to operations in the vicinity of those airports with operating control towers in Canada. Consequently, pilots operating to, from, and near those airports do not have protection of either rule while in the United States airspace. A special rule could fill that void and enhance the level of safety within those areas. It would tend to reduce the midair collision potential by requiring pilots, whether or not they cross into Canadian airspace, to communicate with, and receive clearances and authorizations from, the Canadian control towers that provide air traffic service to IFR aircraft in the designated areas in the U.S. airspace.

Discussion of the Proposed Rule

In order for the Canadian airport control towers to effectively control the air traffic within the control zones, it is necessary that the controller in the terminal area be aware of all aircraft movements within the control tower's area of jurisdiction. With this awareness, controllers will be better able to separate aircraft and provide pilots with air traffic services, thereby enhancing the safe and efficient use of the navigable airspace.

Those objectives can be achieved in the affected airspace by requiring pilots of aircraft to comply with requirements that would apply if that airspace were Canadian and controlled by appropriate Canadian air traffic control tower (Abbotsford, BC, or Sault Ste. Marie, ON, control towers).

This proposal would apply the special air traffic rules to the U.S. Abbotsford control zone, at or below 3,000 feet MSL and to the U.S. Sault Ste. Marie, control zone, at or below 4,000 feet MSL. Thus, a requirement for radio contact would be placed on pilots desiring to operate aircraft within or through the Abbotsford and Sault Ste. Marie positive control zones and the corresponding U.S. special airport traffic areas prior to entering the designated U.S. areas. Accordingly, a comparable level of safety to that achieved by the Canadian airspace would be provided in the U.S. airspace. The U.S. airspace, however, would not be referred to as positive control zones but as special

airport traffic areas. The proposed rule would require all aircraft operating in the special airport traffic areas to have an air traffic control clearance from, and to maintain two-way communication with, the Canadian Air Traffic Control. This would enable ATC to effectively control the air traffic within the tower's area of jurisdiction, including that in the United States. It is also expected to increase efficiency in the navigable airspace associated within the Canadian positive control zones. The mix of controlled, uncontrolled and unknown traffic in this airspace would be effectively eliminated.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by adding a new Subpart Q to Part 93 to read as follows:

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

Sec.

- 93.181 Applicability; scope.
- 93.183 Special airport traffic areas.
- 93.185 Communications.

Authority: Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348, 1354(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

§ 93.181 Applicability; scope.

This subpart prescribes special airport traffic areas and air traffic rule for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada.

§ 93.183 Special airport traffic areas.

Special airport traffic areas under this subpart are designated as follows:

(a) *For Abbotsford, BC*—that air space in the United States at or below 3,000 feet MSL within (the control zone designated for Abbotsford, British Columbia, Canada) the area bounded by a line beginning 48°57'30"N; 122°21'43"W, thence counter-clockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N; 122°21'43"W, thence to 49°02'00"N; 122°27'40"W, to 49°02'00"N; 122°33'45"W, to 48°57'30"N; 122°33'45"W; and thence to the point of beginning.

(b) *For Sault Ste. Marie, ON*—That airspace in the United States at or below 4,000 feet MSL within (the control zone designated for Sault Ste. Marie, Ontario, Canada) the following areas:

(1) Within a 5-statute-mile radius of the Sault Ste. Marie, Ontario Airport (lat. 46°29'N; long. 84°31'W, estimated);

(2) Within 1.75 statute miles north of the 180°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 5.5 statute miles southeast;

(3) Within 1.75 statute miles each side of the 118°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to all statute miles southeast; and

(4) Within 1.75 statute miles each side of the 293°T bearing from the geographical center to the airport extending from the 5-statute mile radius zone to 5.5 statute miles northeast.

§ 93.185 Communications.

For operations within the special airport traffic areas under this subpart the following apply:

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft within a special airport traffic area designated under this subpart shall comply with the applicable provisions of this section.

(b) *ATC clearance.* No person may operate an aircraft within a special airport traffic area designated under this subpart without prior authorization from the appropriate Canadian airport traffic control tower.

(c) *Two-way radio communication.* No person may operate an aircraft within a special airport traffic area designated under this subpart unless two-way radio communications are maintained between that aircraft and the appropriate control tower. However, if the radio fails in flight on an aircraft operating under VFR, within the designated area (with weather conditions at or above VFR weather minimums), and the operator maintains visual contact with the tower, the operator may continue to operate that aircraft and land as soon as possible. If the radio fails in flight on an aircraft operating either under IFR within the designated area, or under VFR within the designated area and visual contact with the tower cannot be maintained, the operator shall comply with the requirements of § 91.127 of this chapter.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348, and 1354(a); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a proposed regulation which is—(1) not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft

evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." Further, 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 because of its low altitude and localized applicability in two small areas on the Canadian border and the nominal, routine nature of the air traffic rules involved.

Issued in Washington, DC, on April 7, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81-12770 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Agenda of Significant Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of Agenda of Significant Rules under Development or Review.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96-354, and in accordance with the policy announced in Executive Order 12291, *Federal Regulation*, the CAB publishes its semiannual Agenda of Significant Rules under Development or Review.

DATE: Adopted: April 23, 1981.

ADDRESSES: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5432. Each document should be identified by the designation appearing in parentheses after the Federal Register citation.

Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT:

About a specific rulemaking action listed in this agenda—the contact person listed below. About this agenda—Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Agenda of Significant Rules under Development or Review in accordance with the Regulatory Flexibility Act, Pub. L. 96-354, and the policy announced in Executive Order 12291, *Federal Regulation* issued on February 17, 1981.

The next agenda will be published in October 1981, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 45 FR 79080, November 28, 1980.

This agenda is divided into two main categories, *Rules Under Development* and *Existing Rules under Review*, and an Appendix. An action to amend an existing part of the Code of Federal Regulations is not necessarily listed as an existing rule under review. If it does not involve a reexamination of the basic policy and purpose of that part, it is listed as a rule under development. We are using a new numbering scheme so that entries in this and future agendas can be numbered consistently. Entries in *Rules Under Development* are listed with a letter prefix indicating the subject areas: A—Small Community Air Service Program; B—Fares, Rates, and Tariffs; C—Charters; and D—Miscellaneous. Each rulemaking included in *Existing Rules Under Review* is listed according to the CFR part it would primarily affect, with a numerical suffix to distinguish it from other rulemakings that are listed under the same part. The Appendix lists any rulemaking that appeared in the previous agenda and has since been completed or terminated.

For each rulemaking action listed in this agenda, the following information is set out: title, the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information; action schedule; and description. For each proceeding in which a notice of proposed rulemaking has been issued, a scheduled completion date is listed. Addresses for all contact persons are Civil Aeronautics Board, Washington, D.C. 20428. Unless otherwise noted, the legal authority for a rulemaking action is the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. The following items appear to meet the statutory criterion: A2, B1, B2, B4, B5, C4, D4, D11, 211-1, 221-2, 241-1, 241-4, 252-1, 293-1, 296-1, 313-1, 323-1, 380-2, and 389-1. We have not made this determination in cases where a notice of proposed rulemaking was issued before January 1, 1981, because the regulatory flexibility analysis requirements do not apply to those proceedings.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, costs, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. Scheduled completion dates are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board Regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the 6 months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then.

Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96-192, 94 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95-504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means Federal Register.

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

Office abbreviations:

BCAA—Bureau of Carrier Accounts and Audits

BCCP—Bureau of Compliance and Consumer Protection

BDA—Bureau of Domestic Aviation

BIA—Bureau of International Aviation

OC—Office of Comptroller

OCR—Office of Civil Rights
 OEA—Office of Economic Analysis
 OGC—Office of the General Counsel
 ER-, EDR-, SPR-, SPDR-, and similar
 designations appearing in parentheses
 after a Federal Register citation are the
 Board's internal designations for final
 rules and proposed rules. Using these

designations, interested persons can
 obtain copies of documents from the
 Distribution Section at the address
 listed above. The Distribution Section
 will also establish and maintain a list of
 persons wishing to receive copies of
 future agendas.

Accordingly, the Civil Aeronautics
 Board publishes the attached Agenda of
 Significant Regulations under
 Development or Review.

By the Civil Aeronautics Board:
 Phyllis T. Kaylor,
 Secretary.

Note.—Abbreviations explained above tables.

Rules Under Development

Contact person	Action schedule	Description
A. Small Community Air Service Program:		
A1. Essential air service subsidy guidelines (proposed 14 CFR Part 271).		
John R. Hokanson, BD, 202-673-5368, or David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 83254, December 18, 1980 (EDR-415, Docket 39041). Comment period closed February 17, 1981. Scheduled for completion: July 1981.	The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service.
A2. Essential air service subsidy procedures (proposed 14 CFR Part 326).		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation.	The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates.
A3. Obligation of carriers to provide adequate service at eligible points (14 CFR Part 398).		
David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 67357, October 10, 1980 (PSDR-68, Docket 38607). Comment period closed December 9, 1980. Scheduled for completion: May 1981.	The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (i.e., essential) service at points they now serve.
B. Fares, Rates, and Tariffs:		
B1. Plain English for airline/passenger contracts (proposed 14 CFR Part 255).		
Patricia J. Kennedy, BCP, 202-673-5158.	NPRM, 45 FR 25817, April 16, 1980 (EDR-396, Docket 38021). Comment period closed August 15, 1980. Reply comment period closed September 3, 1980. NPRM, 45 FR 42629, June 25, 1980 (EDR-404, Docket 38348). Comment period closed September 3, 1980. Reply comment period closed September 23, 1980. Supplemental NPRM in preparation.	Contracts between airlines and their passengers are governed by tariffs, which are filed with the Board and available for inspection at airline ticket offices. Although tariffs are complicated and relatively inaccessible documents, passengers are presumed to have read them and consented to their terms and conditions. Over the past several years, many businesses have developed "plain English" contracts so that customers clearly understand what they are agreeing to. The proposed rule would apply this approach to airline/passenger contracts by prohibiting airlines from enforcing tariff provisions against passengers unless the airlines make available to passengers a "plain English" notice of the terms and conditions of the contract. The supplemental NPRM would consolidate this rulemaking with an earlier proposal to simplify the requirements that airlines disclose certain information to consumers on passengers' tickets and counter signs.
B2. Elimination of mandatory joint fares (14 CFR Part 399).		
Joanne Petrie, OGC, 202-673-5442 or Julien Schrenk, BDA, 202-673-5298.	Petition filed in Docket 39585. NPRM in preparation.	The mandatory joint fare requirements established in the Domestic Passenger Fare Investigation will end by January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. On its own initiative, and in response to a petition filed by American Airlines, the Board is considering whether to eliminate the mandatory joint fare program sooner or to phase it out.
B3. Maximum tariffs (14 CFR Parts 221, 296, 297).		
Mark S. Kahan, BIA, 202-673-5371.	NPRM, 45 FR 64864, September 24, 1980 (EDR-408, Docket 38746). Comment period closed December 1, 1980. Action deferred, 46 FR 934, January 5, 1981 (EDR-408C).	This rule would allow airlines to file tariffs that state prices as maximum amounts instead of exact amounts, so that any price up to the maximum could be charged. The rule would also allow the payment of commissions to air freight forwarders and foreign air freight forwarders. The proposal was prompted by exemption requests from several airlines. The Board has deferred action on this item pending related developments in the Competitive Marketing Investigation.
B4. Extension of fare flexibility to Micronesia (14 CFR Part 399).		
Joanne Petrie, OGC, 202-673-5442.	Petition filed in Docket 38975. NPRM in preparation.	In response to a petition filed by Air Micronesia and Continental Air Lines, the Board is considering whether broader-than-statutory fare flexibility should be extended to U.S.-Micronesia and Intra-Micronesia service.
B5. International cargo rate flexibility (14 CFR Part 399).		
Mark Schwimmer, OGC, 202-673-5442.	NPRM, 45 FR 3595, January 19, 1980 (PSDR-65, Docket 37444). Comment period closed April 9, 1980. Oral argument held July 15, 1980. Scheduled for completion: May 1981.	This rule would establish a policy of not reviewing international cargo rate changes for economic justification if the changes were below a prescribed ceiling, except in extraordinary circumstances. The ceiling would be set initially at the October 1, 1978, rate levels for general commodity rates, and would be periodically adjusted for operating cost increases.
B6. International cargo rate policy—further changes (14 CFR Part 399).		
Joanne Petrie, OGC, 202-673-5442.	ANPRM in preparation.	This notice would invite comments on the broad question of what the Board's cargo rate policy should be, to advise the Board on future rulemaking or legislative proposals.

Rules Under Development—Continued

Contact person	Action schedule	Description
C. Charters:		
C1. <i>Charter flight delays</i> (14 CFR Parts 207, 208, 212, 214). Mark Schwimmer, OGC, 202-673-5442	NPRM, 42 FR 64905, December 29, 1977 (EDR-343, Docket 31229). Comment period closed April 14, 1978. Reply comment period closed May 15, 1978. Scheduled for completion: June 1981.	This rule would tighten the existing rules on flight delays by U.S. charter airlines and extend those rules to passenger charter flights of all types of direct air carriers, other than air taxi operators.
C2. <i>Escrow accounting for Public Charters</i> (14 CFR Part 380). Joanne Petrie, OGC, 202-673-5442	NPRM, 44 FR 32399, June 6, 1979 (SPDR-69, Docket 35705). Comment period closed August 8, 1979. Scheduled for completion: June 1981.	This rule would amend the escrow system for the protection of Public Charter passengers' funds, to simplify the accounting procedures and to eliminate a limitation on disbursements by the escrow bank.
C3. <i>Registration of foreign charter operators</i> (14 CFR Parts 211, 215, 380, 385). Joanne Petrie, OGC, 202-673-5442	NPRM, 45 FR 26084, April 17, 1980 (EDR-398/SPDR-77/ODR-20, Docket 38023). Comment period closed June 16, 1980. Scheduled for completion: June 1981.	This rule would replace the requirement that foreign charter operators obtain a foreign air carrier permit under section 402 of the Federal Aviation Act with a simple registration requirement, to ease market entry and promote competition.
C4. <i>Charter price flexibility</i> (14 CFR Part 380). Patricia T. Szom, BDA, 202-673-5088	Petition filed in Docket 38300. Petition filed in Docket 38323. NPRM in preparation.	The Board's current rules allow charter operators, in their contracts with participants, to reserve the right to increase the charter price up to 10%, as long as the increase occurs 10 or more days before departure. On its own initiative and in response to petitions filed by the American Institute for Foreign Study and the United States Tour Operators Association, the Board is considering whether to eliminate this flexibility, to retain it as is, to retain it but require increases to be cost-justified, or to increase the flexibility.
C5. <i>Registration procedures for Canadian charter air taxi operators</i> (proposed 14 CFR Part 294). Ira Leibowitz, BIA, 202-673-5035, or Nancy Pitzer, BIA, 202-673-5134	NPRM, 45 FR 80117, December 3, 1980 (EDR-414, ODR-23, SPDR-60, SPDR-69). Comment period closed February 2, 1981. Reply comment period closed February 17, 1981. Scheduled for completion: June 1981.	This rule would eliminate the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402. Instead of the extensive information normally required by 14 CFR Part 211, these carriers would merely have to register with the Board. Registration would be quicker and easier to obtain than a regular permit.
C6. <i>Removal of restrictions on administrative costs for charters</i> (14 CFR Parts 207, 208, 212, 214). Joanne Petrie, OGC, 202-673-5442	NPRM, 46 FR 10164, February 2, 1981 (EDR-419, Docket 39173). Comment period closed March 30, 1981. Scheduled for completion: May 1981.	This rule would remove all restrictions on administrative costs that can be charged to pro rata and single entity charters. This action is at the Board's initiative.
C7. <i>Direct carrier responsibility for returning stranded charter passengers</i> (14 CFR Parts 207, 208). David Schaffer, OGC, 202-673-5442	NPRM, 45 FR 46812, July 11, 1980 (EDR-405, Docket 37169). Comment period closed September 25, 1980. Reply comment period closed October 10, 1980. Scheduled for completion: August 1981.	This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts.
C8. <i>Using insurance policies to protect Public Charter passengers' funds</i> (14 CFR Parts 207, 208, 212, 214, 380). David Schaffer, OGC, 202-673-5442	NPRM, 45 FR 63500, September 25, 1980 (EDR-407/SPDR-79, Docket 36958). Comment period closed November 24, 1980. Reply comment period closed December 9, 1980. Scheduled for completion: September 1981.	This rule would authorize insurance plans as an additional alternative to the security arrangements now permitted for Public Charter passengers' funds.
D. Miscellaneous:		
D1. <i>Nondiscrimination on the basis of handicap</i> (proposed 14 CFR Part 382). Mark Schwimmer, OGC, 202-673-5442	NPRM, 44 FR 32401, June 6, 1979 (SPDR-70, Docket 34030). Comment period closed September 4, 1979. Reply comment period closed September 24, 1979. Scheduled for completion: May 1981.	This rule would prohibit unlawful discrimination against handicapped air travelers and implement section 504 of the Rehabilitation Act of 1973.
D2. <i>Consumer protections for members of scheduled-service tour groups</i> . Joanne Petrie, OGC, 202-673-5442	ANPRM, 44 FR 43481, July 25, 1979 (SPDR-71, Docket 34997). Comment period closed October 23, 1979. Reply comment period closed November 22, 1979. NPRM in preparation.	The Board is considering whether consumer protection rules are needed for scheduled-service tours.
D3. <i>Air carrier fitness (continuing fitness)</i> (14 CFR Part 204). Neil G. Whitehouse, BDA, 202-673-5328	NPRM in preparation.	The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(f) of the Act.
D4. <i>Fitness determinations for dormant carriers</i> (14 CFR Part 204). Teri Smith, BDA, 202-673-5348	NPRM, 45 FR 73085, November 4, 1980 (EDR-411, Docket 38904). Comment period closed December 15, 1980. Reply comment period closed December 30, 1980. Scheduled for completion: June 1981.	This rule would impose a 2-year limit for starting service or continuing service after a fitness determination. Carriers that did not begin service or operate within that time period would be required to resubmit fitness data and obtain reauthorization before beginning service.
D5. <i>Zones for mail rates</i> (proposed 14 CFR Part 233). Barry Molar, OGC, 202-673-5205 or Lawrence Myers, OGC, 202-673-5205.	NPRM, 44 FR 52246, September 7, 1979 (EDR-387/PDR-68, Docket 38497). Supplemental NPRM, 45 FR 83510, December 19, 1980 (EDR-387C/PDR-68C, Docket 38497). Comment period closed February 17, 1981. Scheduled for completion: January 1982.	This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone.
D6. <i>Amendment of service segment data reporting</i> (14 CFR Part 241). Clifford M. Rand, OC, 202-673-6044	Petition filed in Docket 39387. NPRM in preparation.	The Board's current rules require larger carriers to file more detailed traffic and capacity statistics than are received from smaller carriers. In response to a petition filed by USAir, the Board is considering whether to reduce reporting by larger carriers.

Rules Under Development—Continued

Contact person	Action schedule	Description
D7. <i>Exemption from report on financial interests</i> (14 CFR Parts 245, 246). Gwyneth Jones, OGC, 202-673-5442	NPRM in preparation	This rule would exempt officers and directors of air carriers from the shareholder reporting requirement in section 407(c) of the Act.
D8. <i>Age discrimination</i> (proposed 14 CFR Part 378). David Schaffer, OGC, 202-673-5442	NPRM, 44 FR 55383, September 26, 1979 (SPDR-74, Docket 36639). Comment period closed November 26, 1979. A final rule was adopted by the Board on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. Scheduled for completion: August 1981.	This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975.
D9. <i>Policy statement on preemption</i> (14 CFR Part 399). Patricia Snyder, OGC, 202-673-5205	Interim rule, 44 FR 9948, February 15, 1979 (PS-83). Request for comments on interim rule, 44 FR 9953, February 15, 1979 (PSDR-56, Docket 34684). Comment period closed April 16, 1979. Scheduled for completion: August 1981.	This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.
D10. <i>Insurance for air carriers</i> (proposed 14 CFR Part 205). J. Kevin Kennedy, BDA, 202-673-5918, Richard Loughlin, BIA, 202-673-5880.	NPRM, 45 FR 7566, February 4, 1980 (EDR-395, Docket 37531). Comment period closed April 15, 1980. Reply Comment period closed May 6, 1980. Scheduled for completion: July 1981.	This rule would establish liability insurance requirements for all U.S. and foreign direct air carriers, to protect the public against losses caused by those carriers. The rule would implement section 401(q)(1) of the Act, as added by the Deregulation Act.
D11. <i>Foreign indirect air carrier operations in domestic markets</i> (14 CFR Parts 296, 380). Glenn Datnoff, BIA, 202-673-5514	NPRM in preparation	This rule would authorize foreign indirect air carriers to organize tours and forward freight in domestic markets.
D12. <i>Dual authority</i> (14 CFR Part 288). Mark Schwimmer, OGC, 202-673-5442	NPRM, 45 FR 73087, November 4, 1980 (EDR-412, Docket 38906). Comment period closed January 5, 1981. Reply comment period closed January 26, 1981. Scheduled for completion: June 1981.	Airlines that use only small aircraft are already exempt from many regulatory requirements of the Act. This rule would grant similar exemptions to certificated airlines (which usually operate large aircraft) for their small aircraft operations, in order to promote competition.
D13. <i>Liberalized regulation of wet lease agreements</i> (14 CFR Parts 207, 208, 212, 214, 399). Mark Schwimmer, OGC, 202-673-5442	NPRM, 46 FR —, May —, 1981 (EDR—). Comment period closes —, 1981. Scheduled for completion: August 1981.	This rule would liberalize the restrictions on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competition.
D14. <i>Employee protection program</i> (proposed 14 CFR Part 314). Michael Schopf, OGC, 202-673-5234; or Steven B. Farman, BDA, 202-673-5340.	NPRM, 45 FR 49291, July 24, 1980 (EDR-406/PSDR-72, Docket 38483). Comment period closed September 8, 1980. Scheduled for completion: May 1981.	Section 43 of the Airline Deregulation Act of 1978 established an employee protection program. Eligible protected employees may receive monthly assistance payments from the Secretary of Labor if the Board determines that a qualifying dislocation of an airline has taken place. This rule would set forth procedures for those Board determinations.
D15. <i>Elimination of airport notices and approved service plans</i> (14 CFR Parts 202 and 213). Ann Pongracz, BIA, 202-673-5203	NPRM in preparation	The Board is reviewing the requirements that airlines file airport notices and changes in approved service plans, with a view toward eliminating them.
D16. <i>Update of agreement-filing rules</i> (14 CFR Parts 261, 262, 263, 269, 302). Gwyneth Jones, OGC, 202-673-5442	NPRM in preparation	This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 269 agreement-filing exemption.
D17. <i>Civil penalty for violation of rules of conduct</i> (14 CFR Part 300). Gwyneth Jones, OGC, 202-673-5442	NPRM, 45 FR 73092, November 4, 1980 (PDR-73). Comment period closed February 10, 1981. Scheduled for completion: June 1981.	This rule would amend the Board's rules of conduct to include a civil penalty as an alternative sanction for violations.

Existing Rules Under Review

202-1. <i>Format of certificates beginning January 1, 1982</i> (14 CFR Part 202). Anne W. Stockvis, BDA, 202-673-5198	NPRM in preparation	The termination of route regulation on December 31, 1981, poses questions about various provisions that are now in the carriers' certificates of public convenience and necessity and certain other problems. Among subjects under review are: maintenance of seasonal service requirements, skip-stop provisions in relation to essential air service levels, handling of temporary authority, notice requirements for carriers with dual authority, effect of termination of route regulation on Airport Development Aid Program, slot allocation, and the handling of certain airport and aircraft-type restrictions, and the status of carriers' section 406 subsidy eligibility.
211-1. <i>Reduction of evidence requirements for foreign air carrier permit renewals</i> (14 CFR Part 211). Regis P. Milan, Jr., BIA, 202-673-5878	NPRM in preparation	Under this rule, foreign air carriers applying for routine renewals or amendments of their permits would, if previous unopposed licensing proceedings had met certain evidentiary standards, be excused from resubmitting certain evidence whose continuing validity could be attested to.
217-1. <i>Reporting of civil aircraft charters</i> (14 CFR Parts 217 and 241). Clifford M. Rand, OC, 202-673-6044	NPRM in preparation	This rule would significantly reduce the Board's charter data reporting requirements.

Rules Under Development—Continued

Contact person	Action schedule	Description
221-1. <i>Flexibility in charging applicable through or local fare</i> (14 CFR Part 221). Mark S. Kahan, BIA, 202-673-5371	NPRM in preparation	Carriers are now required to charge the applicable published through fare between a point of origin and a point of destination, even if it is higher or lower than the sum of intermediate fares. The Board is considering a rulemaking to give carriers and their agents more flexibility in charging the lowest possible fare.
221-2. <i>Liability for lost, delayed, and damaged baggage</i> (14 CFR Part 221). Joseph A. Brooks, OGC, 202-673-5442	NPRM in preparation	The Board is reviewing the current baggage liability limits and rules in the carriers' tariffs in order to determine which rules, if any, should be placed in the regulations, perhaps to be kept after the sunset of the Board.
221a-1. <i>Fare summaries</i> (14 CFR Part 221a). Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 35139. Petition granted, 44 FR 57085, October 4, 1979 (Order 79-8-116). NPRM in preparation.	This rule requires certificated scheduled airlines to provide concise information in pamphlet form to the public about the various fares they offer in domestic air transportation. Fare summaries do not seem to have received a great deal of attention from passengers, however. In response to a petition from American Airlines, the Board is reviewing this rule to decide how it might be improved, or whether it should be abolished. The Board has also waived the effectiveness of the rule, pending the review.
222-1. <i>Regulation of intermodal services of foreign air carriers</i> (14 CFR Part 222). Joseph DiBella, BIA, 202-673-5035	NPRM, 45 FR 42318, June 17, 1980 (EDR-403, Docket 38329). Comment period closed August 22, 1980. Reply comment period closed September 22, 1980. Scheduled for completion: June 1981.	This rule would eliminate all Board restrictions on intermodal services performed by U.S. air carriers, and would require Statements of Authorization for intermodal services by foreign air carriers. This rule would coordinate the Board's treatment of intermodal services with the Congressional modification of the Interstate Commerce Commission's jurisdiction over such services in the Motor Carrier Act of 1980.
234-1. <i>On-time arrival standards</i> (14 CFR Part 234). Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 27891. NPRM in preparation	The Aviation Consumer Action Project has petitioned the Board to restate its on-time arrival standards in terms of actual-versus-scheduled arrival times, instead of actual-versus-scheduled elapsed times.
241-1. <i>Air carrier financial and statistical reporting</i> (14 CFR Part 241). Clifford M. Rand, OC, 202-673-6044	NPRM, 45 FR 85064, December 24, 1980 46 FR 11827, February 11, 1981, (EDR-417, EDR-417A, Docket 39077). Comment period closed, March 25. Reply comment period closed April 9, 1981. Scheduled for completion: July 1981.	As part of a major review of its largest reporting system, the Board expects to eliminate, consolidate, and refine a substantial number of financial and statistical reporting schedules to reduce reporting burdens on all certificated air carriers. Particular emphasis will be placed on reducing the burdens of small air carriers.
241-2. <i>Amendment of fuel cost and consumption reporting</i> (14 CFR Part 241). Clifford M. Rand, OC, 202-673-6044	NPRM, 46 FR 21185, April 9, 1981. (EDR-422). Comment period closes, June 8, 1981. Reply comment period closes June 29, 1981. Scheduled for completion: August 1981.	This rule would reduce the amount of fuel information reported by air carriers each month, and delay the release of carrier-specific information until after the end of each quarter.
241-3. <i>Alignment of Uniformed System of Accounts and Reports with generally accepted accounting principles</i> (14 CFR Part 241). Richard G. Minick, BCAA, 202-673-5259	NPRM in preparation	As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes should provide relief from the present requirements for most carriers.
241-4. <i>Commuter financial and traffic data</i> (14 CFR Part 241, 298). Clifford M. Rand, OC, 202-673-6044	NPRM in preparation	This rule would modify statistical reporting requirements and impose financial reporting requirements on some commuter carriers, to assist in the administration of essential air service programs.
250-1. <i>Denied boarding compensation—extra sections</i> (14 CFR Part 250). Gwyneth Jones, OGC, 202-673-5442	NPRM, 45 FR 30086, May 7, 1980 (EDR-400, Docket 38294). Comment period closed July 7, 1980. Scheduled for completion: August 1981.	Airlines are required to pay denied boarding compensation to passengers who are bumped from their flights. This rule would clarify the applicability of that requirement to extra sections of flights. The rule would also eliminate a minor exception to the requirement.
250-2. <i>Denied boarding compensation—low-fare airlines</i> (14 CFR Part 250). Gwyneth Jones, OGC, 202-673-5442	Petition filed in Docket 39376. NPRM in preparation	Transamerica Airlines, Inc. has petitioned the Board to eliminate or relax its denied boarding rules, or to relax them for low-fare airlines.
250-3. <i>Denied boarding compensation—small aircraft</i> (14 CFR Part 250). Lawrence R. Krevor, BDA, 202-673-5333	ANPRM, 45 FR 31413, May 13, 1980 (EDR-401, Docket 38108). NPRM, 46 FR 8561, January 27, 1981 (EDR-401A, Docket 38108). Comment period closed March 30, 1981. Scheduled for completion: June 1981.	The Board has invited comments on whether, and in what form its denied boarding rules should apply to commuter air carriers and to certificated carriers operating small (less-than-60-seat) aircraft.
250-4. <i>General review of denied boarding compensation</i> (14 CFR Part 250). David Graham, OEA, 202-673-6084	Review in progress	The Board is conducting a general review of the need for rules on denied boarding compensation.

Rules Under Development—Continued

Contact person	Action schedule	Description
252-1. <i>Smoking on airplanes</i> (14 CFR Part 252). David Schaffer, OGC, 202-673-5442	A: Final rule, 44 FR 5071, January 25, 1979 (ER-1091). NPRM, 44 FR 29486, May 21, 1979 (EDR-377, Docket 29044). Editorial correction of NPRM, 44 FR 33410, June 11, 1979 (EDR-377A). Comment period closed August 20, 1979. Reply comment period closed September 19, 1979. NPRM, 46 FR 11627, February 11, 1981 (EDR-420). Comment period closed April 13, 1981. Scheduled for completion: June 1981.	A: In January, 1979, the Board amended its rules on smoking aboard aircraft to provide passengers more effective protection from tobacco smoke. The new requirements include special segregation of cigar and pipe smokers, a minimum of two rows of seats in the no-smoking area for each class of service, and enough seats in no-smoking areas for all persons who wish to be seated there, with provision for expansion of those areas to meet passenger demand. In May, 1979, the Board proposed further changes, including special seating for susceptible passengers, buffer zones, and special locations for cigar and pipe smoking. Other options include a ban on cigar and pipe smoking, and prohibitions based on the type of aircraft (for example, banning smoking on planes with 30 or fewer seats) or length of flight (for example, banning smoking on all flights of less than 1 hour). In February 1981 the Board expanded the proceeding to include the following additional alternatives: banning smoking on airplanes, and eliminating all CAB regulation of in-flight smoking.
Do.....	B: NPRM, 45 FR 26976, April 22, 1980 (EDR-399; Docket 38048). Comment period closed June 23, 1980. Scheduled for completion: June 1981.	B: This rule would permit airlines to refuse to expand the no-smoking section for standby passengers and those who check in less than 5 minutes before scheduled departure.
Do.....	C: Final rule, 45 FR 83206, December 18, 1980 (ER-1203).	C: This rule invites carriers to apply for waivers to experiment with alternative methods of protecting non smokers from tobacco smoke.
293-1. <i>Alaskan subcontract agreements</i> (14 CFR Part 293). David Schaffer, OGC, 202-673-5442	NPRM in preparation	Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with a simpler filing requirement.
296-1. <i>Exemption for air freight forwarders</i> (14 CFR Part 296). Joseph A. Brooks, OGC, 202-673-5442	NPRM, 45 FR 20563, April 6, 1981 (EDR-421). Comment period closes: June 5, 1981. Reply comment period closes: June 25, 1981. Scheduled for completion: November 1981.	The rule would eliminate the registration and reporting requirements applicable to air freight forwarders, and would allow such carriers to operate under a blanket exemption without having to register with the Board.
296-2. <i>Cooperative shippers associations to act as agents of direct carriers</i> (14 CFR Parts 296 and 297). Joseph A. Brooks, OGC, 202-673-5442	NPRM, 45 FR 85075, December 24, 1980 (EDR-416, Docket 38470). Comment period closed: February 2, 1981. Reply comment period closed: February 23, 1981. Scheduled for completion: June 1981.	Cooperative shippers associations are indirect air carriers of property. They are now allowed to become agents of their shippers, but not of direct carriers. In response to a petition, the Board is considering allowing cooperatives to act as agents of the direct carriers, to give these indirect carriers greater flexibility in providing services to their customers.
302-1. <i>Requests for confidential treatment of materials filed with the Board</i> (14 CFR Part 302). Mark Schwimmer, OGC, 202-673-5442	NPRM in preparation	This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act.
305-1. <i>Nonpublic investigations by the Bureau of Consumer Protection</i> (14 CFR Part 305). Elton D. Hill, BCCP, 202-673-5939	NPRM in preparation	This rule would clarify and simplify the procedures for conducting nonpublic investigations.
313-1. <i>Fuel information in certificate applications</i> (14 CFR Parts 313 and 201). William J. Wagner, BIA, 202-673-5035	NPRM in preparation	To implement the goals of the Energy Policy and Conservation Act, the Board requires applicants for new operating authority to submit fuel information. This rule would eliminate that requirement in instances where it is unnecessary because the United States and a foreign country have agreed that new service is required by the public interest.
315-1. <i>Information submitted in merger applications</i> (14 CFR Part 315). David Schaffer, OGC, 202-673-5442	Interim rule, 45 FR 23646, April 8, 1980 (PR-221). Request for comments on interim rule, 45 FR 47698, July 16, 1980 (PDR-71, Docket 37970). Comment period closed September 15, 1980. Scheduled for completion: June 1981.	This rule sets forth the information that must be submitted with a section 408 merger application. It is needed to enable the Board to meet the 6-month deadline imposed by the Act for issuing a final order or decision in a merger case.
323-1. <i>Suspension notices after January 1, 1982</i> (14 CFR Part 323). David Schaffer, OGC, 202-673-5442	NPRM in preparation	After December 31, 1981, the Act requires carriers to file termination notices only when the suspension would deprive a community of essential air service. This rule would eliminate most notices now required by Part 323 and may require a few new ones to ensure that the Board retains the capability to monitor essential service levels at eligible points.
323-2. <i>Elimination of suspension notices for foreign air transportation</i> (14 CFR Parts 323, 231). David Schaffer, OGC, 202-673-5442	NPRM in preparation	The Board is reviewing the requirements in 14 CFR Part 323 for suspension notices in foreign air transportation, which does not involve essential air service, with a view to substituting a simple increase in the number of copies of schedule changes filed pursuant to 14 CFR Part 231.
370-1. <i>Employee responsibilities and conduct</i> (14 CFR Parts 370, 300). Kenneth G. Caplan, OGC, 202-673-5790	NPRM in preparation	The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act, Pub. L. 95-521.

Rules Under Development—Continued

Contact person	Action schedule	Description
375-1. <i>Navigation of foreign civil aircraft</i> (14 CFR Part 375). George Wellington, BIA, 202-673-5878	NPRM in preparation	The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactorily serve the public interest.
379-1. <i>Nondiscrimination in Federally-assisted programs of the Board</i> (14 CFR Part 379). Kenneth G. Caplan, OGC, 202-673-5790 or Shawn D. Land, OGC, 202-673-5544	NPRM in preparation	The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice.
380-1. <i>Protection of charter participants' funds</i> (14 CFR Parts 372, 380). Briekley Williams, BCP, 202-673-5937	NPRM, 42 FR 61406, December 2, 1977 (SPDR-63, Docket 31735). Comment period closed June 30, 1978. Reply comment period closed July 31, 1978. Supplemental NPRM in preparation.	The Board has been reviewing the patchwork of redundant, and sometimes inconsistent, regulations for the protection of charter participants' funds, with a view towards establishing a simpler, uniform set of requirements. The redundancies and inconsistencies were largely eliminated when five different charter regulations were replaced by the Public Charter rule, 14 CFR Part 380. The Board is now considering whether to issue a new proposal on this subject in light of the planned sunset of the agency.
380-2. <i>Elimination of prospectus filing for Public Charters</i> (14 CFR Part 380). Joanne Patria, OGC, 202-673-5442	NPRM in preparation	Currently a charter operator cannot begin to market a Public Charter until at least 10 days after it files a prospectus with the Board. If the Board disapproves the prospectus, the delay can be longer. The prospectus must include a flight schedule and tour itinerary (if any). It must also include certifications that the charter operator has entered into a charter contract with an airline and made certain arrangements for the protection of passengers' funds. This rule would replace the prospectus-filing requirement with a simple registration requirement.
389-1. <i>Change in license and filing fee schedules</i> (14 CFR Part 389). Joseph A. Brooks, OGC, 202-673-5442	Order 77-4-42, dated April 8, 1977. NPRM in preparation.	Because of decisions in the Supreme Court and the U.S. Court of Appeals, the Board suspended its license fees in 1977. Its filing fees have also become outdated in relation to costs. The Board is considering a rulemaking to change its method for calculating filing fees and to bring them into line with current costs. It is also considering deleting the suspended license fees.
399-1. <i>Domestic passenger fare standards</i> (14 CFR Part 399, Subpart C). Julien Schrank, BDA, 202-673-5208	Final rule, 43 FR 39522, September 5, 1978 (PS-80). Final rule, 45 FR 24115, April 9, 1980 (PS-92, Docket 31290). Interim policy statement, 45 FR 40969, June 17, 1980 (PS-94, Docket 37962). Interim policy statement, 45 FR 48600, July 21, 1980 (PS-96, Dockets: 37982, 53836, 35119, 29196). Interim policy statement, 45 FR 70431, October 24, 1980 (PS-98, Docket 37982). Petition filed in Docket 39497, NPRM in preparation.	In Summer, 1978, after a review of the entire body of pricing standards developed in the <i>Domestic Passenger Fare Investigation</i> , the Board ended its practice of prescribing normal fares in the continental United States. Airlines were instead allowed the flexibility to set fares within a specific zone without fear of suspension by the Board. The Airline Deregulation Act of 1978 confirmed this policy by establishing a "zone of reasonableness" within which the Board could not find any domestic fare unlawful. In PS-92, the Board amended its general policy statement on fare flexibility to reflect the Deregulation Act. In PS-94, the Board broadened its zone with an interim policy of full downward fare flexibility in all markets and upward flexibility as follows: unlimited, for markets up to 200 miles; up to 50 percent above the standard industry fare level for markets from 201 to 400 miles; and up to 30 percent above the standard industry fare level for markets above 400 miles. Upon reconsidering PS-94, the Board in PS-98 revised its interim policy to allow upward fare flexibility to the standard industry fare level plus \$15, plus another 30 percent, in all markets. The Board will suspend fares in this zone only in limited circumstances. The Air Transport Association has filed a petition asking that the 30 percent figure be increased to 50 percent. In PS-96, the Board adopted broadened flexibility for Puerto Rico, Virgin Islands, Hawaii, and Alaska markets. The Board is continually monitoring passenger fares and reviewing its flexibility policies.

Appendix.—Rulemaking Completed or Terminated Since Previous Agenda

[Numbers in brackets are entry numbers from previous agendas.]

Contact person	Status	Description
[1.] <i>Procedures for compensating air carriers for losses</i> (14 CFR Part 324). David Schaffer, OGC, 202-673-5442	Interim rule, 44 FR 42171, July 19, 1979 (PR-209). Final rule, 46 FR 11806, February 11, 1981 (PR-229).	The Board can order an airline to continue to provide essential air service to a community while the agency tries to find a replacement airline, but it must compensate the incumbent airline for any financial losses incurred in complying with the order. This rule governs proceedings for determining the compensation for the incumbent airline's losses.
[2.] <i>Determining the number of seats needed to provide essential air service</i> (14 CFR Part 398). David Schaffer, OGC, 202-673-5442	Interim rule, 44 FR 65584, November 14, 1979 (PS-89). Final rule, 46 FR 13686, February 24, 1981 (PS-102).	Under guidelines for determining the level of essential air service for small communities, the Board first determines the number of passengers that will need to be accommodated. It then determines the number of available seats it needs to guarantee, on the assumption that the average load factor (percentage of seats filled) will be 60 to 65 percent. That figure is based on normal load factors with large aircraft. This amendment lowered that figure, to reflect the fact that with smaller aircraft a lower load factor is needed to ensure the same likelihood that no passenger will be denied a seat.

Appendix.—Rulemaking Completed or Terminated Since Previous Agenda—Continued

(Numbers in brackets are entry numbers from previous agenda.)

Contact person	Status	Description
[5.] Schedule listings and delays in discontinuing service (14 CFR Part 223).		
David Schaffer, OGC, 202-673-5442.	Final rule, 45 FR 84990, December 24, 1980 (PR-228)	This rule makes two changes in the Board's regulation that requires airlines to provide notice before discontinuing certain types of air service. First, airlines must maintain all generally-distributed schedule listings of flights for which notice had been filed, until discontinuance is permitted by the Board. Second, airlines must discontinue service within 90 days after the intended date stated in the notice (unless required to serve longer by the Board) or else file a new notice of discontinuance.
[9.] Pre-filing tariff approval for fare reductions (14 CFR Part 221).		
Thomas Moore, BDA, 202-673-5038.	Final rule, 45 FR 87008, December 31, 1980	This rule set up a procedure to minimize delay in acting on domestic passenger fare reduction proposals. If an airline files an application for a fare decrease in the morning, the board will take action on it the same day, and the airline can begin charging the fare the next day.
[13.] Review of foreign air carrier charter authority (14 CFR Parts 212, 214).		
David Schaffer, OGC, 202-673-5442.	Final rule, 46 FR —, May —, 1981 (ER—)	This rule amends the Board's prior authorization requirements for charters by foreign air carriers. Prior approval is required for "fifth freedom" charter flights, instead of "off-route" charters, as required under the previous rules.
[18.] Removal of limit on agent commissions for charters (14 CFR Parts 207, 208, 212, 214).		
Joanne Petrie, OGC, 202-673-5442.	Final rule, 46 FR 10455-10457, February 3, 1981 (ER-1209, 1210, 1211, 1212).	This rule removes the limitation on the commission that air carriers can pay to travel agents for pro rata and single-entity charters and permits payments and donations from carriers and travel agents to chartering organizations or their individual members.
[26.] Reporting of air cargo traffic (14 CFR Parts 291, 298).		
Clifford M. Rand, OC, 202-673-6044.	Petition filed in Docket 36544. Petition denied by Board Order 81-1-24, January 6, 1981.	The Air Freight Forwarders Association petitioned the Board to increase requirements that airlines and freight forwarders file reports of their cargo traffic, to monitor the effects of air cargo deregulation. The Board denied the petition because it decided that the additional reporting was not necessary.
[33.] Advertising of flights as "Direct".		
Brimley H. Williams, BCP, 202-673-6937.	Rulemaking terminated	This rule would have prohibited airlines from advertising flights as "direct" when there is a change of aircraft. The rulemaking has been terminated because the problems in this area do not appear to be significant enough to justify regulatory intervention.
[39.] Ticket notices and ticket office counter signs (14 CFR Parts 221, 250, 255, 298).		
Patricia J. Kennedy, BCCP, 202-673-5158.	This item is being merged with B1.	See item B1.
[49.] Revision of record-retention requirements (14 CFR Part 249).		
Clifford M. Rand, OC, 202-673-6044.	Final rule, 46 FR —, May —, 1981. (ER-1214, 1215, 1216, 1217, 1218, 1219, SPR-174).	This is the first major revision of the Board's record-retention requirements since 1957. It is designed to make them less burdensome and easier to understand and administer.
[54.] Reregistration of air taxis (14 CFR Part 298).		
Joanne Petrie, OGC, 202-673-5442.	Final rule, 46 FR 12477, February 17, 1981 (ER-1213)	This rule eliminates the requirement that air taxis reregister with the Board every 2 years.
[66.] Determination of depreciation for service mail rates (14 CFR 399.42).		
Julien R. Schrenk, BDA, 202-673-5298.	Final rule, 45 FR 82624, December 16, 1980 (PS-99)	The Board has changed its policy so that the service lives and residual values used by carriers to calculate flight equipment depreciation expenses may be used to determine service mail rates for non-subsidized carriers.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rules which the Commission expects to propose or promulgate over the next year which may have a significant impact on a substantial number of small entities.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone: (202) 254-5716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the *Federal Register* a regulatory flexibility agenda which shall contain—

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the

course of the next year.¹ These matters include the following:²

1. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1-FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in

¹ The Commission previously published semiannual agendas of significant rules in voluntary compliance with Executive Order 12044. See, e.g., 45 FR 49589 (July 25, 1980). As noted in the last such publication:

The Commission published its first semiannual agenda on January 23, 1979 (44 FR 4752). Subsequently, changes in the Commission's internal agenda-setting procedures were effected as a result of which the Commission now establishes its calendar on a monthly basis. Because of these changes, the Commission is no longer able to project the dates on which particular matters will be considered more than a month in advance.

The Commission's agenda, therefore, represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, 5 U.S.C. 602(d) provides:

Nothing in this section precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

² The Commission is simultaneously publishing for comment proposed definitions of small entities which the Commission may use in connection with future rulemaking proceedings. If these definitions are established, many of the items listed in this agenda would not be appropriately considered as regulatory flexibility agenda matters. For example, if the Commission determines, as proposed, that contract markets should in no event be considered small entities, proposed rulemaking concerning economic and public interest tests for contract market designation (agenda item 9), dormant and low volume contracts (agenda item 12), definition of "rule" of contract markets (agenda item 10), restrictions on trading by certain contract market and clearing organization employees (agenda item 11) and speculative position items (agenda item 13), need not be included in these agendas. Further, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. See 5 U.S.C. 605(b). However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals in the fall of 1981.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. III 1979).

Agency Contact: Dan Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (March 13, 1981).

2. Regulation of Foreign Brokers and Traders

The Commission has proposed rules which would require domestic futures commission merchants who carry accounts for foreigners to obtain certain information on behalf of the Commission. If the information were not provided to the Commission on request, the FCM would be required to liquidate its customer's account. Public comments have been received on this proposal and on the question whether information which FCMs must make available should be maintained by the FCMs on a routine basis or obtained by the FCMs only when specifically requested by the Commission. The Commission expects to decide whether to adopt these rules in final form in the fall of 1981.

Legislative Authority: Sections 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7, 7a and 12a (1976 and Supp. III 1979).

Agency Contact: William Anthony, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-7227).

Outstanding Federal Register Notices: Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders; Proposed Rule, 45 FR 31731 (May 14, 1980).

3. Bankruptcy and Related Regulations

The Bankruptcy Reform Act of 1978 permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Act which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission expects to propose regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer

property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. As the commodity chapter of the Bankruptcy Act pertains to certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, it is expected that the proposed bankruptcy rules will include regulations expanding the reach of the segregation requirements and modifying the existing requirements in some respects.

The Commission staff's recommendations in the bankruptcy area will be considered in the summer of 1981.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1976 and Supp. III 1979).

Agency Contact: Andrea M. Corcoran, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: None.

4. Proficiency Examinations for Applicants for Registration as Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposal, however, a currently registered AP would not be subject to the examination requirement unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. In the event, however, that a futures association is registered under Section 17 of the Commodity Exchange Act, the program, if adopted, would be one of the functions the association could assume, under Commission oversight.

The Commission intends that an independent testing organization would be utilized to develop and administer

the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 4k, 4p and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. III 1979).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (April 7, 1981).

5. Registration of Non-Clerical Employees and Agents of Commodity Pool Operators ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has proposed to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The Commission requested interested persons to submit comments to assist the Commission in the formulation of such rules. The Commission expects to determine whether to adopt the proposals in the summer of 1981.

Legislative Authority: Sections 2(a)(1), 4b, 4c, 4i, 4m, 4n, 4o, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6i, 6m, 6n, 6o, 12a and 23 (1976 and Supp. III 1979).

Agency Contact: Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules, 45 FR 51600 (August 4, 1980); Extension of Comment Period, 45 FR 65257 (October 2, 1980); Extension of Comment Period, 45 FR 69248 (October 20, 1980).

6. Reform of Reparation System

The Commission has proposed amendments to its rules governing the initial phase of its reparation system. The amendments are intended to expedite processing and resolution of reparation complaints. Under the proposed rules, the Director of the Complaints Section would be authorized to screen, investigate and report on incoming reparation claims and all

responses to those claims, to clarify the contested issues in each case and to encourage the parties to seek settlement. Additionally, under the proposed amendments the right to a hearing would be deemed to be waived unless timely requested by a respondent. Public comments have been requested on the proposals, which will be considered by the Commission in the fall of 1981.

Legislative Authority: Sections 2(a)(11), 8a and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 12a and 18 (1976 and Supp. III 1979) and Section 483a of the Independent Office Appropriation Act of 1952; 31 U.S.C. 483a.

Agency Contact: Budd J. Hallberg, Director, Complaints Section, 2033 K Street, N.W., Washington, D.C. 20581 (202 254-3067).

Outstanding Federal Register Notice: Procedures of the Complaints Section and Confirming Amendments to Reparation Rules, 45 FR 42324 (June 24, 1980).

7. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has recently repropose rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. A sixty-day period has been provided for public comment, and the Commission expects to decide whether to adopt these rules in the fall of 1981. In proposing these rules, the Chairman, on behalf of the Commission, has certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities, but has invited comment from any small firms which believe that promulgation of these rules will have a significant impact on them.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity

Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) 1976 and Supp. III 1979).

Agency Contact: R. Britt Lenz, Office of the Executive Director, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-7360).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (23469).

8. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. These proposals will be considered by the Commission in April, 1981. They may include proposals concerning the registration of leverage transaction merchants, minimum financial requirements, and requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting. A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission had previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act effective January 1, 1980, but has delayed implementation of this approach until October, 1982.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. III 1979).

Agency Contact: David Merrill, Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-7602).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery: Postponement of Effective Date, 44 FR 69304 (December 3, 1979).

9. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity futures contract to show that trading in the contract would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market

in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirements boards of trade must comply with for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November, 1980, and the Commission expects to decide whether to adopt these rules in final form in the fall of 1981.

Legislative Authority: Sections 2(a), 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 2a, 7, 7a, 8 and 12a (1976 Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-3203).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (January 30, 1981).

10. Definition of "Rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1) (1980), to state explicitly that the definition includes actions by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to determine whether to adopt the rule in the fall of 1981.

Legislative Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a and 12a (1976 and Supp. III 1979).

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Esq., Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Contract Market Rules, 45 FR 84082 (December 22, 1980).

11. Restrictions on Trading By Certain Contract Market and Clearing Organization Employees

The Commission has proposed to adopt a rule which, with certain exceptions, would make it unlawful for contract market or clearing organization employees or staff members to participate in commodity futures transactions, options transactions, and

investment transactions in actual commodities. The proposed rule would also require each contract market to adopt rules prohibiting such trading and prohibiting such employees or staff members from misusing sensitive non-public information. The Commission expects to determine whether to adopt the proposal in the summer of 1981.

Legislative Authority: Sections 3, 4b, 5, 5a, 6, 6b, 8, 8a and 9 of the Commodity Exchange Act, 7 U.S.C. 5, 6b, 7, 7a, 8, 12, 12a, 13, and 13a (1976 and Supp. III 1979).

Agency Contact: Lawrence B. Patent, Esq., Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Trading Restrictions Applicable to Certain Contract Market and Clearing Organization Employees, 45 FR 84084 (December 22, 1980).

12. Dormant and Low Volume Contracts

The Commission has proposed two rules concerning dormant and low volume contracts. Rule 5.2 provides that additional delivery months may be listed for dormant contracts only pursuant to passage by a contract market of an implementing bylaw, rule, regulation or resolution and approval by the Commission under Section 5a(12) of the Act and Rule 1.41(b). Rule 5.3 establishes contract reporting requirements for low volume contracts. This includes data concerning the contract's daily trading volume and number of open contracts during the low volume trading period, summary data concerning the nature of trading by floor brokers or traders during that period, indications that the contract is being used by commercial participants and surveillance procedures instituted by the contract market to monitor trade practices in the low volume contract. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-3203).

Outstanding Federal Register Notices: Dormant and Low Volume Contracts; Proposed Rule, 45 FR 73499 November 5, 1980; Extension of Comment Period, 46 FR 9958 (January 30, 1981).

13. Speculative Position Limits

The Commission is proposing that speculative position limits be in effect in all commodity futures contracts traded on designated contract markets. Under the Commission's proposed Rule 1.61, contract markets would, for all futures contracts not currently subject to exchange and Commission imposed limits, set limits on the amount of contracts for future delivery which any one trader, or group of traders acting in concert, may own or control. Transactions classified as hedging by the contract market would be exempt from these additional exchange imposed limits. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 4a(1), 5, 5a, 6c and 8a of the Commodity Exchange Act, 7 U.S.C. 6a(1), 7, 7a, 13a-1 and 12a (1976 and Supp. III 1979).

Agency Contact: Monty Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-3310).

Outstanding Federal Register Notices: Speculative Position Limits; Proposed Rule, 45 FR 79831 (December 2, 1980); Extension of Comment Period, 46 FR 13525 (February 23, 1981).

14. Regulations to Govern Trading in Domestic Exchange-Traded Commodity Options

Section 4c(c) of the Commodity Exchange Act, as amended, 7 U.S.C. 6c(c), provides an exemption from the general ban on commodity option trading for commodities subject to regulation since April 1975 provided (1) the Commission transmits to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry documentation of its ability to regulate successfully such transactions, including a copy of the Commission's proposed rules and regulations, and (2) thirty calendar days of continuous session of Congress after the date of such transmittal elapse. The Commission may propose, within the next six months, regulations to govern a program for domestic exchange-traded commodity options.

Legislative Authority: Sections 2(a)(1), 4c(a), 4c(b), 4c(c), 4f, 4g, 8a and 17 of the Commodity Exchange Act, 7 U.S.C. 2, 6c(a), 6c(b), 6c(c), 6f, 6g, 12a and 21 (1976 and Supp. III 1979).

Agency Contact: Frank D. Moore, Jr., Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Proposed Amendments to Interim

Regulations, 42 FR 55538 (October 17, 1977); Commodity Option Transactions: Supplemental Notice of Proposed Rulemaking, 44 FR 22088 (April 13, 1979).³

Issued in Washington, D.C., on April 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12897 Filed 4-29-81; 8:45 am]

BILLING CODE 6351-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda; Semiannual Summary

AGENCY: Agency for International Development.

ACTION: Agency Regulations Agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulations (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This Agenda is divided into two sections: (1) an Agenda of proposed and final regulations which will have a significant economic impact on a substantial number of small entities that A.I.D. expects to publish in the Federal Register during the next six months; and (2) an Agenda of existing regulations under Agency review pursuant to E.O. 12291 which may be revised, revoked or continued without change. It is expected that the information provided in this agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rule making process.

³In addition, one major aspect of the Commission's regulatory activities which is currently underway is consideration of the application of the National Futures Association for registration as a futures association under Section 17 of the Commodity Exchange Act, 7 U.S.C. 21 (1976 and Supp. III 1979). Although the registration process for such an association does not constitute rulemaking within the meaning of the Regulatory Flexibility Act, and a summary of the application is therefore not included in this agenda, the grant or refusal of registration of a futures association could have significant economic impact on a substantial number of small entities. The Commission notes its intent to ensure the broadest possible public participation in consideration of this application for registration.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2386.

Specific

For further information about any particular item on the Agenda, contact the individual listed as contact for that item.

Regulatory Flexibility Act

With respect to rule-making subject to the Regulatory Flexibility Act, the Agency does not at this time have any items for inclusion on the Agenda. Application of the Act to existing regulations will be covered in the Plan for review of all regulations subject to the Act, which the Agency will publish by July, 1981.

Executive Order 12291

The following regulations are under review pursuant to Section 5(a) of Executive Order 12291:

1. The Regulations governing the requirements and procedures applicable to Commodity Transactions financed by A.I.D. (22 CFR Part 201) are scheduled for review. Inquiry regarding these Regulations may be directed to: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2173.

2. Regulations governing the registration of agencies for voluntary foreign aid (22 CFR Part 203) are being revised, specifically the definition of Private Voluntary Organizations (PVOs) and the conditions of their registration.

A notice will be published in the Federal Register for public comment. Inquiry regarding the regulations on PVO registration may be directed to: Robert S. McClusky, Chief, Public Liaison Division, Bureau for Private and Development Cooperation, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-1844.

3. Regulations governing nondiscrimination in federally-assisted programs of A.I.D. (22 CFR Part 209) are being revised. Inquiries regarding these Regulations may be directed to: Jan W. Miller, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-8218.

4. The Regulations governing the policy and procedures for public access to Agency information (22 CFR Part 212) are being revised. Inquiry regarding these Regulations may be directed to:

Arnold H. Dadian, Public Affairs, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-1850.

5. Regulations governing the collection of civil claims by the Agency for International Development (22 CFR Part 213) are being reviewed. Inquiry regarding these Regulations may be directed to: Bruce K. Birnberg, Chief, Accounting Systems, Office of Financial Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-0162.

6. The Regulations governing A.I.D. Advisory Committees (22 CFR Part 214) are under review. Inquiries regarding these Regulations may be directed to: Gwendolyn H. Joe, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2113.

7. Regulations covering the implementation of the Privacy Act of 1974 (22 CFR Part 215) are being reviewed. Inquiry regarding these Regulations may be directed to: Arnold H. Dadian, Public Inquiry Staff, Office of Public Affairs, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-1850.

In accordance with the procedural steps outlined in Section 5(a) of Executive Order 12291, A.I.D. will give the public full opportunity to comment on the review any any proposed revisions to the Regulations listed above.

Dated: April 24, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-13052 Filed 4-29-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 16

[AAG/A Order No. 66-81]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed Rule.

SUMMARY: In the Notice Section of today's Federal Register, the Department of Justice proposes to exempt a new system of records, the Agent Recruit Assessment Program, JUSTICE/DEA-030 from the provisions of 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f). These exemptions are required to maintain the integrity of the selection and recruitment process for Special

Agents of the Drug Enforcement Administration.

DATE: All comments must be received on or before June 1, 1981.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

William J. Snider (202-633-3452).

The authority for this proposed rule is 5 U.S.C. 552a. Accordingly, it is proposed that 28 CFR 16.98 be amended by adding new paragraphs (i) and (j) as set forth below.

Dated: April 22, 1981.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

§ 16.98 Exemption of Drug Enforcement Administration Systems.

(i) The following system of records is exempted, pursuant to the provisions of 5 U.S.C. 552a(k)(6), from subsections (d), (e)(4)(G) and (H), and (f):

(1) Agent Recruit Assessment Program, JUSTICE/DEA-030. These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(6).

(j) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because access would reveal information which could assist an individual in compromising or subverting the process whereby candidates are selected for training as Special Agents.

(2) From subsections (e)(4)(G) and (H) because the system is exempt from the individual access provisions of subsection (d) pursuant to subsection (k).

(3) From subsection (f) because the system is exempted from the individual access provisions of subsection (d) pursuant to subsection (k).

[FR Doc. 81-13120 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 158

[CGD 77-029]

Ocean Dumping Surveillance System

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking, Docket Number 77-029, published in the Federal Register on December 13, 1979 (44 FR 72188). The notice published the Coast Guard's proposal to require waste transporters to install electronic surveillance equipment on vessels engaged in ocean dumping and requested comments from the public regarding this proposed action. After reviewing the comments and reevaluating the proposal, the Coast Guard has determined that this approach is no longer a valid method for augmenting the ocean dumping surveillance program. Accordingly, the notice is hereby withdrawn.

EFFECTIVE DATE: This withdrawal is effective on April 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Gregory S. Voyik, Prevention and Enforcement Division (G-WPE), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, S.W. Washington, D.C. 20593 [(202) 755-7938].

SUPPLEMENTARY INFORMATION: In 1973, the need for an electronic device to enhance the Coast Guard's ocean dumping surveillance capability was identified. Conventional methods consisting of aircraft and vessel patrols are limited by daylight and weather conditions. The use of shipriders overcomes some of these considerations; however, it provides no deterrent against illegal activities by unaccompanied vessels.

A research and development project initiated in 1973 evaluated several alternatives to surveillance augmentation and concluded with the recommendation that some type of electronic device be located on dumping vessels to provide recorded navigational data, disposal mission identification, and actual dumping information.

Based on this recommendation, the Ocean Dumping Surveillance System (ODSS) was developed. ODSS consists of a Loran-C receiver, data input section, digital cassette recorder, and dump mechanism status sensors. The recorded tape is "read" by computers so that the voyage can be reconstructed to ascertain whether the dumper travelled to the proper site, remained for an appropriate period of time, and discharged the material within the dumpsite.

The progression of ODSS development through two design stages and the subsequent testing and evaluation resulted in the framework for the operational implementation of the ODSS.

A decision was made in 1977 to implement the program through the promulgation of regulations. Drafting efforts on the proposed rules began with the termination of the operational testing phase of the research and development project in 1978. The publication of the Notice of Proposed Rulemaking (NPRM) in December 1979 was followed by a public comment period which terminated in March 1980. During that two and one-half month period, a total of 21 public comments were received from federal, state, and local government agencies, the dumping industry, and several national associations representing this industry.

The comments identified several potential problems that might result if the regulations were implemented. These comments have caused an intensive reevaluation of ODSS as an alternative surveillance method resulting in the decision to withdraw the NPRM. This decision is based on the following problem areas.

Short phase-in date. The regulations call for a six month period between the effective date of the regulations and the date when equipment would be required to be installed on vessels. Several comments stated that this was not enough time for manufacturers to develop equipment, have it tested, approved, and marketed and for vessel owners to take delivery and install the equipment. If the phase-in date is extended to a year, ODSS would not be on board vessels until at least mid-1982.

ODSS is too complex. Because ODSS is a fairly sophisticated piece of electronic equipment, many felt there would be excessive maintenance problems. Part of this fear comes from the fact that an ODSS, if installed on a dump scow, would likely be exposed to the elements, untrained personnel, and unacceptable power fluctuations from vessel generators.

ODSS is easy to subvert. Some comments felt that ODSS would be too easy to subvert and, thus, be ineffective as a surveillance device.

Lack of interest within electronic industry. Several comments pointed out that electronic equipment manufacturers have shown little interest in developing and marketing ODSS. This is primarily due to the small number of vessels impacted by the regulations and thus, the small number of ODSS units that would be required. Because of the lack of industry interest, it would be questionable whether the regulations could be implemented.

Low violation rate. Many comments stated that ODSS was not needed because of the small number of violations detected by the Coast Guard

and other agencies over the past several years. The comments concluded that the possibility of loss of employment and dumping contracts is a more effective incentive than penalties for violations. As a result, the incentive to dump illegally is considered very low industry-wide.

ODSS implementation may not be cost effective. Several comments stated that a \$10,000 estimated cost for an ODSS was extremely low. Estimates as high as 50 times that suggested in the Coast Guard economic analysis were submitted. There is no question that inflation alone probably makes the \$10,000 figure low; however, the actual cost of a production ODSS is unknown. One electronic equipment manufacturer provided an estimate in the range of \$30,000. Another comment pointed out that installation costs of \$1,000 to \$2,000 were very low if drydocking or any type of coded VHF-FM communications link between towboat and barge was required. For these reasons, the cost effectiveness of the ODSS implementation would be in jeopardy.

Declining ocean dumping activity. The December 31, 1981 phase-out of sewage sludge disposal under Pub. L. 95-153 and some industrial waste disposal under Pub. L. 96-572 will allow the Coast Guard's resources now conducting surveillance of these disposal operations to be used to improve the surveillance of other disposal activities.

Record keeping and reporting requirements. Eight separate record keeping and reporting requirements would be placed on the public as a direct result of the proposed regulations. These burdens, in addition to the economic burden placed on the dumping industry by the proposed rule, would be avoided if present surveillance methods are continued.

The Coast Guard plans to reevaluate its ocean dumping surveillance program to determine if improvements in resource utilization can be made. For the past several years, the Coast Guard has been at or near the program standards established for ocean dumping surveillance. The Coast Guard will continue to emphasize its present program of vessel and aircraft patrols, shipriders, Vessel Traffic Service (VTS) radar coverage, radio reports, and other methods of surveillance.

The Withdrawal

The proposed rules were considered "nonsignificant" under the Department of Transportation Order No. 2100.5 entitled "Policies and Procedures for Simplification, Analysis, and Review of Regulations". They would not have

constituted a major rulemaking under E.O. 12291. The proposed rules would not have relieved affected parties of any burden. As described above, withdrawing the proposal avoids adding to the cost of conducting ocean dumping. There are no known adverse consequences associated with terminating the proposal.

For the reasons stated above, the notice of proposed rulemaking, docket number 77-029, published in the Federal Register on December 13, 1979 [44 FR 72188], is hereby withdrawn.

(Pub. L. 92-532, Title 1, § 108; 88 Stat. 1059 (33 U.S.C. 1418); 49 CFR 1.46(n)(5))

Dated: April 27, 1981.

K. G. Wiman,

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

[FR Doc. 81-13098 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-3-FRL 1804-8]

Proposed Redesignation of Attainment Status for the District of Columbia

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The District of Columbia has revised its designation of attainment status under Section 107 of the Clean Air Act with respect to total suspended particulates (TSP), and requested that EPA review and approve this change. If approved, the revision would redesignate to attainment all areas within the District currently designated as not meeting the primary or secondary standards for TSP. For reasons stated herein, EPA is proposing to modify the District's request by retaining the designation of "does not meet secondary standards" for certain areas, and by redesignating the "central business district" area from "does not meet primary standards" to "does not meet secondary standards."

DATE: All comments must be submitted on or before June 1, 1981.

ADDRESSES: Copies of the associated support materials are available for public inspection during normal business hours at the following locations:

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook

Avenue, SW., Washington, D.C. 20032,
Attn: V. Ramadass

U.S. Environmental Protection Agency,
Region III, Curtis Building, 10th Floor,
6th and Walnut Streets, Philadelphia,
PA. 19106

Public Information Reference Unit,
Room 2922, EPA Library, U.S.
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.

All comments should be addressed to:
Mr. Ray Cunningham, Chief (3AH10),
Air Programs Branch, U.S.
Environmental Protection Agency,
Curtis Building, 6th & Walnut Streets,
Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AH12), U.S.
Environmental Protection Agency,
Region III, Curtis Building, 6th and
Walnut Street, Philadelphia, Pa. 19106,
Phone: 215/597-8392.

SUPPLEMENTARY INFORMATION:

Proposed TSP Redesignation

On April 1, 1980, the District of Columbia submitted to the Administrator, Environmental Protection Agency, a revised redesignation of attainment status, pursuant to Section 107 of the Clean Air Act, with respect to particulates. The District requested that those portions of the District currently designated either "does not meet primary standards" or "does not meet secondary standards" be reclassified as "better than national standards." The District of Columbia's Department of Environmental Services (DES) submitted an analysis showing that there were no violations of the primary TSP standards recorded at any of the high-volume sampler monitoring sites which conform to the guidelines set forth in 40 CFR Part 58. One monitor site (Tenley-Friendship Library), which has recorded violations of the primary TSP standards in 1978, was determined by EPA and the District's DES to be unduly influenced by METRO construction and thus, the data was not relied upon. The monitor has since been relocated. Thus, EPA concludes that the entire District is, and has been for all of 1978 and 1979, attaining the national primary ambient air quality standards for TSP.

However, several valid monitoring sites have recorded violations of the 24-hour national secondary ambient air quality standard for TSP during 1978 and 1979. In certain cases, the District's DES argued that some of these data should be considered invalid according to criteria set forth in the EPA publication "Quality Assurance Handbook for Air Pollution Measurement Systems," Volume I—

Principles, EPA 600/9-76-005 (March 1976):

... due to unusual conditions of measurement, e.g., a TSP concentration which is abnormally large due to local environmental conditions during the time of sample collection. Such observations would not be indicative of the average concentration of TSP, and may be eliminated depending upon the use of this data.

EPA agrees with this conclusion as it applies to certain monitor sites. However, there are three valid sites in the District that have recorded violations of the national secondary standard for TSP within the past eight quarters, although no violations have been recorded within the past four quarters at two of these sites (Catholic University and Sharpe School). In the absence of any demonstration by the District that emission reductions commensurate with the improvement in air quality have occurred with respect to these sites, EPA cannot consider a reclassification to a designation other than "does not meet secondary standards" at this time. The area represented by the Catholic University and Sharpe School monitors is currently designated as "does not meet secondary standards," 43 FR 40512 (1978). EPA will retain this classification until the District submits additional evidence of either eight consecutive quarters of air quality data showing attainment or conclusive proof of emission reductions if the past four quarters have shown attainment.

However, the West End Monitor, which is considered representative of an area currently designated as "does not meet primary standards", has recorded violations of secondary TSP standards but no violations of primary standards, during the past eight consecutive quarters. This "primary nonattainment" area, as defined in 40 CFR 81.309, generally corresponds to Washington's "central business district." While EPA cannot act upon the District of Columbia's request to reclassify this area as "better than national standards," EPA proposes to reclassify the area as "does not meet secondary TSP standards" based on the air quality information submitted by the District's DES. The boundaries of this area are defined in a chart accompanying this notice.

Submission of Public Comments

The public is invited to submit comments on EPA's proposed TSP redesignation for the District of Columbia. All comments received on or before June 1, 1981 will be considered.

Under Executive Order 12291, EPA must decide whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it imposes no new regulatory requirements, but only changes an area air quality designation. It is unlikely to have an annual effect on the economy of \$100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB or EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

Regulatory Flexibility Certification

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that, if promulgated, the denial of the District's request to redesignate areas currently designated as nonattainment for the secondary TSP standard to attainment will not have a significant economic impact on a substantial number of small entities. The Administrator has previously certified that attainment status redesignations such as the attached proposal to redesignate the District's central business district to secondary nonattainment will not have a significant economic impact on a substantial number of small entities, 48 FR 8709 (January 27, 1981). This action constitutes an attainment status redesignation under section 107(d) within the terms of the January 27 notice.

Neither of the proposed actions will impose regulatory requirements. Any such requirements which may become necessary will be dealt with in a separate action.

(Secs. 107(d), 171(2), 301(a), of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: February 25, 1981.

Jack J. Schramm,
Regional Administrator.

Subpart C—Section 107 Attainment Status Designations

It is proposed that 40 CFR Part 81 be amended as follows:

In § 81.309 under the heading "TSP" paragraphs 1-3 are revised to read as follows:

81.309 District of Columbia.

District of Columbia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
1. Area bounded by East Capitol Street S.E., District Line (Southern Avenue S.E.), Eastern Shore of Potomac River and Eastern Shore of Anacostia River.				X
2. Area bounded by Francis Scott Key Bridge, M Street, N.W., 23rd Street N.W., Florida Avenue N.W., U Street N.W., Florida Avenue N.W.-N.E., 4th Street N.E.-S.E. Southeast-Southwest Freeway (I-295, 395), 15th Street S.W.-N.W., Constitution Avenue N.W., Theodore Roosevelt Memorial Bridge, Potomac River.		X		
3. Remainder of the District of Columbia portion of the National Capital Interstate AQCR.		X		

[FR Doc. 81-13051 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-38-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda.

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Gail McHenry, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357-9520.

A. Status of Regulations Previously Listed

1. Grant Policy Manual (NSF 77-47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The Manual is revised periodically as policies and procedures change. As such, the Manual is undergoing continuous review. An updated edition of the Manual was issued in October 1979. No significant changes in the Manual were made in the October 1979 Transmittal Memorandum

No. 2, in the second half of fiscal year 81, to contain: *Attachment A*, a list of changes with a brief explanation; and *Attachment B*, containing looseleaf replacement pages for insertion in the GPM. Changes included are non-substantive, being mostly corrections, clarification of present NSF policy or procedure or insertion of sections inadvertently omitted from the October 1979 revision. GPM Transmittal Memorandum No. 2 will be available through subscription to the GPM through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Legal basis for issuance: Section 11 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870) (hereinafter referred to as the NSF Act).

Name of Agency official: Francis G. Naughten, Division of Grants and Contracts, (202) 357-7880.

Regulatory analysis: None required.

2. Conflict of Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and special Government employees. Since publication of the last agenda, amendments have continued under review and editing. Because of the sensitive issues involved, the policy questions under consideration, and the new Ethics in Government Act, progress on readying the regulations for public comment has been slower than anticipated. Proposed amendments may be published within the next three months.

Legal basis for issuance: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of Agency official: Harriet E.

Tucker, Esq., Office of the General Counsel, (202) 357-7483.

Regulatory analysis: None required.

3. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS. The regulations will be published, but the time is uncertain.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357-7485.

Regulatory analysis: None required.

4. Handicapped Regulations (45 CFR Proposed Part 615)

These regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published for comment in the April 18, 1978 Federal Register. Draft final regulations were sent to HHS for review, as required by E.O. 11914. Final publication is expected in the near future.

Legal basis for issuance: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357-7485.

Regulatory analysis: None required.

5. Availability of Records and Information (45 CFR Part 612)

These regulations are issued pursuant to the Freedom of Information Act. The Foundation has been consolidating these regulations with various implementing memoranda and NSF Bulletins issued since publication of the regulations, but the consolidation continues in the draft stage. No proposed regulations are anticipated for public comment within the next six months.

Name of Agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 357-9445.

Regulatory analysis: None required.

6. Civil Rights—Title VI Regulations (45 CFR Part 611)

These regulations prohibit

discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering technical changes recently suggested by the Department of Justice. If such changes are adopted, they will be proposed in the Federal Register for public comment. However, no decision has yet been made with respect to the changes and consequently any publication date.

Legal basis for issuance: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357-7485.

Regulatory analysis: None required.

B. Existing Regulations Under Review

None.

C. New Regulations Under Development

1. Regulations Designating Pollutants Harmful to the Antarctic Environment

The Foundation intends to designate as a pollutant any substance the Director finds likely, if introduced into Antarctica, to hazard human health, to harm living things, to damage amenities, or to interfere with legitimate uses of Antarctica.

Legal basis for issuance: Section 11 of the NSF Act; Antarctic Conservation Act of 1978 (Pub. L. 95-541).

Name of Agency official: Edward P. Todd, Division of Polar Programs, (202) 357-7766.

Regulatory analysis: None required.

2. Regulations to Prevent or Control Pollutants in Antarctica

The Foundation also intends to specify actions to prevent or control the discharge of pollutants in Antarctica.

The schedule for publication of these regulations has not been established.

Legal basis for issuance: Section 11 of the NSF Act; Antarctic Conservation Act of 1978 (Pub. L. 95-541).

Name of Agency official: Edward P. Todd, Division of Polar Programs, (202) 357-7766.

Regulatory analysis: None required.

D. Existing Regulations Scheduled for Review Within the Next Six Months

1. Grant Policy Manual

See item A.1.

2. Conflict of Interest Regulations

See item A.2.

Dated: April 27, 1981.

Donald N. Langenberg,
Acting Director.

[FR Doc. 81-13118 Filed 4-29-81; 8:45 am]

BILLING CODE 7555-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

Semi-Annual Agenda of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Semi-annual Agenda of Regulations.

SUMMARY: In keeping with its responsibilities under section 602 of the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, 46 FR 13193, February 19, 1981, the Commission is publishing an agenda of rulemaking proceedings either currently underway or expected to be opened in the near future.

ADDRESSES: Public comments in any Commission proceeding are available, after the close of the comment period, at the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, during normal business hours. Documents may be copied for a nominal charge.

FOR FURTHER INFORMATION CONTACT: For further information about any item listed in the agenda, contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION: The following list of rulemaking proceedings

is composed primarily of rulemakings of general public interest in which the public comment period is either now running or soon to begin. However, four of the proceedings, numbers 1, 5, 6, and 9, have not, as of this date, been approved by the Commission. The Commission may vote to approve the proceedings as proposed, to modify them, or to reject them.

Two of the proceedings, numbers 8 and 9, may involve Regulatory Impact Analyses as required by the Regulatory Flexibility Act. Proceeding number 8 has already been opened by the issuance of an advanced notice of proposed rules. After the comments on the advance notice are reviewed, the Commission will decide what, if any, rulemaking action to propose, and decision will be made at that time as to whether a Regulatory Impact Analysis will be required. In proceeding number 9 a draft notice of proposed rules, containing a Regulatory Impact Analysis, is presently before the Commission for a vote. If the Commission approves the draft decision, it will be published in the next few weeks.

The great majority of Commission rulemaking proceedings are designed to eliminate unnecessary regulations and to reduce the compliance burden for those regulations which are necessary. As a result, most rulemaking proceedings opened since the passage of the Regulatory Flexibility Act have contained a certification, in accordance with section 605(b) of the Act, that the rules will not have a significant economic impact on a substantial number of small entities. The certifications usually request public comment on the issue of impact on small entities, and the public is encouraged to file comments on the issue as it relates to any of the proceedings listed in this agenda.

Agatha L. Mergenovich,
Secretary.

Interstate Commerce Commission Semi-Annual Agenda of Regulations

Title and docket No.	Description, nature, and objective of rule	Legal basis 49 U.S.C.	Approximate schedule	Contact
1. Revision of Abandonment Regulations, Ex Parte No. 274 (Sub-No. 5).	Proceeding to revise regulations (49 CFR 1121) to reflect various policy changes made since present regulations were adopted. Policy changes are a result of Commission decisions, court decisions, and new legislation. In particular, changes will be made affecting cost evidence in railroad abandonment proceedings.	10362 and 10903-06	NPRM is scheduled to be published in May, provided it is approved by the Commission. Comments will be due within 60 days of publication; final rule should be published within 90 days of close of comment period.	Ellen D. Hanson, Deputy Director, Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7245.
2. Detention of Motor Vehicles—Nationwide, Ex Parte No. MC-88.	Proceeding in response to petitions seeking change in present detention rules for regulated motor carrier industry (49 CFR 1307.35(e) and 1310.15(f)). The Commission is considering returning the issue of detention to the jurisdiction of motor carrier management.	10101, 10741, and 10762.	Comments on NPRM due May 4, 1981. Final rule possible by Fall 1981.	Richard Felder or Jane Mackall, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7693.

Interstate Commerce Commission Semi-Annual Agenda of Regulations—Continued

Title and docket No.	Description, nature, and objective of rule	Legal basis 49 U.S.C.	Approximate schedule	Contact
3. Coal Rate Guidelines— Nationwide Ex Parte No. 347 (Sub-No. 1).	Proceeding to set guidelines for determining reasonable rates for rail transportation of coal.	10701a and 10704	Comment period on NPRM extended to May 11, 1981. No date set for issuance of final rule.	Richard Felder or Jane Mackall, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7693.
4. Leasing Rules Modifications, Ex Parte No. MC-43 (Sub-No. 12).	Proceeding to revise regulations (49 CFR Part 1057) which govern leasing of equipment by motor carriers holding ICC authority. Purpose is to eliminate distinctions in treatment of private and for-hire motor carriers.	10102(14) and 10524(a).	Comment period on NPRM closed Apr. 20, 1981. Final rules possible within 90 to 120 days.	Edward Guthrie, Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7691.
5. Interchange Policies at International Boundaries, Ex Parte No. MC-73 (Sub-No. 1).	Proceeding to adopt rules to facilitate movement of traffic over international boundaries. NPRM was published previously; however, Motor Carrier Act of 1980 precludes adoption of original proposal. New proposal being formulated; if approved by the Commission, it will be published as 2nd NPRM.	10101 and 10107	2nd NPRM should be published by end of May; comments will be due within 60 days of publication.	Edward Guthrie, Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7691.
6. Elimination of Accounting and Reporting Requirements for Class II Railroads, No. 37614.	Proceeding to eliminate accounting and reporting requirements for Class II railroads. The Commission no longer uses the data contained in Class II railroad reports.	11141 through 11145...	NPRM should be published in next few days. Comments will be due 45 days after publication of NPRM. Final rule possible by end of June.	Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7448.
7. Revisions to Preliminary Report of Number of Employees of Class I Railroads and Monthly Report of Employees Service and Compensation, Forms A & B No. 37025.	Proposal to combine two reports into one and to greatly reduce the amount of information that has to be filed each month.	11141 through 11145...	Comments on NPRM due May 15, 1981. No date set for issuance of final rules.	Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7448.
8. Regulations Governing Minimum Amounts of Cargo Insurance, Bonds, and Other Security Required to be Held by Motor Carriers of Property and Freight Forwarders, Ex Parte No. MC-5 and Ex Parte No. 159.	Proceeding to review present rules (49 CFR 1043) to determine whether they are needed and whether current minimum requirements offer sufficient protection to the public. Proceeding will also review present list of low-value commodities exempt from requirements.	10927	Comments due on ANPRM May 1, 1981. NPRM should be published by August, 1981.	Patricia M. Schultz, Transportation Industry Analyst, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7475.
9. Agricultural Cooperative Exemption, Ex Parte No. MC-75 (Sub-No. 3).	Proceeding to implement the enhanced enforcement powers given the Commission by section 24 of the Motor Carrier Act of 1980. Would modify 49 CFR 1047 to require agricultural cooperatives to maintain additional information concerning their transportation activities. Staff proposed NPRM has not at this date, been approved by the Commission.	10526(a)(5) and 10529.	If NPRM is approved by the Commission, it will be published in the FEDERAL REGISTER in the next few weeks.	Phyllis Gunn, Transportation Industry Analyst, Office of Consumer Protection, Interstate Commerce Commission, Washington D.C. 20423, (202) 275-7475.

[FR Doc. 81-12890 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 46, No. 83

Thursday, April 30, 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

Agricultural Marketing Service

R. G. Warner, d.b.a. Rawhide Scottsdale, Arizona, et al.; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

- AL-111, R. G. Warner, d.b.a. Rawhide, Scottsdale, Arizona
CA-174, Butte Livestock Sales, Chico, California
NY-161, Bullville Auction, Bullville, New York
NY-162, Englan Select Sales, Inc., Madison, New York
TN-177, Anderson County Livestock Producers, Inc., Clinton, Tennessee
TX-322, East Texas Livestock of Crockett, Inc., Crockett, Texas

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by May 15, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the

office of the Chief of the Rates and Registrations Branch during normal business hours.

Done at Washington, D.C., this 24th day of April 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch,
Livestock Marketing Division.

[FR Doc. 81-13081 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-02-M

Trenton Livestock Market, Inc., Trenton, Florida, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility Number, Name, and Location of Stockyard and Date of Posting

Florida

- FL-126, Trenton Livestock Market, Inc.,
Trenton, April 8, 1981
FL-128, Marvin Wages Auction, Leesburg,
March 15, 1981

Mississippi

- MS-159, Central Mississippi Livestock
Exchange, Inc., Bay Springs, April 15, 1981
MS-160 George County Stockyards, Inc.,
Lucedale, April 16, 1981

New York

- NY-160, Walt Wagner Cattle Sales, Central
Bridge, March 20, 1981

Done at Washington, D.C., this 24th day of April 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch,
Livestock Marketing Division.

[FR Doc. 81-13082 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 8:00 a.m., June 19, 1981, at the Guadalupe

Christian Camp, Queen Route, Carlsbad, New Mexico. The purpose of this meeting is to provide grazing permittees of the Lincoln National Forest means for offering advice and recommendations concerning 1) overview of the utilization of range betterment funds and 2) the development of management plans. Other items to be discussed are off-road vehicle use and land management planning.

The meeting will be open to the public. Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico 88310. Telephone (505) 437-6030. Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbott,

Forest Supervisor.

April 21, 1981.

[FR Doc. 81-13056 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-11-M

Pacific Crest National Scenic Trail Advisory Council; Meeting

The Pacific Crest National Scenic Trail Advisory Council will meet on June 25-27, at the Tree House Motel in Mt. Shasta, California. The meeting will begin on June 25, at 8:00 a.m., with a field trip to view the development and management issues linked with the trail. The business session will begin at 3:00 p.m., at the Tree House Motel.

The purpose of the meeting is to provide orientation to the Council members and to receive Council recommendations. The meeting will include a review of trail status through council and agency reports, a review of the draft comprehensive plan for the PCT, a review of public information material, and a discussion of volunteer efforts for the trail.

The meeting will be open to the public. Persons who wish additional information should contact Alan Lamb, Director, Recreation Management, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111. Phone (415) 556-6983.

Dated: April 24, 1981.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 81-13057 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-11-M

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board meeting scheduled for May 8, 1981 has been postponed to June 1, 1981. The meeting on June 1 will begin at 9:00 a.m. at the Sarah McCordle Room, Fresno County Library, 2420 Mariposa Street, Fresno, CA 93721.

The agenda of the meeting will be as previously scheduled and will include:

A. Rationale of grazing stewardship on the Sierra National Forest to date. What has been the emphasis of management and the purpose of past use of Range Betterment Funds (by District).

B. Interrelationship of other resources management with grazing use: recreation use, timber harvest, chaparral management, wildlife habitat improvement, watersheds, roads, etc.

C. Work plans for 1981, 1982, 1983. Allotment priorities and anticipated accomplishments, Range Betterment Fund Projects, other projects (grazing or other resources).

D. Grazing scenario from the Forest Land Management Plan.

E. Public statements, comments, or questions.

This meeting is open to the public. Matters identified by the public will be considered by the Board at the close of the above agenda.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

April 24, 1981.

[FR Doc. 81-13058 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Conneautville Flood Prevention RC&D Measure, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental

Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Conneautville Flood Prevention RC&D Measure, Crawford County, Pennsylvania.

A Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register on June 14, 1978. However, further investigations indicate that no significant aquatic or wildlife habitat exists at the sites of the proposed local flood prevention measures and that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include a single purpose flood prevention dam and flood prevention conduit on Thatcher Run in Conneautville. The dam will have 69 acre feet of storage and control runoff water from a 100-year, 10-day storm. The conduit will be large enough to pass the controlled 100-year, 24-hour type II, AMC II storm flow from the principal spillway of the dam and the uncontrolled flow from the drainage areas above the upper end of the conduit (approximately 320 c.f.s.). The conduit will include an energy dissipater to reduce turbulence at the confluence with Conneaut Creek.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 1, 1981.

Dated: April 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse

review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13080 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

April 24, 1981.

In accordance with Part 121 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39521, from Blue Bell, Inc., P.O. Box 21488, Greensboro, North Carolina 27420, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before May 21, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13076 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

Subsidy Rate for Five Local Service Carriers for the Period January 1, 1981, Through June 30, 1981

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 81-4-144. Amendment Five to Order 79-10-51.

SUMMARY: The Board has adopted the maximum subsidy rates due and payable to the five local service carriers for the period January 1, 1981, through June 30, 1981. Under the provisions of Class Rate IX, semi-annual reviews are conducted to determine adjustments to the base period subsidy rates as set in Order 79-10-51. The adjustments in this order are based on operating results for the year ended September 30, 1980. The annual subsidy level effective January 1, 1981, for the entire class is \$104.5 million. This includes an upward median percentage change of 86.95 percent

applied to the base period net formula provisions and service incentive payments of eligible carriers, and a reduction of the industry's Federal tax allowance by \$1 million. Due to service suspensions during the rate period, the maximum annual subsidy rate has declined to \$101.6 million.

DATES: Parties must file exceptions and supporting rationale within 7 days of the date of service.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson, or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5368.

The complete text of Order 81-4-144 is available from our Distribution Section. Persons outside the metropolitan areas may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 23, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13077 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

Petition of Air California

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause and Establishing Procedures: Order 81-4-155.

SUMMARY: The Board has decided to grant in part and to defer in part the petition of Air California for a section 401(g) investigation to determine whether or not a new carrier should be designated to replace the dormant carriers holding authority to serve Routes A.3 and A.4 of the U.S.-Mexico Bilateral Agreement. The Board is granting Air California's petition as it relates to Route A.4 and is proposing that the primary and back-up certificates of public convenience and necessity, respectively, of Republic Airlines, Inc. and Western Air Lines, Inc. to serve Route A.4 should be deleted. The Board is deferring consideration of Air California's petition as it relates to Route A.3 and directing Western Air Lines, Inc. to confirm in writing by July 31, 1981 of its intent to inaugurate service over Route A.3 on September 25, 1981.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken, as described in the order cited above, shall no later than May 20, 1981, file a statement of such objections with the Civil Aeronautics

Board (20 copies, addressed to Docket 39090, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Air California, Republic Airlines, Inc., Western Air Lines, Inc., the Ambassador of Mexico in Washington, D.C. and the Departments of State and Transportation. A statement of objections must cite the Docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to the disapproval of the President, make final the Board's tentative findings and conclusions and delete the certificates of public convenience and necessity of Republic Airlines, Inc. and Western Air Lines, Inc. to serve Los Angeles/San Diego, California-La Paz, Loreto, and San Jose del Cabo, Mexico.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

William J. Wagner, (202) 673-5514, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, April 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13079 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39285]

Texas International-Continental Acquisition Case

In the notice dated April 22, 1981, setting oral argument in this matter, the Board indicated certain areas of concern which are to be the focus of the Board's interest. If any party wishes to submit an alternative proposal for relief, the nature and extent of its proposal should be discussed in the written answers to be filed by noon, April 27, 1981.

Dated at Washington, D.C. on April 24, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13078 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

**New York Advisory Committee;
Agenda and Notice of 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 conference of the New York Advisory Committee to the Commission will convene at 8:30 am and will end at 5:30 pm., on May 27, 1981, at the Sheraton Conference Center, 53rd and Seventh Avenue, New York, New York 10003. The purpose of this conference is to determine program objectives for private businesses in the wake of the President's policy on equal employment.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Franklin H. Williams, Phelps Stokes Fund, 10 East 87th Street, New York, New York 10028, (212) 427-8100; or the Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13112 Filed 4-29-81; 8:45 am]

BILLING CODE 6335-01-M

**Pennsylvania Advisory Committee;
Agenda and Notice of 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 Pennsylvania Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on May 21, 1981, at the Green Federal Building, Room 7310, 6700 Arch Street, Philadelphia, Pennsylvania 19106. The purpose of this meeting is to report progress on Lewisburg; plant closing; bigotry and violence; annual status report; Northeast Corridor Project; correspondence with Commission; and new business.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Grace Alpern, 260 South 15th Street, Philadelphia, Pennsylvania 19126, (215) 546-7600; or the Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.
 John I. Binkley,
Advisory Committee Management Officer.
 [FR Doc. 81-13113 Filed 4-29-81; 8:45 am]
 BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of 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 Pennsylvania Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 Noon, on May 21, 1981, at the Green Federal Building, Room 7310, 600 Arch Street, Philadelphia, Pennsylvania 19106. The purpose of this meeting is to continue research on NECIP (Rail) project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Grace Alpern, 260 South 15th Street, Philadelphia, Pennsylvania 19126, (215) 546-7600; or the Mid-Atlantic Regional Office, 2120 L Street, NW, Room 510, Washington, D.C. 20037.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.
 John I. Binkley,
Advisory Committee Management Officer.
 [FR Doc. 81-13114 Filed 4-29-81; 8:45 am]
 BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

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 (Pub. L. 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, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

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 Number 81-00166. Applicant: Jewish Hospital, 217 E. Chestnut, Louisville, KY 40202. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in tissue, soft tissue tumor, lymphoma and leukemia diagnosis. The article will also be used for examination of body fluids. The main thrust of research will be directed toward renal biopsy materials. Application received by Commissioner of Customs: March 24, 1981.

Docket Number 81-00168. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: Mass Spectrometer Instrumentation. Manufacturer: KRATOS Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to carry out analyses of organic compounds as requested by faculty and graduate students in the departments of chemistry (mainly), chemical engineering, metallurgy, biochemistry, soil microbiology, dairy science, food science and geochemistry. These organic compounds include alkaloids (potential anti-cancer agents), hormones, pesticide residues and degradation products, products derived from coal, organometallic catalysts, flavor constituents, shale oil components, commercial chemicals and drugs. Experiments to be conducted will include analyses of materials by the ionization techniques of electron impact, chemical ionization or field desorption at low resolution or high resolution (yielding elemental compositions) with fast, extended mass range scanning. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00170. Applicant: Columbia University in the City of New York, Department of Chemistry, 119th Street & Broadway, New York, NY 10027. Article: Accessories for High Pressure Cell (30 sets of small cells). Manufacturer: Union Giken Co., Ltd., Japan. Intended use of article: The articles are to be used in conjunction with the High Pressure Cell which is being used for studies of aqueous detergent micelle solutions. CMC, aggregate numbers, dynamics of

formation, entrance and exit rates will be investigated. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00171. Applicant: University of Maryland, School of Medicine, Department of Biological Chemistry, 660 W. Redwood Street, Baltimore, MD 21201. Article: Nanosecond Fluorometer System. Manufacturer: Photochemical Research Associates, United Kingdom. Intended use of article: The article is intended to be used for studies of fluorescence lifetime, quantum yield, and fluorescence depolarization lifetimes, which are measures of probe mobility, microviscosity of lipid environment, rotational mobility of proteins, and energy transfer between fluorophores. Experiments will be of a broad range in basic biochemical studies, all dealing with fluorescence properties of biological samples. The objectives pursued in the course of these investigations are to obtain a basic understanding of molecular processes going on during ion transport across membranes in a number of well-characterized systems, such as the $(Ca^{2+} + Mg^{2+})$ -ATPase from skeletal and cardiac sarcoplasmic reticulum, and a recently isolated Ca^{2+} -translocating protein from beef heart and rat liver. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00172. Applicant: University of Kansas Center for Research, Inc., 2291 Irving Hill Road, Lawrence, Kansas 66045. Article: Weissenberg Rheogoniometer, Model R19, Type A/D/L with Programmable Drive System. Manufacturer: Sangamo Transducers, United Kingdom. Intended use of the article: The article is intended to be used for studies of polymer types polyacrylamide, polysaccharide and hydroxyethyl cellulose. These polymer types will be investigated for their gelatin properties. This research is being conducted to investigate methods of permeability reduction in porous rocks to control movement of fluids in underground reservoirs. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00175. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Phosphate Laser Amplifier Disks. Manufacturer: Hoya Corporation, Ltd., Japan. Intended use of the article: The article is intended to be used to demonstrate the feasibility of the generation of usable power in a controlled thermonuclear fusion reaction. The phenomenon to be

investigated is the feasibility of producing a thermonuclear microexplosion using a unique high intensity laser pulse. Experiments will be conducted using the existing SHIVA laser in combination with the NOVA-I laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, producing for the first time in any research facility the thermonuclear reaction of as many as 10 to the 17th neutrons per microexplosion. Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81-00176. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: WM-300 High Resolution NMR Spectrometer with Multinuclear Observation and Accessories. Manufacturer: Bruker Analytik GmbH, West Germany. Intended use of the article: The article is intended to be used in conducting the following research projects:

1. Non-Covalent Interactions in Fatty Acid Biosynthesis.
2. Synthetic Organotransition Metal Chemistry.
3. Crown Ether and Cryptate Coordination Chemistry.
4. Structure, Dynamics and Assembly in Biological Systems.
5. Problems in Biologically Related Inorganic Chemistry.

Application received by Commissioner of Customs: March 27, 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. 81-13059 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Italy; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On March 25, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covered six exporters and the time period of December 20, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written

comments on these preliminary results. We received no comments.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3058).

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1980, an antidumping duty order with respect to spun acrylic yarn from Italy was published in the Federal Register (45 FR 23684-5). On March 25, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the order (46 FR 18568-9). The Department has now completed its administrative review of the antidumping duty order.

Scope of the Review

The imports covered by this review are spun acrylic plied yarn primarily for machine knitting. Spun acrylic yarn is currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covered five exporters of Italian spun acrylic yarn to the United States and one additional firm listed in the Treasury Department's determination of sales at less than fair value. The review covered the time period of December 20, 1979 through March 31, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Results of the Review

Evidence indicates that one company, listed in the "Antidumping Withholding of Appraisement Notice and Determination of Sales at Less than Fair Value" published in the Federal Register on December 20, 1979 (44 FR 75547-8), has never produced or exported to the United States merchandise of the type subject to this order. Therefore, the Department does not consider Zegna Baruffa—Lane Borgosesia S.p.A. to be subject to this administrative review or any future administrative review until such time as they export merchandise subject to this order to the United States.

Since we have received no comments, the final results of our review, other than that for Zegna Baruffa—Lane Borgosesia S.p.A., are the same as those presented in the preliminary results of review. We therefore determine that a margin of 48.05 percent of the entered

value exists. There was no known shipments to the United States during this time period.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin above, that is, 48.05 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary, Import Administration.

April 24, 1981.

[FR Doc. 81-13060 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Johnson & Johnson International a limited exclusive right in the United States and certain foreign countries to manufacture, use and sell products embodied in the invention, "A Short Total Synthesis of Dihydrothebainone, Dihydrocodeinone and Nordihydrocodeinone."

The invention is protected by U.S. Patent Application No. 165,690, (July 3, 1980). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register (45 FR 70958; October 27, 1980); *Government Inventions for Licensing* (November 25, 1980); and the Patent and Trademark Office's *Official Gazette* (December 9, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent. The proposed limited exclusive license will be royalty-bearing and will expire

five years after the invention is put into practice on a commercial scale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: April 22, 1981.

Melvin S. Day,
Director,

[FR Doc. 81-13070 Filed 4-29-81; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man- Made Fiber Textile Products from the Polish People's Republic, Effective January 1, 1981

April 27, 1981.

AGENCY: Committee for the
Implementation of Textile Agreements.

ACTION: Establishing import restraint
levels for certain cotton, wool and man-
made fiber textile products imported
from Poland, effective on January 1,
1981.

SUMMARY: On September 15, 1980 and
March 20, 1981 the Governments of the
United States and the Polish People's
Republic exchanged notes establishing a
new Bilateral Cotton, Wool and Man-
Made Fiber Textile Agreement, effective
on January 1, 1981. The new agreement
establishes specific levels of restraint
for certain cotton, wool and man-made
fiber textile products, among others, in
Categories 333, 410, 443, 443/643/644

and 645/646, produced or manufactured
in Poland and exported during the
twelve-month period beginning on
January 1, 1981. The agreement also
establishes consultation levels for
categories, such as Category 612, which
are not subject to specific ceilings and
which may be adjusted during the year
upon agreement between the two
governments.

In the letter published below the
Chairman of the Committee for the
Implementation of Textile Agreements
directs the Commissioner of Customs to
prohibit entry into the United States for
consumption, or withdrawal from
warehouse for consumption, of cotton,
wool and man-made fiber textile
products in the foregoing categories in
excess of the designated twelve-month
levels of restraint.

(A detailed description of the textile
categories in terms of T.S.U.S.A. numbers
was published in Federal Register on
February 28, 1980 (45 FR 13172), as amended
on April 23, 1980 (45 FR 27463), and August
12, 1980 (45 FR 53506).)

This letter and the actions taken
pursuant to it are not designed to
implement all of the provisions of the
bilateral agreement, but are designed to
assist only in the implementation of
certain of its provisions.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Gordana Slijepcevic, International
Trade Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
Washington, D.C. 20230 (202/377-2184).
Paul T. O'Day,

*Chairman, Committee for the Implementation
of Textile Agreements.*

UNITED STATES DEPARTMENT OF
COMMERCE

*International Trade Administration,
Washington, DC., April 27, 1981.*

Committee for the Implementation of Textile
Agreements

*Commissioner of Customs, Department of the
Treasury, Washington, D.C.*

Dear Mr. Commissioner: Under the terms of
the Arrangement Regarding International
Trade in Textiles done at Geneva on
December 20, 1973, as extended on December
15, 1977; pursuant to the Bilateral Cotton,
Wool and Man-Made Fiber Textile
Agreement of September 15, 1980 and March
20, 1981, between the Governments of the
United States and the Polish People's
Republic; and in accordance with the
provisions of Executive Order 11651 of March
3, 1972, as amended by Executive Order
11951 of January 6, 1977, you are directed to
prohibit, effective on May 4, 1981, and for the
twelve-month period beginning on January 1,
1981 and extending through December 31,
1981, entry into the United States for
consumption and withdrawal from
warehouses for consumption of cotton, wool
and man-made fiber textile products in the
following categories, produced or

manufactured in Poland, in excess of the
indicated levels of restraint:

Category	Twelve-month level of restraint
333	74,000 dozen
410	2,200,000 square yards
433	7,155 dozen
443/643/644	14,852 dozen of which not more than 13,000 dozen shall be ap- plied to all T.S.U.S.A. numbers in these categories except 380.8145, 380.8451, 380.6651, and 380.6652
612	2,000,000 square yards
645/646	90,816 dozen

In carrying out this directive, entries of
cotton, wool and man-made fiber textile
products in the foregoing categories,
produced or manufactured in Poland, which
have been exported to the United States on
and after January 1, 1980 and extending
through December 31, 1980 shall, to the extent
of any unfilled balances, be charged against
the levels of restraint established for such
goods during the period which began on
January 1, 1980 and extends through
December 31, 1980. In the event the levels of
restraint established for that period have
been exhausted by previous entries, such
goods shall be subject to the levels set forth
in this notice.

The levels of restraint set forth above are
subject to adjustment in the future according
to the provisions of the bilateral agreement of
September 15, 1980 and March 20, 1981,
between the Governments of the United
States and the Polish People's Republic,
which provide, in part that: (1) within the
aggregate and applicable group limits of the
agreement, specific levels of restraint may be
exceeded by designated percentages; (2)
these levels may also be adjusted for
carryover and carryforward; and (3)
administrative arrangements or adjustments
may be made to resolve problems arising in
the implementation of the agreement. Any
appropriate adjustments under the provisions
of the bilateral agreement will be made to
you by letter.

A detailed description of the textile
categories in terms of T.S.U.S.A. numbers
was published in the Federal Register on
February 28, 1980 (45 FR 13172), as amended
on April 23, 1980 (45 FR 27463), and August
12, 1980 (45 FR 53506).

In carrying out the above directions, the
Commissioner of Customs should construe
entry into the United States for consumption
to include entry for consumption into the
Commonwealth of Puerto Rico.

The actions taken with respect to the
Government of the Polish People's Republic
and with respect to imports of cotton, wool
and man-made fiber textile products from
Poland have been determined by the
Committee for the Implementation of Textile
Agreements to involve foreign affairs
functions of the United States. Therefore,
these directions to the Commissioner of
Customs, which are necessary for the
implementation of such actions, fall within
the foreign affairs exception to the rule-
making provisions of 5 U.S.C. 553. This letter
will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13073 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command, Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on May 21 1981 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT-PPM, Washington, DC 20315. Topics to be discussed should be received on or before 11 May 1981.

Dated: 17 April, 1981.

John J. Durant,

Colonel GS, Director of Personal Property.

[FR Doc. 81-13069 Filed 4-29-81; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; 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 Committee meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 19-21 May 1981

Place: White Sands Missile Range, New Mexico and Electronic Proving Grounds, Fort Huachuca, Arizona

Time: 0830-1600 hours, 19 May 1981—Closed; 0830-1630 hours, 20 and 21 May 1981—Closed

Proposed Agenda: The ASB Ad Hoc Sub-Group on "Testing of Electronic Systems"

will receive classified briefings and facility tours to assist them in their examination of the overall facets of this subject.

Specifically, the group will address the adequacy of Army concepts, plans and equipments for the testing of modern command, control and communications intelligence and computer-based systems.

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-12957 Filed 4-29-81; 8:45 am]

BILLING CODE 3710-05-M

DEPARTMENT OF ENERGY

National Electric Reliability Study; Availability

AGENCY: Department of Energy.

ACTION: Notice of Availability of National Electric Reliability Study.

SUMMARY: The Department of Energy gives notice of the availability of the National Electric Reliability Study proposed final report and related technical study reports. Comments from the public are invited on these documents.

DATE: Written comments must be received by June 1, 1981, 4:30 p.m., Eastern Standard Time.

ADDRESS: Written comments should be addressed to Department of Energy, Room 4002, 2000 M Street, NW, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Richard E. Weiner, Director, Division of Power Supply and Reliability, Room 4103, 2000 M Street, NW, Washington, D.C. 20461, (202) 653-3899.

SUPPLEMENTARY INFORMATION: Section 209(a) of the Public Utility Regulatory Policies Act of 1978 provides that the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission, shall conduct a study with respect to:

(a) The level of reliability appropriate to adequately serve the needs of electric consumers, taking into account cost effectiveness and the need for energy conservation;

(b) The various methods which could be used in order to achieve such level of reliability and the cost effectiveness of such methods; and

(c) The various procedures that might be used in case of an emergency outage to minimize the public disruption and economic loss that might be caused by

such an outage and the cost effectiveness of such procedures.

The Study has been submitted to the President and to the Congress. All written comments on the Study received by the Department of Energy by June 1, 1981, will be submitted separately to the President and to the Congress.

The National Electric Reliability Study proposed final report and related technical study reports are available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, in the DOE Reading Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

The public is invited to submit written comments on this Study to Department of Energy, Room 4002, 2000 M Street, NW, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "National Electric Reliability Study."

Ten copies should be submitted. All written comments and related information must be received by the Department of Energy by June 1, 1981, in order to be included in the comments forwarded to the Congress and the President for consideration along with the reports. All comments received will be available for public inspection in the DOE Reading Room, 1E-190, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Issued in Washington, D.C. on April 21, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 81-12729 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Privacy Act of 1974; Revision of a System of Records

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Revision of a system of records subject to the Privacy Act of 1974 (Pub. L. 93-579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy is revising an existing system of records entitled "Residential Solar Hot Water Heating Records" to reflect the addition of information associated with a pilot residential solar water heating workshop program in the Pacific Northwest. The system to be revised was established in 1980, and a notice describing the system was published in the Federal Register on May 8, 1980, at

45 FR 30470. The Bonneville Power Administration (BPA), in cooperation with various publicly owned utilities, will sponsor workshops to provide information and instruction on solar energy principles and hands-on experience in solar water heater construction and installation. BPA will rebate an amount equal to the average value to BPA of the energy savings of each system to eligible workshop attendees that build and install their own system. Eligibility will be based on current use of electricity for water heating, amount of solar access, and other factors. The revision of the system of records has been determined to require neither the submission of a Report of New Systems under OMB Circular No. A-108 nor the solicitation of public comment.

FOR FURTHER INFORMATION CONTACT:

Walter E. Pollock, Bonneville Power Administration, Acting Director, Division of Conservation, PE, P.O. Box 3621, Portland, OR 97208.

SUPPLEMENTARY INFORMATION: The Bonneville Power Administration of the Department of Energy (DOE) proposes to establish a revised system of records, entitled "Solar Water Heating Workshops Pilot Program," which will be a part of BPA's pilot energy conservation program in Oregon, Washington, Idaho, and Montana. As a part of this program, BPA will provide a rebate for solar water heating systems constructed and installed by workshop attendees meeting BPA standards. The amount of the rebate will be equal to the average value to BPA of the energy savings of each system over its life. Rebate eligibility will be based on current use of electricity, adequate south-facing collector area, complete system installation within 8 months of the workshop, and approved inspection. BPA will contract with the local utilities to provide workshops and to evaluate and determine eligibility for BPA rebates.

The Solar Water Heating Workshops Pilot Program will operate as follows: Each participating utility selects a workshop site, which is the utility customer's home where the workshop is to be conducted and a solar water heating system is actually to be installed. Utilities advertise to inform their customers of the workshops and rebates available. At the customer's request, the utility registers customers for the workshop. This step involves the collection of information about the customer which will constitute a portion of the system of records. This portion includes the names and addresses of utility customers participating in the

program. If the workshop attendee installs a solar water heating system, system installation inspection data, the amount of electricity used for water heating, hot water consumption, and other system performance data will be collected. The records will be maintained by the utility.

The records in the system will be disclosed as follows: (1) portions of the records will be provided to potential workshop attendees to announce the place and time of the workshop; (2) other parts of the record will be used to determine rebate eligibility; (3) records will be made available to BPA for audit and program evaluation purposes; and (4) the records, in statistical form, will become part of a public data base on residential solar water heating systems to be maintained by DOE.

The system of records was established and maintained pursuant to the Bonneville Project Act of 1937 (16 U.S.C. Ch. 12B), as amended by the Flood Control Act of 1944 (16 U.S.C., Chapter 838). The collection of data and maintenance of the system of records are incidental to the performance of the overall Solar Water Heating Workshops Pilot Program, whose objective is to provide instruction on solar energy principles and hands-on experience in solar hot water construction, and to determine the extent to which owner-built systems can displace electric energy for residential water heating in the Northwest using financial incentives as a stimulant.

Some states in the region currently offer financial incentives such as tax credits or deductions for solar applications. The BPA program will provide additional incentives to residential customers on a pilot basis and assist utilities with conservation efforts.

Information to be maintained in the revised system will be collected using a data collection form which has been submitted to OMB for clearance under the Federal Reports Act and OMB Circular No. A-40, as amended.

The text of the system notice is set forth below.

Dated: April 23, 1981.

William S. Heffelfinger,
Director of Administration.

DOE 69

SYSTEM NAME:

Residential Solar Water Heating Workshops Pilot Program Records.

SYSTEM LOCATION:

Bonneville Power Administration,
Division of Conservation, P.O. Box 3621,

Portland, Oregon 97208; and utilities that may participate in the program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested participation in the Residential Solar Water Heating Workshops Pilot Program and who meet the homeowner eligibility criteria agreed upon by BPA and by participating utilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about a participant's household hot water consumption prior to installation of a solar hot water heating system, electric energy consumption for water heating, family size, siting and orientation of house, roof area available for solar collectors, hours of daily sunlight on the roof top year round, extent of shading by nearby buildings or vegetation, storage area for water tank(s), structural aspects relating to solar system installation, and data about the performance of the water heating system after installation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Bonneville Project Act of 1937, 16 U.S.C. Chapter 12B (1976), as amended by the Flood Control Act of 1944 (16 U.S.C. Section 825s), and the Federal Columbia River Transmission Act of 1974 (16 U.S.C. Chapter 838).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be maintained by the utility and will be used (1) to assess the electric energy displacement for water heating by the solar system; (2) to evaluate the performance of several types of solar water heating systems, under varying seasonal and climatic conditions; (3) to assess the potential regional impact of solar energy used for water heating; (4) to determine eligibility of participants for BPA rebates; and (5) to evaluate the performance of owner-built solar water heating systems.

BPA will use this information in statistical form to (1) evaluate the overall effectiveness of the program, and (2) to provide a public data base which will be used to plan and analyze appropriate conservation measures for residents of the Pacific Northwest.

The utility will make information available (1) to Federal, State, and local agencies and organizations with an interest in solar development in the region, and (2) to BPA for audit and program evaluation purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

Records are maintained (1) on paper in file folders, and (2) on computer tape.

RETRIEVABILITY:

Records are indexed by a utility account number assigned to each utility customer.

SAFEGUARDS:

Access to and use of these records is limited to those persons who official duties require such access. All files are locked when unattended.

RETENTION AND DISPOSAL:

A records retention and disposal will be developed and issued consistent with Order 1324.1, Records Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Walter E. Pollock, Acting Director, Division of Conservation, Bonneville Power Administration, P.O. 3621, Portland, Oregon 97208, (503) 234-3361 Ext. 4082.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the System Manager named above. Requests should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the System Manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their request to the System Manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to who the record pertains. Information about homes will be gathered by representatives of the utilities based on an examination of the home conducted in cooperation with the customer.

[PR Doc. 81-12118 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

Economic Regulatory Administration

**Farmer's Union Central Exchange;
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 an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: June 1, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On April 13, 1981, the Office of Enforcement of the ERA executed a Consent Order with Farmer's Union Central Exchange (Cenex), of St. Paul, Minnesota. Under 10 CFR 205.199j(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Cenex, with its home office located in St. Paul, Minnesota, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. 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 Cenex the Office of Enforcement, ERA, and Cenex entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Cenex during the period September 1, 1973 through December 31, 1978.
2. The reason for the overcharges was Cenex sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.
3. It is understood that Cenex does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.
4. The provisions of 10 CFR 205.199j, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Cenex agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of \$150,000, including interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in one lump sum payment and completed within one month of the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be 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 applicable 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 overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old 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).

III. Submission of Written Comments

A. Potential Claimant: 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 of 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 to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Cenex Consent Order." We will consider all comments we receive on or before June 1, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 16th day of April 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-13088 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

J. M. Huber Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On March 13, 1981, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between J. M. Huber Corporation and DOE. With that Notice, and in accordance with 10 CFR 205.199(c), the Office of Enforcement

invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199(c). Under the terms of 10 CFR 205.199(c), no Consent Order involving sums in excess of \$500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and J. M. Huber Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on March 13, 1981, and hereby gives Notice that the Consent Order is made effective by written notice to J. M. Huber Corporation on April 13, 1981.

Issued in Kansas City, Missouri on this 15th day of April, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-13089 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4385-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4385 to be known as the Bear Creek, Humboldt Power Project located on Bear Creek in Humboldt County, California. The application is one file with the Commission and is available for public

inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 82-foot long, 5-foot high rock and concrete diversion structure; (2) a 3,700-foot long diversion conduit or channel; (3) a 1,050-foot long, 32-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 1,450 kW; and (5) a 0.5-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 5.7 million kWh.

Purpose of Project—Project Energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it will conduct geological, engineering, environmental and economic feasibility studies and prepare an application for FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for FERC license is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4385. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13011 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4405-000]

**Consolidated Hydroelectric, Inc.;
Notice of Application for Preliminary Permit**

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)) for proposed Project No. 4405 to be known as the Devils Canyon Creek, Trinity Project located on Devils Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 165-foot long, 5-foot high concrete and rock diversion structure; (2) a 8,400-foot long diversion conduit or channel; (3) a 1,150-foot long, 49-inch diameter steel penstock; (4) a powerhouse housing generating units with a combined rated capacity of 3,900 kW; and (5) a 12-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 15.3 million kWh.

Purpose of Project—Project energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time the Applicant would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the

permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4405. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13012 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4094-000]

**Consolidated Hydroelectric, Inc.;
Notice of Application for Preliminary Permit**

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4094 to be known as Copper and Twin Valley Creeks located on Copper Creek and Twin Valley Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 62-foot long, 5-foot high, 8-foot wide natural rock diversion structure; (2) a 5,300-foot long diversion conduit or channel; (3) a 710-foot long, 36-inch diameter penstock; (4) a powerhouse containing generating

equipment with a combined capacity of 2,030-kW; and (5) a 6-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 8.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Power and Light.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights.

The cost of these studies is estimated by the Applicant to be \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this

application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4094. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13012 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4326-000]

**Consolidated Hydroelectric, Inc.,
Notice of Application for Preliminary Permit**

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 12, 1981, an application for

preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4326 to be known as the Big East Fork Canyon Creek Project located on the Big East Fork Canyon Creek in Trinity County, near Dedrick, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) a 5-foot high by 48-foot long combination natural rock and concrete diversion structure; 2) a 5,400-foot long, 39-inch diameter diversion conduit; 3) a 1,000-foot long, 28-inch diameter steel penstock serving; 4) a powerhouse with a total installed capacity of 1,220 kW; and 5) approximately 0.5 mile of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual energy output would be 4.8 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about \$140,000. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept at a minimal and will be restored to their original condition as close as possible. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT OF FILING COMPETING APPLICATION," "COMPETING APPLICATION,"

"PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4326. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

(FR Doc. 81-13014 Filed 4-29-81; 8:45 am)

BILLING CODE 6450-85-M

[Project No. 4390-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4390 to be known as the Eagle Creek Project located on Eagle Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure on Eagle Creek; (2) a 5,800-foot long diversion conduit or channel; (3) a 750-foot long, 36-inch diameter penstock; (4) a powerhouse with a capacity of 2,600 kW; and (5) associated electrical equipment. The Applicant estimates that

the average annual energy output would be 12,400 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including economic, technical, and environmental investigations of the proposed project. Applicant estimates the costs of its studies at between \$80,000 and \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4390. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13015 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4389-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4389 to be known as the Eltapom Creek, Trinity Project located on Eltapom Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President,

Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 163-foot long, 5-foot high concrete and rock diversion structure; (2) a 2,800-foot long diversion conduit or channel; (3) a 900-foot long, 44-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 4,700 kW; and (5) a 2-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 18.7 million kWh.

Purpose of Project—The project energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time the Applicant would conduct engineering, environmental and economic studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4389. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13016 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4387-000]

**Consolidated Hydroelectric, Inc.;
Notice of Application for Preliminary Permit**

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4387 to be known as the Grindstone and Board Creek, Tehama Project located on Grindstone and Board Creeks in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two rock and concrete diversion structures, one 52 feet long by 5 feet high and the other 78 feet long by 5 feet high; (2) two 14,000-foot long diversion conduits or channels; (3) a 1,500-foot long, 45-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 4,600 kW; and (5) a 20-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 16.0 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it would conduct a property survey, engineering, environmental, and economic study, and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4387. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13017 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER77-533 (Phase I)]

Louisiana Power & Light Co.; Notice of Filing

April 23, 1981.

The filing company submits the following:

Take notice that on April 13, 1981, Louisiana Power and Light Company submitted for filing a revised cost of service study and an amended rate schedule pursuant to Commission Opinion No. 110, issued January 28, 1981, in the above-referenced proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 15, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13018 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-279-000]

Northern Natural Gas Co., Division of InterNorth, Inc. Notice of Application

April 28, 1981.

Take notice that on April 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc., (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-279-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a new delivery point for the delivery of natural gas to Iowa Electric Light and Power Company (Iowa Electric), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate an additional delivery point for Iowa Electric to be used as an additional town border station located in Cherokee, Iowa. It is stated that this station would provide new commercial service to the Cherokee Disposal Plant for heating purposes. The estimated usage is 14 Mcf of natural gas per day and 2,100 Mcf per year.

Applicant estimates the cost of the proposed facilities to be \$3,075 which would be reimbursed by Iowa Electric. Applicant further states that the proposed entitlements are within Iowa Electric's present volumetric entitlement and that deliveries would be made pursuant to its service agreement with Iowa Electric.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13019 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1691-000]

Paul J. Sullivan, Notice of Application

April 23, 1981.

The filing individual submits the following:

Take notice that the following application was filed by Paul J. Sullivan on April 10, 1981, pursuant to Section 305(b) of the Federal Power Act, for authority to hold position of officer or director of more than one public utility, viz.:

Title and Company

Director—Connecticut Yankee Atomic Power Company
Director—Massachusetts Electric Company
Vice President & Director—New England Power Company
Director—The Narragansett Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13020 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4416-000]

**Consolidated Hydroelectric, Inc.;
Application for Preliminary Permit**

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4416 to be known as Rock Creek, Siskiyou Power Project located on Rock Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure within the southern bank of Rock Creek; (2) a 2,800-foot long conduit or channel; (3) a 450-foot long, 48-inch diameter penstock; (4) a powerhouse containing generating units with a total rated capacity of 4,600 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 30.2 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and

preparing designs are estimated by the Applicant to be between \$80,000 and \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4416. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13021 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4185-000]

**Consolidated Hydroelectric, Inc.,
Application for Preliminary Permit**

April 24, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4185 to be known as Beegum Creek located on Beegum Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed would consist of: (1) a natural rock diversion structure; (2) a 170-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 9,150-foot long conduit or channel; (4) a 475-foot long penstock; (5) a powerhouse containing a 3,200-kW generating unit; and (6) a 2-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 156.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electricity Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the project boundary; make a geologic study; prepare an environment report; prepare economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18

CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4185. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent competing application, or petition to interview must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13022 Filed 4-29-81; 8:45 am]

BILLING CODE 5450-85-M

[Project No. 4398-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1978, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4398 to be known as Eddy Creek Siskiyou Project located on Eddy Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock-and-concrete diversion structure; (2) a 7,500-foot long diversion conduit or channel; (3) a 1,170-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 1,950 kW; and (5) a 2-mile long transmission line. The Applicant estimates that the average annual energy output would be 7.7 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be conducted under the preliminary permit is estimated to be \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

Agency Comments—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 28, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4398. Any comments, notices of intent, competing applications, protests, or petitions to intervene must

be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13023 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4343-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4343 to be known as Kill Dry Creek, Glenn located on Kill Dry Creek in Glenn County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) an 84-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 7,700-foot long diversion conduit or channel; (4) an 1,000-foot long, 37-inch diameter penstock; (5) a powerhouse containing generating equipment with a total capacity of 2,880-kW; and (6) a 15-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 11.3 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; determine the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4343. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13024 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4397-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4397 to be known as Walker Creek Siskiyou Project located on Walker Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L.

Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock-and-concrete diversion structure; (2) a 6,000-foot long diversion conduit or channel; (3) an 800-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 1,900 kW; and (5) a 0.5-mile long transmission line.

The Applicant estimates that the average annual energy output would be 7.4 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, and feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of these studies is estimated by the Applicant to be \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice

of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.339 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4397. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13025 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2921]

Central Power and Light Co.; Application for Exemption for Small Conduit Hydroelectric Facility

April 23, 1981.

Take notice that on September 8, 1980, the Central Power and Light Company (CP&L) (Applicant), filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)] for exemption of a small conduit hydroelectric facility known as the Eagle Pass Hydroelectric Project (FERC No. 2921) from the requirements of Part I of the Act. On November 28, 1980, Applicant filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 CFR 1.7(b) (1980)] for waiver of the discharge requirement of Section 4.91(f)(5). The project powerhouse is located on lands owned by the Applicant, near the Town of Eagle Pass, in Maverick County, Texas. Correspondence with the Applicant should be directed to: Mr. William P. Smith, Jr. or Mr. Scott Murray, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403.

Purpose of Project—Project No. 2921 utilizes a complex system of water conveyance conduits, known as the Eagle Pass Irrigation Project (FERC No. 1952), which in turn is used by Maverick County Water Control and Improvement District No. 1 (Maverick) primarily to supply irrigation water. The energy generated by the small conduit hydroelectric facility is incidental to the irrigation water supply function of the system. The water purchased by Applicant from Maverick is discharged back into the Rio Grande after being used for power generation. Project power is used during peak demand periods in the Applicant's utility grid.

Project Description—The constructed project, located at milepost 31.5 along Maverick's main irrigation canal, consists of: (1) an intake canal; (2) an intake control structure; (3) a waste spillway; (4) three buried penstocks; (5) a powerhouse containing three generating units having a total installed capacity of 9,600-kW; (6) a tailrace; (7) a substation; and (8) appurtenant facilities. The project utilizes a gross hydraulic head of 81.0 feet and has a hydraulic capacity of 1,500 cfs. The

project's average annual energy production approximates 34,680,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13034 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4208-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 23, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4208 to be known

as Monongahela River Lock and Dam No. 7 located on the Monongahela River in Fayette County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009 (202) 667-8226. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Monongahela River Lock and Dam No. 7 and would consist of a powerhouse containing one or more generating units having a rated capacity of 13.5 MW, existing transmission lines, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 50.7 GWh.

Purpose of Project—Energy generated at the proposed project would be sold to West Penn Power Company, nearby public institutions, or industrial users.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should

be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's Project No. 3521 submitted on October 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments no in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4208. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13035 Filed 4-29-81; 6:45 am]

BILLING CODE 6450-85-M

[Project No. 4413-000]

Kennebago Corp.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

April 23, 1981.

Take notice that the Kennebago Corporation (Applicant) filed with the Federal Energy Regulatory Commission on March 24, 1981, an application for exemption for its Kennebago Hydroelectric Project No. 4413 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.¹ The proposed project would be located on the Kennebago River and Kennebago Lake, Franklin County, Maine. Corresponding with the Applicant should be directed to: Mr. Philip Merrill, Esq., 165 Commercial Street, Portland, Maine 04101.

Project Description—The proposed project would be comprised of two existing developments and would consist of: (a)(1) the existing 15-foot high, 132-foot long, concrete gravity, Mahaney Dam which includes 15 stop log bays and a wastegate; (2) Kennebago Lake with a surface area of 1,700 acres and a storage capacity of approximately 8,500 acre-feet (lake level will continue to be controlled by the Kennebago Camp Owner's Association from May 16 to September 30); (3) the existing powerhouse at the dam containing a single 100 kW turbine-generator, to be rebuilt; (b)(1) the existing 15-foot high, 90-foot long, Kennebago Falls dam, located 700-feet downstream of Mahaney Dam, of concrete gravity construction, including four stoplog bays and a headgate; (2) a 5 acre reservoir; (3) an existing 7-foot diameter, 100-foot long, steel penstock; (4) the existing powerhouse containing either a new, single turbine-generator with a total rated capacity of 588 kW or two existing turbine-generator units, rebuilt, and an additional new turbine-generator altogether having a total rated capacity of 784 kW; (5) a new 3-phase transmission line replacing the existing single phase transmission line which

extends approximately twelve miles to Central Maine Power Company's Oquossoc substation; and (6) appurtenant facilities.

The Kennebago Falls Dam will require extensive repairs.

Purpose of Project—Project energy would be sold to the Central Maine Power Company for distribution to customers in its service area.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicants desiring to file a competing application must submit to the Commission on or before June 8, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than October 6, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

¹ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4413. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13037 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4346-000]

New England Hydro; Application for Preliminary Permit

April 23, 1981.

Take notice that New England Hydro (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4346 to be known as Technical Tape Hydro Project located on Fishkill Creek in Dutchess County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Andre Jaeger, 3 Great Pasture Road, West Redding, Connecticut 07896. Any person who wishes to file a response to this notice should read the

entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing masonry and stone dam, 240 feet long and 20 feet high, with a 130 feet long spillway section; (2) a reservoir having negligible pondage; (3) a forebay and gates in serviceable condition; (4) a penstock to be restored; (5) a powerhouse to be restored, or rebuilt downstream, to contain generating units having a total rated capacity of 950 kW; (6) a tailrace; (7) a new transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,000,000 kWh.

Purpose of Project—Project energy would be sold to the Central Hudson Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$36,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4346. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13038 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2738-001]

**New York State Electric & Gas Corp.;
Application for Amendment of License**

April 23, 1981.

Take notice that on January 22, 1981, New York State Electric & Gas Corporation (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. §§ 971(a)-825(r)] for amendment of its license for its Saranac River Project No. 2738, located on the Saranac River in Clinton County, New York. Correspondence with the Licensee should be directed to: Mr. A. E. Kintigh, Vice President—Generation, New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902.

License requests that its license be amended to authorize the addition of: (A) at the Mill "C" Development: (1) a 45-foot long and 8-foot diameter steel penstock; (2) a concrete powerhouse 64 feet long and 21 feet wide; (3) a turbine/generator unit rated at 3.4 MW; (4) a 1.0-mile long, 6.6-kV transmission line connecting the Mill "C" Development to the Kent Falls Development to the Kent Falls Development; (5) appurtenant mechanical and electrical equipment; (B) at the Kent Falls Development: (1) a turbine/generator unit rated at 4.2 MW in the vacant third bay of the existing powerhouse; (2) appurtenant mechanical and electrical equipment. Annual average generation at the project would be increased by almost 21 million kWh.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must be file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 8, 1981. The

Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13039 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4024-000]

**Gregory Wilcox; Application for
Preliminary Permit**

April 23, 1981.

Take notice that Gregory Wilcox (Applicant) filed on January 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4024 to be known as the Shavano Falls Hydro Project located on the Uncompahgre River in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gregory Wilcox, Attorney-At-Law; 506-15th Street, 6th Floor, Oakland, California 94612. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Existing Water and Power Resources Service's Montrose and Delta Diversion Dam and Canal and would consist of: (1) a new intake structure located at the top of the Shavano Falls; (2) the Shavano Falls, a manmade feature having a drop in elevation of 90 feet; (3) a new penstock; leading to (4) a new powerhouse, located at the base of the Shavano Falls, having a generating capacity of 2,500 kW; (5) a new tailrace; (6) a new transmission line; and (7) appurtenant facilities. The Montrose and Delta Diversion Dam and Canal are presently maintained and operated by the Uncompahgre Valley Water Users Association. The Applicant estimates that the average annual energy output would be 11,300,000 kWh.

Purpose of Project—Project energy would be sold to local municipalities and/or utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project

construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4024. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, DC, 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13036 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4353-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that the Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4353 to be known as the Deer Creek Hydroelectric Project located on Deer Creek in Pickaway County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the

entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Deer Creek Flood Control Dam and would consist of: (1) a new powerhouse just below the dam; (2) turbine/generator units rated at 2.2 MW and operating under a head of 39 feet; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,800,000 kWh.

Purpose of Project—It is anticipated that project power would be sold to the Columbus and Southern Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4253. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13026 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-42-000]

**Northwestern Public Service;
Application**

April 24, 1981.

Take notice that on April 20, 1981, Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to issue, and to renew or extend the maturity of, promissory notes and commercial paper from time to time, provided that the aggregate principal amount of such notes outstanding at any one time shall not exceed \$20 million. The notes will be issued through the period ending July 1, 1983, and with maturities of not exceeding 360 days.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13027 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-43-000]

Pacific Power & Light Co.; Application

April 24, 1981.

Take notice that on April 20, 1981, Pacific Power & Light Company (Applicant) a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of not more than 4,000,000 shares of Common Stock, with a par value of \$3.25 per share.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13028 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4213-000]

**Puget Sound Power & Light Co.;
Application for Preliminary Permit**

April 24, 1981.

Take notice that the Puget Sound Power & Light Company (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4213 to be known as the Jackman Creek Project located on the Jackman Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high, 40-foot long concrete arch dam; (2) a 75 acre-foot reservoir; (3) a 700-foot long, 96-inch diameter tunnel through the right abutment; (4) a 1,300-foot long, 63-inch diameter penstock; (5) a powerhouse containing a 4.6-MW generating unit; (6) a short tailrace discharging into Jackman Creek; and (7) a 3,000-foot long transmission line. The Applicant estimates that the average annual energy output would be 20,000,000 kWh.

Purpose of Project—The power generated by the proposed project would be used by the Applicant, and utility company, to meet their energy demands.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct geologic field investigations including geologic mapping, geophysical investigations,

borings, and test pits; make a field survey and hydrologic studies; prepare an environmental report; and study the economic feasibility. The cost of these studies is estimated by the Applicant to be \$250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENT," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4213. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13029 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-65-M

[Project No. 2861-001]

Robert Shaw; Application for Major License at an Existing Dam

April 24, 1981.

Take notice that an application was filed on March 26, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by Robert Shaw (Applicant) for a license for the Pontook Hydroelectric Project, FERC No. 2861. The project would be located on the Androscoggin River near the town of Dummer, Coos County, New Hampshire. Correspondence with the Applicant on this matter should be addressed to: Mr. Robert Shaw, 4 Parsons Street, Colebrook, New Hampshire 03576.

Project Description—The Pontook Project would consist of: (1) an existing 9-foot high, 532-foot long, log-crib dam with 2-foot high flashboards to be rebuilt to its original specifications; (2) an existing gate structure at the dam

containing two 10'8" wide, 13-foot high gates and three 4'8" wide 12-foot high gates; (3) an existing reservoir with a normal water surface elevation of 1,159 feet m.s.l. with no usable storage capacity, to be restored to a normal water surface elevation of 1,162 feet m.s.l. (1 foot below the historic level); (4) a new 170-foot long timber-crib canal intake structure containing four inlet gates; (5) a new 4,200-foot long, 100-foot wide, 7 to 21-foot deep, earth lined, inlet canal; (6) a new penstock intake bulkhead with trashracks; (7) two new 14-foot diameter, 330-foot long steel penstocks; (8) a new powerhouse containing two turbine-generators with a total rated capacity of 8,575 kW; (9) a new 1,800-foot long, 120-foot wide tailrace channel; (10) a new 500-foot long, 34.5 kV transmission line; and (11) appurtenant facilities. The project would be operated as a run-of-the-river facility, generating up to 55,737,500 kWh annually, saving the equivalent of 92,000 barrels of oil or 25,800 tons of coal.

The Applicant proposes to construct a parking area west of the dam with a public telephone, toilet facilities, a canoe portage and an access road on the east side of the dam with a bridge over the canal intake structure to allow vehicular and pedestrian access.

The application was filed during the term of the preliminary permit issued to the Applicant on March 30, 1979.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13030 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-65-M

[Project No. 4412-000]

Thornton Lake Resource Co.; Application for Preliminary Permit

April 24, 1981.

Take notice that Thornton Lake Resource Company (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4412 to be known as Thornton Creek Project located on Thornton Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sherri M. Lee, 2100 Electric Avenue, #326, Bellingham, Washington 98225. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high prefabricated steel and concrete gravity weir; (2) a 2,500-foot long and 24-inch diameter penstock; (3) a concrete powerhouse containing one generating unit rated at 1,500 kW; and (4) a tailrace. Thornton Creek is a tributary to the Skagit River, which has been designated for inclusion in the wild and scenic rivers system. The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geological studies, perform preliminary designs, conduct environmental studies,

make an economic and feasibility analysis, and prepare an FERC license application. Test borings may be conducted at the dam, penstock, and powerhouse sites. The cost of the work to be done under the preliminary permit is estimated to be \$110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 28, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4412. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13032 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4312-000]

Water Song Resources, Partnership; Application for Preliminary Permit

April 24, 1981.

Take notice that Water Song Resources, Partnership (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4312 to be known as the Canyon Creek Project located on the Canyon Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O., Box 68, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified

for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 4-foot high by 125-foot long prefabricated steel and concrete diversion weir; (2) an approximately 12,000-foot long, 48-inch diameter penstock; (3) a powerhouse with an installed capacity of 5 MW; (4) a tailrace channel; and (5) approximately 0.75 mile of 55-kV transmission line to connect to an existing Puget Sound Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 35 GWhs.

Purpose of Project—Applicant proposes to sell the project energy to Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about \$150,000. A detailed work plan and schedule was submitted as part of the application. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept at a minimal. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4312. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13033 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3798-000]

Town of Wilmington, New York; Application for Preliminary Permit

April 24, 1981.

Take notice that the Town of Wilmington, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3798 to be known as the Wilmington Hydro Project located on the Ausable River, West Branch, in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donal S. DeMacy, Supervisor, Town Hall, Wilmington, New York 12997. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing concrete dam, approximately 220 feet long and 14 feet high, with an ogee spillway section; (2) a reservoir having negligible pondage; (3) a rehabilitated intake structure; (4) a penstock; (5) a new powerhouse containing a generating unit having a total rated capacity of 300 kW; (6) a tailrace; (7) a new transmission line, approximately 300 feet long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 1,100,000 kWh and 1,500,000 kWh.

Purpose of Project—Project energy would be utilized by the municipality and would be sold to a local furniture manufacturer.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational

aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be \$25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene

in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of

these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3798. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13031 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 406]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JOB NO	JA DAT	FE NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION						
-ACE DRILLING SERVICES INC						
8123175	81-530	1711122659	108 RECEIVED: 03/27/81 JAS: LA	MONROE	14.0	WEST MONROE GAS GATH
-ACE DRILLING SERVICES INC						
8123080	81-130	1711122195	108 RECEIVED: 03/31/81 JAS: LA	MONROE	11.0	WEST MONROE GAS GATH
8123081	81-132	1711122198	108 JARMON ESTATE #5	MONROE	11.0	WEST MONROE GAS GATH
-AMERICAN GUASAR PETROLEUM CO OF NEW						
8123108	81-453	1701521389	103 RECEIVED: 03/27/81 JAS: LA	ALDEN BRIDGE	0.0	UNITED GAS PIPE LINE
-AMOCO PRODUCTION CO						
8123115	81-460	1702321525	103 RECEIVED: 03/27/81 JAS: LA	WEST HACKBERRY	650.0	VALLEY GAS TRANSMISS
8123116	81-461	1702321336	103 MIAMI CORP I R/A C NO 14	LITTLE PECAN LAKE	730.0	COLUMBIA GAS TRANSMI
8123112	81-457	1703121018	103 R F MARSHALL NO 1	BENSON	548.0	
-BETHLAN PRODUCTION CORP						
8123154	81-503	1707321370	103 A THIBEAUX #1	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123155	81-504	1707321407	103 A THIBEAUX #2	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123156	81-505	1707321422	103 A THIBEAUX #3	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123157	81-506	1707321427	103 A THIBEAUX #4	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123153	81-502	1707321406	103 CUMMINS #1	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123144	81-493	1707321399	103 OUACHITA PARISH SCHOOL BOARD #1	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123145	81-494	1707321401	103 OUACHITA PARISH SCHOOL BOARD #2	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123146	81-495	1707321402	103 OUACHITA PARISH SCHOOL BOARD #3	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123147	81-496	1707321418	103 OUACHITA PARISH SCHOOL BOARD #4	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123149	81-498	1707321419	103 OUACHITA PARISH SCHOOL BOARD #5	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123150	81-499	1707321430	103 OUACHITA PARISH SCHOOL BOARD #6	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123148	81-497	1707321431	103 OUACHITA PARISH SCHOOL BOARD #7	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123151	81-500	1703214370	103 OUACHITA PARISH SCHOOL BOARD #8	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123152	81-501	1707321438	103 OUACHITA PARISH SCHOOL BOARD #9	MONROE GAS	25.0	UNITED GAS PIPE CO
-CHEVRON U S A INC						
8123120	81-465	1712120115	107 19100 TUSC RA SUP D OLIVER #1	PROFIT ISLAND	3725.0	SUGAR BOWL GAS CORP
8123119	81-464	1707720229	107 19100 TUSC RA SUU HURST-RICARD #1	PROFIT ISLAND	3621.0	SUGAR BOWL GAS CORP
-DENEX INC						
8123107	81-452	1710922263	103 PAUL THERIOT #1	SOUTH CHAUVIN	183.0	SOUTH COAST GAS CO
-FIFTY THIRD CORP AND KNOX						
8123123	81-472	1706721616	103 NAVARRO #7	MONROE	11.0	IMC PIPELINE COMPANY
8123166	81-521	1706721615	103 NAVARRO #6	MONROE	11.0	IMC PIPELINE CO INC
8123124	81-473	1706721617	103 NAVARRO #8	MONROE	11.0	IMC PIPELINE CO
-GOLDKING PRODUCTION COMPANY						
8123117	81-462	1702321485	103 REINA NO 2	KINGS BAYOU	169.5	LOUISIANA INTRASTATE
-HARVEY BROYLES						
8123165	81-520	1706120230	103 AULOS #1 HOSS RA SUA	TREHONT	165.0	TEXAS EASTERN TRANSM
-HIBBARD-FROST-SMITH						
8123133	81-482	1707321527	103 MOBIL OIL # & P SE INC #9	MONROE GAS	7.0	MID LOUISIANA GAS CO

VOLUME 406 PAGE 002

JD NO	JA DAT	API NO	SFC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123125	81-474	1707321443	103 MOBIL OIL E & P SE INC #1	MONROE GAS	26.0	UNITED GAS PIPELINE
8123134	81-483	1707321531	103 MOBIL OIL E & P SE INC #10	MONROE GAS	6.0	MID LOUISIANA GAS CO
8123126	81-476	1707321444	103 MOBIL OIL E & P SE INC #2	MONROE GAS	27.0	UNITED GAS PIPELINE
8123127	81-476	1707321451	103 MOBIL OIL E & P SE INC #3	MONROE GAS	22.0	UNITED GAS PIPELINE
8123128	81-477	1707321452	103 MOBIL OIL E & P SE INC #4	MONROE GAS	27.0	UNITED GAS PIPELINE
8123129	81-478	1707321453	103 MOBIL OIL E & P SE INC #5	MONROE GAS	29.0	UNITED GAS PIPELINE
8123130	81-479	1707321504	103 MOBIL OIL E & P SE INC #6	MONROE GAS	26.0	UNITED GAS PIPELINE
8123131	81-480	1707321505	103 MOBIL OIL E & P SE INC #7	MONROE GAS	31.0	UNITED GAS PIPELINE
8123132	81-481	1707321530	103 MOBIL OIL E & P SE INC #8	MONROE GAS	24.0	UNITED GAS PIPELINE
-MUNT PETROLEUM CORPORATION						
8123161	81-516	1703320001	107 19100 TUSC RA SU C TRANS MATCH #81	PROFIT ISLAND	1757.0	TEXAS GAS TRANSMISSION
8123121	81-466	1703320034	107 19100 TUSC RA SU A TRANS MATCH #1	PROFIT ISLAND	5156.0	TEXAS GAS TRANSMISSION
-INC EXPLORATION COMPANY						
8123219	81-575	1707321417	108 BRIGGS # F-320	MONROE	5.0	IMC PIPELINE CO
8123207	81-563	1707321405	108 COLE # N-260	MONROE	7.0	IMC PIPELINE CO
8123206	81-562	1707321409	108 COLE # N-261	MONROE	7.0	IMC PIPELINE CO
8123213	81-569	1711122562	108 FORD #13	MONROE	7.0	IMC PIPELINE CO
-LEAS BAYOU PRODUCTION CORP.						
8123204	81-560	1711122534	108 FROST #81	MONROE	17.0	IMC PIPELINE CO
8123205	81-561	1711122572	108 GRAYLING #N-262	MONROE	16.0	IMC PIPELINE CO
8123216	81-572	1711122701	108 J T SAVAGE #2	MONROE	12.0	IMC PIPELINE CO
8123203	81-559	1711122505	108 L M LANKFORD #6	MONROE	16.0	IMC PIPELINE CO
8123215	81-571	1711122509	108 LOVE #15	MONROE	7.0	IMC PIPELINE CO
8123218	81-574	1706721588	108 MRS CHERRIE BERNSTEIN ETAL #30	MONROE	9.0	IMC PIPELINE CO
8123217	81-573	1711122528	108 OLIN MATHIESON #31	MONROE	7.0	IMC PIPELINE CO
8123210	81-566	1706721573	108 TENSAS DELTA # F-324	MONROE	7.0	IMC PIPELINE CO
8123208	81-564	1706721569	108 TENSAS DELTA # F-325	MONROE	12.0	IMC PIPELINE CO
8123209	81-565	1706721570	108 TENSAS DELTA # F-326	MONROE	12.0	IMC PIPELINE CO
8123212	81-568	1706721567	108 TENSAS DELTA # F-321	MONROE	12.0	IMC PIPELINE CO
8123211	81-567	1706721568	108 TENSAS DELTA # F-323	MONROE	2.0	IMC PIPELINE CO
8123214	81-570	1711122510	108 UNION PRODUCING CO # N-226	MONROE	11.0	IMC PIPELINE CO
-K D LANKFORD JR & L&N DRUG CO						
8123122	81-467	1703120976	103 RECEIVED: 03/27/81 JA: LA	GROGAN	140.0	TENNESSEE PIPELINE C
8123111	81-456	1711121464	108 RECEIVED: 03/27/81 JA: LA	MONROE	15.0	UNITED GAS PIPELINE
8123110	81-455	1711121076	108 WEEKS NO 4	MONROE	15.0	UNITED GAS PIPELINE
-LANKFORD & NANCE						
8123177	81-532	1711122300	108 BARR NO 1	MONROE	15.0	TEXAS GAS TRANSMISSION
8123176	81-531	1711122007	108 JENNY NO 1	MONROE	6.0	MID LOUISIANA GAS CO
8123178	81-533	1711122578	108 K D LANKFORD NO 2	MONROE	10.0	TEXAS GAS TRANSMISSION
-LEAR PETROLEUM CORPORATION						
8123160	81-509	1702720761	102 RECEIVED: 03/27/81 JA: LA	EAST DYKESVILLE	54.0	UNITED GAS PIPELINE
-LOCK ARBOR PRODUCTION CO						

VOLUME 406 PAGE 203

JD NO	JA DAT	REF NO	SEC D	WELL NAME	FIELD NAME	FROM	PURCHASER
8123167	81-522	17111221958	108	MLGC FEE GAS NO R28	MONROE	19.0	
8123118	81-463	1711122056	108	MLGC FEE GAS NO 858	MONROE FIELD	14.5	
8123135	81-484	1711122328	103	MLGC FEE GAS NO 872	MONROE	36.0	
8123136	81-485	1711122481	103	MLGC FEE GAS NO 896	MONROE	36.0	
8123137	81-486	1711122516	103	MLGC FEE GAS NO 904	MONROE	9.7	
8123138	81-487	1711122517	103	MLGC FEE GAS NO 905	MONROE	9.7	
8123139	81-488	1711122518	103	MLGC FEE GAS NO 906	MONROE	36.0	
8123140	81-489	1711122538	103	MLGC FEE GAS NO 910	MONROE	18.0	
8123141	81-490	1711122549	103	MLGC FEE GAS NO 912	MONROE	10.0	
8123142	81-491	1711122601	103	MLGC FEE GAS NO 935	MONROE	36.0	
8123143	81-492	1711122730	103	MLGC FEE GAS NO 985	MONROE	24.0	
-MONROE GAS JOINT VENTURE							
8123082	81-173	1711120957	108	RECEIVED: 03/31/81 JA: LA	MONROE	924.8	IMC PIPELINE CO INC
-GUINIANA PRODUCTION COMPANY							
8123194	81-549	1711420063	107	RECEIVED: 03/27/81 JA: LA	TIMBALIER BAY	3000.0	LOUISIANA RESOURCES
-RELIANCE TR-JV							
8123226	81-582	1711122961	103	SL 6430 NO 4 TR NVUA	MONROE	13.0	TEXAS GAS TRANSMISSI
8123227	81-583	1711122962	103	D H MCVICKER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8123228	81-584	1711122963	103	D H MCVICKER NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
8123173	81-528	1711122612	108	D H MCVICKER NO 4	MONROE	13.0	TEXAS GAS TRANSMISSI
8123174	81-529	1711122288	108	E JOHNSON #1	MONROE	9.0	TEXAS GAS TRANSMISSI
8123220	81-529	1711122766	103	E JOHNSON #2	MONROE	9.0	TEXAS GAS TRANSMISSI
8123225	81-561	1711123016	103	G ODOM NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8123221	81-577	1711123029	103	H D GREEN #5	MONROE	13.0	TEXAS GAS TRANSMISSI
8123229	81-585	1711123027	103	H D GREEN NO 6	MONROE	13.0	TEXAS GAS TRANSMISSI
				H D GREEN NO 7	MONROE	13.0	TEXAS GAS TRANSMISSI
-SANDHILL OIL CORPORATION							
8123169	81-524	1711122190	108	OLINKRAFT #11	MONROE GAS	15.0	TEXAS GAS TRANSMISSI
8123170	81-525	1711122191	108	OLINKRAFT #12	MONROE	10.0	TEXAS GAS TRANSMISSI
8123171	81-526	1711122285	108	OLINKRAFT #15	MONROE	10.0	TEXAS GAS TRANSMISSI
8123168	81-523	1711122286	108	OLINKRAFT #16	MONROE	0.7	TEXAS GAS TRANSMISSI
8123172	81-527	1711122609	108	OLINKRAFT #17	MONROE	9.0	TEXAS GAS TRANSMISSI
8123224	81-580	1711123018	103	W WAYNE ESTATE NO 5	MONROE	13.0	TEXAS GAS TRANSMISSI
8123230	81-586	1711123019	103	W WAYNE ESTATE NO 6	MONROE	13.0	TEXAS GAS TRANSMISSI
8123222	81-578	1711123031	103	WHEELER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8123223	81-579	1711123032	103	WHEELER NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
-SANDHILL LTD (LA)							
8123183	81-538	1711320238	107	RECEIVED: 03/27/81 JA: LA	NORTH BUCK POINT	365.0	SUGAR BOWL GAS CORP
-SANDHILL LTD (LA)							
8123186	81-541	1711122313	108	STATE LEASE 3020 WELL NO 1	MONROE	3.9	PETRO-LEWIS FUNDS IN
8123191	81-546	1711122316	108	RECEIVED: 03/27/81 JA: LA	MONROE	13.0	PETRO-LEWIS FUNDS IN
8123190	81-545	1711122346	108	FROST LUMBER CO #1	MONROE	11.7	PETRO-LEWIS FUNDS IN
8123189	81-544	1711122317	108	FROST LUMBER CO #2	MONROE	9.8	PETRO-LEWIS FUNDS IN
8123187	81-542	1711122347	108	FROST LUMBER CO #3	MONROE	9.8	PETRO-LEWIS FUNDS IN
8123192	81-547	1711122318	108	FROST LUMBER CO #4	MONROE	11.0	PETRO-LEWIS FUNDS IN
8123197	81-553	1711122319	108	FROST LUMBER CO #5	MONROE	12.0	PETRO-LEWIS FUNDS IN
8123185	81-540	1711122320	108	RAMSEY ET AL NO 1	MONROE	12.0	PETRO-LEWIS FUNDS IN
8123184	81-539	1711122321	108	RAMSEY ET AL NO 2	MONROE	14.0	PETRO-LEWIS FUNDS IN
8123188	81-543	1711122322	108	RAMSEY ET AL NO 3	MONROE	13.2	PETRO-LEWIS FUNDS IN
8123193	81-548	1711122348	108	RAMSEY ET AL NO 4	MONROE	4.5	PETRO-LEWIS FUNDS IN
-SHELL OIL CO							
8123163	81-518	1709720590	102	UNION PRODUCING #1	ELBA	0.0	
-SUN OIL COMPANY (DELAWARE)							
8123109	81-454	1703121389	103	RECEIVED: 03/27/81 JA: LA	RED RIVER BULL BAYOU	110.0	LOUISIANA INTRASTATE
				RECEIVED: 03/27/81 JA: LA			
				LELONG NO 3			

VOLUME 406 PAGE 004

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUPERIOR OIL CO	81-519	1711321048	107	RECEIVED: 03/27/81 B T BROUSSARD NO 3 KA CAM 1 FA SUA	KAPLAN	6000.0	
-TEXACO INC	81-450	1770720079	103	RECEIVED: 03/27/81 SL 340 MOUND POINT #60	MOUND POINT		0.0 KAISER ALUMINUM & CH
8123105	81-451	1770720091	103	RECEIVED: 03/27/81 SL 340 MOUND POINT NO 70	MOUND POINT		1715.0 NATURAL GAS PIPELINE
-TEXAS OIL & GAS CORP	81-458	1703121351	103	RECEIVED: 03/27/81 BURFORD-SHOWS #1	BETHANY-LONGSTREET		182.5 ARKANSAS LOUISIANA G
-TRANSCO EXPLORATION COMPANY	81-507	1703121254	102	RECEIVED: 03/27/81 DORINDA MILLER NO 1	SPIDER		89.0 TRANSCONTINENTAL GAS
8123158	81-508	1703121354	102	RECEIVED: 03/27/81 ISABELL MILLER NO 1	SPIDER		88.0 TRANSCONTINENTAL GAS
-VIRKING RESOURCES (LA)	81-551	1711122545	108	RECEIVED: 03/27/81 OLIN #1	MONROE		15.5 PETRO-LEWIS FUNDS IN
8123195	81-552	1711122561	108	RECEIVED: 03/27/81 OLIN #2	MONROE		4.7 PETRO-LEWIS FUNDS IN
8123196	81-537	1707321467	108	RECEIVED: 03/27/81 SPADES NO 1	MONROE		17.3 PETRO-LEWIS FUNDS IN
8123181	81-536	1707321555	108	RECEIVED: 03/27/81 SPADES NO 3	MONROE		16.9 PETRO-LEWIS FUNDS IN
8123180	81-535	1711122473	108	RECEIVED: 03/27/81 UNION POWER C #1	MONROE		18.0 PETRO-LEWIS FUNDS IN
8123179	81-534	1711122474	108	RECEIVED: 03/27/81 UNION POWER C #2	MONROE		18.3 PETRO-LEWIS FUNDS IN
MISSISSIPPI OIL & GAS BOARD							
-ANDERMAN OPERATING COMPANY	8-81-437	2309520298	102	RECEIVED: 03/30/81 DORRIS RICHARDSON UNIT #1	BUTTAHATCHIE	0.0	
-BROWNING & WELCH	113-80-117	2302520024	102	RECEIVED: 03/30/81 J R HAWKINS WELL NO 1	SILGAM		18.2 TEXAS EASTERN TRANSM
8123104	111-80-117	2302520004	102	RECEIVED: 03/30/81 R F MCPADDEN NO 1	SILGAM		100.0 TEXAS EASTERN TRANSM
-SOMIO PETROLEUM CO	8123097	11-81-147	2314720120	107	RECEIVED: 03/30/81 SULLOCK #1	KNOXO	547.5
-SONAT EXPLORATION COMPANY	8123103	108-80-448	2309120117	107	RECEIVED: 03/30/81 F E FORBES JR NO 1 WELL	WEST SANDY HOOK	167.3 SOUTHERN NATURAL GAS
-TEXACO INC	8123102	95-80-147	2309120068	107	RECEIVED: 03/30/81 BOARD OF SUPERVISORS UE 1	KNOXO	467.0 SOUTHERN NATURAL GAS
8123101	94-80-147	2314720110	107	RECEIVED: 03/30/81 FORTENBERRY ETHON ET UX 3	KNOXO		883.0 SOUTHERN NATURAL GAS
8123099	92-80-147	2309120076	107	RECEIVED: 03/30/81 H L RANKIN ET AL 1	KNOXO		62.0 SOUTHERN NATURAL GAS
8123100	93-80-147	2309120071	107	RECEIVED: 03/30/81 M L BENNETT JR 1	KNOXO		402.0 SOUTHERN NATURAL GAS
-TOMLINSON INTERESTS INC	8123095	3-81-467	2309120120	107	RECEIVED: 03/30/81 FORTENBERRY MRS LEONA WILLIAMS #1	EAST MORGANTOWN FIELD	1.8 TRANSCONTINENTAL GAS
NORTH DAKOTA GEOLOGICAL SURVEY							
-CITIES SERVICE COMPANY	8123087	347	3300700568	102	RECEIVED: 03/31/81 BARLOW A-3	LITTLE KNIFE	0.0 WESTERN GAS PROCCSSO
-LAD PETROLEUM CORPORATION	8123086	346	33005301050	102	RECEIVED: 03/31/81 DUNCAN PRINCE #31-41	SCAIRT WOMAN	1379.7 KOCH HYDROCARBON CO
-MOSSACHER PRODUCTION CO	8123083	343	33005301124	102	RECEIVED: 03/31/81 EDWIN M DAHL 23-1	INDIAN HILLS	36.0 MONTANA-DAKOTA UTILI
-TENNECO OIL COMPANY	8123084	344	3300700435	102	RECEIVED: 03/31/81 MESCHKE #2-2 (DUPEROW)	MYSTERY CREEK	150.0 WESTERN GAS PROCCSSO
8123085	345	3302300178	102	RECEIVED: 03/31/81 STATE COM #1-15	WILLOCAT		130.0 PHILLIPS PETROLEUM C
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY							
-PHILADELPHIA OIL COMPANY	8123085	345	3302300178	102	RECEIVED: 03/30/81 STATE COM #1-15	WILLOCAT	

VOLUME 406 PAGE 805

JD NO	JAN	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123078	4519520357	103 P-105 JAMES H DUNN	NORA	34.5 KENTUCKY WEST VIRGIN	
8123079	4505120376	103 P-113 SAMUEL HENSLEY	NORA	15.0 KENTUCKY WEST VIRGIN	
** U.S. GEOLOGICAL SURVEY - METRIE-LA					
-AMINOIL USA INC					
8123088	60-1714	1771140401 102	SHIP SHOAL	73.0 TENNESSEE GAS PIPELINE	
-CNG PRODUCING COMPANY					
8123090	61-1820	1771240091 102	SHIP SHOAL	800.0 CONSOLIDATED GAS SUP	
-DIAMOND SHAMROCK CORPORATION					
8123091	61-1835	1770540392 102	VERMILION AREA	46.0 TRANSCONTINENTAL GAS	
-GULF OIL CORPORATION					
8123089	61-1815	1770940409 102	EUGENE ISLAND	3500.0 SEA ROBIN PIPELINE C	
-MOBIL OIL EXPLORATION & PROD S C					
8123092	61-1837	1770340332 102	EAST CAMERON	2200.0 TEXAS EASTERN TRANSP	
-TEXACO INC					
8123093	61-1822	1776940317 102	EUGENE ISLAND	1460.0 SEA ROBIN PIPELINE C	
-SUPERIOR OIL CO					
8123094	61-1846	4271500021 102	SABINE PASS	0.0 NATURAL GAS PIPELINE	

OTHER PURCHASERS VOLUME NO 7406

8123080	TEXAS EASTERN TRANSMISSION CORP
8123080	TRANSCENT GAS PIPELINE CO
8123080	TRANSCONTINENTAL GAS PIPE LINE CORP
8123080	IAC PIPELINE COMPANY
8123080	LOUISIANA INTRASTATE GAS CORP
8123080	LOUISIANA INTRASTATE GAS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13042 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 407]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JOB NO	JA	OKT	API NO	SFC D	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION								
RECEIVED: 03/30/81 JA: OK								
AN-SON CORPORATION	812303	67878	3584520679	108	BERRYMAN RANCH #1-23	S PEEK	2.4	PANHANDLE EASTERN PI
ANDOVER OIL COMPANY	812274	07743	3515321823	103	RECEIVED: 03/30/81 JA: OK	MORROW	110.0	PRODUCERS GAS CO
ARCO OIL AND GAS COMPANY	8123274	07743	3515321823	102	BENNIE J MOORE #28-1	MORROW	110.0	PRODUCERS GAS CO
BEITIS ROYLE & STOVALL	8123290	08018	3509321746	103	BENNIE J MOORE #28-1	NE CEDARDALE	109.5	MICHIGAN WISCONSIN P
CHOTAW GAS CO	8123280	08000	3504722083	102	RECEIVED: 03/30/81 JA: OK	SOUTH DOUGLAS	73.0	
CIMARRON PETROLEUM CORPORATION	8123256	07959	3500700000	103	EARL SPAFFORD #2	LAVERNE COUNCIL GROVE	73.9	CITIES SERVICE GAS C
CONOCO INC	8123279	01100	3500721743	103	RECEIVED: 03/30/81 JA: OK	MOCAN-LAVERNE	91.3	PANHANDLE EASTERN PI
COTTON PETROLEUM CORPORATION	8123299	08101	3512120666	103	RECEIVED: 03/30/81 JA: OK	FEATHERSTON	240.0	SOUTHEAST TRANSMISSI
DOON D MONTGOMERY JR	8123286	04082	3512120666	103	RECEIVED: 03/30/81 JA: OK	FEATHERSTON	48.8	SOUTHEAST TRANSMISSI
DONALD C SLAWSON	8123278	07482	3507322046	103	RECEIVED: 03/30/81 JA: OK	DOVER HENNESSEY	36.5	PHILLIPS PETROLEUM C
E T S ENTERPRISES INC	8123278	07482	3507322046	103	RECEIVED: 03/30/81 JA: OK	SOUTH VERDEN	17.0	OKLAHOMA NATURAL GAS
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	SECTION 29-6N-24E2M	250.0	SOUTHERN NATURAL GAS
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	FORGAN	0.0	PANHANDLE EASTERN PI
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	SECTION 29-6N-24E2M	15.0	PANHANDLE EASTERN PI
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	WATONGA TREND	100.0	CITIES SERVICE GAS C
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	WATONGA TREND	100.0	CITIES SERVICE GAS C
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	WEST REYDON	365.0	EL PASO NATURAL GAS
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	WEST CLEO	109.0	AMINOIL USA INC
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	S W HICKORY RIDGE	120.0	HICKORY RIDGE GAS GA
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	WEST CLEO	102.0	AMINOIL USA INC
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	OGLESBY GAS FIELD	84.6	OKAN GAS CO
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	UNDESIGNATED UPPER MORRO	4000.0	EL PASO NATURAL GAS
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	HARDESTY	18.5	NATURAL GAS PIPELINE
EL PASO NATURAL GAS COMPANY	8123284	07948	3514721583	103	RECEIVED: 03/30/81 JA: OK	CLEO SPRINGS	244.6	PIONEER GAS PRODUCTS

VOLUME 407

PAGE 002

JD NO	JA 3KT	AFT NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123244	07843	3507322408	103	LITTLE 2-31	SOONER TREND	29.2	PHILLIPS PETROLEUM
8123245	07837	3507322593	103	LUBER 4-20	N E OKARCHE	24.5	PHILLIPS PETROLEUM
-F M BUXTON				RECEIVED: 03/30/81	SOONER TREND	14.0	CONOCO INC
8123285	07843	3508300000	108	JANE COLE NO 1	S E OKEENE	180.0	ARKANSAS LOUISIANA G
-FLYNN ENERGY CORPORATION				RECEIVED: 03/30/81	SOUTH ASHLAND	182.0	ARKANSAS LOUISIANA G
8123236	07282	3501120968	103	HEINRICH 1-1	W RHEA	735.0	
-GEORGE ROOMAN INC				RECEIVED: 03/30/81	LOVEDALE	0.0	
8123263	07926	3502920250	103	WELLS NO 1-26	WEST OMEGA	5.0	OKLAHOMA NATURAL GAS
-SETTY OIL COMPANY				RECEIVED: 03/30/81	WEST LOVELL	5.0	EASON OIL CO
8123308	10869	3504321031	107	BARNITZ NO 1	WEST LOVELL	5.0	EASON OIL CO
-GRAHAM OIL & GAS LTD				RECEIVED: 03/30/81	SOONER TREND	0.0	PIONEER GAS PRODUCTS
8123241	08036	3505920933	103	WEIBER HEIRS #1	SOUTH YUKON	275.0	MOBIL OIL CORP
-GULF OIL CORPORATION				RECEIVED: 03/30/81	WILCAT	438.0	NOWATA ASSOCIATES
8123249	07424	3501121013	102	SAM RUTLER #1-22	DELAWARE-CHILDERS	730.0	NOWATA ASSOCIATES
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 03/30/81	WAKITA TREND	25.0	SUN CO
8123296	08020	3507322564	103	POLLARD A #3	MENDON	5.1	SUN CO
8123242	08019	3507322562	103	POLLARD A-1	N W EVANSVILLE	109.0	CITIES SERVICE GAS C
-HAWK EXPLORATION LTD				RECEIVED: 03/30/81	NORTH ORR	73.0	AMINOIL USA INC
8123306	07864	3509321870	103	CROW NO 14-1	N W HYDRO	300.0	MICHIGAN WISCONSIN P
-HULEN H LEMON				RECEIVED: 03/30/81	N W HYDRO	300.0	MICHIGAN WISCONSIN P
8123282	07963	3501721594	103	MUSTANG #2	OKEENE	95.8	OKLAHOMA NATURAL GAS
-JAMES B URBAN PETROLEUM				RECEIVED: 03/30/81	RINGWOOD	41.6	OKLAHOMA GAS GATHERI
8123295	07962	3510522699	103	PRESLEY #1	EAST OILWORTH	40.0	CITIES SERVICE GAS C
8123297	10818	3510522709	103	WITTENBORN NO 3	EAST OILWORTH	40.0	CITIES SERVICE GAS C
-JAN OIL CO				RECEIVED: 03/30/81	EAST OILWORTH	180.0	CITIES SERVICE GAS C
8123305	08030	3505382292	108	DIETZ NO 1	EAST OILWORTH	365.0	CITIES SERVICE GAS C
8123300	08028	3500300000	108	WOKATY NO 2	NEVA	18.3	CITIES SERVICE GAS C
-JERRY SCOTT DRILLING CO INC				RECEIVED: 03/30/81	SOONER TREND	0.0	CITIES SERVICE GAS C
8123243	08012	3508321219	103	J OYER #1	MENO-RINGWOOD	0.0	OKLAHOMA NATURAL GAS
-JONES & FELLOW OIL CO				RECEIVED: 03/30/81	GOLTRY	75.0	PANHANDLE EASTERN PI
8123262	07945	3501922015	103	STRINGER 32-3	COMMISSION CREEK	1700.0	
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 03/30/81			
8123276	07519	3503920335	103	BERGNER #1			
8123276	07519	3503920335	102	BERGNER #1			
-LADD PETROLEUM CORPORATION				RECEIVED: 03/30/81			
8123291	08004	3509321855	103	HUSTON NO 2			
8123253	08003	3509321847	103	PALMER B #2			
-LENHART & BENNETT INC				RECEIVED: 03/30/81			
8123268	06342	3507121184	103	EDNA GARTNER NO 10-1			
8123266	06344	3507121185	103	EDNA GARTNER NO 10-2			
8123267	06343	3507121183	103	EDNA GARTNER 2-2			
8123269	06339	3507121286	103	EDNA GARTNER 3-2			
8123270	06340	3507121186	103	EDNA GARTNER 34-1			
8123271	06341	3507121187	103	WERZ 34-1			
8123289	06345	3507121054	103	ROSA GARTNER #1			
8123265	06346	3507121101	103	ROSA GARTNER #2			
-MACKELLAR INC				RECEIVED: 03/30/81			
8123294	07970	3507300000	103	BADGER #4			
-MAJOR OIL CORP				RECEIVED: 03/30/81			
8123238	06794	3509321722	103	MAJOR NO 1-24			
8123255	07967	3500320756	103	WALTER JANTZ NO 1-14			
-MARATHON OIL COMPANY				RECEIVED: 03/30/81			
8123247	07474	3504520748	102	LAUGHMAN 35 WELL NO 1			

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	E: Revision of Re-determination by Jurisdictional Agency
81-14388	OK	Western Continent Oil Corp	BRAZELTON 3-33	365	02-20-81	C: Correction to Prior Fed. Reg. Notice (Not 103)
81-14387	OK	Western Continent Oil Corp	SMITH 2-36	365	02-20-81	C: 102 Approved (Not 103)
81-17763	OK (35)	B & H Exploration Company	State Van Pelt No. 1	379		C: Depth 2300
81-07866	US 3	Shell Oil Company	OCS-C 3119 No. 1	338	12-31-80	C: Reservoir From CGRA to GCRD
81-02179	OK	Kaiser-Francis Oil Co	HARROD #1 Well	309	11-06-80	C: 103 and 102
81-19385	NN	ARCO Oil & Gas	Frederick H. Curry WN No. 5	387	03-20-81	C: 6.0(b) Contract Date

OTHER PURCHASERS

8123232 CITIES SERVICE GAS CO
8123238 PIONEER GAS PRODUCTS

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13043 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 408]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	RECEIVED	JA	TX	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ADORE OIL & GAS CORPORATION									
8123572	31292	424450000	103	CLARE NO 2 WELL	03/25/81	JA: TX	PRENTICE (6700) FIELD	13.0	AMOCO PRODUCTION CO
8123570	31290	424450000	103	CLARE NO 3 WELL	03/25/81	JA: TX	PRENTICE (6700) FIELD	8.0	AMOCO PRODUCTION CO
8123571	31291	424450000	103	CLARE NO 4 WELL	03/25/81	JA: TX	PRENTICE (6700) FIELD	12.0	AMOCO PRODUCTION CO
8123473	30046	421330000	102	KERR #6	03/25/81	JA: TX	MANGUM NORTH	25.0	ODESSA NATURAL CORP
-AGUIL INC									
8123310	12587	424693102	102	MCCAN NO 7	03/25/81	JA: TX	CRANE (3300)	91.0	TENNESSEE GAS PIPEL
8123310	12587	424693102	103	MCCAN NO 7	03/25/81	JA: TX	CRANE (3300)	91.0	TENNESSEE GAS PIPEL
8123311	12589	424693101	102	MCCAN NO 9	03/25/81	JA: TX	CRANE (3100)	91.0	TENNESSEE GAS PIPEL
8123311	12589	424693101	103	MCCAN NO 9	03/25/81	JA: TX	CRANE (3100)	91.0	TENNESSEE GAS PIPEL
-AMERADA HESS CORPORATION									
8123516	30987	4210520205	108	HELING RANCH #2	03/25/81	JA: TX	OZONA	15.1	NORTHERN NATURAL GAS
8123501	30690	4250531163	102	LEONARD HAYNES ESTATE NO 8	03/25/81	JA: TX	LOS MOGOTES (WILDCAT)	183.0	NATURAL GAS PIPELINE
-ANNEX PETROLEUM CORP									
8123320	21474	4205100000	102	MASSEY-GRAVES #2 (12527)	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	263.0	CLAJON GAS CO
8123320	21474	4205100000	103	MASSEY-GRAVES #2 (12527)	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	263.0	CLAJON GAS CO
8123390	27409	4205130685	102	RUTH UNIT #1	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	150.0	CLAJON GAS CO
8123390	27409	4205130685	103	RUTH UNIT #1	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	150.0	CLAJON GAS CO
-ANNEX PETROLEUM INC									
8123349	25343	4205130624	102	HARVEY W SMITH #3	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	52.0	CLAJON GAS CO
8123349	25343	4205130624	103	HARVEY W SMITH #3	03/25/81	JA: TX	GIDDINGS (AUSTIN CHALK)	52.0	CLAJON GAS CO
-AMOCO PRODUCTION CO									
8123332	22976	4213532176	103	E F COWDEN A # 137	03/25/81	JA: TX	COWDEN SOUTH/CANYON #790	25.5	PIONEER NATURAL GAS
8123336	31139	4234931410	102	H P BONNER GAS UNIT /B/ WELL NO 1	03/25/81	JA: TX	CHENEYBORO SW /9585/	180.0	VALERO TRANS CO
8123336	31139	4234931410	107	H P BONNER GAS UNIT /B/ WELL NO 1	03/25/81	JA: TX	CHENEYBORO SW /9585/	180.0	VALERO TRANS CO
8123599	31410	4239330773	103	J B WATERFIELD B NO 4	03/25/81	JA: TX	N W MENDOTA	209.0	MICHIGAN-WISCONSIN P
8123535	31138	4220330773	102	ROSBOROUGH GAS UNIT /B/ WELL NO 1	03/25/81	JA: TX	BLOCKER/COTTON VALLEY/	290.0	UNITED GAS PIPE LINE
8123535	31138	4220330773	107	ROSBOROUGH GAS UNIT /B/ WELL NO 1	03/25/81	JA: TX	BLOCKER/COTTON VALLEY/	290.0	UNITED GAS PIPE LINE
-ANCIL T FULLER									
8123439	29426	4223900000	102	WEIDE-KOOP GAS UNIT #1	03/25/81	JA: TX	E INEZ	100.0	UNITED GAS PIPELINE
8123439	29426	4223900000	103	WEIDE-KOOP GAS UNIT #1	03/25/81	JA: TX	E INEZ	100.0	UNITED GAS PIPELINE
-ARCO OIL AND GAS COMPANY									
8123632	31541	4221531058	103	ARCOJIA GUERRA #5	03/25/81	JA: TX	SAN SALVADOR (7900)	265.0	TENNESSEE GAS PIPEL
8123608	31445	4244500823	103	ARCO FEE 25 #1	03/25/81	JA: TX	WARHORSE (CLEARFORK UP)	3.0	AMOCO PRODUCTION CO
8123352	25465	4236585207	102	J W WILTCHEER GAS UNIT WELL #2	03/25/81	JA: TX	CARTHAGE	200.0	SOUTHERN NATURAL GAS
8123352	25465	4236585207	103	J W WILTCHEER GAS UNIT WELL #2	03/25/81	JA: TX	CARTHAGE	200.0	SOUTHERN NATURAL GAS
8123609	31446	4206530785	103	R C WARE #21	03/25/81	JA: TX	PANHANDLE CARSON COUNTY	18.3	GETTY OIL CO
8123544	31191	4250131771	103	SABLE SAN ANDRES UNIT #48	03/25/81	JA: TX	SABLE (SAN ANDRES)	4.0	WARREN PETROLEUM CO
8123560	31262	4229530686	102	SORENSEN-DIXON UNIT WELL #1-L	03/25/81	JA: TX	LEAR (LOWER MORROW)	36.5	TRANSWESTERN PIPELIN
-ANKLA EXPLORATION COMPANY									

VOLUME 408 PAGE 002

JD NO	JA DKT	API NO	SEC D-WELL NAME	FIELD NAME	PROD	PURCHASER
8123344	25015	4236531040	102 JOE MAURITZEN #1	CARTHAGE (COTTON VALLEY)	250.0	ARKANSAS LOUISIANA G
-ART MACHIN & ASSOCIATES INC			RECEIVED: 03/25/81 JA: TX			
8123477	30081	4220130761	103 J M BOSCH NO C-1 WELL	LANSING NORTH (TRAVIS PE	400.0	ARKANSAS LOUISIANA G
-BAKER & TAYLOR DRILLING CO			RECEIVED: 03/25/81 JA: TX			
8123510	31447	4239330829	103 KILLERBREW #1	KILLERBREW (MORROW LO)	0.0	NORTHERN NATURAL GAS
-BASIN OPERATING CO LTD			RECEIVED: 03/25/81 JA: TX			
8123484	30228	4206130983	103 TEMPLE-EASTEX INC WELL NO 3	YELLOW BRANCH (WILCOX 25	212.0	DELHI GAS PIPELINE C
-BENNETT PRODUCTION CORP			RECEIVED: 03/25/81 JA: TX			
8123382	27151	4223700000	108 CLOER	DEWEER (CONGL)	15.0	KOCH OIL CO
-BLADE OIL CO			RECEIVED: 03/25/81 JA: TX			
8123581	27130	4223700000	108 EARLENE TAYLOR	DEWEER (CONGL)	5.0	KOCH OIL CO
-BLADE OIL CO			RECEIVED: 03/25/81 JA: TX			
8123612	31452	4223330933	103 J M SANFORD E#20 (04570)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BLAIR OIL COMPANY			RECEIVED: 03/25/81 JA: TX			
8123611	31451	4223330891	103 J M SANFORD E#25 (04570)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BLAIR OIL COMPANY			RECEIVED: 03/25/81 JA: TX			
8123565	31280	4206530852	103 GREG #3	PANHANDLE - CARSON	20.5	PANHANDLE EASTERN PI
-BLANKS ENERGY CORP			RECEIVED: 03/25/81 JA: TX			
8123566	31281	4206530850	103 GREG #4	PANHANDLE - CARSON	21.9	PANHANDLE EASTERN PI
-BLANKS ENERGY CORP			RECEIVED: 03/25/81 JA: TX			
8123393	27571	4243130810	103 TERRY 17-2L (25699)	W A M (FUSS)	84.0	INTRATEX GAS CO
-BORDER EXPLORATION CO			RECEIVED: 03/25/81 JA: TX			
8123507	30702	4214330680	103 FULLER-CREECH NO 1	SINGLETON (BEND LIME)	74.0	VALERO ENERGY CORP
-CAG PETROLEUM CORP			RECEIVED: 03/25/81 JA: TX			
8123369	26486	4228730616	102 COLVIN UNIT NO 1 (88763)	GIDDINGS AUSTIN CHALK GA	360.0	P G P GAS PRODUCTS
-CAG PETROLEUM CORP			RECEIVED: 03/25/81 JA: TX			
8123369	26486	4228730616	103 COLVIN UNIT NO 1 (88763)	GIDDINGS AUSTIN CHALK GA	360.0	P G P GAS PRODUCTS
-CAG PETROLEUM CORP			RECEIVED: 03/25/81 JA: TX			
8123403	28507	4205130802	102 KARISCH NO 2 (13317)	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
-CAL-TEX OIL CO			RECEIVED: 03/25/81 JA: TX			
8123403	28507	4205130802	103 KARISCH NO 2 (13317)	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
-CAL-TEX OIL CO			RECEIVED: 03/25/81 JA: TX			
8123603	31435	4206500000	103 GARNER-WARE (00108) NO 4	PANHANDLE CARSON COUNTY	7.0	GETTY OIL CO
-CARVER ENERGY CORP			RECEIVED: 03/25/81 JA: TX			
8123426	29204	4223732840	103 HARRY CAMPSEY #1	PANHANDLE CARSON COUNTY	1.0	GETTY OIL CO
-CARVER ENERGY CORP			RECEIVED: 03/25/81 JA: TX			
8123425	29202	422373276	103 LON CAMPSEY #1	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123370	26503	4218530237	102 BRUNNER NO 1	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123370	26503	4218530237	103 BRUNNER NO 1	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123372	26505	4218530240	103 RAGAN CREEK NO 1	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123372	26505	4218530240	103 RAGAN CREEK NO 1	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123371	26504	4218530234	102 SCHWARD UNIT NO 1 WELL NO 1	PANHANDLE CARSON COUNTY	18.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123371	26504	4218530234	103 SCHWARD UNIT NO 1 WELL NO 1	PANHANDLE CARSON COUNTY	18.0	GETTY OIL CO
-CASHCO ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX			
8123376	26815	4218500000	102 WILLIAMS NO 1	PANHANDLE CARSON COUNTY	18.0	GETTY OIL CO
-CENTURA INCORPORATED			RECEIVED: 03/25/81 JA: TX			
8123376	26815	4218500000	103 WILLIAMS NO 1	PANHANDLE CARSON COUNTY	18.0	GETTY OIL CO
-CENTURA INCORPORATED			RECEIVED: 03/25/81 JA: TX			
8123399	28263	4231130880	102 ROOS NO 1 (77723)	HOSTELLER NE (1700)	91.0	TEXAS EASTERN TRANSP
-CHEVRON U S A INC			RECEIVED: 03/25/81 JA: TX			
8123355	25602	4230130230	103 REGAN MC ELVAIN #18	WHEAT	1.8	PHILLIPS PETROLEUM C
-CHRISTIE ENERGY CO INC			RECEIVED: 03/25/81 JA: TX			
8123338	23786	4214330626	102 RICHARD D SWANNER WELL #1	CHANCELLOR (CONGLOMERATE	414.0	CHRISTIE GAS TRANSP
-CINMARON OIL CO INC			RECEIVED: 03/25/81 JA: TX			
8123451	29609	4222130631	102 WAYNE #2	GRANDBURY NE	43.8	EMPIRE PIPE LINE COR
-CINMARON OIL CO INC			RECEIVED: 03/25/81 JA: TX			
8123453	29636	4222130628	102 GUARLES GAS UNIT #1	GRANDBURY NE (MARBLE FALL	365.0	EMPIRE PIPE LINE COR

VOLUME 468 PAGE 003

JD NO	JA DMT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123452	29613	4222130624	102	RICHARDSON GAS UNIT #1		
RECEIVED: 03/25/81 JA: TX						
8123511	30818	4223732183	103	J GUNTER NO 1 (79194)		
RECEIVED: 03/25/81 JA: TX						
8123417	28950	4228730673	102	ELMER J PARRISH -A- #1		
8123492	30309	4205130866	102	FRANKLIN J CHELAR #1		
8123466	29936	4205130800	102	J SOBOTIK ET AL UNIT -A- #1		
8123465	29935	4205130872	102	RAYMOND KNESEK #2		
8123420	29013	4205130844	102	RUST 2A		
8123418	28951	4228730789	102	ZOCH-NOACK UNIT #1		
RECEIVED: 03/25/81 JA: TX						
8123613	31455	4237530754	103	BIVINS 3305		
8123587	31346	4237530756	103	BIVINS 3309 S		
8123588	31348	4237530759	103	BIVINS 3701 RO		
8123496	30465	4237530753	103	BIVINS 55-4 S		
RECEIVED: 03/25/81 JA: TX						
8123573	31293	4238331467	103	HOLT 110 NO 2		
8123574	31294	4238331489	103	HOLT 132 NO 2		
RECEIVED: 03/25/81 JA: TX						
8123456	29664	4205131045	102	COLUMBUS PROF. BLOGS WELL NO 2		
RECEIVED: 03/25/81 JA: TX						
8123590	31360	4243300000	108	A BRINKLEY JR -A- #27 (94263)		
8123331	22871	4230100000	107	CONTINENTAL TXL #1 (86774)		
8123594	27613	4237100000	108	J C TREES ESTATE -19- #1 (78441)		
8123591	31363	4213500000	108	MRS L E WIGHT -4- #16 (23778)		
8123589	31359	4247500000	108	NEO WILSON #2 (80865)		
8123554	31227	4242700000	108	T B SLICK EST A NO 36 (84164)		
8123558	31255	4242700000	108	T B SLICK EST B NO 13 (63230)		
8123555	31229	4242700000	108	T B SLICK EST B NO 159 (70835)		
8123592	31362	4248500000	108	T J & J L WAGGONER #36 (18376)		
8123591	31361	4248500000	108	T J & J L WAGGONER #45 (18376)		
8123595	31365	4238300000	108	UNIVERSITY #97 (89229)		
8123594	31364	4200300000	108	W T FORD #38 (01685)		
8123354	25492	4216300000	108	WASSON -48- #40 (17975)		
RECEIVED: 03/25/81 JA: TX						
8123421	29141	4270330068	102	NO 12 STATE TRACT 520-L NW/4		
8123423	29144	4270330058	102	NO 4 STATE TRACT 520-L NW/4		
8123422	29143	4270330062	102	NO 8 STATE TRACT 520-L NW/4		
RECEIVED: 03/25/81 JA: TX						
8123379	27023	4214930590	102	TAYLOR NO 1		
RECEIVED: 03/25/81 JA: TX						
8123506	30700	4212732075	103	STUMBERG NO 2		
RECEIVED: 03/25/81 JA: TX						
8123464	29913	42399331563	102	ALFON JANSKA #1 (90708)		
RECEIVED: 03/25/81 JA: TX						
8123374	26537	4236332103	102	STONE A NO 1		
8123374	26537	4236332103	103	STONE A NO 1		
RECEIVED: 03/25/81 JA: TX						
8123357	25795	4236500000	103	BOWEN #1		
8123357	25795	4236500000	107	BOWEN #1		
8123368	26467	4236500000	102	BRIGGS #1		
8123368	26467	4236500000	103	BRIGGS #1		
8123339	23936	4241300000	103	JONES B #3		
8123339	23936	4241300000	107	JONES B #3		

JO NO	JA DKT	API NO	SEC D WELL NAME	RECEIVED	DATE	JA: TX	FIELD NAME	VOLUME	PAGE	PROD	PURCHASER
8123358	25957	422130428	103	RECEIVED: 03/25/81	JA: TX	LIPAN (STRAWN)	30.0	NORTHERN GAS PRODUCT	004	---	---
8123561	31505	422110000	108	RECEIVED: 03/25/81	JA: TX	CANADIAN S E	4.0	SOUTHWESTERN PUBLIC	---	---	---
8123517	20332	421950000	108	J I STEELE B NO 5		TWIN	13.0	NORTHERN NATURAL GAS	---	---	---
8123620	31504	423930000	108	LOIS WEBB NO 2-83		MENDOTA NW	11.0	SOUTHWESTERN PUBLIC	---	---	---
8123575	31307	421633182	103	RECEIVED: 03/25/81	JA: TX	PEARSALL (AUSTIN CHALK)	10.0	CACAHUATE GAS CORP	---	---	---
8123596	31394	4241330967	102	RECEIVED: 03/25/81	JA: TX	W O D (CANYON)	198.0		---	---	---
8123596	31394	4241330967	103	LIN C #1		W O D (CANYON)	198.0		---	---	---
8123415	28933	4200332232	103	UNIVERSITY 11 #1		BLOCK 11 (WICHITA LOWER)	61.0	PHILLIPS PETROLEUM C	---	---	---
8123416	28934	4200332246	103	UNIVERSITY 12 #1		BLOCK 12 (YATES)	57.0	NORTHERN NATURAL GAS	---	---	---
8123474	30048	422950000	103	RECEIVED: 03/25/81	JA: TX	FRASS MORROW (UPPER)	120.0	NORTHERN NATURAL GAS	---	---	---
8123561	31263	422330000	108	RECEIVED: 03/25/81	JA: TX	WEST PANHANDLE	5.0	PHILLIPS PETROLEUM C	---	---	---
8123505	30697	4238331839	103	RECEIVED: 03/25/81	JA: TX	CALVIN (DEAN)	18.7	UNION TEXAS PETROLEUM	---	---	---
8123463	29844	422030000	103	RECEIVED: 03/25/81	JA: TX	WHELAN	407.0	TEXAS EASTERN TRANS	---	---	---
8123365	26369	4235531570	102	RECEIVED: 03/25/81	JA: TX	ROCKETT (6550)	25.0	ESPERANZA TRANSMISSI	---	---	---
8123365	26369	4235531570	103	F R SHORT NO 2-C		ROCKETT (6550)	25.0	ESPERANZA TRANSMISSI	---	---	---
8123364	26368	4235531570	102	F R SHORT NO 2-T		ROCKETT (6830)	730.0	ESPERANZA TRANSMISSI	---	---	---
8123364	26368	4235531570	103	F R SHORT NO 2-T		ROCKETT (6830)	730.0	ESPERANZA TRANSMISSI	---	---	---
8123396	27743	4213332323	103	RECEIVED: 03/25/81	JA: TX	DESDEMONA (BRESSLER SAND)	20.0	NORTH GORMAN GATHERI	---	---	---
8123630	31530	4249531171	103	RECEIVED: 03/25/81	JA: TX	EMPEROR EAST (CLEARFORK)	9.0	PIONEER NATURAL GAS	---	---	---
8123631	31531	4249531170	103	EUGENIA E BROWN #1		EMPEROR EAST (CLEARFORK)	61.0	PIONEER NATURAL GAS	---	---	---
8123583	31320	423713121	103	RECEIVED: 03/25/81	JA: TX	FORT STOCKTON (YATES LOW)	6.0	NUECES CO	---	---	---
8123562	31264	4200332354	103	RECEIVED: 03/25/81	JA: TX	FULLERTON	28.0	PHILLIPS PETROLEUM C	---	---	---
8123468	29992	4247532114	103	RECEIVED: 03/25/81	JA: TX	HOWE (DEVONIAN)	440.0	INTRATEX GAS CO	---	---	---
8123627	31526	4210332301	103	RECEIVED: 03/25/81	JA: TX	SAND HILLS (MCKNIGHT)	4.0	EL PASO NATURAL GAS	---	---	---
8123582	31318	4210332366	103	RECEIVED: 03/25/81	JA: TX	SAND HILLS (TUBB)	24.0	EL PASO NATURAL GAS	---	---	---
8123597	31480	4247330314	102	RECEIVED: 03/25/81	JA: TX	KATY GAS FIELD	450.0	AMOCO	---	---	---
8123628	31527	4208130932	103	RECEIVED: 03/25/81	JA: TX	JAMESON (STRAWN)	85.0	TRUNKLINE GAS CO	---	---	---
8123443	29536	4204730824	103	RECEIVED: 03/25/81	JA: TX	KELSEY DEEP (ZONE 22-C)	225.0	PHILLIPS PETROLEUM C	---	---	---
8123553	31265	4200332350	103	RECEIVED: 03/25/81	JA: TX	MEANS	4.0	PHILLIPS PETROLEUM C	---	---	---
8123581	31317	4208130588	103	RECEIVED: 03/25/81	JA: TX	1 A B (HARRIS SAND)	110.0	SUN GAS CO	---	---	---
8123580	31316	4216531724	103	RECEIVED: 03/25/81	JA: TX	ROBERTSON N (CLEARFORK 7)	8.0	PHILLIPS PETROLEUM C	---	---	---
8123455	29448	4248930616	102	RECEIVED: 03/25/81	JA: TX	CHESS SW	150.0	TENNESSEE GAS PIPELI	---	---	---
8123629	31528	4200332343	103	RECEIVED: 03/25/81	JA: TX	FURMAN-MASCHO	73.0	PHILLIPS PETROLEUM C	---	---	---
8123543	31177	4208331929	103	RECEIVED: 03/25/81	JA: TX	LINDA LOU (GARDNER)	6.0	UNION TEXAS PETROLEUM	---	---	---
8123616	31484	4235330929	103	RECEIVED: 03/25/81	JA: TX	JAMESON N (STRAWN)	0.0	SUN OIL CO	---	---	---
8123427	29243	4210332368	103	RECEIVED: 03/25/81	JA: TX	DUNE	10.0	WARREN PETROLEUM CO	---	---	---

PAGE 005

VOLUME 408

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123428	29244	4210332369	103	CENTRAL DUNE UNIT NO 6017 RECEIVED: 03/25/81	10.0	WARREN PETROLEUM CO
8123401	28374	4205131013	103	HENRY SHEPARD NO 2 RECEIVED: 03/25/81	0.0	FERGUSON CROSSING PI
8123460	29809	4205130768	102	GRAFF #1 RECEIVED: 03/25/81	215.0	CLAUDON GAS CO
8123586	31342	4205130966	102	PATTERSON B #3 RECEIVED: 03/25/81	96.0	CLAUDON GAS CO
8123461	29810	4205130744	102	RUBACH #2 RECEIVED: 03/25/81	204.0	CHAMPLIN PETROLEUM C
8123462	29811	4205130804	102	RYAN A #1 RECEIVED: 03/25/81	250.0	CLAUDON GAS CO
8123510	30810	4205130000	102	RYAN-LYON UNIT #1 WELL RECEIVED: 03/25/81	173.0	CLAUDON GAS CO
8123478	31081	4205130357	102	RYCHOPEN #2 RECEIVED: 03/25/81	105.0	CLAUDON GAS CO
8123442	29493	4237100000	108	STATE HART #1 RECEIVED: 03/25/81	11.2	PGP GAS PRODUCTS INC
8123346	25123	4236530944	103	BARNETT UNIT WELL #2 RECEIVED: 03/25/81	270.0	DELHI GAS PIPELINE C
8123406	28680	4235300000	108	LAKE TRAMMEL UNIT NO 51 RECEIVED: 03/25/81	0.1	EL PASO NATURAL GAS
8123343	28826	4235300000	108	NORTH NENA LUCIA UNIT #24 RECEIVED: 03/25/81	0.3	WEST LAKE NATURAL GAS
8123351	28424	4236500000	103	WERNER D WELL #2 RECEIVED: 03/25/81	0.0	DELHI GAS PIPELINE C
8123350	28421	4236500000	103	WERNER-SPRAOLEY WELL #2 RECEIVED: 03/25/81	0.0	DELHI GAS PIPELINE C
8123313	17162	4240103067	103	W F ARNOLD ESTATE NO 1-A RECEIVED: 03/25/81	365.0	DELHI GAS PIPELINE C
8123614	31459	4249531139	103	COMANCHE UNIT WELL #5 RECEIVED: 03/25/81	6.0	EL PASO NATURAL GAS
8123333	23064	4217531270	102	J T DENTON NO 1 RECEIVED: 03/25/81	584.0	HOUSTON PIPELINE CO
8123514	30933	4208931073	103	LEO ORLIK ET AL #2 RECEIVED: 03/25/81	730.0	TENNESSEE GAS PIPELI
8123334	23199	4248131895	102	POOLE NO 2 (666382) RECEIVED: 03/25/81	182.0	PHILLIPS PETROLEUM C
8123485	30260	4215731064	103	HELEN J FARMER WELL NO 1 (912359) RECEIVED: 03/25/81	150.0	NATURAL GAS PIPELINE
8123378	26981	4223732826	102	W W CONKLIN ESTATE #1 RECEIVED: 03/25/81	720.0	DELHI GAS PIPELINE C
8123377	26972	4228930354	102	WELDON COX NO 1 RECEIVED: 03/25/81	93.2	MOBIL OIL CORP
8123546	31202	4246131446	103	G R DAVIS ESTATE #1 RECEIVED: 03/25/81	365.0	DIAMOND SHAMROCK COR
8123615	31474	4235731042	102	HARRIS #1 (90594) RECEIVED: 03/25/81	80.0	NORTHERN NATURAL GAS
8123316	28177	4206530731	103	BUCKSHOT NO 1 RECEIVED: 03/25/81	0.0	TENNESSEE GAS PIPELI
8123318	28373	4220130924	102	MANDELL #1 (84340) RECEIVED: 03/25/81	6.0	COLTEXO CORP
8123540	31174	4217900000	108	CUBINE B #4 (25810) RECEIVED: 03/25/81	7.0	COLTEXO CORP
8123542	31176	4217900000	108	CUBINE B #2 (25808) RECEIVED: 03/25/81	18.0	DIAMOND SHAMROCK COR
8123504	31175	4235700000	108	LEROY SMITH #1 RECEIVED: 03/25/81	1.0	PHILLIPS PETROLEUM C
8123541	31175	4248300000	108	PAKAN #1 (39274) RECEIVED: 03/25/81	200.0	HOUSTON PIPELINE CO
8123529	31107	4223931479	102	E H SEIDEL #1 RECEIVED: 03/25/81	900.0	DELHI GAS PIPELINE C
8123559	31258	4240131016	102	GOLDSBERRY #2 RECEIVED: 03/25/81	300.0	DELHI GAS PIPELINE C
8123319	28556	4236530966	103	J D MCJIMSEY #1 RECEIVED: 03/25/81	300.0	DELHI GAS PIPELINE C
8123319	28556	4236530966	107	J D MCJIMSEY #1 RECEIVED: 03/25/81	72.0	TEXAS EASTERN TRANSH
8123400	28312	4206730311	102	C R PRUITT ET AL #1 RECEIVED: 03/25/81		

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER	VOLUME	PAGE
8123441	29483	4234931322	102	HARVARD UNIT #1 RECEIVED: 03/25/81 JA: TX	CHENEYBORO (COTTON VALLE	130.0	LOME STAR GAS CO	408	007
8123486	30289	4236530938	107	DANIELS GAS UNIT #1 WELL #1 RECEIVED: 03/25/81 JA: TX	BECKVILLE W (COTTON VALL	400.0	UNITED GAS PIPELINE		
8123557	31254	4231732242	103	HENSON #2 LEMON #1 RECEIVED: 03/25/81 JA: TX	GORDON STREET WEST (WOLF ACKERLY (DEAN SAND)	28.8 21.9			
8123556	31253	4203330616	103	C A MCURTREY #1 C C MCCLURE #7 (76130) E T REDELL #1 (46816) JOE H SMITH #1 (28807) LIZZIE HENSON #2 (13171) R L MORRIS C #1 (17823) (MATTIE) R P MALONE #8-2 R R GILLEY #4 (16722) S M GOSSE #1 (42846) T W WOMACK #5 W H PORTWOOD #2 (35785) WILLIAM WILLIAMS #2 RECEIVED: 03/25/81 JA: TX	GERMAN WEST (CADD0) PALO PINTO S W (STRAWN) BOONSVILLE (BEND CONGL G BOONSVILLE (BEND CONGL G CHICO WEST (CONGL 5700) MORRIS (CONSOLIDATED CON ALVORD (CADD0 CONGL0MERA GILLEY WEST (ATOKA CONGL CHICO WEST (CONGL 5700) BOONSVILLE (BEND CONGL G BOONSVILLE (BEND CONGL BOONSVILLE (BEND CONGL 57.9 SOUTHWESTERN GAS PIP	310.0 4.0 0.0 0.0 5.0 13.0 21.0 4.4 5.0 50.0 12.0 57.9	SOUTHWESTERN GAS PIP SOUTHWESTERN GAS PIP SOUTHWESTERN GAS PIP NATURAL GAS PIPELINE NATURAL GAS PIPELINE UPHAM OIL & GAS NATURAL GAS PIPELINE CITIES SERVICE GAS C NATURAL GAS PIPELINE NATURAL GAS PIPELINE NATURAL GAS PIPELINE SOUTHWESTERN GAS PIP		
8123539	31173	4246131381	103	AMERICAN REPUBLIC A NO 4 SHACKELFORD SPRABERRY UNIT NO 132 W D JOHNSON ET AL E NO 1 W D JOHNSON ET AL F NO 1 RECEIVED: 03/25/81 JA: TX	PEGASUS (SPRABERRY) SPRABERRY (TEND AREA) DIMITT (CHERRY CANYON) DIMITT (CHERRY CANYON)	0.4 9.9 20.1 132.5	EL PASO NATURAL GAS EL PASO NATURAL GAS INTRATEX GAS CO INTRATEX GAS CO		
8123488	30292	4207931251	103	STARNES 41-36 STARNES 41-37 RECEIVED: 03/25/81 JA: TX	LEVELLAND LEVELLAND	5.3 10.5	CITIES SERVICE CO		
8123489	30294	4207931250	103	STARNES 41-26 STARNES 41-26 RECEIVED: 03/25/81 JA: TX	LEVELLAND	10.5	CITIES SERVICE CO		
8123471	30022	4205130790	102	RECEIVED: 03/25/81 JA: TX ROBERT F SPEARMAN C WELL NO 1 RECEIVED: 03/25/81 JA: TX	GIDDINGS (AUSTIN CHALK) GIDDINGS (AUSTIN CHALK) NURSERY (2800)	63.0 125.0 120.0	CLAJON GAS CO PHILLIPS PETROLEUM C VALERO TRANSMISSION		
8123449	29580	4214930397	102	CHEERY #1 WEST WELL NUMBER 1 RECEIVED: 03/25/81 JA: TX	BOONSVILLE (BEND CONGL G BOONSVILLE BEND (CONGL G MARYETTA SE (CONGL)	212.0 0.0 0.0	NATURAL GAS PIPELINE SOUTHWESTERN GAS PIP LOME STAR GAS CO		
8123366	26422	4246931345	102	WADSWORTH #1 (82698) RECEIVED: 03/25/81 JA: TX	PARK SPRINGS (CONGL)	0.0	TEXAS UTILITIES FUEL		
8123329	22440	4249700000	103	IRA SCOVILLE (FRANCITAS GAS UNIT) * RECEIVED: 03/25/81 JA: TX	FRANCITAS (F-13)	184.0	ALUMINUM CO OF AMERI		
8123345	25090	4249700000	103	ANNABELLE #2 (89187) RECEIVED: 03/25/81 JA: TX	BERRYMAN (KICHI CREEK LI	450.0	ODESSA NATURAL CORP		
8123328	22436	4223732834	103	HOLMES #3 (100259) WOODARD #1 RECEIVED: 03/25/81 JA: TX	PANHANDLE-WEST CREE (4700 CONGLOMERATE)	6.0 300.0	PHILLIPS PETROLEUM C SOUTHWESTERN GAS PIP		
8123330	22453	4249700000	103	PARKER #4 RECEIVED: 03/25/81 JA: TX	HARPER	4.0	PHILLIPS PETROLEUM C		
8123373	26515	4223900000	102	BROWNLEE RANCH NO 1-136 (04555) RECEIVED: 03/25/81 JA: TX	DUTCHER-CLEVELAND	27.2	PHILLIPS PETROLEUM C		
8123469	30008	4208332005	103	A J HRUZIK JR	AMERICAN (3100)	180.0	COLORADO GAS GATHERI		

JD NO	JA DKT	API NO	SFC D WELL NAME	FIELD NAME	VOLUME	PAGE	PROU	PURCHASER
8123638	31559	4246900000	108	RECEIVED: 03/25/81 JA: TX HEINOLD UNIT NO 1 (51448)	MISSION VALLEY (8650)	20.0	TRANSCONTINENTAL GAS	
8123584	31324	4246931572	102	RECEIVED: 03/25/81 JA: TX KEERAN R NO 1-C	KEERAN E (6530)	50.0	FLORIDA GAS TRANSMIS	
8123533	31118	4246931573	102	KEERAN C NO 1	KEERAN EAST (7550)	7.0	FLORIDA GAS TRANSMIS	
8123533	31118	4246931573	103	KEERAN C NO 1	KEERAN EAST (7550)	7.0	FLORIDA GAS TRANSMIS	
8123534	31119	4205731024	103	P H WELDER C NO 1-L	HEYER SE (SANDY G-13)	250.0	FLORIDA GAS TRANSMIS	
8123534	31119	4205731024	102	P H WELDER C NO 1-L	HEYER SE (SANDY G-13)	250.0	FLORIDA GAS TRANSMIS	
8123579	31315	4231732236	103	RECEIVED: 03/25/81 JA: TX ATCHISON WELL NO 1	SPRABERRY (TREM AREA)	15.0	ADDOE OIL & GAS CORP	
8123578	31313	4232930931	103	DANIEL WELL NO 1	SPRABERRY (TREM AREA)	15.0	EL PASO NATURAL GAS	
8123577	31310	4231732237	103	RICHARDS E WELL NO 1	SPRABERRY (TREM AREA)	15.0	PHILLIPS PETROLEUM C	
8123576	31308	4232930933	103	WINDHAM A WELL NO 1	PEGASUS (SPRABERRY)	15.0	PHILLIPS PETROLEUM C	
8123517	31006	4249731381	103	RECEIVED: 03/25/81 JA: TX FLORIDA NO 1	BOONSVILLE (BEND CONGL)	89.0	NATURAL GAS P L CO O	
8123518	31009	4249731036	103	RHINE NO 1	BOONSVILLE (BEND CONGL)	160.0	NATURAL GAS P L CO O	
8123475	30077	4249731889	103	RECEIVED: 03/25/81 JA: TX CLARK NO 1	TERESA (CONGL)	80.0	NATURAL GAS PIPELINE	
8123483	30213	4235300000	103	RECEIVED: 03/25/81 JA: TX CLARA ORISCOLL NO A 14-D	AGUA DULCE (7150 SAND)	347.0	UNITED GAS PIPE LINE	
8123622	31508	4235500000	108	CLARA ORISCOLL NO A-15-L	AGUA DULCE (7150 SAND)	4.0	UNITED GAS PIPE LINE	
8123348	25331	4205130534	102	RECEIVED: 03/25/81 JA: TX ALVIN HEIN NO 1	CALDWELL (AUSTIN CHALK)	108.0	FERGUSON CROSSING PI	
8123348	25331	4205130534	103	ALVIN HEIN NO 1	CALDWELL (AUSTIN CHALK)	108.0	FERGUSON CROSSING PI	
8123391	27444	4242100000	108	RECEIVED: 03/25/81 JA: TX DEMPESE #1	TEXAS HUGOTON	0.0	PANHANDLE EASTERN PI	
8123634	31555	4242100000	108	IVENS #1	TEXAS HUGOTON	0.0	WICHIGAN WISCONSIN P	
8123635	31556	4206500000	108	JORDAN D #25	PANHANDLE CARSON	0.0	GETTY OIL CO.	
8123633	31554	4223300000	108	LAND S #2	PANHANDLE WEST	0.0	PANHANDLE EASTERN PI	
8123636	31557	4217900000	108	LEHMAN #1	PANHANDLE GRAY	0.0	PANHANDLE EASTERN PI	
8123503	30674	4200304641	108	TEX UNIV CC #21 (22853)	MAGUTEX (STRAWN)	2.0	NORTHERN NATURAL GAS	
8123402	28379	4207330385	102	RECEIVED: 03/25/81 JA: TX HOLCOMB NO 1	WHITE OAK CREEK (TRAVIS)	685.0	DELMI GAS PIPELINE C	
8123515	30949	4249700000	103	RECEIVED: 03/25/81 JA: TX CARANAY UNIT A-1	BOONESVILLE (BEND CONGL)	0.0	NATURAL GAS PIPELINE	
8123347	25195	4214930484	102	RECEIVED: 03/25/81 JA: TX BALD EAGLE A-#4	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM C	
8123497	30503	4246931422	103	RECEIVED: 03/25/81 JA: TX A F SCHIFFBAUER ETAL NO 1-A	NORTH VICTORIA	73.0	TENNESSEE GAS PIPELI	
8123457	29731	4202531400	102	DAN A HUGHES WELL NO 4 (89885)	FRIENDSHIP CHURCH (3700)	0.0	VALERO TRANSMISSION	
8123522	31021	4241293126	103	RECEIVED: 03/25/81 JA: TX ROGERS #1	JOHNNY (CONGL UPPER)	146.0	WARREN PETROLEUM CO	
8123410	28884	4246931666	102	RECEIVED: 03/25/81 JA: TX A J HUBER NO 1	WILDCAT- PROPOSED COLETT	365.0		
8123585	31341	4240100000	108	RECEIVED: 03/25/81 JA: TX JARRELL NO 1 (71855)	MINDEN (TRAVIS PEAK)	7.7	TEXAS UTILITIES FUEL	
8123502	30668	4218300000	103	LAWSON LACY UNIT NO 1 (002345)	WILLOW SPRINGS (TRAVIS P	36.5	WESTERN GAS CO	
8123362	26292	4214330521	103	RECEIVED: 03/25/81 JA: TX JUANITA LITTLE NO 1	MORGAN MILL MARBLE FALLS	50.0	SOUTHWESTERN GAS PIP	
8123447	29564	4207731582	102	RECEIVED: 03/25/81 JA: TX WINKLER #2	WINKLER (CONGL)	2.0	TEXAS UTILITIES FUEL	

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	VOLUME 408	PROD	PURCHASER	PAGE 009
-SAGE ENERGY CO			RECEIVED: 03/25/81					
8123361	26151	4205130700	BERT #1 (12950)	GIDDINGS (AUSTIN CHALK)	73.0 CLAJON GAS CO			
8123360	26150	4214930422	PLUM UNIT (18014)	GIDDINGS (AUSTIN CHALK)	365.0 PHILLIPS PETROLEUM C			
-SANCHEZ-OBRIEN MINERALS CORP			RECEIVED: 03/25/81					
8123375	26616	4247932690	MAYERS GAS UNIT NO 4 WELL NO 1	DELORS CREEK (8400 WILC	500.0 UNITED TEXAS TRANSMI			
-SAXON OIL COMPANY			RECEIVED: 03/25/81					
8123564	31271	4246131646	WINDHAM E NO 1	SPRABERRY (TRENDA AREA)	20.8 EL PASO NATURAL GAS			
-SEARCH DRILLING CO			RECEIVED: 03/25/81					
8123392	27512	4239330750	MAHLER #1-106	MENDOTA NW (GRANITE WASH	328.0 MICHIGAN-WISCONSIN P			
-SHIO PETROLEUM CO			RECEIVED: 03/25/81					
8123530	31108	4217331089	D J CAUBLE WELL NO 5	CALVIN (DEAN)	35.0 EL PASO NATURAL GAS			
-SOUTHWESTERN GAS EXPLORATION CORP			RECEIVED: 03/25/81					
8123342	26645	4249700000	CHARLES TACKEL #1	BOONESVILLE (BEND CONGL)	301.6 SOUTHWESTERN GAS PIP			
8123356	23268	4214330452	R T ORAKE A #1	MORGAN MILL (MARBLE FALL	93.3 ENERGY PIPELINE			
-SPENCER & HUTSON			RECEIVED: 03/25/81					
8123513	30840	4214930648	LOIS WELL #1	GIDDINGS (AUSTIN CHALK)	219.0 SOUTH CENTEX GAS CO			
8123512	30839	4214930647	WILMA WELL #1	GIDDINGS (AUSTIN CHALK)	146.0 SOUTH CENTEX GAS CO			
-STAHL PETROLEUM CO			RECEIVED: 03/25/81					
8123314	17800	4248300000	REID #1	EAST PANHANDLE	0.0 TRANSWESTERN PIPELIN			
-STOWERS OIL & GAS			RECEIVED: 03/25/81					
8123383	27273	4217930758	CORR #2	WEST PANHANDLE	100.0 CABOT CORP			
-SUBURBAN PROPANE GAS CORP			RECEIVED: 03/25/81					
8123458	29745	4205130614	HUDDLESTON UNIT WELL #1	CALDWELL/AUSTIN CHALK	25.6 CLAJON GAS CO			
-SULPHUR RIVER EXPLORATION INC			RECEIVED: 03/25/81					
8123327	22427	4228900000	MCBRIDE GAS UNIT - (34768)	MCBEE/RODESSA	15.9 TEXAS UTILITIES FUEL			
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 03/25/81					
8123550	31221	4250131823	BENNETT RANCH UNIT WELL #325	WASSON	3.3 SHELL OIL CO			
8123384	27277	4236531115	C E MOORE NO 2	CARTHAGE	756.0 TEXAS GAS TRANSMISSI			
8123528	31106	4242731407	D LAUREL NO 12	SUN NORTH	33.0			
8123553	31224	4243330550	I S MCWILLIN A/C 3 #14	FRANKIRK (ELLENBURGER)	0.6 CITIES SERVICE CO			
8123552	31223	4243330551	I S MCWILLIN A/C 3 #15	FRANKIRK (ELLENBURGER)	1.2 CITIES SERVICE CO			
8123551	31222	4243330801	I S MCWILLIN A/C 3 #16	FRANKIRK (ELLENBURGER)	4.5 CITIES SERVICE CO			
8123500	30596	4214330582	INDIANOLA RAILROAD #3	INDIANOLA (STRAWN)	73.0 SOUTHWESTERN GAS PIP			
8123526	31101	4239300000	PARSELL ESTATE NO 4U	PARSELL	19.0 TRANSWESTERN PIPELIN			
8123508	30733	4242731427	SALAZAR-VILLARREAL UNIT-WELL 1	GARCIA	205.0			
8123321	21828	4246931492	SHELTON-WEST UNIT B WELL NO 1	PALO ALTO (-0- SAND LOWE	101.0 UNITED TEXAS TRANSMI			
8123523	31097	4235331507	V T MCCABE A NO 15	JAMESON NORTH (STRAWN)	73.0 VALERO TRANS CO			
8123524	31098	4235331689	V T MCCABE NO 31	JAMESON NORTH (STRAWN)	50.0 VALERO TRANS CO			
8123525	31099	4235331784	V T MCCABE NO 35	JAMESON NORTH (ODOM)	85.0 VALERO TRANS CO			
-SUPERIOR OIL CO			RECEIVED: 03/25/81					
8123367	26457	4216730784	NELSON-BAKER OIL UNIT NO 1	ALGOA (24 SAND)	2.0 FLORIDA GAS TRANSMIS			
-TAHOE OIL & CATTLE CO			RECEIVED: 03/25/81					
8123309	07627	4223500000	SAMMY H SUGG NO 1 WELL	SIXTY-SEVEN (CANYON)	3.5 CRA INC			
-TENNECO OIL COMPANY			RECEIVED: 03/25/81					
8123322	22366	4237330440	KINGSBURY CO HOLDING CORP NO 5	LIVINGSTON (2950 SAND)	60.0 UNITED TEXAS TRANSMI			
-TEXACO INC			RECEIVED: 03/25/81					
8123499	30583	4247532134	STATE OF TEXAS OF #3	WAR-WIAK (S WOLFCAMP)	49.0 PIONEER NATURAL GAS			
8123498	30542	4243130895	STERLING R FEE #1	CONGER (PENN)	145.0 VALERO TRANSMISSION			
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 03/25/81					
8123438	29411	4228730773	BARKER UNIT #1	GIDDINGS (AUSTIN CHALK)	274.0 CLAJON GAS CO			
8123470	30011	4205131095	BLINKA-POEHL #1	GIDDINGS (AUSTIN CHALK)	438.0 CLAJON GAS CO			
8123411	28887	4205130898	MACHOVSKY #2	GIDDINGS	292.0 CLAJON GAS CO			
8123437	29410	4205130897	MACHOVSKY A-1	GIDDINGS	0.0 CLAJON GAS CO			

PAGE 010

VOLUME 40R

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123472	3045	4205130807	102	OBRIEN #1	GIDDINGS (AUSTIN CHALK)	67.0	CLAJON GAS CO
8123412	2888	4205130878	102	RAY LODEN #1	GIDDINGS (AUSTIN CHALK)	274.0	CLAJON GAS CO
8123459	2976	4205130879	102	WILHELM #1	GIDDINGS (AUSTIN CHALK)	150.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 03/25/81			
8123623	3151	4240330637	103	BIRDWELL #1	MINDEN E (TRAVIS PEAK)	211.0	DELHI GAS PIPELINE C
8123548	31208	4229330422	103	EASTERLING #1	PERSONVILLE N (COTTON VA	365.0	DELHI GAS PIPELINE C
*8123547	31287	4216130428	103	HALE #1	REED (HAYNESVILLE)	329.0	DELHI GAS PIPELINE C
8123598	31405	4216130465	103	LEDBETTER GAS UNIT #2-1	REED (HAYNESVILLE)	331.0	DELHI GAS PIPELINE C
8123537	31165	4225931382	103	MOLINA G U #1	ANITA (5500)	70.0	UNITED GAS PIPELINE
8123633	26353	4229500000	102	PARKER F #1	KIOWA CREEK N (MORROW UP	2400.0	DELHI GAS PIPELINE C
8123626	31517	4207330361	103	SUMMERS #1	WHITE OAK CREEK (TRAVIS	129.0	DELHI GAS PIPELINE C
8123625	31516	4207330333	103	WHITEMAN GAS UNIT #1	WHITE OAK CREEK (TRAVIS	218.0	DELHI GAS PIPELINE C
8123624	31515	4207130929	103	WILLOW SLOUGH GAS UNIT #3-1	WILLOW SLOUGH (FB-B SB2)	278.0	DELHI GAS PIPELINE C
-THOMAS D COFFMAN				RECEIVED: 03/25/81			
8123445	039551	4214930690	102	HALL UNIT NO 1 (088987)	GIDDINGS (AUSTIN CHALK)	374.5	SOUTH CEN-TEX GAS CO
8123619	31502	4214930751	102	KUTAC NO 1 (095212)	GIDDINGS (AUSTIN CHALK)	55.8	SOUTH CEN-TEX GAS CO
8123444	029550	4214930319	102	MULLINS NO 1 (039236)	GIDDINGS (AUSTIN CHALK)	7.3	PHILLIPS PETROLEUM C
8123446	29552	4214930499	102	MULLINS NO 5 (074185)	GIDDINGS (AUSTIN CHALK)	7.7	PHILLIPS PETROLEUM C
8123386	27351	4214930365	102	NULL A NO 2 (055380)	GIDDINGS (AUSTIN CHALK)	600.0	SOUTH CEN-TEX GAS CO
8123387	27352	4214930343	102	NULL NO 1 (049820)	GIDDINGS (AUSTIN CHALK)	800.0	SOUTH CEN-TEX GAS CO
8123385	27342	4214930533	102	PARKER NO 1 (077734)	GIDDINGS (AUSTIN CHALK)	511.0	SOUTH CEN-TEX CO
-THOMAS D COFFMAN INC				RECEIVED: 03/25/81			
8123388	27354	4214930378	102	BROOME UNIT NO 1 (058106)	GIDDINGS BUDA	17.5	SOUTH CEN-TEX GAS CO
8123389	27355	4214930354	102	MULLINS NO 2 (052867)	GIDDINGS (AUSTIN CHALK)	227.0	SOUTH CEN-TEX GAS CO
-TRINITY RESOURCES INC				RECEIVED: 03/25/81			
8123429	29263	4203931469	102	DEBBIE NO 1 WELL	DANBURY DOME (F-5-A) FIE	250.0	VALERO TRANSMISSION
8123429	29263	4203931469	103	DEBBIE NO 1 WELL	DANBURY DOME (F-5-A) FIE	250.0	VALERO TRANSMISSION
-TSPI INC				RECEIVED: 03/25/81			
8123637	31558	4223300000	103	29A NO 1	PANHANDLE FIELD	108.0	PANHANDLE PRODUCING
-U S OPERATING INC				RECEIVED: 03/25/81			
8123424	29155	4228730570	102	BRENDA NO 1 (12970)	GIDDINGS (AUSTIN CHALK)	180.0	PSP GAS PRODUCTS INC
8123454	29644	4228730557	102	HELEN NO 1 (05668)	GIDDINGS (AUSTIN CHALK 6	426.0	PSP GAS PRODUCTS INC
-W E CARL				RECEIVED: 03/25/81			
8123602	31431	4248132047	102	JAMES MAREK #1	HILLJE (FRIO 5998)	182.0	HOUSTON PIPELINE CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 03/25/81			
8123337	23714	4210332191	103	W N WADDELL ET AL TR A NO 1133	SAND HILLS (JUDKINS)	42.0	EL PASO NATURAL GAS
8123340	24125	4210332195	103	W N WADDELL ET AL TR A NO 1145	SAND HILLS (JUDKINS)	46.0	EL PASO NATURAL GAS
-WESSELY ENERGY CORPORATION				RECEIVED: 03/25/81			
8123430	29264	4216130594	103	E M COOPER WELL NO 1 (077802)	TEAGUE TOWNSITE (COTTON	620.0	UNITED TEXAS TRANSMI
8123430	29264	4216130594	107	E M COOPER WELL NO 1 (077802)	TEAGUE TOWNSITE (COTTON	620.0	UNITED TEXAS TRANSMI
-WHEELER OIL COMPANY				RECEIVED: 03/25/81			
8123434	29313	4208700000	103	BAKER #1	PANHANDLE EAST	27.0	EL PASO NATURAL GAS
8123436	29315	4208700000	103	JAMES #1	PANHANDLE EAST	126.0	EL PASO NATURAL GAS
8123435	29314	4248300000	103	SIMPSON #1	PANHANDLE EAST	75.0	EL PASO NATURAL GAS
8123432	29311	4208700000	103	WALKER #1	PANHANDLE EAST	0.9	EL PASO NATURAL GAS
8123433	29312	4248300000	103	WISCHKAEMPER #1	PANHANDLE EAST	324.0	EL PASO NATURAL GAS
-WORLD PRODUCERS INC				RECEIVED: 03/25/81			
8123527	31105	4236731747	102	CLAYTON #1	CLAYTON (CONGL)	200.0	SOUTHWESTERN GAS PIP
8123521	31020	4236731957	102	EARL KING #2	MOBY DICK (CONGL)	100.0	SOUTHWESTERN GAS PIP
8123520	31019	4236731919	102	LAMB #1	CLAYTON (CONGL)	200.0	SOUTHWESTERN GAS PIP
8123519	31018	4236731881	102	TIMMONS #2	TIMMONS (CADD0)	50.0	SOUTHWESTERN GAS PIP
-ZEPHYR OIL CO				RECEIVED: 03/25/81			

VOLUME 408 PAGE 011

FIELD NAME
HENDERSON KRUSK COUNTY P
HENDERSON SOUTH ATRAVIS
HENDERSON KRUSK CO PETII

PROD
0.8 UNITED GAS PIPE LINE
10.0 TEXAS UTILITIES FUEL
14.8 TEXAS UTILITIES FUEL

PURCHASER

JD NO JA DKT

8123323 22405

8123325 22407

8123324 22406

API NO SEC D WELL NAME

4240100000 108 BAILEY E SMITH #1 (34593)

4240100000 108 MCNEE #2 (16156)

4240100000 108 PARMELEE #1 (16115)

OTHER PURCHASERS

8123312 TEXAS EASTERN TRANSMISSION CORP

8123314 WARREN PETROLEUM COMPANY

8123331 VALEPO TRANSMISSION CO

8123359 NATURAL GAS PIPELINE CO OF AMERICA

8123358 UNITED GAS PIPELINE

8123301 CITIUS SERVICE OIL CO

8123182 TEXAS UTILITIES & FUEL CO

8123415 EL PASO NATURAL GAS CO

8123427 PHILLIPS PETROLEUM CO

8123428 PHILLIPS PETROLEUM CO

8123467 FERGUSON CROSSING FAL CO

8123463 FERGUSON CROSSING FAL CO

8123501 VALERO TRMS CO

8123346 VALERO TRMS CO

8123547 UNITED TEXAS TRANS CO

8123562 AMOCO

8123573 EL PASO NATURAL GAS CO

8123374 EL PASO NAT GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.W., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13044 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

CO NO	JA DAT	RECEIVED	SEC D WELL NAME	FIELD NAME	PROJ	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
ALMCO INC						
8123774		3410322475 103	ALBERS #1	GRANGER	20.0	
RECEIVED: 04/01/81 JA: OH						
-ALSIO OIL & GAS DEVELOPMENT CO						
8123823		3415521371 103	JEWELL #1	BLOOMFIELD	15.0	
8123824		3415521424 103	JEWELL #2	BRISTOL	15.0	
8123770		340921022 103	WEIZENECKER #1	SMITH	15.0	
8123771		340921230 103	WEIZENECKER #2	SMITH	15.0	
8123798		3412121546 103	WILLIAMS-BOND 699	BUFFALO	15.0	
-AMERICAN WELL MANAGEMENT COMPANY						
8123793		3411925466 103	RILLA KNIGHT NO 1	NEWTON	18.0	
RECEIVED: 04/01/81 JA: OH						
-ATLAS ENERGY GROUP INC						
8123821		3415520688 108	ADAMS NO 1	DEERFIELD	24.0	COLUMBIA GAS TRANSMI
8123815		3413322401 103	CARVER BASINATS NO 2		0.0	EAST OHIO GAS CO
RECEIVED: 04/01/81 JA: OH						
-BEREA OIL AND GAS CORPORATION						
8123792		3411924824 103	BRILL #2	RICH HILL	0.0	COLUMBIA GAS TRANSMI
8123797		3411925553 103	WICKHAM #1	RICH HILL	0.0	COLUMBIA GAS TRANSMI
RECEIVED: 04/01/81 JA: OH						
-BJVC ENERGY MANAGEMENT CORP						
8123778		3410521697 103	CHARLES GOEGLIN #1	SAILSBOURY	3.0	COLUMBIA GAS TRANSMI
RECEIVED: 04/01/81 JA: OH						
-BREMEN ENERGY INC						
8123744		3404520662 103	VIRGIE SHARP #1	VIRGIE SHARP	45.0	NATIONAL GAS & OIL C
RECEIVED: 04/01/81 JA: OH						
-BROWN PETROLEUM CORP						
8123737		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123742		3403124219 103	ROSS #1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123760		3407522905 103	SNOW #1	MILLSBUCK	1.4	COLUMBIA GAS TRANSMI
RECEIVED: 04/01/81 JA: OH						
-BUCKHORN OIL COMPANY INC						
8123756		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123753		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
RECEIVED: 04/01/81 JA: OH						
-C W RIGGS INC						
8123830		3416724192 103	CHELLA THORNILEY #1-A	RENO	5.5	
8123831		3416724218 103	CHELLA THORNILEY #2-A	RENO	7.3	
8123832		3416724296 103	O MCKAY #1	RENO	3.7	
8123849		3416725626 103	DALE MOSSER #1	NEUPORT	3.7	
8123845		3416725435 103	DUNMOOR FARMS #5	RENO	4.4	
8123841		3416725058 103	ERNEST WHEATON #1	NEUPORT	4.0	
8123844		3416725431 103	ERNEST WHEATON #2	NEUPORT	4.8	
8123842		3416725287 103	ETHEL WEINSTOCK #1	RENO	4.3	
8123843		3416725365 103	F & R HAYS #1	NEUPORT	5.3	
8123846		3416724187 103	H SCHRAMM #2	RENO	3.7	
8123829		3416724191 103	HENRY KESSELING #7	RENO	11.0	
8123850		3416725814 103	HUGH PATTERSON #3	NEUPORT FIELD	4.3	
8123859		3416724934 103	KERMIT LANE #1	RENO	20.3	

JD NO	JA DKT	AFI NO	SEC D WELL NAME	FIELD NAME	PROJ	PURCHASER
8123627		3416724154	103 RICK SCHRAMM #1	RENO	5.5	
8123851		3416725898	103 SARAH J MATHERY #1	NEWPORT	4.8	
8123826		3416724141	103 SAVER-GUINN #3	RENO	3.7	
-CALTEK MINERALS CORP			RECEIVED: 04/01/81 JA: OH			
8123840		3416724998	103 ARTHUR HEARN #1	BELLS RUN	23.8	COLUMBIA GAS TRANSMI
8123834		3416724526	103 DEUCHER #1 WELL	INDEPENDENCE	23.7	COLUMBIA GAS TRANSMI
8123838		3416724810	103 FLOYD S & MARY DEPUY #1 WELL	LAWRENCE	23.7	COLUMBIA GAS TRANSMI
8123835		3416724813	103 FORREST TAYLOR #1 WELL	INDEPENDENCE	23.3	COLUMBIA GAS TRANSMI
8123836		3416724719	103 LYLE T FICKIEN #1 WELL	NEWPORT	22.7	COLUMBIA GAS TRANSMI
8123833		3416724525	103 R S MEYER #1 WELL	INDEPENDENCE	21.8	COLUMBIA GAS TRANSMI
8123848		3416725549	103 WILLIAM DEPUY #1 WELL	LAWRENCE	18.3	COLUMBIA GAS TRANSMI
-CLAY COUNTY PRODUCTION CO INC			RECEIVED: 04/01/81 JA: OH			
8123804		3412724627	103 A ARKOUSE #1	READING	12.5	COLUMBIA GAS TRANSMI
-CLINTON OIL CO			RECEIVED: 04/01/81 JA: OH			
8123752		3407522034	108 SEMAC INDUSTRIES #1		17.0	
-DANVILLE PIPE & SUPPLY COMPANY			RECEIVED: 04/01/81 JA: OH			
8123763		3408322683	103 ISAAC MILLER 1-A	UNION	0.0	COLUMBIA GAS TRANSMI
-DERBY OIL & GAS CORP			RECEIVED: 04/01/81 JA: OH			
8123749		3405922843	103 ANDREW ZEMON #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
8123748		3405922777	103 HARLEY STARR #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
8123751		3405922880	103 HARRY WHITED #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
8123750		3405922863	103 HARRY WHITED #2	SPENCER	12.0	COLUMBIA GAS TRANSMI
-DEVELOPMENT DRILLING MGMT CORP			RECEIVED: 04/01/81 JA: OH			
8123822		3415521219	103 ANDREW ZELONAK #2	NEWTON	48.0	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC			RECEIVED: 04/01/81 JA: OH			
8123767		3408923970	103 CAREY & KAREN DUDGEON #2	EDEN	5.0	OHIO FUEL SUPPLY CO
-DRILLERS PETROLEUM CORP			RECEIVED: 04/01/81 JA: OH			
8123837		3416724767	103 WILBER RINARD WELL #1	LUDLOW	-60.0	
-DRILLEX INC			RECEIVED: 04/01/81 JA: OH			
8123766		3485202980	103 TRESHER INC M COTTER #1	PAINESVILLE	30.0	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC			RECEIVED: 04/01/81 JA: OH			
8123738		3403123765	103 BL-SA GAMERTSFELDER	CLARK	18.0	EDCO DRILLING & PROD
-EVERFLOW EASTERN INC			RECEIVED: 04/01/81 JA: OH			
8123769		3409920754	108 STRUDTHOFF #1	GOSHEN	18.0	AMERICAN ENERGY SERV
-FRANKLIN GAS & OIL CO INC			RECEIVED: 04/01/81 JA: OH			
8123817		3415123341	103 JOHN & REHA REGULA NO 1	SUGAR CREEK	0.0	COLUMBIA GAS TRANSMI
-GEO ENERGY INC			RECEIVED: 04/01/81 JA: OH			
8123794		3411925475	103 B KENNEDY #31-1	RICH HILL	5.0	
8123806		3412724773	103 LOGAN SAND & GRAVEL #10-1	MONROE	15.0	
-GIANT PETROLEUM CORPORATION			RECEIVED: 04/01/81 JA: OH			
8123732		3400716550	103 Z & M DAUTARTAS #2	COLEBROOK	20.0	EAST OHIO GAS CO
-GREEN GAS COMPANY			RECEIVED: 04/01/81 JA: OH			
8123746		3405921383	108 DAVIS #2		4.0	EAST OHIO GAS CO
-H L M CO			RECEIVED: 04/01/81 JA: OH			
8123754		3407522676	103 WOLGAMOTT #1	HOLME-KNOX TWP	20.0	COLUMBIA GAS TRANSMI
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 04/01/81 JA: OH			
8123782		341121944	103 EARL ANDERSON #2	SUMMIT	12.0	
8123783		3411222036	103 HAROLD WEAVER #1	MALTA	12.0	COLUMBIA GAS TRANSMI
-IRVIN PRODUCING COMPANY			RECEIVED: 04/01/81 JA: OH			
8123796		3411925489	103 FRED O GUTHRIDGE #2	HOPEWELL	12.0	NATIONAL GAS & OIL C
8123785		3411922778	103 GEORGE SIMS #1	WAYNE	12.0	COLUMBIA GAS TRANSMI
-J O DRILLING CO			RECEIVED: 04/01/81 JA: OH			

VOLUME 405 PAGE 003

JD NO	JANUARY	SFC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123745	3405320555	103	GEORGE & DOROTHY SMOOTH #1	CHESHIRE	4.0 COLUMBIA GAS TRANSMI
8123779	3410521868	103	RAYMOND J SMITH #1	RUTLAND	3.0 COLUMBIA GAS TRANSMI
-JOHN C MASON			RECEIVED: 04/01/81		
8123740	3403124036	103	ALICE BICKLE #3	MORRIS	10.0 NATIONAL GAS & OIL C
-L & W OPERATING INC			RECEIVED: 04/01/81		
8123807	3412724886	103	NEIL ADCOCK #3	READING	10.0 COLUMBIA GAS TRANSMI
-L & W PETROLEUM INC			RECEIVED: 04/01/81		
8123805	3412724628	103	AROUSE #4	READING	12.0 COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC			RECEIVED: 04/01/81		
8123772	3410322336	103	JAMES ST VINCENT #2	SPENCER	10.0 COLUMBIA GAS TRANSMI
8123758	3407522806	103	RONALD & H ELAINE LANDON #1	KILLBUCK	10.0 COLUMBIA GAS TRANSMI
8123759	3407522819	103	WILLIS CHANEY #3	KILLBUCK	10.0 COLUMBIA GAS TRANSMI
-MARGARET SAMPLES			RECEIVED: 04/01/81		
8123764	3408322801	103	THEODORE & LOUISE FARMER #3	THEODORE & LOUISE FARMER	75.0 COLUMBIA GAS CO
-MILLER OIL & GAS CO			RECEIVED: 04/01/81		
8123741	3403124164	103	EPLEY #1	CLARK	10.0 COLUMBIA GAS TRANSMI
-MURPHY OIL CO			RECEIVED: 04/01/81		
8123780	3410521997	103	JOHN A SMITH #1	SUTTON	5.0
8123781	3410522055	103	WILLIAM AND RACHEL DOWNIE #1	SUTTON	5.0
-OHIO PURE OIL CORP			RECEIVED: 04/01/81		
8123801	3412122451	103	DAVID L SOBIE #1	ELK	36.5
-OMEGA OIL CORP			RECEIVED: 04/01/81		
8123802	3412122460	103	LOVE #1	ELK	36.5
-ONEAL PRODUCTIONS INC			RECEIVED: 04/01/81		
8123747	3405922198	103	GREGORY #1	BUFFALO	22.5 COLUMBIA GAS TRANSMI
8123784	3411522225	103	HEATON #1	CENTER	28.0 TRANSWESTERN GAS SUP
-OXFORD OIL CO			RECEIVED: 04/01/81		
8123789	3411924336	108	DONALD SANDERS #1		20.0 NATIONAL GAS & OIL
8123735	3403122848	108	DOUGLAS SWIGERT #1		12.0 NATIONAL GAS & OIL
8123791	3411924722	108	GERALD SHAFFER #1		14.0 NATIONAL GAS & OIL
8123790	3411924359	108	GREG STEVENS #1		19.0 NATIONAL GAS & OIL
8123736	3403122990	108	JAMES SHEARN #1		2.0 NATIONAL GAS & OIL
8123788	3411924353	108	JOHN L SCANLON #1		8.0 NATIONAL GAS & OIL
8123787	3411924253	108	P L SHAW #1		9.0 NATIONAL GAS & OIL
8123765	3408322812	103	THOMAS COSLEE #1		10.0
-P & H PUMPING SERVICE			RECEIVED: 04/01/81		
8123808	3412724893	103	STURGEON WELL #4	HOPEWELL	4.0 NATIONAL GAS & OIL C
-PARTNERSHIP PROPERTIES CO			RECEIVED: 04/01/81		
8123776	3410521625	108	JAMES DREHEL #1		5.7 COLUMBIA GAS TRANSMI
-PENN-OHIO ENERGY CORP			RECEIVED: 04/01/81		
8123761	3407522919	103	TILLIE HOCHSTETLER 8-3-1	BERLIN	75.0 COLUMBIA GAS TRANSMI
-PETROC CO			RECEIVED: 04/01/81		
8123786	3411922852	103	SPRING & WAGNER WELL #2	ADAMS	0.0 COLUMBIA GAS CO
-PETROCON INC			RECEIVED: 04/01/81		
8123816	3415123319	103	DIMMERLING A WELL #2	ORRABURG	0.0
-POI ENERGY INC			RECEIVED: 04/01/81		
8123813	3413322314	103	AURORA COUNTRY CLUB #3	AURORA	13.0
8123731	340721651	103	MELINSKI #3	COLEBROOK	55.0 EAST OHIO GAS CO
8123720	340721302	103	KAMPF #5	ROME	30.0
8123722	340721451	103	KLEIN #1	ROME	22.0
8123723	340721467	103	KLEIN #2	ROME	22.0
8123728	340721518	103	WATISH-SATTERFIELD #1	ROME	25.0

VOLUME	409	PAGE	004	PROD	PURCHASER	FIELD NAME
8123730	JA OMT	API NO	SEC D WELL NAME			ROME
8123726		3400721561 103	MECKLEY-SIRRIANE #2		50.0	EAST OHIO GAS CO
8123721		3400721489 103	MURCKO-BAUMAN #1		16.0	ORWELL
8123727		3400721427 103	RIGBY #2		9.0	ORWELL
8123724		3400721493 103	SHELTON #1		22.0	COLEBROOK
8123725		3400721470 103	SOLOWEYKO #1		18.0	HARTSGROVE
8123729		3400721471 103	SOLOWEYKO #2		14.0	HARTSGROVE
8123812		3400721540 103	STRINGFELLOW #9		14.0	NEW LYME
-PONDEROSA OIL COMPANY		3413322217 103	WHITTINGTON #1		25.0	FRANKLIN
8123855		34169222495 103	RECEIVED: 04/01/81	JA: OH		SUGAR CREEK
8123755		JACOB E SLABAUGH #1			12.0	COLUMBIA GAS TRANSMI
8123847		3407522682 103	PETER E MILLER #1		11.0	COLUMBIA GAS TRANSMI
8123846		3416725505 103	RECEIVED: 04/01/81	JA: OH		WATERTOWN
-QUAKER STATE OIL REFINING CORP		3416725504 103	ROBERT F LANG #2		0.0	COLUMBIA GAS TRANSMI
8123820		3415123402 103	RECEIVED: 04/01/81	JA: OH	0.0	COLUMBIA GAS TRANSMI
8123818		3415123390 103	SEABER #1		36.5	EAST OHIO GAS CO
8123819		3415123396 103	HENNING #1		18.3	EAST OHIO GAS CO
8123743		3404520633 103	ROSENBERGER #1		27.4	EAST OHIO GAS CO
-SCHRIMSHER OIL & GAS EXPLORATION		3410322447 103	STROMMEYER #1		36.5	COLUMBIA GAS TRANSMI
8123773		3410322447 103	HUFF 1-A		20.0	COLUMBIA GAS TRANSMI
-SHARROCK EQUIPMENT CO		3411925484 103	RECEIVED: 04/01/81	JA: OH	6.0	NATIONAL GAS & OIL C
-SHELDON L TURRILL		3408924011 103	SCOTT & GRACE RANKIN #1		100.0	NEWZANE GAS CO
-SUNSET PETROLEUM INC		3415521435 103	RECEIVED: 04/01/81	JA: OH	10.0	COLUMBIA GAS TRANSMI
8123799		3412122402 103	CHALKER-ELSTON #1		0.0	COLUMBIA GAS TRANSMI
8123800		3412122403 103	BECKER-SCHRAMM HEIRS #2		0.0	COLUMBIA GAS TRANSMI
8123803		3412122566 103	BECKER-SCHRAMM HEIRS #3		0.0	COLUMBIA GAS TRANSMI
-TIME ENERGY INC		3403124005 103	ULLMAN-BECKER-SCHRAMM #1		12.0	NATIONAL GAS & OIL C
8123739		3403124005 103	RECEIVED: 04/01/81	JA: OH		PIKE
-TORO OIL & GAS CO		3413322382 103	F WIKESILL #1		6.0	EAST OHIO GAS CO
8123814		3413322382 103	RECEIVED: 04/01/81	JA: OH	30.0	TIMKEN CO
-VESCOIP INDUSTRIES INC		3413320990 108	SUMMERS UNIT #1		30.0	TIMKEN CO
8123810		3413321000 108	CITY OF RAVENNA #1		0.0	
8123811		3413321000 108	CITY OF RAVENNA #2		0.0	
-W J LYDIC INC		3412724950 103	RECEIVED: 04/01/81	JA: OH		READING
8123809		3400922087 103	STUDER #1		15.0	CANAAN
-WHITMAN OIL & GAS CORP		3416726254 103	LEE E DORR #3		10.0	MUSKINGUM
8123733		3416726387 103	MABEL STACY #3		10.0	ADAMS
8123853		3416726151 103	R LONG #1		10.0	ADAMS
8123854		3400922092 103	SPINDLER #1		12.0	CANAAN
8123852		3407522775 103	VELMA POSTON #1		6.0	KNOX
8123734		3407522775 103	RECEIVED: 04/01/81	JA: OH	7.0	KILLBUCK
-WILLIAM F HILL		3407522997 103	DAVID D NOBLE #1		3.9	COLUMBIA GAS TRANSMI
8123757		3410521695 108	RICHARD FOWLER #1		1.4	COLUMBIA GAS TRANSMI
8123762		3410521695 108	RECEIVED: 04/01/81	JA: OH		
-WILLIAM H PUTNAM		3410521076 108	ANCHORAGE - DUNFEE			
8123777		3410521076 108	ANCHORAGE - T F DYE			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	VOLUME	409	PAGE	006	PURCHASER
8123679		4704900563	108	J W PHILLIPS #7	MANNINGTON					3.9
8123699		4704900594	108	J W WETZEL #2	PAV PAV					2.4
8123695		4704900599	108	JAMES YOST #1	PAV PAV					2.4
8123658		4704900605	108	JAMES YOST #10	PAV PAV					2.4
8123694		4704900602	108	JAMES YOST #7	PAV PAV					2.4
8123693		4704900604	108	JAMES YOST #9	PAV PAV					2.4
8123653		4704900547	108	KOEN-MCGRAW #4	MANNINGTON					3.9
8123686		4704900548	108	KOEN-MCGRAW #5	MANNINGTON					3.9
8123641		4704900473	108	LINDSAY ATHA #3	MANNINGTON					3.9
8123656		4704900570	108	M A PRITCHARD #5	MANNINGTON					3.9
8123661		4704900541	108	M E INGRAM #2	PAV PAV					2.4
8123660		4704900574	108	M S SNODDERLY #4	MANNINGTON					3.9
8123681		4704900558	108	NIMROD MORGAN #5	MANNINGTON					3.9
8123659		4704900578	108	O J SUTTON #1	PAV PAV					2.4
8123659		4701701957	108	PETER ASH #8	MCCLELLAN					0.7
8123648		4704900568	108	PRITCHARD-HOOD #2	MANNINGTON					3.9
8123657		4704900569	108	PRITCHARD-KOEN #1	MANNINGTON					3.9
8123648		4704900047	108	REZIN AMOS #1	LINCOLN					3.9
8123697		4704900597	108	S L MYERS #2	LINCOLN					3.9
8123696		4704900598	108	S L MYERS #4	LINCOLN					3.9
8123651		4704900608	108	SUSAN YOST #8	PAV PAV					2.4
8123643		4704900475	108	T L ATHA #2	MANNINGTON					3.9
8123642		4704900474	108	WATSON HEIRS #4	MANNINGTON					3.9
-PITTSBURG TUBE CO				RECEIVED: 03/31/81						
8123676		4701701855	108	CHARLENE UNDERWOOD #2 S 284	GRANT DISTRICT					18.0
8123675		4701701800	108	CHARLENE UNDERWOOD S-190	GRANT DISTRICT					18.0
-QUAKER STATE OIL REFINING CORP				RECEIVED: 03/31/81						
8123706		4703923481	103	A S PRICE #3	ELK DISTRICT					13.9
8123692		4703923484	103	B WALKER #2	ELK DISTRICT					10.0
8123707		4703923482	103	FACENYER #4	SIG SANDY DISTRICT					13.9
8123709		4709520407	108	HARRY ASH #1	CENTERVILLE DISTRICT					4.7
8123708		4709520411	108	HARRY ASH #2	CENTERVILLE DISTRICT					4.7
8123705		4703923479	103	J H COPENHAVEN #13	ELK DISTRICT					18.9
8123718		4703923486	103	W REARAD #4	ELK DISTRICT					19.3
-THUNDER CORP				RECEIVED: 03/30/81						
8123719		4708504280	102	O A P NULL #3	A P NULL FARM					0.0
-UNITED PETRO LTO				RECEIVED: 03/31/81						
8123674		4701102967	108	E C KNOTTS #1-UPL	ORMA-MINNORA GAS					12.0
8123673		4701102968	108	E C KNOTTS #2-UPL	ORMA-MINNORA GAS					12.0

BILLING CODE 8450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicated that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these

determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13045 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 410]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JO NO	JA D4T	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD						
RECEIVED: 04/02/81 JA: AL						
-CLAYTON V WILLIAMS JR				CHUNCHULA (SMACKOVER)	0.0	
8123969	3-20-812PD-A	0109720156	107			
RECEIVED: 04/02/81 JA: AL						
-GRACE PETROLEUM CORPORATION				MUSGROVE CREEK	180.0	
8123967	2-18-81-3PD-	0105720224	102			
RECEIVED: 04/02/81 JA: AL						
-MORROW OIL & GAS CO				MCCRACKEN MOUNTAIN	498.0	WARRIOR DRILLING & E
8123973	3-20-818PD	0105720231	102			
RECEIVED: 04/02/81 JA: AL						
-PRUET PRODUCTION CO				BEAVERTON	538.0	SOUTHERN NATURAL GAS
8123974	3-20-819-PD	0107520269	102			
8123971	3-20-816PD	0107520291	102	MILLPORT	767.0	TENNESSEE GAS PIPELI
8123972	3-20-817PD	0107520274	102	BLOWHORN CREEK	438.0	SOUTHERN NATURAL GAS
8123970	3-20-813	0107520288	102	STAR	650.0	TENNESSEE GAS PIPELI
8123976	3-20-8111PD-A	0107520258	102	BLOWHORN CREEK OIL	91.0	SOUTHERN NATURAL GAS
8123975	3-20-8110PD	0107520259	102	BEAVERTON	405.0	SOUTHERN NATURAL GAS
RECEIVED: 04/02/81 JA: AL						
8123977	3-20-8112PD-A	0107520290	102	BLOWHORN CREEK OIL	20.0	SOUTHERN NATURAL GAS
8123978	3-20-8114PD	0107520285	102	BLOWHORN CREEK OIL	164.0	SOUTHERN NATURAL GAS
-SHELL OIL CO				SEVEN MILE AREA WILDCAT	145.0	
8123968	3-20-811PD-A	0100320044	107			
RECEIVED: 04/02/81 JA: AL						
INTERNATIONAL PAPER CO 20-9 NO 1						
COLORADO OIL & GAS COMMISSION						
RECEIVED: 03/27/81 JA: CO						
-ABRAXAS PETROLEUM CORP				RAYNER CREEK	100.0	KANSAS NEBRASKA NATU
8123860	80-440	0507508749	103			
RECEIVED: 03/27/81 JA: CO						
-AMOCO PRODUCTION CO				ZEMITH	18.0	VESSELS GAS PROCESSI
8123861	80-454	0500107498	103	DEADEYE	18.0	SUN OIL CO
8123862	80-451	05039006326	103	WATTENBERG	19.5	PANHANDLE EASTERN PI
8123873	80-514	0512308678	108	WATTENBERG	18.6	PANHANDLE EASTERN PI
8123874	80-496	0512308271	108	WATTENBERG	30.0	EL PASO NATURAL GAS
8123864	80-455	0506706330	103	BASIN DAKOTA	110.0	PANHANDLE EASTERN PI
8123865	80-452	0500107352	103	JARBOREE	150.0	PANHANDLE EASTERN PI
8123866	80-453	0500107497	103	JARBOREE	328.0	PANHANDLE EASTERN PI
8123863	80-456	0500107561	103	GUAIL	50.0	PANHANDLE EASTERN PI
RECEIVED: 03/27/81 JA: CO						
-CONTINENTAL GAS TRANSMISSION				GUAIL		
8123867	80-450	0500107592	103			
RECEIVED: 03/27/81 JA: CO						
-ENERGY MINERALS CORPORATION				SPINDLE	18.6	COLORADO INTERSTATE
8123875	80-370	0512308578	108	WAITE LAKE	64.8	PHILLIPS PETROLEUM
8123858	80-498	0512310023	102	ROGGEN	18.4	CRYSTAL GAS RESOURCE
8123876	80-633	0512309385	108	WAITE LAKE	93.6	PHILLIPS PETROLEUM
8123859	81-65	0512309882	102	SPINDLE	19.7	PANHANDLE EASTERN PI
8123877	80-612	0512309317	108	STANLEY #5	19.7	PANHANDLE EASTERN PI
8123878	80-613	0512309556	108	STANLEY #7		

VOLUME 410 PAGE 002

JD NO	JA DKT	201 NO	SEC D WELL NAME	RECEIVED: 03/27/81	JA: CO	FIELD NAME	PROD	PURCHASER
-J-W OPERATING COMPANY								
8123857	80-427	0512506266	102	M MURRAIN #2	JA: CO	WAVERLY	40.0	KANSAS NEBRASKA NAT
8123856	80-449	0512506338	102	T BROPHY #19	JA: CO	WAVERLY	60.0	KANSAS NEBRASKA NATU
-KANSAS-NEBRASKA NATURAL GAS CO INC								
8123879	80-522	0512506065	108	FOITE 1-27	JA: CO	REPUBLICAN	20.0	
8123880	80-523	0512506134	108	SHOBI 1-23	JA: CO	REPUBLICAN	18.0	
-WACEY & MERSHON OIL INC								
8123881	80-504	0512500000	108	CHILDRENS HOSPITAL #1	JA: CO	WATTENBERG	14.0	PANHANDLE EASTERN PI
8123882	80-494	0512500000	108	LEONARD #1	JA: CO	WATTENBERG	17.5	COLORADO INTERSTATE
8123883	80-495	0512500000	108	SALISBURY #1	JA: CO	WATTENBERG	17.0	PANHANDLE EASTERN PI
-MARTIN OIL SERVICE INC								
8123884	80-491	0512507562	108	CINQUE #1	JA: CO	SPINDLE	15.2	PANHANDLE EASTERN PI
8123885	80-489	0512507560	108	CINQUE #2	JA: CO	SPINDLE	15.2	PANHANDLE EASTERN PI
8123886	80-488	0512507563	108	CINQUE #3	JA: CO	SPINDLE	15.2	PANHANDLE EASTERN PI
8123887	80-492	0512507561	108	CINQUE #4	JA: CO	SPINDLE	15.2	PANHANDLE EASTERN PI
8123888	80-490	0512507564	108	CINQUE #5	JA: CO	SPINDLE	15.2	PANHANDLE EASTERN PI
8123889	80-432	0501306020	108	LUTZ #1	JA: CO	SPINDLE	15.0	PANHANDLE EASTERN PI
-MCLESTER FUEL COMPANY								
8123890	80-563	0502508701	108	RECEIVED: 03/27/81	JA: CO	WEST PLAINS - NO	21.0	KANSAS-NEBRASKA NATU
-MGE OIL CORP								
8123896	80-438	0512509335	108	RECEIVED: 03/27/81	JA: CO	WATTENBERG	70.0	PANHANDLE EASTERN PI
8123897	80-437	0500106783	108	NORRIS ESTATE 14-6	JA: CO	WATTENBERG	35.0	PANHANDLE EASTERN PI
-MOUNTAIN PETROLEUM LTD								
8123891	80-441	0512506046	108	PUTNAM #1-18	JA: CO	BEECHER ISLAND	20.0	KANSAS-NEBRASKA NATU
-NORTHWEST EXPLORATION COMPANY								
8123868	80-448	0504506250	103	STATE #1-29	JA: CO	RULISON - WASATCH	190.0	NORTHWEST PIPELINE C
-NORTHWEST PIPELINE CORPORATION								
8123893	80-376	0506705331	108	CLOUGH #102	JA: CO	IGNACIO BLANCO	19.0	NORTHWEST PIPELINE C
8123892	80-189	0506705295	108	BONDAD 33-9 #9	JA: CO	IGNACIO BLANCO	0.0	EL PASO NATURAL GAS
-PARACHUTE RANCH INC								
8123894	80-444	0512500000	108	IGNACIO 33-7 #12MV	JA: CO	LOST CREEK SEC 9-2N-62W	18.0	PHILLIPS PETROLEUM C
-SUN OIL COMPANY (DELAWARE)								
8123895	80-499	0500500000	108	RECEIVED: 03/27/81	JA: CO	DRAGON	2.5	COLORADO INTERSTATE
-TEXAS OIL & GAS CORP								
8123870	80-458	0506706417	103	J D SCHMIDT NO 1	JA: CO	IGNACIO BLANCO	220.0	WESTERN SLOPE GAS CO
8123869	80-447	0506706393	103	RECEIVED: 03/27/81	JA: CO	IGNACIO BLANCO	145.0	EL PASO NATURAL GAS
-WEST VIRGINIA DEPARTMENT OF MINES								
8123871	80-446	0506706416	103	M SMITH U #1	JA: CO	IGNACIO BLANCO	150.0	NORTHWEST PIPELINE C
8123872	80-457	0506706381	103	MC DONALD C #1	JA: CO	IGNACIO BLANCO	27.0	NORTHWEST PIPELINE C
-ALLEGHENY LAND & MINERAL COMPANY								
8123952		4703501058	103	RECEIVED: 04/02/81	JA: WV	EAGLE	0.0	CONSOLIDATED GAS SUP
8123954		4700100866	103	A-659	JA: WV	PHILIPPI	0.0	CONSOLIDATED GAS SUP
8123950		4703501105	103	A-662	JA: WV	SARDIS	0.0	CONSOLIDATED GAS SUP
8123953		4701701891	103	A-670	JA: WV	SOUTHWEST	0.0	CONSOLIDATED GAS SUP
8123951		4703501260	103	A-746	JA: WV	UNION	0.0	CONSOLIDATED GAS SUP
-APPALACHIAN EXPLORATION & DEVELOPMENT INC								
8123919		4706700513	102	A-749	JA: WV	GRANT	15.0	EQUITABLE GAS CO
8123918		4706700519	102	P CAUDILL #1	JA: WV	GRANT	30.0	EQUITABLE GAS CO
-BEREA OIL AND GAS CORPORATION								
8123960		4710720926	103	WILLIAMS A-1	JA: WV	UNION	17.0	

JD NO	JA DPT	STC D WELL NAME	RECEIVED: 04/02/81	JA: WV	FIELD NAME	PROD	PAGE 003
8123962		4710720965 103	HICKMAN #2		UNION	0.0	
8123961		4710720927 103	HUGGINS #1		UNION	17.0	
-CHASE PETROLEUM							
8123947		4701702541 103	GARRETT #1		SALEM	39.0	
8123945		4703302228 103	LEONARD #1		SALEM	30.0	
8123949		4704102871 103	STALNAKER #2		VANDALIA	40.0	
8123948		4701702557 103	T V SMITH #1		BENSON RUN	29.0	
8123946		4701702573 103	T V SMITH #3		BENSON RUN	29.0	
-FOX ORILLING CO INC							
8123955		4700101330 103	JONES #3		BELINGTON	18.0	COLUMBIA GAS TRANSI
8123959		4700101313 103	LANTZ #1		BELINGTON	25.0	COLUMBIA GAS TRANSI
8123958		4700101336 103	LANTZ #2		BELINGTON	40.0	COLUMBIA GAS TRANSI
8123956		4700101287 103	ONEAL #1		BELINGTON	15.0	COLUMBIA GAS TRANSI
8123957		4700101288 103	ONEAL #2		BELINGTON	18.0	COLUMBIA GAS TRANSI
-GLENN W JOHNSON DBA JOHNSON PRODUCE							
8123932		4709700000 108	J A RUSHISELL #1		BANKS	1.6	COLUMBIA GAS TRANS C
8123931		4709702012 108	OGDEN #1		BANKS	1.4	COLUMBIA GAS TRANS C
-GULF OIL CORPORATION							
8123966		4702100061 108	GAINER HEIRS #1		DE CALB	1.8	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY							
8123906		4704900492 108	B F & JOHN BLACKSHERE #1		MANNINGTON	3.9	
8123939		4704900283 108	B F & JOHN BLACKSHERE #2		MANNINGTON	2.4	
8123900		4704900481 108	B F BLACKSHERE #20		MANNINGTON	3.9	
8123901		4704900482 108	B F BLACKSHERE #21		MANNINGTON	3.9	
8123902		4704900487 108	B F BLACKSHERE #29		MANNINGTON	3.9	
8123903		4704900489 108	B F BLACKSHERE #35		MANNINGTON	3.9	
8123904		4704900490 108	B F BLACKSHERE #38		MANNINGTON	2.3	
8123905		4704900491 108	B F BLACKSHERE #43		MANNINGTON	3.9	
8123941		4703501459 108	C S MCCARTY #1		RAVENSWOOD	0.0	
8123911		4704900498 108	C W BROWN #7		PAV PAW	2.4	
8123930		4704900527 108	D F HAMILTON #14		MANNINGTON	3.9	
8123936		4704900460 108	D L FLOYD #2		MANNINGTON	2.8	
8123907		4704900494 108	E A BLACKSHERE #14		MANNINGTON	3.9	
8123934		4704900466 108	E FLOYD #1		MANNINGTON	3.9	
8123914		4704900518 108	ELLSWORTH FRY #3		MANNINGTON	3.9	
8123929		4704900528 108	G T HAMILTON #2		MANNINGTON	11.5	
8123935		4704900463 108	J F FLUHARTY #1		MANNINGTON	3.9	
8123915		4704900519 108	J H FURREE #3		MANNINGTON	4.0	
8123917		4704900522 108	J H FURREE #7		MANNINGTON	2.9	
8123916		4704900521 108	J H FURREE #8		MANNINGTON	3.9	
8123913		4704900514 108	J L ERWIN #6		MANNINGTON	3.9	
8123927		4704900102 108	J L ERWIN #7		MANNINGTON	3.9	
8123909		4704900496 108	J R BLACKSHERE #12		LINCOLN	3.9	
8123910		4704900497 108	J R BLACKSHERE #14		LINCOLN	2.1	
8123908		4704900495 108	J R BLACKSHERE #4		LINCOLN	3.9	
8123912		4704900504 108	JACOB CUNNINGHAM #3		MANNINGTON	0.2	
8123926		4704900147 108	JOHN KENNDY #7		MANNINGTON	3.9	
8123898		4710700993 103	LOUISE MARSHALL ET AL #1		DALLISON	0.0	PENNZOIL CO
8123943		4701702252 108	MARTHA J SMITH #2		MCCLELLAN	0.7	
8123942		4701702253 108	MARTHA J SMITH #4		MCCLELLAN	0.7	
8123933		4704900469 108	P S AMOS #7		CLAY	2.4	
8123940		4704900036 108	R D TENNANT #5		PAV PAW	5.2	

VOLUME 410 PAGE 004

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8123899		4710700992	103	ROBERT E LEE #1	DALLISON		0.0 PENNZOIL CO
8123928		4704900098	108	S L TOOTHMAN #2	MANNINGTON		1.0
8123944		4701702190	108	SILAS ASH #16	GRANT		0.0
8123938		4704900458	108	W C FLEMING #2	MANNINGTON		3.9
8123937		4704900459	108	W C FLEMING #3	MANNINGTON		3.9
-STAR GAS COMPANY				RECEIVED: 04/02/81			
8123965		4707900520	108	C C THORNTON #1	EIGHTEEN MILE CREEK		1.5 AJAX PIPELINE CO
8123922		4703901149	108	ELLEN WHITE #1	BROWNS CREEK		1.9 AJAX PIPELINE CO
8123920		4707900321	108	FRANK ARBAUGH #1	TRACE FORK MUD RIVER		1.9 AJAX PIPELINE CO
8123923		4703901119	108	J M JAVINS #1	BROWNS CREEK		8.1 AJAX PIPELINE CO
8123924		4707900523	108	M S WALDLING #1	BIG BUFFALO CREEK		4.0 TEAVEE OIL & GAS INC
8123921		4703901178	108	Q A SPRADLING #1	FALLS CREEK		4.8 AJAX PIPELINE CO
8123925		4707900474	108	RONALD PAYNE #1	LITTLE BUFFALO CREEK		2.9 TEAVEE OIL & GAS INC
8123963		4703500713	108	SUSIE PARSONS #1	LITTLE HILL CREEK		7.2 CONSOLIDATED GAS SUP
8123964		4703500707	108	WALTER CLICK #1	MILLS CREEK		1.5 CONSOLIDATED GAS SUP
-U.S. GEOLOGICAL SURVEY - DENVER, CO				RECEIVED: 04/02/81			
-ANADARKO PRODUCTION COMPANY				RECEIVED: 04/02/81			
8123994		CC 379-0		COTTONWOOD GULCH FEDERAL A NO 2	NO CRAIG		180.0 MOUNTAIN FUEL SUPPLY
8123988		CD0108-80	103	SOUTHERN UTE 14-3 32-9 (NW)	IGNACIO BLANCO (NW)		344.0 NORTHWEST PIPELINE C
8123987		CD0107-80	103	SOUTHERN UTE 24-2 32-9 (NW)	IGNACIO BLANCO (NW)		348.0 WESTERN SLOPE GAS CO
8123985		CD 0005-81	103	SOUTHERN UTE 24-3 32-9 (NW)	IGNACIO BLANCO		85.0 EL PASO NATURAL GAS
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 04/02/81			
8123980		CC411-0	103	#8-10-3-101-S	CATHEDRAL		96.0 MOUNTAIN FUEL SUPPLY
8123981		CC 409-0	103	#1-20-3-101-S	CATHEDRAL		130.0 MOUNTAIN FUEL SUPPLY
8123979		CC410-0	102	C-23-3-101-S	CATHEDRAL		25.0 NORTHWEST PIPELINE C
-MESA PETROLEUM				RECEIVED: 04/02/81			
8123995		CC 446-0	102	FEDERAL #1-5	ECKLEY		55.0 CITIES SERVICE GAS C
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 04/02/81			
8123992		CD0019-81	102	FEDERAL RULISON #118 (FORMERLY #4)	RULISON - WASATCH		152.0 NORTHWEST PIPELINE C
-TEXAS GAS EXPLORATION CORP				RECEIVED: 04/02/81			
8123983		CC521-0	103	FEDERAL 23-4	BRIDLE		300.0
8123982		CC 522-0	103	FEDERAL #1-19	BRIDLE		150.0
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/02/81			
8123989		UC 426-0	103	SAN ARROYO FEDERAL #32	SAN ARROYO		36.0 MESA PIPELINE
-BELCO PETROLEUM CORPORATION				RECEIVED: 04/02/81			
8123991		UD0013-81	103	DUCK CREEK 11-15	DUCK CREEK		0.0 NORTHWEST PIPELINE C
-COASTAL OIL & GAS CORP				RECEIVED: 04/02/81			
8123984		UC 448-0	103	CIGE 31-1-10-22	BITTER CREEK		657.0 COLORADO INTERSTATE
-COMOCO INC				RECEIVED: 04/02/81			
8123990		UC 442-0	103	COMOCO UTE TRIBAL 35 NO 19	OURAY		708.0 MOUNTAIN FUEL SUPPLY
-GAS PRODUCING ENTERPRISES INC				RECEIVED: 04/02/81			
8123993		UC 322-0	103	NATURAL BUTTES UNIT 33Y	BITTER CREEK		492.0 COLORADO INTERSTATE
-TEXACO INC				RECEIVED: 04/02/81			
8123986		UD 0008-81	108	SEEP RIDGE UNIT NO 5	SEEP RIDGE		9.0 MESA PIPELINE CO
-BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWUSKA, OK				RECEIVED: 04/02/81			
-NORMAN W HORTON				RECEIVED: 04/02/81			
8124009		3511300000	108	BRANSTETTER #11	GUAPAW		3.3 CITIES SERVICE GAS C
8124010		3511300000	108	BRANSTETTER #12	GUAPAW		8.2 CITIES SERVICE GAS C

VOLUME 413 PAGE 005

JD NO	JA DMT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER	
8124011		3511300000	108	BRANSTETTER #13	QUAPAW		3.3 CITIES SERVICE GAS C	
8124012		3511300000	108	BRANSTETTER #14	QUAPAW		4.7 CITIES SERVICE GAS C	
8124013		3511300000	108	BRANSTETTER #15	QUAPAW		4.8 CITIES SERVICE GAS C	
8124014		3511300000	108	BRANSTETTER #16	QUAPAW		3.1 CITIES SERVICE GAS C	
8124003		3511300000	106	BRANSTETTER #2	QUAPAW		8.1 CITIES SERVICE GAS C	
8124005		3511300000	108	BRANSTETTER #6	QUAPAW		0.8 CITIES SERVICE GAS C	
8124006		3511300000	108	BRANSTETTER #7	QUAPAW		0.5 CITIES SERVICE GAS C	
8124007		3511300000	108	BRANSTETTER #8	QUAPAW		0.6 CITIES SERVICE GAS C	
8124008		3511300000	108	BRANSTETTER #9	QUAPAW		2.3 CITIES SERVICE GAS C	
8124004		3511300000	108	FORREST H LINDSAY #5	QUAPAW		2.3 CITIES SERVICE GAS C	
-OKLAHOMA DRILLING CORP								
8123996		3511300000	103	JOHN T OXLEY #1-8	EAST ATLANTIC		7.0 PHILLIPS PETROLEUM C	
8124002		3511300000	103	JOHN T OXLEY #12	EAST ATLANTIC		2.0 PHILLIPS PETROLEUM C	
8123998		3511300000	103	JOHN T OXLEY #2	EAST ATLANTIC		3.0 PHILLIPS PETROLEUM C	
8123997		3511300000	103	JOHN T OXLEY #3	EAST ATLANTIC		5.0 PHILLIPS PETROLEUM C	
8123999		3511300000	103	JOHN T OXLEY #5	EAST ATLANTIC		5.0 PHILLIPS PETROLEUM C	
8124000		3511300000	103	JOHN T OXLEY #6	EAST ATLANTIC		35.0 PHILLIPS PETROLEUM C	
8124001		3511300000	103	JOHN T OXLEY #9	EAST ATLANTIC		8.0 PHILLIPS PETROLEUM C	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please refer to the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13046 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Period of February 16 Through March 6, 1981

During the period of February 16 through March 6, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before May 20, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the

Office of Hearings and Appeals,
Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 23, 1981.

Lobo Oil Co., Snyder, Texas; BRO-1414,
Crude oil

On March 3, 1981, Lobo Oil Corporation, Clairmont Road, Snyder, Texas 79549 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southwest District Office of Enforcement issued to the firm on February 6, 1981.

In the PRO the Southwest District found that during the period September 1, 1973 through May 31, 1977, the firm committed pricing violations in connection with the sale of crude oil in Texas.

According to the PRO the Lobo Oil Corporation violation resulted in \$205,071.79 of overcharges.

Koch Industries, Wichita, Kansas; BRO-1415,
Motor gasoline

On March 3, 1981, Koch Industries, Inc. (Koch) P.O. Box 2256 Wichita, Kansas 67201, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Office of Special Counsel issued to the firm on September 9, 1980. In the PRO the OSC found that during the period from August 1979 through August 1980, and during October 1980, Koch violated 10 CFR 211.9(a)(1) by refusing to supply motor gasoline to two retail outlets owned by Startex Petroleum, Inc. (Startex). The OSC has proposed that Koch be required to offer Startex the base period entitlements of motor gasoline (as reduced by the applicable allocation fraction) of the two outlets for the period August 1979 through August 1980, and October 1980.

J. M. Reeves, Chevron, Decatur, Georgia;
BRO-1416, Gasoline

On March 4, 1981, J. M. Reeves Chevron, 3893 N. Druid Hills Rd., Decatur, Ga. 30033 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southeast District Office of Enforcement issued to the firm on May 7, 1980.

In the PRO the Southeast District found that during the period September 1, 1979 through March 31, 1980, J. M. Reeves Chevron charged prices in excess of the maximum legal selling price allowed by 10 CFR Part 212.

According to the PRO the Reeves violation resulted in \$7,509.51 of overcharges.

Plaza Service Center, Las Vegas, New Mexico; BRO-1425, Motor gasoline

On March 4, 1981, Plaza Service Center, 1625 South Pacific Street, Las Vegas, New Mexico 87701, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on November 10, 1980. In the Proposed Remedial Order the Southwest District found that during August 1, 1979 through September 8, 1980, Plaza Service Center committed pricing violations in sales of motor gasoline in the State of New Mexico.

According to the Proposed Remedial Order the Plaza Service Center violation resulted in \$21,554.65 of overcharges. This Notice of

Objection has been transferred to the Southwest Regional Center of the Office of Hearings and Appeals for analysis.

Shimek, Ben, San Francisco, California;
BRO-1417, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Ray's Shell, 1070 Oak Street, San Francisco, CA 94117 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from August 1, 1979 to July 30, 1980, the firm charged prices in excess of the maximum lawful selling price for motor gasoline in violation of 10 CFR 212.93.

According to the PRO the Ray's Shell violation resulted in \$40,239.16 of overcharges.

Shimek, Ben, San Francisco, California;
BRO-1418, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Fell Street Chevron, 1101 Fell Street, San Francisco, CA filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from December 1, 1979 to July 31, 1980, Fell Street Chevron charged prices for motor gasoline that exceeded the maximum lawful selling price allowed by 10 CFR Part 212.

According to the PRO the Fell St. Chevron violation resulted in \$62,341.31 of overcharges.

Shimek, Ben, San Francisco, California;
BRO-1419, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Luster Car Wash, 444 Divisadero, San Francisco, CA 94117 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from August 1, 1979 to July 31, 1980, the firm charged prices for motor gasoline that exceeded the maximum lawful selling price in violation of 10 CFR 212.93.

According to the PRO the Luster Car Wash violation resulted in \$9,664.13 of overcharges.

Shimek, Ben, San Francisco, California;
BRO-1420, motor gasoline

On March 5, 1981, Ben Shimek d/b/a Ben's Shell, 1898 Van Ness Avenue, San Francisco, CA 94109 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period August 1, 1979 through July 31, 1980, Ben's Shell charged prices in sales of motor gasoline that exceeded the prices permitted according to 10 CFR Part 212.

According to the PRO the Ben's Shell violation resulted in \$16,301.15 of overcharges.

Shimek, Ben, San Francisco, California;
BRO-1421, Motor Gasoline

On March 5, 1981, Ben Shimek d/b/a Andy's Shell, 400 South Van Ness, San Francisco, CA 94105 filed a Notice of

Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that from August 1, 1979 to July 31, 1980, Andy's Shell overcharged consumers in sales of motor gasoline.

According to the PRO the Andy's Shell violation resulted in \$9,084.55 of overcharges.

Shimek, Ben, San Francisco, California; BRO-1421, motor gasoline

On March 5, 1981, Ben Shimek d/b/a Auto City Chevron, 501 South, Van Ness San Francisco, CA filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that from August 1, 1979 to July 31, 1980, the firm

charged prices to motorists in sales of motor gasoline that exceeded the maximum lawful selling price. 10 CFR 212.93.

According to the PRO the Auto City Chevron violation resulted in \$41,673.81 of overcharges.

[FR Doc. 81-13065 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 3 Through April 10, 1981

During the week of April 3 through April 10, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Apr. 3 through Apr. 10, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 3, 1981	Independent Terminal Operators Association, Washington, D.C.	BES-0149	Request for Stay. If granted: The March 23, 1981 Agreement between the National Oil Jobbers Council and the Office of Enforcement of the Economic Regulatory Administration of the DOE would be stayed.
Apr. 3, 1981	Mitchell Energy Corporation, Washington, D.C.	BRZ-0093	Motion for Interlocutory Order. If granted: The Office of Enforcement would be compelled to provide Mitchell Energy Corporation with further discovery pursuant to the January 23, 1981 Decision and Order (Case No. DRD-0093).
Apr. 3, 1981	Mobil Oil Corporation, Fairfax, Virginia	BES-0630 and BET-0630	Request for Stay and Temporary Stay. If granted: Mobil Oil Corporation would receive a stay and temporary stay of the provisions of 10 CFR 211.87 pending a final determination on its Appeal (Case No. DEA-0630).
Apr. 6, 1981	Audubon Society of the Everglades, West Palm Beach, Florida	BFA-0654	Appeal of an Information Request Denial. If granted: The March 6, 1981 Information Request Denial issued by the Office of Procurement Operations would be rescinded and the Audubon Society of the Everglades would receive access to proposals submitted by Palm Beach Junior College Foundation.
Apr. 5, 1981	Navajo Refining Company, Artesia, New Mexico	BEX-0189	Supplemental Order. If granted: Navajo Refining Company's Supplemental Order (Case No. BEX-0184) would be modified with respect to additional exception relief.
Apr. 6, 1981	Newburgh Transportation Center, Newburgh, New York	BRW-0093	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Newburgh Transportation Center on July 22, 1980 would be issued as a final Remedial Order.
Apr. 6, 1981	Office of Enforcement/Bloomington Service, Washington, D.C.	BRR-0118	Request for Modification. If granted: The Proposed Remedial Order which was finalized on December 4, 1980 (Case No. BRW-0118) would be modified.
Apr. 6, 1981	Office of Safeguards & Security, Washington, D.C.	BER-0119	Request for Modification/Rescission. If granted: The January 21, 1981 Decision and Order (Case No. BFA-0555) issued to David Bowman regarding access to DOE information would be modified.
Apr. 6, 1981	Roger's Standard, Arlington Heights, Illinois	BRW-0095	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to Roger's Standard on August 25, 1980 would be issued as a final Remedial Order.
Apr. 6, 1981	West Ashley Exxon, Charleston, South Carolina	BRW-0094	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to West Ashley Exxon on August 11, 1980 would be issued as a final Remedial Order.
Apr. 7, 1981	Marathon Oil Company, Washington, D.C.	BRZ-0094	Interlocutory Order. If granted: The Motion for Discovery filed by the Office of Special Counsel on July 14, 1980 would be struck.
Apr. 7, 1981	Murphy Oil Company, Washington, D.C.	BRZ-0095	Interlocutory Order. If granted: The Motion for Discovery filed by the Office of Special Counsel on July 14, 1980 would be struck.
Apr. 7, 1981	Office of Enforcement, Washington, D.C.	BRD-0111	Motion for Discovery. If granted: Discovery would be granted to the Office of Enforcement in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0243) issued to Hughes & Hughes Oil & Gas.
Apr. 8, 1981	Lunday-Thagard Oil Company, Los Angeles, California	BEX-0190	Supplemental Order. If granted: The August 27, 1980 Decision and Order (Case No. DXE-3717) issued to Lunday-Thagard Oil Company would be modified.
Apr. 8, 1981	Miller Oil Purchasing Company, Jackson, Mississippi	BEX-0191	Supplemental Order. If granted: Refund procedures would be established for revenues received through the tertiary incentive program regarding the 341 Tract unit, Citronelle Field.
Apr. 9, 1981	Ernest Gutierrez, Tampa, Florida	BFA-0555	Appeal of an Information Request Denial. If granted: Ernest Gutierrez would receive access to certain DOE information.
Apr. 9, 1981	CKCO Consultants, Alexandria, Virginia	BFA-0556	Appeal of an Information Request Denial. If granted: The March 11, 1981 Information Request Denial would be rescinded and CKCO Consultants would receive access to certain information regarding DOE contract DE-AC01-80CS40362 with General Energy Associates.
Apr. 9, 1981	Mid Continent Systems, Inc., Washington, D.C.	BRR-0120	Request for Modification/Rescission. If granted: The July 24, 1979 Decision and Order (Case No. DRA-0179) issued to Mid Continent Systems, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's price relief.
Apr. 10, 1981	Batzell, Nunn, and Bode (Weiss), Washington, D.C.	BEG-0048 thru BEG-0052	Request for Special Redress. If granted: Batzell, Nunn and Bode (Weiss) would receive access to certain DOE information.
Apr. 10, 1981	Mitchell Energy Corporation, Washington, D.C.	BMR-0121	Request for Modification/rescission. If granted: The January 23, 1981 Decision and Order (Case No. DRD-0093) issued to Mitchell Energy Corporation regarding its Motion for Discovery would be modified.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr. 3 through Apr. 10, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 10, 1981	Shell Oil Company, Houston, Texas	BEA-0657	Appeal of the Entitlements Notice. If granted: The February 1981 Entitlements Notice would be modified with respect to Shell Oil Company's entitlements purchase obligations.

Notices of Objection Received

[Week of Apr. 3 to Apr. 10, 1981]

Date	Name and location of applicant	Case No.
Apr. 7, 1981	Meeker and Company, Washington, D.C.	DEE-1869
Apr. 8, 1981	Southland Oil Company, Washington, D.C.	BXE-1595
Apr. 9, 1981	Dunigan Operating Co., Inc., Pampa, Texas	BEE-1233

Dismissed Cases Reopened

[Week of Apr. 6, 1981]

Date	Case name	Case No.	Location
Apr. 7, 1981	Marina South Car Wash	BEX-0092	Los Angeles, Calif.
Apr. 9, 1981	Wolff Development, Inc.	BEE-1496	San Diego, Calif.

[FR Doc. 81-13066 Filed 4-29-81; 8:45 am]

BILLING CODE 5450-85-M

Issuance of Decisions and Orders, Week of March 30 Through April 3, 1981

During the week of March 30 through April 3, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,
Office of Hearings and Appeals.
April 23, 1981.

Appeals

Diamond Shamrock Corporation, 4/1/81, BEA-0040

On November 6, 1979, Diamond Shamrock Corporation (Diamond) filed an Appeal from the July 1979 Entitlements Notice. In that Notice, Diamond's entitlements obligations was adjusted in order to correct reporting errors reflected in the Notices issued for January through June 1979. In its Appeal, Diamond contended that in correcting its entitlements position the DOE Office of

Petroleum Operations (OPO) should have taken account of the change in the small refiner bias which occurred on June 1, 1979, and that OPO's failure to do so deprived Diamond of \$16,618 worth of entitlements benefits which it should be received.

After considering Diamond's Appeal, the DOE determined that the Appeal should be granted, and that Diamond should be issued additional entitlements having a value of \$16,618. The DOE held that in making adjustments for Diamond's reporting errors, OPO should have applied, for each month in which the firm reported an error, the bias in effect during that month, instead of the reduced bias in effect after June 1, 1979.

Larry V. Ellis, 4/2/81, BFA-0618

Larry V. Ellis filed an Appeal from a partial denial by the Privacy Act System Manager of the DOE Idaho Operations Office of a request for access to records which Mr. Ellis had submitted under the Privacy Act of 1974. Mr. Ellis sought copies of all records concerning him which are maintained by the Idaho Operations Office. In considering the Appeal, the DOE found that the System Manager had considered the request for access under standards set forth in regulations which had already been superseded at the time of his determination. The DOE concluded that the matter should be remanded for review under the DOE's currently applicable Privacy Act regulations.

Exxon Co., U.S.A., BFA-0609

Miller & Chevalier, 4/1/81, BFA-0614

Exxon Co., U.S.A., and Miller & Chevalier filed Appeals from partial denials by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of Requests for Information which the firms had submitted under the Freedom of Information Act (the FOIA). In considering the Appeals the DOE found that certain of the documents which were initially withheld under exemption 5 should be released to the firms.

The DOE further determined that the withholding of documents under exemptions 4 and 7(A) had not been adequately justified and therefore these documents were remanded to the Assistant Administrator with directions to either release them or provide a detailed explanation of the reasons which justify withholding them.

Remedial Order

Car Care Club of Oklahoma, 3/30/81, DRO-0333

The Car Care Club of Oklahoma filed a Statement of Objections to an Interim Remedial Order for Immediate Compliance (IROIC) which was issued to it on July 30, 1979, by the Southwest District of Enforcement of the Economic Regulatory Administration. In the IROIC, the ERA found that the Club was violating 10 CFR 210.62 by engaging in discriminatory business practices and ordered the Club to cease such practices. In considering the IROIC, the DOE held that the order did not satisfy the requirements of 10 CFR 205.199D because the conclusory statements concerning possible damage to the DOE regulatory program that would be occasioned in the absence of the IROIC did not demonstrate a compelling public interest in the immediate enforcement action which would preclude the full procedural due process rights normally accorded to a firm that is allegedly violating the regulations. The IROIC was therefore rescinded and the Club's Objection to it was dismissed.

Requests for Modification and/or Rescission Atlantic Richfield Co., 3/30/81, BER-0092 through BER-0098

The Atlantic Richfield Company, Chevron Company, U.S.A. Inc., Conoco, Inc., Exxon Company, U.S.A., Getty Refining and Marketing Company, Marathon Oil Company, and Mobil Oil Corporation filed a Consolidated Motion for Reconsideration of a discovery decision issued on December 18,

1980, which relates to an exception proceeding involving the Union Oil Company of California (Case No. DEE-5748). *Getty Refining and Marketing Company*, 7 DOE ¶ 82,525 (1980). In their Consolidated Motion, the petitioners requested that OHA direct Union to provide additional information relating to its business decisions that may have contributed to the crude oil cost disparity experienced by Union during the second half of 1979. In considering the Motion, the DOE found that the record in the exception proceeding should be supplemented by requiring Union to provide documents relating to its purchases and sales of crude oil and refined petroleum products to third parties (outside its normal distribution chain). Union was also directed to provide documents relating to any failure by the firm to renew foreign crude oil contracts. The Consolidated Motion for Reconsideration was therefore granted in part.

Douglas L. Miller, BER-0075

DOE Office of Personnel, 3/31/81, BER-0076

The DOE Office of Personnel and Douglas L. Miller separately filed Applications for Modification or Rescission of *Douglas L. Miller*, 6 DOE ¶ 80,185 (1980), which granted in part an Appeal Miller had submitted under the Freedom of Information Act. The DOE found that Miller's Application failed to state the reasons why he believed the original determination to be erroneous. It was therefore denied summarily. With respect to the Office of Personnel's Application, the DOE found that none of the substantive arguments presented by the Office of Personnel would have been persuasive even if raised in the original proceeding. Therefore, its Application was also denied except with respect to its request that a clerical error in the original Order be modified.

Requests for Exception

City of Long Beach, California, 4/3/81, BEX-1529

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which it sought an extension of exception relief previously granted to continue to sell certain quantities of the crude oil which it produces from the Fault Block II Unit at upper tier ceiling price levels. In considering the request, the DOE found that exception relief was necessary to provide a financial incentive to continue crude oil production operations at the property. Accordingly, exception relief was granted.

City of Long Beach, 3/31/81, BEX-1149.

The City of Long Beach filed an Application for Exception from the provisions of 10 CFR Part 212. The firm sought an extension of relief previously granted which allowed the petitioner to sell certain quantities of crude oil which it produced from the Fault Block II Unit at upper tier prices. In considering the request, the DOE found that exception relief was necessary to provide a financial incentive so that crude oil extraction operations at the property would be continued. Accordingly, exception relief was granted.

Gasol, Inc., 4/2/81, BEE-0961

Gasol, Inc., filed an Application for Exception from the DOE Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline for the purposes of blending and marketing gasoline. In considering the Application, the DOE determined that the Application had been rendered moot by the exemption of all petroleum products from allocation controls. Accordingly, the Application for Exception was dismissed.

Mohawk Petroleum Corporation, Inc. 4/3/81, DXE-3714

The DOE reviewed the exception relief granted to Mohawk Petroleum Corporation, Inc. during its 1978 fiscal year. Although the DOE found that Mohawk received excess entitlements benefits during the 1978 fiscal year, no adjustment was made because such a determination would have been inconsistent with the determination in a prior decision regarding Mohawk's 1979 fiscal year review.

Young Refining Corporation, 3/30/81, BEE-1296, BED-1296, BEX-1479

Young Refining Corporation filed two Applications for Exception in which the firm sought relief from its obligations under the DOE Crude Oil Entitlements Program (10 CFR 211.67) for two time periods covering its fiscal year April 1, 1980 through March 31, 1981. In considering the requests, the DOE determined that exception relief should be approved under the *Delta/Beacon* standards applicable to small refiners, but that Young should be required to make restitution for excess entitlements relief already received by the firm. The DOE also determined that a Motion for Discovery, filed by Young in connection with the exception proceeding No. BEE-1296, should be denied. Accordingly, the Applications for Exception were granted, with adjustments, and the Motion for Discovery was denied.

Zack Hadri Exxon Service, 3/31/81, BEO-0624

Zack Hadri Exxon Service filed an Application for Exception from the DOE Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the Application, the DOE determined that the Application had been rendered moot by the exemption of all petroleum products from allocation controls. Accordingly, the Application for Exception was dismissed.

Supplemental Orders

Caribou Four Corners, Inc., 4/2/81, BEX-0177

On its own motion, the DOE issued a Supplemental Order to Caribou Four Corners, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Kentucky Oil and Refining Co., Inc., 3/31/81, BEX-0165

On its own motion, the DOE issued a Supplemental Order to Kentucky Oil and Refining Co., Inc. on March 31, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Kentucky Oil and Refining Co., Inc. on March 27, 1981.

Laketon Asphalt Refining Company, 3/31/81, BEX-0164

On its own motion, the DOE issued a Supplemental Order to Laketon Asphalt Refining Company on March 31, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Laketon on March 27, 1981.

Navajo Refining Co., 3/30/81, DEX-0122

This proceeding involved a review by the DOE of the exception relief from the provisions of 10 CFR 211.67 which Navajo Refining Company received during its 1978 fiscal year. On the basis of the actual financial and operating data which Navajo provided for that year, the DOE concluded that the benefits that the firm received were insufficient. Accordingly, Navajo was granted additional entitlements benefits in the amount of \$488,850.

Navajo Refining Company, 3/31/81, BEX-0131

On December 12, 1980 the DOE issued a Proposed Decision and Order to Navajo Refining Company in which it tentatively determined that the exception relief which the firm actually received for its 1980 fiscal year was less than the amount of relief warranted under the *Delta* standards. Subsequently, the firm filed a Statement of Objections in which it contended that Navajo was entitled to a greater amount of additional relief for its 1980 fiscal year. In considering the firm's submission, the DOE determined that it was appropriate to apply the firm's actual marginal tax rate in order to calculate its after-tax income. The DOE also adjusted the firm's entitlement purchase obligation in order to account for a reporting error that the firm made during the period under consideration. On the basis of these adjustments, the firm was granted additional relief to compensate for the insufficient benefits which it received for its 1980 fiscal year. In addition, the Decision and Order sets forth the reasons that the resale profit adjustment is not applicable to the ROIC test.

Navajo Refining Company, 4/2/81, BEX-0178

On its own motion, the DOE issued a Supplemental Order to Navajo Refining Company on April 2, 1981 in connection with a final Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The supplemental

Order requires that Navajo submit certain financial and operating data to the DOE by April 15, 1981.

Navajo Refining Company, 4/3/81, BEX-0184

On its own motion, the Department of Energy amended a Decision and Order (BER-0103) which granted Navajo Refining Company exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program). The amendment was necessary in order to correct a computational error which was made in calculating the firm's average capital for the period under consideration.

Plateau, 4/2/81, BEX-0175

On its own motion, the DOE issued a Supplemental Order to Plateau, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Southland Oil Company/VGS Corporation, 4/1/81, BEX-0166

On its own motion, the DOE issued a Supplemental Order to Southland Oil Company/VGS Corporation on April 1, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Southland on March 30, 1981.

Southland Oil Company/VGS Corporation, 4/1/81, BEX-0166

On February 23, 1981, the DOE issued a Decision and Order to Southland Oil Company/VGS Corporation requiring that the firm purchase entitlements equal in value of \$7,651,617. Southland filed an Appeal of the February 23 determination with the Federal Energy Regulatory Commission. On March 26, 1981, the FERC Presiding Officer directed the Office of Hearings and Appeals to reconsider certain aspects of the February 23, 1981, Decision. The directive to reconsider the February 23 Decision was in response to comments which Southland had filed with the FERC in which Southland asserted that the DOE had made a calculation error in the determination. After reconsidering all aspects of the February 23 Decision the DOE determined that no calculational error had occurred as Southland had asserted. The DOE further found that an adjustment which it had made in reaching the February 23 Decision was erroneous and that Southland should therefore be required to purchase additional entitlements with a value of \$1,638,068.

Warrior Asphalt Company of Alabama, Inc., 4/2/81, BEX-0124

On its own motion, the DOE issued a Supplemental Order to Warrior Asphalt Company of Alabama, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an

Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Young Refining Corporation, 4/2/81, BEX-0176

On its motion, the DOE issued a Supplemental Order to Young Refining Corporation on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of § 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed without prejudice.

Company Name and Case No.

Putnam Fuels, Inc., BEE-0569
Samir's Shell & Auto Center, BEO-0732
Stephen J. Zona Sunoco, BEO-1131

The following submissions were dismissed without prejudice:

Name and Case No.

Alpha Park Public Library District, BEE-0322
Downtown Standard, DEE-6415
Farmland Industries, Inc., BEE-0054
John Wright Refinery, DEE-1417
Jones Oil, Co., Inc., DEE-7133
Murphys Exxon, BEO-0398
Stephen M. Shaw, BFA-0621, BFA-0620, BFA-0627
Stephen M. Shaw, BFA-0622, BFA-0625
Stephen M. Shaw, BFA-0628
Young Refining Corp., BEE-1038

[FR Doc. 81-13067 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Week of February 9 Through February 13, 1981

During the week of February 9 through February 13, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after

publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Brezhay,

Director, Office of Hearings and Appeals.
April 23, 1981.

National Distillers & Chemical Corporation, Washington, D.C., BRO-1384, natural gas liquid products

On February 10, 1981, National Distillers & Chemical Corporation, Washington, D.C. filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on January 19, 1981. In the Proposed Remedial Order the Central District found that during September 1973 to August 1978, National Distillers & Chemical Corporation sold natural gas liquid products at prices in excess of those allowed by the regulations.

According to the Proposed Remedial Order the overcharge violation resulted in \$102,778 (plus interest) of overcharges.

Peninsula Avenue Shell, San Mateo, California, BRO-1386, motor gasoline

On February 13, 1981, Peninsula Avenue Shell, 400 Peninsula Avenue, San Mateo, California 94401 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to June 10, 1980, Peninsula Avenue Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Peninsula Ave. Shell violation resulted in \$1,896.96 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Alameda Chevron, Alameda, California, BOR-1387, motor gasoline

On February 13, 1981, Alameda Chevron, 1802 Webster, Alameda, California 94501 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Alameda Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Alameda Chevron violation resulted in \$1,697.78 of overcharges. This Notice of Objection has been transferred to the

Western Regional Center of the Office of Hearings and Appeals for analysis.

Alemaney Chevron Service Center, San Francisco, California, BRO-1388, motor gasoline

On February 13, 1981, Alemaney Chevron Service Center, 1998 San Jose Ave., San Francisco, California 94112 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to January 30, 1980, Alemaney Chevron Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Alemaney Chevron Service Center violation resulted in \$3,222.74 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ben Sosbee's Service, San Jose, California, BRO-1389, motor gasoline

On February 13, 1981, Ben Sosbee's Service, 3151 Senter Road, San Jose, California 95111 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during May 1, 1980 to October 30, 1980, Ben Sosbee's Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Ben Sosbee's Service violation resulted in \$21,612.87 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

C. J. King Chevron, San Jose, California, BOR-1391, motor gasoline

On February 13, 1981, C. J. King Chevron, 403 S. Saratoga Ave., San Jose, California 95129 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to November 8, 1980, C. J. King Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the C. J. King Chevron violation resulted in \$4,736.86 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Charlie's Exxon Service, Milpitas, California, BRO-1392, motor gasoline

On February 13, 1981, Charlie's Exxon Service, 39 South Park Victoria Drive, Milpitas, California 95035 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 8, 1979, Charlie's Exxon Service, committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Charlie's Exxon Service, violation resulted in \$0,519.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Demitri's Arco, Pacifica, California, BRO-1393, motor gasoline

On February 13, 1981, Demitri's Arco, 2095 Coast Highway 1, Pacifica, California 94044 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Demitri's Arco committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Demitri's Arco violation resulted in \$0,367.19 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

East 14th Auto Clinic, Oakland, California, BRO-1394, motor gasoline

On February 13, 1981, East 14th Auto Clinic, 3750 East 14th Street, Oakland, California 94601 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, East 14th Auto Clinic committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the East 14th Auto Clinic violation resulted in \$4,268.29 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Hughes Burlingame Shell, Burlingame, California, BRO-1395, motor gasoline

On February 13, 1981, Hughes Burlingame Shell, 1490 Burlingame Avenue, Burlingame, California 94610 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Hughes Burlingame Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Hughes Burlingame Shell violation resulted in \$7,284.16 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Jerry's Shell Service, Milpitas, California, BRO-1396, motor gasoline

On February 13, 1981, Jerry's Shell Service filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 8, 1979, Jerry's Shell Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Jerry's Shell Service violation resulted in \$0,663.41 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Moury Chevron, Fremont, California, BRO-1398, motor gasoline

On February 13, 1981, Moury Chevron, 5300 Moury Avenue, Fremont, California 94538 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to May 21, 1980, Moury Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Moury Chevron violation resulted in \$20,322.19 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Pacifica Shell Service, Pacifica, California, BRO-1399, motor gasoline

On February 13, 1981, Pacifica Shell Service, 4475 Coast Highway, Pacifica, California 94044 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Pacifica Shell Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Pacifica Shell Service violation resulted in \$3,774.09 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Redhill Mobil and Towing, San Amilmo, California, BRO-1400, motor gasoline

On February 13, 1981, Redhill Mobil & Towing, 631 St. Francis Drake Boulevard, San Amilmo, California 94960, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Redhill Mobil & Towing committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Redhill Mobil & Towing violation resulted in \$4,589.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Shelter Creek Chevron, San Bruno, California, BRO-1401, motor gasoline

On February 13, 1981, Shelter Creek Chevron, 2101 San Bruno Avenue, San Bruno, California 94066 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during May 1, 1979 to November 13, 1979, Shelter Creek Chevron

committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Shelter Creek Chevron violation resulted in \$10,558.61 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Skycrest Shell, Daly City, California, BRO-1402, motor gasoline

On February 13, 1981, Skycrest Shell, 1000 King Drive, Daly City, California 94105 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Skycrest Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Skycrest Shell violation resulted in \$1,952.62 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Terry McGovern's Shell, Concord, California, BRO-1403, motor gasoline

On February 13, 1981, Terry McGovern's Shell, 2484 Alview Road, Concord, California 94520 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to July 7, 1980, Terry McGovern's Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Terry McGovern's Shell violation resulted in \$10,758.90 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

William Laraway Chevron, Campbell, California, BRO-1404, motor gasoline

On February 13, 1981, William Laraway Chevron, 1402 Camden Avenue, Campbell, California 95008 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to October 3, 1980, William Laraway Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the William Laraway Chevron violation resulted in \$11,156.48 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bud Exxon Service, Hayward, California, BRO-1390, motor gasoline

On February 13, 1981, Bud Exxon Service, 26115 Hesperian Boulevard, Hayward, California 94545 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to

November 13, 1979, Bud Exxon Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Bud Exxon Service violation resulted in \$8,774.43 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Miles Union Service, San Leandro, California, BRO-1397, motor gasoline

On February 13, 1981, Miles Union Service, 500 Bancroft Avenue, San Leandro, California 94577, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Miles Union Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Miles Union Service violation resulted in \$1,959.09 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Sayville, New York, BRO-1407, motor gasoline

On February 17, 1981, Stephen Slevinski, 188 Montauk Highway, Sayville, New York 11782 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods September 7, 1979 to October 4, 1979 and January 4, 1980 to January 17, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$441.00 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Northport, New York, BRO-1408, motor gasoline

On February 17, 1981, Stephen Slevinski, Route 25A and Laurel Road, Northport, New York 11768 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to March 11, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$54,918.31 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Farmingdale, New York, BRO-1409, motor gasoline

On February 17, 1981, Stephen Slevinski, 1050 Broadhollow Road, Farmingdale, New York 11735, filed a Notice of Objection to a Proposed Remedial Order which the DOE

Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period September 7, 1979 to October 4, 1979, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$483.00 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Bayshore, New York, BRO-1410, motor gasoline

On February 17, 1981, Stephen Slevinski, 5th Avenue and Sunrise Highway, Bayshore, New York 11704, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to January 9, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$27,573.43 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, West Islip, New York, BRO-1411, motor gasoline

On February 17, 1981, Stephen Slevinski, 540 Sunrise Highway, West Islip, New York 11795, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods September 7, 1979 to October 4, 1979; November 30, 1979 to December 14, 1979; January 4, 1980 to January 17, 1980; and February 29, 1980 to March 18, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$3,788.98 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Commack, New York, BRO-1412, motor gasoline

On February 17, 1981, Stephen Slevinski, 2211 Jericho Turnpike, Commack, New York 11725, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods August 16, 1979 to October 4, 1979 and January 4, 1980 to February 28, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$7,151.73 of overcharges. This Notice of

Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Commack, New York, BRO-1413, motor gasoline

On February 17, 1981, Stephen Slevinski, Jericho Turnpike and Veterans Highway, Commack, New York 11775, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to December 17, 1979, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in \$41,020.84 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Taverna Fuel Company, Inc., Staten Island, New York, BRO-1406, No. 2 heating oil

On February 17, 1981, Taverna Fuel Company, Inc., 7 North Street, Staten Island, New York, filed a Notice of Objection to a Proposed Remedial Order which the DOE Region III District Office of Enforcement issued to the firm on December 31, 1980. In the Proposed Remedial Order the Region III District found that during the period November 1, 1973 to March 31, 1980, Taverna sold No. 1 oil at prices in excess of those allowed pursuant to § 150.359(c) of the Cost of Living Council Phase IV Regulations and § 212.93(a) of the Mandatory Petroleum Price Regulations.

According to the Proposed Remedial Order the Taverna violation resulted in \$351,871.43 in overcharges. This Notice of Objection has been transferred to the Regional Center of the Office of Hearings and Appeals for analysis.

Caulkins Oil Company, Santa Fe, New Mexico, BRO-1405, crude oil

On February 17, 1981, Caulkins Oil Company, c/o Jason Kellahin, Esq., Kellahin & Kellahin, Post Office Box 1769, Santa Fe, New Mexico 87501, filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on January 19, 1981. In the Proposed Remedial Order the Rocky Mountain District found that during the period September 1, 1973 to January 31, 1978, Caulkins sold crude oil from certain oil-producing properties at prices in excess of the maximum lawful selling prices permitted by 10 CFR Part 212.

According to the Proposed Remedial Order the firm's violation resulted in \$32,126.48 of overcharges.

[FR Doc. 81-13110 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Action on Consent Order With Koch Industries, Inc.

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order As Final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199] that it has adopted the Consent Order with Koch Industries, Inc., executed on January 16, 1981 and published for comment in 46 FR 8100 on January 28, 1981 as a final order of DOE. The Consent Order resolves all civil issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period March 1973 through November 1980. To remedy any civil violations that may have occurred during the period, Koch has agreed to refunds totalling \$14 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Ten comments were received. OSC has considered those comments and determined that the Consent Order should be made final with the following modifications:

- (1) \$2 million has been added to the claims fund, providing a \$6 million fund;
- (2) All claims against the claims fund must be submitted within 60 days after the Consent Order has been made final;
- (3) The price reduction remedy has been deleted; and
- (4) The bank reduction component has been deleted.

The Consent Order is effective as an order of the DOE on April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, NW, Washington, D. C. 20461, (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Koch Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the Federal Register at page 8100, announcing the execution of a Consent Order between Koch and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the

Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Koch's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period March 1973 through November 1980 (the audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. Koch will refund \$4 million to certain utility customers.

3. Koch will refund \$4 million to certain state or local government or transportation customers.

4. Within fourteen days of the effective date of the Consent Order, Koch will place \$4 million in an escrow account for refunds on behalf of Koch's customers. The \$4 million will be used to satisfy judgements against Koch and to pay settlements between Koch and its customers, subject to the approval of OSC, for alleged violations of the federal petroleum price and allocation regulations. Claims should be addressed to Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201. Six months after the effective date of this Consent Order, the balance remaining in the fund will be distributed among the identified state and local government and transportation customers referred to in paragraph 3 above.

5. Koch will implement a price reduction of \$.03 per gallon in sales of motor gasoline at service stations owned by Koch until a total of \$2 million has been refunded.

6. Effective October 31, 1980, Koch will reduce its "bank" of unrecovered increased costs for motor gasoline to \$70 million, with \$45 million of that restricted in use, e.g., for price maintenance purposes as provided for in the Regulations. Effective October 31, 1980, Koch will also reduce its "bank" of unrecovered increased costs for propane to \$5 million.

7. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Koch's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the

confidentiality required by law of proprietary data received from Koch. The Consent Order also provides that Koch has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Koch nor a findings by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Modifications to the Consent Order

After careful consideration of the comments received in response to the Notice of Proposed Consent Order and further negotiations with Koch pursuant to paragraph 901 of the Consent Order, the following modifications to the Consent Order have been accepted by Koch:

- (1) \$2 million has been added to the claims fund to provide for a \$6 million fund for the satisfaction of judgments and the settlement of claims;
- (2) All claims against the claims fund must be submitted within 60 days after the Consent Order has been made final;
- (3) The price reduction remedy has been deleted; and
- (4) The bank reduction component has been deleted.

The bank reduction remedy, as more fully stated below, is an appropriate method of resolving outstanding compliance issues. Where the remedy is to take effect so close to the date of decontrol, the remedy's prospective impact is diminished or eliminated, and, therefore, the parties have determined that it should no longer be included as a component in this Consent Order. The price reduction remedy called for by the proposed consent order relied on a mechanism for determining a pass-through of reported increased costs as part of the remedy. While it is possible to construct a rollback remedy that does not rely on the regulatory concept of increased costs, the parties have agreed to an alternate means of refunding this \$2 million. Accordingly, the claims fund has been increased by the amount of the discontinued price reduction remedy. The residual portion of the claims fund is unaltered so that any leftover monies from the claims fund will be disbursed proportionately to the public utilities and state and local governments receiving money pursuant to paragraphs 401 and 402 of the Consent Order. As modified, the Consent Order provides for a more orderly claims procedure by requiring claimants, who purchased covered products from Koch, to submit a claim within 60 days after the Consent Order is finalized and to include a statement concerning the nature of the alleged overcharge. All claims should be addressed to William Pitcher, Esq., Koch

Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.

These modifications are discussed in greater detail below in response to specific comments.

Comments Received

OSC received ten comments, including two from organizations, the Transportation Group and the National Consumer Law Center, which were addressed to all nine Consent Orders published for comment on January 26, 1981. In addition, comments were received from a law firm representing three independent marketers, a transportation company, the Air Transport Association, the State of Minnesota, a fuel jobber and a wholesaler/retailer of petroleum products.

The Transportation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Association, the American Trucking Association, Inc., and the Association of American Railroads—whose members are large volume consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the Consent Orders announced in the January 26, 1981 Federal Register notices. The organization also evinced the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies is to achieve some form of restitution. To the extent that the Department's expedited audits identified violations to individual purchasers or classes of purchasers, the Consent Orders contain restitutionary remedies on their behalf. The audits, however, do not ordinarily result in the identification of specific customers who may have been overcharged for several reasons: First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and

because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult, if not impossible, task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies which achieve some form of restitution, wherever possible. In order to effect an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicate that refunds are factored into the fuel cost aspects of their rate making systems. Similarly, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities were located as well as a number of utilities themselves. They have agreed that receipt of any refund is contingent upon the passthrough of the refunds by the utilities to consumers. It has been determined that the customers of the utilities will receive the benefit of the refunds by operation of a fuel adjustment clause in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, reflected as direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to other remedies, e.g., that any benefit to the bank reduction remedy is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine

Consent Orders published for comment on January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and Federal Register notices are "extremely skimpy on relevant detail * * *." The DOE regulations, at 10 CFR 205.199j(A), require that a Consent Order "Set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that "[i]t settles and finally resolves all civil and administrative claims and disputes * * * relating to Koch's compliance with the federal petroleum price and allocation regulations * * *." Because the Consent Order constitutes neither an admission by the Company nor a finding by DOE that Koch has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, as NCLC acknowledges, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impinge upon OSC's prosecutorial discretion. Thus, OSC believes that it has provided the necessary information in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegotiation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available

from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: The legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. In negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. That reduction was determined to be a satisfactory resolution of the outstanding cost issues. However, decontrol pre-empts the intended prospective impact of such bank reductions on the firm's pricing: If the bank reduction were to take place while gasoline were still under controls, the reduction in the bank of costs available to support prices would have placed a restriction on the company's ability to increase prices. Furthermore, the end of the Consent Order period, November 30, 1980, is so close to the month of decontrol, January 1981, that the reduction has been substantially deprived of its ability to restrain prices in the intervening period by virtue of the company's anticipation of the effect of the bank reduction on its pricing practices. Since the bank reduction will not have the intended prospective effect, and since the Consent Order resolved all outstanding matters, obviating the need to address the amount of costs available to justify selling prices in the future, OSC has determined to eliminate this provision, paragraph 405, from the Consent Order. This modification does not indicate that the bank reduction is inappropriate in light of the disputes raised, but only that in light of the absence of any prospective effect on the company there is no prospective benefit to be derived from including such a provision in the order. Because the elimination of this provision does not alter the effect of the Consent Order, we have determined that the modification does not require that we provide an opportunity to file additional comments.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refund through to ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

A law firm representing three independent marketers submitted nearly identical comments for each of these companies, which took issue with several provisions of the Consent Order. According to these comments, insufficient information was provided as to the audit and any alleged regulatory violation, and the remedies were inadequate since the remedies did not equal the assumed amount of overcharges plus interest.

Before executing the Consent Order, OSC conducted an intensified and comprehensive audit to determine the company's compliance with the relevant DOE regulations during the period covered by the Consent Order. Upon completion of the audit, OSC and the company entered into an agreement which resolved the outstanding issues to avoid the possibility of protracted, complex and costly litigation. The Consent Order constitutes neither an admission by the company nor a finding by DOE that the company violated any federal petroleum price or allocation regulation. Because there was no finding of a regulatory violation or an overcharge, it would not be appropriate to state any of the preliminary claims and relate those claims to the remedies provided for in the Consent Order. Information provided in the audit is proprietary. Its disclosure may result in harm to the company's continued operations and would breach the confidentiality necessary to the negotiation process. Furthermore, it was stated in *U.S. Oil Company Inc., et al. v. DOE and Koch Industries*, No. 81-C-196

(E.D. Wisc., filed March 27, 1981), "the court is satisfied that, as a matter of law, the information set forth by the DOE in the proposed Consent Order complies with its own regulations requiring the setting forth of relevant facts upon which the order is based." Slip Op. at page 10.

In asserting that DOE should have disclosed the audit data, the comment contended that DOE's actions violated the Fifth Amendment, citing *Armstrong v. Manzo*, 380 U.S. 545 (1965), and that the agency's reliance on undisclosed data violates "fundamental fairness," citing *U.S. Lines v. Federal Maritime Commission*, 584 F.2d 519 (D.C. Cir. 1978).

Complying with the requirements of the Administrative Procedure Act, DOE has published a Notice of Proposed Consent Order and provided the public with details of the proposed agreement and an opportunity to provide meaningful comments. An agreement is finalized only after receiving and considering the public's comments. DOE, therefore, has fulfilled its statutory and regulatory obligations.

Armstrong v. Manzo, *supra*, is not relevant to this Consent Order. The Supreme Court held in that case that in an adjudicative hearing allowing a step-father to adopt his step-daughter, the court must give the natural father prior notice of such a hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not an adjudicative hearing and DOE has provided interested persons with adequate notice before any final action.

Similarly, *U.S. Lines v. Federal Maritime Commission*, *supra*, is not applicable here. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record in that hearing. There are no similar requirements for DOE Consent Orders.

The comments received from the law firm also included an assertion that the Consent Order permits the company to destroy its records. In relieving the company of its duty to comply with the recordkeeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records are no longer needed. The Court

in *U.S. Oil*, *supra*, noted that "the recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the defendants and other major oil refiners and producers were complying with the price regulations." Slip Op. at Page 6.

For a response to the concerns raised with respect to the bank reduction remedy, see the response to comments submitted by the National Consumer Law Center.

The Chicago and Northwestern Transportation Company questioned the amount of the payment which Koch will make to it based upon diesel fuel purchases made after 1976.

Payments to individual public utilities, state and local governments or transportation accounts are determined by a volumetric allocation based upon purchases of covered products during the period when these products were subject to the price and allocation regulations. Purchases made during the period when that product was decontrolled were not used to calculate the proportionate share of the payments to be made.

Because diesel fuel was decontrolled on July 1, 1976, purchases made from that date and on were not used to calculate the amount of the payment to be made. The payment being made to the transportation company reflects the company's proportionate share based upon the company's volumes purchased during the period of controls.

The Air Transport Association endorsed the Consent Order process and was supportive of the cash payment provisions. The Association desired more information as to the possible recipients of the payments under paragraphs 401 and 402 of the Consent Order and urged that payments be made on the basis of volumetric proportionality.

Payments to recipients are in fact based upon volumetric proportionality. As previously stated, the recipients of the payments are Koch customers who are public utilities, state and local governments or transportation accounts and who purchased products from the company during the period when those products were controlled.

A fuel jobber stated that refunds should be made to fuel jobbers since they have been overcharged. He and a wholesaler/retailer of petroleum products requested more information on the claims fund.

In response to comments from the Transportation Group, the OSOC stated that there has been no finding of overcharges to any Koch customers.

Payments were made to public utilities and transportation companies since in each case refunds are factored into the rate making process, which benefits the customers of these entities. The jobber and the wholesaler/retailer, however, may submit a claim under the claims fund. The fund may be used to satisfy a judgement or order by a court of law or an administrative body against Koch, or may result from any negotiated settlement that may be reached between Koch and another party, subject to OSC approval. Claimants are expected to set out the basis for their claims which include the notice of an overcharge and the amount claimed. In response to the inquiry concerning an amount per gallon to be disbursed from the claims fund, there is no fixed amount per gallon or any stated maximum on any claim beyond the \$6 million provided by the Consent Order. The claims fund was intended to provide all would be claimants with an alternative method of relief, rather than having to resort to litigation. To the extent that such claims are not settled, a private party may exercise his litigation option and secure adequate relief in that manner.

The other comments from the wholesaler/retailer concerning disclosing audit data, relieving Koch of its recordkeeping duties and requiring DOE to participate in all private litigation against Koch has been discussed above.

The State of Minnesota requested the release of information gathered by DOE as a result of its audit of the company and questioned the recordkeeping provision in the Consent Order. DOE's response to the NCLC comments and the comments submitted by the law firm representing independent marketers adequately deals with each of the respective issues.

Minnesota also expresses reservations with the provision which states that DOE will not voluntarily participate adversely to the company in any administrative or civil judicial proceeding relating to Koch's compliance with the federal petroleum price and allocation regulations settled by this consent order. The purpose of the Consent Order is to resolve the outstanding issues between DOE and the company. DOE's agreement to forego voluntary participation in private party litigation involving these issues conforms to the understanding between the company and DOE that such disputes are separate and apart from the matters resolved by this order. However, the agreement to avoid DOE involvement in such private actions does not bar DOE from complying with

any court order requiring the agency to participate in such litigation.

Having considered all comments submitted, DOE has determined that the Consent Order with Koch should be made final, with the modifications noted above, effective April 30, 1981.

Issued in Washington, D.C., April 23, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-12974 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1814-6]

The National Contingency Plan Draft Revision; Meetings

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Public Meetings on the draft revision of the National Contingency Plan.

SUMMARY: The National Contingency Plan currently provides a mechanism for response to discharges of oil and hazardous substances into surface waters of the United States. With the passage of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the National Contingency Plan must be revised to provide a multi-media approach not only for discharges of oil or hazardous substances into the surface waters of the United States, but also releases or possible releases of hazardous substances into ground water, air and on land. We expect the required revisions to improve the ability of Federal and State agencies to prevent or minimize damage to the environment and threats to people's health.

Date: May 18, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Old Faneuil Hall, Merchant Row, Boston, Massachusetts

Date: May 20, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Best Western Hotel, 600 N. Lakeshore Drive, Chicago, Illinois

Date: May 21, 1981, from 10:00 a.m. to 4:00 p.m.

Address: University of Texas, Health Science Center, Gooch Auditorium, 5323 Harry Hines Boulevard, Dallas, Texas

Date: May 22, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Hyatt Union Square, 345 Stockton, San Francisco, California

Date: May 28, 1981, from 10:00 a.m. to 4:00 p.m.

Address: National Academy of Sciences Auditorium, 2100 C Street, N.W., Between 21st and 22nd Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Steve Cohen, Environmental Protection Agency, Office of Hazardous Emergency Response, (WH-548-D), 401 M Street, S.W., Washington, D.C. 20460, Telephone (202) 382-2188

David Pickman, Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-7223

Greg Vanderlaan, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 886-6217

Charles Barnes, Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270, Telephone (214) 767-4075

Jo Ann Semones, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105, Telephone (415) 556-6925

SUPPLEMENTARY INFORMATION: The draft revised National Contingency Plan is expected to be published in the Federal Register in early May 1981. If for any reason the revised Plan is not published in the Federal Register on schedule, draft copies will be available at the above contacts by May 12, 1981.

Michael B. Cook,

Deputy Assistant Administrator for Hazardous Emergency Response.

[FR Doc. 81-13007 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-29-M

[EN-FRL 1803-8]

Approval of Revision to Illinois NPDES Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval of revision to Illinois National Pollutant Discharge Elimination System (NPDES) program.

SUMMARY: On April 23, 1981, the Administrator of EPA approved a revision to the Illinois NPDES program which provides for public participation in State enforcement actions. As a result of the decision in *Citizens for a Better Environment* (596 F.2d 720) States administering an NPDES program must provide for public participation in the State enforcement process in one of two regulated procedures. The effect of this revision for Illinois is that the Illinois Environmental Protection Agency will investigate and provide written responses to all written complaints from citizens and will publish notice, providing at least 30 days for public comment, on any proposed settlement of

an administrative or civil action directly related to the States' NPDES program.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Rashida Mims, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: Under Section 402(b) of the Clean Water Act (33 U.S.C. 1251, et seq.), States may be authorized to participate in the NPDES permit program if they satisfy certain minimum requirements. On October 23, 1977, Illinois was approved to administer the NPDES program within its borders.

On May 19, 1980, new regulations were promulgated by EPA (45 FR 33290, et seq.) which contain requirements established in response to the decision of the Court of Appeals for the Seventh Circuit in *Citizens for a Better Environment v. EPA*, 596 F.2d 720, petition for rehearing denied, 13 ERC 1095 (7th Cir. 1979). In that opinion the Court invalidated the Administrator's approval of the Illinois NPDES permit program on the grounds that EPA had failed to promulgate regulations providing for public participation in State enforcement actions. However, the Court stayed enforcement of its decision in order to allow EPA to promulgate remedial regulations and to review the adequacy of the Illinois program under these new regulations.

In response to the *CBE* decision, 40 CFR 123.9(d) specifies that States administering an NPDES program must provide for public participation in the State enforcement process by providing either: (1) authority which allows intervention as of right in any civil or administrative action to obtain certain remedies by any citizen having an interest which is or may be adversely affected; or (2) assurance that the State agency or enforcement authority will: (i) investigate and provide written responses to all citizen complaints of possible violations; (ii) not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule or regulation; and (iii) publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

In response to the regulations, Illinois chose option 2 and submitted to EPA two letters: one dated July 7, 1980, from the Director of the Illinois Environmental Protection Agency (IEPA) that the "IEPA will investigate and provide written responses to all

written complaints from citizens and will publish notice, providing at least 30 days for public comment, on any proposed settlement of an administrative or civil action to enforce any provision relating to the State's NPDES program filed at the request of IEPA"; and the other dated July 1, 1980, from the Office of the Attorney General of Illinois that the State "has a policy of not opposing citizen intervention in proceedings under the National Pollutant Discharge Elimination System in those cases where intervenors meet the statutory and regulatory requirements for intervention."

Before making a final decision as to the adequacy of the Illinois program under the new regulations, a 30-day public notice of the Illinois response was published in the *Federal Register* (45 FR 57768, August 29, 1980), and in the *Chicago Sun-Times* and *The State Journal-Register* newspapers on August 29, 1980. In addition, a public notice was mailed to over 2,300 interested persons and permit holders and the proposed action was published in the regional public participation publication, *Printout*, which has a wide distribution. As a result of the public notice announcements, only two responses were received, one supporting the State program submission and the other stating that the submission from Illinois does comply with the requirements of the new regulations but that the Illinois submission does not comply with public participation requirements as stated in the Clean Water Act, Section 101(e). This comment questions the adequacy of the new regulations, not the compliance by Illinois.

Since the Illinois submission meets the requirements of 40 CFR 123.9(d) regarding public participation in State enforcement actions, I have today approved the revision to the Illinois NPDES program to provide for public participation in State enforcement actions.

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis for all rules which are classified under the Executive Order as "major."

The approval of the Illinois NPDES permit program merely transfers responsibility for administration of the program from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not

have a significant impact on a substantial number of small entities and is not a "major" rule. It does not trigger the requirement for preparation of either a Regulatory Flexibility Analysis or a Regulatory Impact Analysis.

This notice 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 response to those comments are available for public inspection.

Dated: April 23, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

[FR Doc. 81-13006 Filed 4-29-81; 8:45 am]
BILLING CODE 6560-33-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports; Local Union Report EEO-3; Apprenticeship Information Reports EEO-2 and EEO-2E; Waiver of Filing Reports for Calendar Year 1980

At a duly constituted meeting on April 22, 1981, the Equal Employment Opportunity Commission voted to waive the requirement for filing the Local Union Report EEO-3 and the Apprenticeship Information Reports EEO-2 and EEO-2E for the calendar year 1980. The recordkeeping requirements for calendar year 1980 remain unchanged and are not waived. The Commission reaffirms its filing requirements for these reports on an annual basis including calendar year 1981.

Note.—Since the reporting requirements have been waived and no forms have been mailed to entities required to report, no further reporting action is required on 1980 reports.

Signed at Washington, D.C. this 22nd day of April 1981.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-12960 Filed 4-29-81; 8:45 am]
BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-259 etc.; File No. BPCT-791214KE etc.]

Comark Television, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 15, 1981.

Released: April 24, 1981.

In re applications of Comark Television, Inc., Daytona Beach, Florida, BC Docket No. 81-259, File No. BPCT-791214KE; Metrovision, Inc., Daytona Beach, Florida, BC Docket No. 81-260, File No. BPCT-800708KF; WTVV, Inc., New Smyrna Beach, Florida, BC Docket No. 81-261, File No. BPCT-800808KF; Daytona Broadcasting Co., Inc., Daytona Beach, Florida, BC Docket No. 81-262, File No. BPCT-800811KE; Life Style Broadcasting, Inc., Daytona Beach, Florida, BC Docket No. 81-263, File No. BPCT-800811KF; Daytona Beach Family Television, Inc., Daytona Beach, Florida, BC Docket No. 81-264, File No. BPCT-800811KG; Daytona Beach Television Corp., Daytona Beach, Florida, BC Docket No. 81-265, File No. BPCT-800811KH; for a television construction permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Comark Television, Inc. (Comark), Metrovision, Inc. (Metrovision), WTVV, Inc. (WTVV), Daytona Broadcasting Company, Inc. (Daytona Broadcasting), Life Style Broadcasting, Inc. (Life Style), Daytona Beach Family Television, Inc. (Family), and Daytona Beach Television Corporation (Daytona Beach TV) for a new commercial television station to operate on Channel 26, Daytona Beach, Florida;¹ (b) an informal objection and a petition to deny filed by Caloosa Television Corporation (Caloosa), licensee of Station WEVU(TV), Naples, Florida, against Comark; (c) a petition to deny filed by Daytona Beach TV against Metrovision;² (d) Family's motion for leave to amend its application and WTVV's comments thereon;³ and (e) related pleadings.

2. One applicant specifies New Smyrna Beach as its city of license, while the others specify Daytona Beach. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as

¹Pursuant to § 73.607(b) of the Commission's Rules, WTVV proposes New Smyrna Beach, Florida, as its principal community of license.

²Daytona Beach TV's petition is, in essence, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications*, 72 F.C.C. 2d 202 (1979).

³Family seeks to amend its application pursuant to Section 1.65 of the Commission's Rules to reflect recent changes in the other broadcast interests of its principals. WTVV argues that the amendment is untimely and seeks to improve Family's comparative position with respect to the diversification of media ownership. Family's motion will be granted, but no comparative preference will be accorded.

amended, whether a new station in New Smyrna Beach or Daytona Beach would best provide a fair, efficient, and equitable distribution of radio service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

3. Comark, Metrovision, and Daytona Beach TV have proposed transmitter sites that would be 199.4 miles, 203.8 miles, and 181.7 miles, respectively, from Caloosa's existing site, although Section 73.610(b)(1) of the Commission's Rules requires a minimum separation of 205 miles between cochannel UHF stations in Zone III. Consequently, the applicants respectively propose 5.6 mile, 1.2 mile, and 23.3 mile short-spacings.

4. On February 29, 1980, Caloosa, arguing that Comark has failed to request a waiver of our spacing requirements, filed its objection urging the Commission to return Comark's application as unacceptable for filing. On March 13, however, in response to the informal objection, Comark requested a waiver of § 73.610(b). On August 11, Caloosa, asserting that Comark has not demonstrated the unavailability of other non-short-spaced sites, filed its petition to deny. Comark responds that although there are 524 square miles in which to situate its tower and still meet all spacing requirements, 75 percent of that area is unusable because it consists of lakes, swampland, the Ocala National Forest, the Tomoka State Park, the Tomoka Wildlife Management Area, or areas near the two regional airports.

5. Metrovision and Daytona Beach TV have also requested waiver of § 73.610(b). Although Caloosa has not objected to either of these proposals (and one is significantly more short-spaced than the Comark proposal) the Commission must still evaluate the waiver requests. Since four of the applicants have proposed fully spaced sites, we cannot determine that fully spaced sites are unavailable to Comark, Metrovision, and Daytona Beach TV. Accordingly, Caloosa's informal objection and its petition to deny will be granted, and Caloosa will be made a party to the hearing. Spacing issues will be specified against Comark, Metrovision, and Daytona Beach.

6. Since we have not received determinations from the Federal Aviation Administration that Metrovision's, WTVW's and Daytona Broadcasting's proposed tower heights and locations would not constitute hazards to air navigations, issues regarding this matter are required.

Comark Television Inc.*

7. Comark proposes to purchase its equipment from Comark Communications, Inc. (CCI) on a deferred credit basis. Richard Fiore, David Smith, and LeRoy Wallace, the stockholders and officers of Comark, each owns 100 shares of CCI and holds the same offices in both corporations. Since Comark has failed to submit CCI's balance sheet, as required by FCC Form 301, Section III, Question 4 for non-manufacturer suppliers, we are unable to determine CCI's ability to supply the equipment. Accordingly, an issue with respect to the availability of equipment will be specified.

Metrovision, Inc.

8. Metrovision estimates that \$1,249,750 will be required to construct its proposed station and to operate it for three months, itemized as follows

Equipment (down payment)	\$450,000
(three months)	114,750
Land	50,000
Other	235,000
Operating costs, including studio rental (three months)	400,000
Total	\$1,249,750

To meet these expenses, Metrovision intends to rely on a \$2,000,000 loan from The Chase Manhattan Bank in New York and \$125,000 in assets consisting of prepaid expenses, current assets (securities account), and a donation. The bank letter merely states that Chase Manhattan has a "strong interest in pursuing the financing" of Metrovision's proposal; the letter does not meet the requirements of FCC Form 301, Section III, Question 4e, in that it fails to indicate a willingness to provide a loan showing the amount of the loan, terms of repayment, collateral required, and rate of interest to be charged. As to Metrovision's other proposed sources of funds, we cannot determine the net liquid assets available to the applicant.

*Comark has also applied for television stations to operate on:

Channel 49, Buffalo, New York
Channel 38, New Orleans, Louisiana
Channel 18, San Juan, Puerto Rico
Channel 51, Portland, Maine
Channel 62, Syracuse, New York

In addition, David Smith, who is Secretary-Treasurer, Director, and 33 percent owner of Comark, is the 4.8 percent owner of Commercial Radio Institute, Inc., which has interests in: WPTT-TV, Pittsburgh, Pennsylvania; WBFF-TV, Baltimore, Maryland; Channel 23, Columbus, Ohio (grantee); Channel 38, St. Petersburg, Florida (applicant); Channel 59, Indianapolis, Indiana (applicant); Channel 61, Wilmington, Delaware (applicant); Channel 61, Hartford, Connecticut (applicant).

Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

since its balance sheet was outdated, even upon the initial filing of its application. See FCC Form 301, Section III, Question 2a. Even assuming the currency of its balance sheet, Metrovision has failed to show which, if any, of its proposed \$1,249,750 in expenses are prepaid, whether the donation is in cash or in services, and whether "current assets (securities account)" are liquid or non-liquid. Consequently, we are unable to determine the availability of any funds to Metrovision, and an appropriate financial issue will be specified.

Daytona Broadcasting Company, Inc.

9. Daytona Broadcasting estimates that \$958,176 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (down payment)	\$447,750
(three months)	114,176
Building	100,000
Other	32,500
Operating costs (three months)	263,750
Total	\$958,176

The applicant fails to provide for the cost of leasing or purchasing its proposed transmitter site, so we are unable to determine exactly how much will be required to meet Daytona Broadcasting's construction and three month operating costs. Accordingly, an appropriate financial issue will be specified.

10. To meet these expenses, Daytona Broadcasting intends to rely on \$250,000 in stock subscriptions and \$950,000 in loans from its stockholders, Anthony Kupris and his six children, and an \$800,000 loan from the First National Bank of Atlanta. The children have not submitted balance sheets, and Kupris' balance sheet was nine months old upon the initial filing of Daytona Broadcasting's application and, therefore, outdated.* Consequently, we are unable to determine the availability of any funds through stock subscriptions or loans from stockholders. In that the applicant has demonstrated the availability of only \$800,000, an appropriate financial issue will be specified.

Life Style Broadcasting, Inc.

11. J. Kermit Coble, Secretary-Treasurer, Director, and 10.8% owner of Life Style, also has an ownership interest in Halifax Cable TV, Inc.

*The Kupris family has also committed \$1,200,000 to Gemini Broadcasting Company for a new television station to operate on Channel 16 in Little Rock, Arkansas (BPTC-791218KF).

(Halifax), Daytona Beach. Section 76.501(a)(2) of the Commission's cross-ownership rules prohibits the common ownership of a cable television system and of a television station whose predicted Grade B contour, as here, overlaps part of the cable system service area. Coble states that he will terminate his interest in Halifax if required as a condition to the grant of Life Style's application. Accordingly, in the event of a grant of Life Style's application, the construction permit will be conditioned to require Coble to terminate his interest, in Halifax.

12. Life Style has failed to submit the minority, racial, or ethnic breakdown of Daytona Beach as required by Question and Answer 9 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971). Further, the applicant has failed to indicate when its survey of community leaders was taken and what the ascertained problems were, as required by Questions and Answers 15 and 22 of the *Primer*. Accordingly, an appropriate ascertainment issue will be specified.

Daytona Beach Family Television, Inc.

13. In the event of a grant of Family's application, the construction permit will be conditioned to require Family to demonstrate that its proposed antenna will not alter the radiation patterns of AM station WNDB, Daytona Beach on the same tower.

*Daytona Beach Television Corporation**

14. Daytona Beach TV estimates that it will require \$1,580,635 to construct its proposed facility and to operate it for three months, itemized as follows:

Equipment (downpayment).....	\$877,000
(three months).....	223,835
Other, including land.....	230,000
Building.....	(1)
Operating costs (three months).....	250,000
Total.....	1,580,635

* Lessee.

To meet this requirement, Daytona Beach TV intends to rely on a \$1,600,000 (net \$1,533,333) loan from the Sun Bank

* Daytona Beach TV proposes to operate from a tower 1090 feet above ground. Section 1.1305(a)(2) of the Rules considers a tower in excess of 300 feet in height to be a major action within the meaning of the National Environmental Policy Act, and Section 1.1311 requires the submission of an environmental narrative statement from applicants proposing such major actions. Daytona Beach TV argues that it is exempt from this requirement, since its proposed site is 1.3 miles from two existing towers and, therefore, in an antenna farm; however, the 1.3 miles separation is too great to be considered an antenna farm. Consequently, Daytona Beach TV will be required to submit an environmental narrative statement within 20 days of the mailing of this Order.

of Volusia County and \$200,000 in stock subscriptions. However, the subscribers have demonstrated net liquid assets of only \$126,400. At no place in its application does Daytona Beach TV set out the cost of the building lease; however, in view of the fact that it would be improbable that Daytona Beach TV's cost to lease the building would exceed \$79,000 (the amount available to the applicant after it meets its other expenses), we will not specify an issue here as to Daytona Beach TV's availability of funds.

Conclusion and Order

15. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

16. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Comark Television, Inc.:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of the Section;

(b) whether broadcast equipment is available to the applicant as proposed;

(c) whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is qualified.

2. To determine, with respect to Metrovision, Inc.:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of the Section;

(b) whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation;

(c) whether the applicant has \$1,249,750 available for construction and three month operating costs; and

(d) whether, in light of the evidence adduced pursuant to (a)-(c) above, the applicant is qualified to construct and operate as proposed.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by WTUV, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

4. To determine, with respect to Daytona Broadcasting Company, Inc.:

(a) the cost of leasing or purchasing the applicant's proposed transmitter site;

(b) in light of the evidence adduced pursuant to (a) above, Daytona Broadcasting's total cost of construction and operation;

(c) the availability of financial resources in addition to the \$800,000 bank loan to meet the applicant's construction and operation costs;

(d) whether, in light of the evidence adduced pursuant to (a)-(c) above, the applicant is financially qualified to construct and operate as proposed; and

(e) whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

5. To determine, with respect to Life Style Broadcasting, Inc.:

(a) whether the applicant has complied with the provisions of Questions and Answers 9, 15, and 22 of the *Primer*;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified; and

(c) Whether there is a reasonable possibility that the tower height and location proposed by Life Style would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

6. To determine with respect to Daytona Beach Television Corporation:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of that section; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified.

7. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

8. In the event it is concluded from Issue 7 above that a choice between

applications should not be based solely on considerations relating to section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That the informal objection and the petition to deny filed by Caloosa against Comark are granted.

18. It is further ordered, That the petition to deny filed by Daytona Beach TV against Metrovision is dismissed.

19. It is further ordered, That the motion for leave to amend filed by Family is granted, but no comparative preference shall be accorded.

20. It is further ordered, That Caloosa Television Corporation is made a party respondent.

21. It is further ordered, That the Federal Aviation Administration is made a party respondent.

22. It is further ordered, That within 30 days of the mailing of this Order, Daytona Beach TV shall submit its environmental narrative statement as a supplement to its application.

23. It is further ordered, That, in the event of a grant of Life Style's application, the construction permit shall contain the following condition:

Prior to the commencement of operation, J. Kermit Coble shall certify to the Commission that he has severed all interest in or connection with Halifax Cable TV, Inc.

24. It is further ordered, That, in the event of a grant of Family's application, the construction permit shall contain the following condition:

During installation of the television antenna, AM station WNDB, Daytona Beach, shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements of the AM array shall be made and a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected. Before TV program tests are authorized, the results shall be submitted to the Commission along with a tower sketch of the installation in an application by Station WNDB to return to the direct method of power determination.

25. It is further ordered, That, to avail themselves of the opportunity to be

heard, the applicants and parties respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

26. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Acts of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-13068 Filed 4-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities; Key Banks, Inc.

Correction

In FR Doc. 81-11113, appearing at page 21697 in the issue for Monday, April 13, 1981, on page 21698, in the first column, in the third complete paragraph, in the first line, "Key Banks Inc." should have read "KEY BANKS INC."

BILLING CODE 1505-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review

Notice is hereby given that the Nuclear Regulatory Commission (NRC) by letter of February 18, 1981, subject: Post-TMI requirements for the Emergency Operations Facility (Generic Letter 81-10), requested confirmation of certain implementation dates or a schedule of new dates with a justification for any proposed delays. The reporting requirements were imposed without first submitting to and obtaining a clearance from the U.S. General Accounting Office prior to April 1, 1981, under the Federal Reports Act, 44 U.S.C. 3512 (1976). The request for information does not meet the criteria for use of the generic clearance R0072 cited in the NRC letter.

Section 3512(c) of title 44, United States Code, provided in part:

* * * an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and

(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. * * *

Accordingly, the Commission has no effective clearance of the reporting and recordkeeping requirements contained in the Generic Letter 81-10.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-13069 Filed 4-29-81; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Violation of Federal Reports Act

Notice is hereby given that the Nuclear Regulatory Commission has imposed reporting requirements on all power reactor licensees and license applicants under Generic Letter 81-11, dated February 22, 1981, without first submitting to and obtaining a clearance from the U.S. General Accounting Office prior to April 1, 1981, under the Federal Reports Act, 44 U.S.C. 3512 (1976).

Section 3512(c) of title 44, United States Code, provided in part:

* * * an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plan or forms to be used in the collection—

(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and

(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. * * *

Accordingly, the Commission has no effective clearance of the reporting and

recordkeeping requirements contained in the Generic Letter 81-11.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-13010 Filed 4-29-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health; National Cancer Institute

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, National Cancer Institute, May 14, 15, and 16, 1981. This meeting will be open to the public on May 14, 1981, Building 37, Conference Room 4E-06, National Institutes of Health, from 1:00 p.m. to 5:30 p.m. to discuss the scientific program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis, and from 7:00 p.m. to 10:00 p.m. for concept review of proposed Division of Cancer Biology and Diagnosis research projects. On May 15, 1981, Building 37, Conference Room 4E-06, National Institutes of Health, from 9:00 a.m. to 5:00 p.m. the open meeting will continue with discussion of the scientific program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 16, 1981, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the Division of Cancer Biology and Diagnosis, National Cancer Institute, 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.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A-03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4345) will furnish substantive program information.

Dated: April 16, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-12950 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-06-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, June 1, 1981 at the National Institutes of Health, Westwood Building, Conference Room 740, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public for approximately five to six hours from 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schrieber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20205, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, National Institute of Health.

[FR Doc. 81-12951 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-06-M

Aging Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on June 25-26, 1981, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on June 25, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 25, from 10:00 a.m. to adjournment on June 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-12942 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-06-M

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases, June 10, 1981 at the National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Conference Room 740, Bethesda, Maryland 20205.

The meeting will be open to the public on June 10 from 8:30 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463, the meeting of the Committee will be closed to the public on June 10 for approximately five to six hours from 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20205, telephone (301) 496-7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-12943 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Animal Resources Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, June 3 and 4, 1981, Conference Room 9, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on June 3 from approximately 1:00 p.m. to recess, during which time there will be a brief staff presentation on the current status of the Animal Resources and Primate Research Centers program, and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 3 from 8:00 a.m. to approximately 12:00 noon for the review, discussion, and evaluation of individual grant applications submitted to the Primate Research Centers Program, and on June 4 from 8:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences and Primate Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-12943 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its Subcommittees on May 28-29, 1981 at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland 20205.

The meeting will be open to the public on May 28 from approximately 9:00 to 9:30 a.m., and from 12:30 p.m. to approximately 5:00 p.m. On May 29 the meeting will be open to the public from approximately 8:30 a.m. to 9:30 a.m. This will be to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on May 28, 1981. The meeting of the full council will be closed from approximately 9:30 a.m. until adjournment on May 29 for the review, evaluation, and discussion of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide

summaries of the meetings and rosters of the council members as requested.

D. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.355, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-12944 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), June 4-6, 1981, National Institutes of Health, Building 2, room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 7:30 to 10:00 p.m. on June 4, from 9:00 a.m. to 4:30 p.m. on June 5, and from 9:00 to approximately 11:00 a.m. on June 6. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK intramural research program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 7:00 to 7:30 p.m. and 10:00 to 10:30 p.m. on Thursday, June 4, from 4:30 to 5:30 p.m. on June 5, and from approximately 11:30 a.m. to 12:30 p.m. on Saturday, June 6, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda,

Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N-222, Bethesda, Maryland 20205, (301) 496-4128.

Dated: April 16, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-12948 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, July 9 and 10, 1981 at the National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland 20205.

The meeting will be open to the public on July 9 from 8:30 a.m. to approximately 9:30 a.m. and on July 10 from 8:30 a.m. to approximately 9:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463, the meeting of the Committee will be closed to the public on July 9 from approximately 9:30 a.m. until adjournment and on July 10 from approximately 9:30 until the meeting adjourns for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-

7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-12948 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on June 4 and 5, 1981, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on June 4, 1981, from 9 a.m. to 3 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately the last two hours of the day on June 4, 1981, and eight hours on June 5, 1981. It is estimated that the closed session will occur on June 4 from approximately 3 p.m. to 5 p.m., and on June 5, 1981, from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone 301-496-7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building,

31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301-496-5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-821, Physiology and Biomedical Engineering; 13-859, Pharmacology-Toxicology Research; 13-862, Genetics Research; 13-883, Cellular and Molecular Basis of Disease Research; and 13-880, Minority Access to Research Careers (MARC))

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,
Deputy Director, NIH.

[FR Doc. 81-12947 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council and its subcommittees on May 31, June 1, 2, 1981 in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 1 at 8:30 a.m. to approximately 12:00 Noon, to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, on May 31 the Subcommittee meetings will be closed to the public from 8:30 a.m. to closing. The full Council meeting will be closed to the public for approximately the last four hours on June 1 and for approximately four hours on June 2. It is estimated that this will occur from 1:00 p.m. on June 1 and from 8:30 a.m. until adjournment on Tuesday, June 2, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room

637, Bethesda, Maryland 20205, (301) 496-7277.

A summary of the meeting and roster of the members may be obtained from the office of the Committee Management Assistant, NIADDK, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5765.

(Catalog of Federal Domestic Assistance Program No. 13.846-849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,
Deputy Director, NIH

[FR Doc. 81-12946 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the auditorium of Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on May 27 and 28, 1981.

The meeting will be open to the public from 8:45 a.m. to 4:00 p.m. on May 27. The preliminary agenda is as follows:

8:45 a.m.-11:30 a.m. Review of NIH/NTP Program in Chemical Disposition
11:30 a.m.-12:30 p.m. Report on the NTP Benzidine Initiative
1:30 p.m.-4:00 p.m. Review of NTP Program in Immunotoxicology

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 27 from 4:00 p.m. to adjournment for further evaluation of NTP programs in chemical disposition, and immunotoxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting on May 28 will be open to the public from 8:30 a.m. to adjournment. The preliminary agenda is as follows:

8:30 a.m.-10:30 a.m. Overview of Programs, Staffing, Resources, and Projected Initiatives
10:30 a.m.-11:30 a.m. Concept Review of NTP Contract Initiatives
11:30 a.m.-12:00 noon. Report and Recommendations on Warning Statements Concerning Hazard to Humans Based on Animal Test Results
12:00 noon-12:30 p.m. Other Business
1:30 p.m.-5:00 p.m. Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Twenty chemical nominations will be reviewed and are listed in the Federal Register Volume 46, page 21828, April 14, 1981.)

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Programs, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971, will furnish summary minutes of the meeting, rosters of Board members, directions to the South Campus, and other program information.

Dated: April 17, 1981.

David P. Wall,
Director, National Toxicology Program.

[FR Doc. 81-12952 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 11, 1981, at 7:00 p.m., a public information meeting will be held at the Chambersburg Community Service Center, 611 Chestnut Street, Trenton, New Jersey.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed Chambersburg Shopping Center, Trenton, New Jersey, an undertaking assisted by the city of Trenton that will adversely affect the Colorado Fuel and Iron Corporation Complex, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the city.

III. A statement by the New Jersey State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, 202-254-3495.

Dated: April 27, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-13083 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-10-M

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 21, 1981, at 7:00 p.m., a public information meeting will be held at the City Council Chambers, Savannah City Hall, corner of Bay and Bull Street, Savannah, Georgia.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of an office building at 21 Bull Street, Johnson Square. This undertaking is to be assisted by the city of Savannah with Urban Development Action Grant funds administered by the U.S. Department of Housing and Urban Development and will adversely affect the Savannah Historic District, Savannah, Georgia, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the Savannah Historic District by the City of Savannah.

III. A statement by the Georgia State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the Savannah Historic District.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Room 530, Washington, D.C. 20005, 202-254-3495; Attn: Don L. Klima.

Dated: April 27, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-13084 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Houston Oil and Minerals Corporation

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 Houston Oil and Minerals Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3740 and 3741, Blocks 391 and 393, Galveston 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, 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 24, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13065 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Pacific OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Pacific OCS. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 3-month period preceding this Notice.

Activity/operator	Location	FONSI date
Conoco, Exploration Plan.....	OCS-P 0322 ¹	Jan. 9, 1981.
Chevron, Exploratory Plan.....	OCS-P 0349, 0350 ²	Jan. 16, 1981.

¹ Fifty nine miles W. of Santa Barbara, California.

² Thirty five miles W.S.W. of Santa Barbara, California.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Pacific OCS are encouraged to contact one of the USGS offices in the Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Suite 160, Los Angeles, California 90017, (213) 688-2846.

District Supervisor, Oil and Gas Office,
Ventura District, Pacific OCS Region,
U.S. Geological Survey, 145 No. Brent
Street, Suite 202, Ventura, California
93003, (805) 648-5131.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Pacific OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Reid T. Stone,

*Acting Regional Conservation Manager,
Pacific OCS Region.*

[FR Doc. 81-12955 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[NM 44658]

New Mexico; Coal Exploration License Application

April 24, 1981.

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to coal exploration license application NM 44658, qualified members of the public are hereby invited to participate with Salt River Project Agricultural Improvement and Power District (Salt River Project), a "Public Body" pursuant to 43 CFR 3400.0-5(oo), on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. Participation in the exploration of these deposits is not limited to public bodies. The lands are located in San Juan County, New Mexico, and are described as follows:

New Mexico Principal Meridian, New Mexico

T. 23 N., R. 10 W.,

Sec. 5: All;

Sec. 6: Lots 1, 2, S½NE¼, E½SW¼, SE¼;

Sec. 7: All;

Sec. 8: N½.

T. 24 N., R. 10 W.,

Sec. 28: S½, NW¼;

Sec. 29: S½, NE¼;

Sec. 30: NE¼;

Sec. 31: Lots 1, 2, 3, E½, E½W½;

Sec. 33: NE¼, W½.

T. 23 N., R. 11 W.,

Sec. 1: Lots 3, 4, S½NW¼, S½;

Sec. 3: All;

Sec. 12: All.

T. 24 N., R. 11 W.,

Sec. 34: All;

Sec. 35: All.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Salt River Project, P.O. Box 1980, Phoenix, Arizona 85001. Such written notice must be received no later than May 31, 1981.

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management. A copy of the exploration plan as submitted by Salt River Project may be examined at the Bureau of Land Management State Office, Room 3031, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 81-12960 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31382]

Invitation To Participate in Coal Exploration Program; Application for License by Peabody Coal Co.

April 21, 1981.

Members of the Public are hereby invited to participate with Peabody Coal Company, in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Routt County in the State of Colorado:

T. 4 N., R. 88 W., 6th P.M.,

Sec. 8: Lots 1-4, S½ (All);

Sec. 9: Lots 1-4, S½ (All);

Sec. 10: Lots 1-4, S½ (All);

Sec. 11: Lots 3-4, N½SW¼;

Sec. 15: NW¼;

Sec. 16: N½.

T. 5 N., R. 88 W., 6th P.M.

Sec. 31: Lots 21-25;

Sec. 32: Lots 9-12;

Sec. 33: Lots 9-12;

Sec. 34: Lots 11, 12.

Containing 2853.38 acres, more or less.

Any party electing to participate in this proposed program must provide

written notice of that election to the Bureau of Land Management and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of

Adjudication, Colorado State Office,
Bureau of Land Management, Room
700, Colorado State Bank Bldg., 1600
Broadway, Denver, CO 80202

and

Mr. R. J. Cheeseman, Peabody Coal
Company, Rocky Mountain Division,
1901 Energy Court, Suite 200, Gillette,
WY 82716.qQ02

Such written notice must be received by the above indicated persons at the addresses shown not later than May 29, 1981.

A copy of the exploration plan, as submitted by Peabody Coal Company, is available for public review during normal business hours in the following office under Serial Number C-31382: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and the Bureau of Land Management, both agencies of the Department of the Interior, which will review the environmental aspects of the proposed exploration program before determining whether the license may be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton in the Colorado State Office of the Bureau of Land Management at Telephone Number (303) 837-3891. This notice is published pursuant to 43 Code of Federal Regulations, § 3410.2-1(d)(1).

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-12905 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 012261-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3165, July 31, 1963, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian**Revested Oregon and California Railroad Grant Land**

T. 34 S., R. 8W.,
Sec. 13, Lot 14.

Containing 0.94 acres in Josephine County,
Oregon.

The purpose of the withdrawal is to protect the recreational and scenic values associated with the Rogue River Scenic Corridor. The lands are currently segregated from operation of the public land laws generally. The overlapping Rouge River Wild and Scenic Rivers withdrawal segregates the land from operation of the mining and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 5, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 5, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the

undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P. O. Box 2965, Portland, Oregon 97208.

Dated: April 22, 1981.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 81-12967 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 18994-A]**Oregon; Proposed Continuation of Withdrawal**

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of February 13, 1929, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian**Public Water Reserve No. 118**

T. 18 S., R. 37 E.,

Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
Containing 120.00 acres in Malheur County,
Oregon.

The purpose of the withdrawal is to protect existing permanent water sources. The lands are currently segregated from operation of the public land laws generally, including non-metalliferous mineral location under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 5, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 5, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources.

We will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 22, 1981.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 81-12968 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31449]**Invitation to Participate in Coal Exploration Program; Application for License by Energy Fuels Corporation**

April 21, 1981.

Members of the Public are hereby invited to participate with Energy Fuels Corporation in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Routt County in the State of Colorado:

T. 4 N., R. 86 W., 6th P.M.
Sec. 7: Lots 10, 11, SE $\frac{1}{4}$
Sec. 8: Lot 4, SW $\frac{1}{4}$
Sec. 9: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 18: Lots 1-7, 9-16
Sec. 19: Lots 1-8, 10-14, N $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 30: Lot 4
T. 4 N., R. 87 W., 6th P.M.
Sec. 13: S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
Sec. 14: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
Sec. 23: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$
Sec. 24: All
Sec. 25: N $\frac{1}{2}$ N $\frac{1}{2}$
Sec. 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Containing 3421.03 Acres, more or less.

Any party electing to participate in this proposed program must provide

written notice of that election to the Bureau of Land Management and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202 and James D. Larson, President, Energy Fuels Corporation 3 Park Central, Suite 900 1515 Arapahoe Street Denver, CO 80202.

Such written notice must be received by the above indicated persons at the addresses shown not later than June 1, 1981.

A copy of the exploration plan, as submitted by Energy Fuels Corporation, is available for public review during normal business hours in the following office under Serial Number C-31449: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and the Bureau of Land Management, both agencies of the Department of the Interior, which will review the environment aspects of the proposed exploration program before determining whether the license may be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton, in the Colorado State Office of the Bureau of Land Management at Telephone Number (303) 837-3891. This notice is published pursuant to 43 CFR, 3410.2-1(d)(1).

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-12064 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-19]

APS/SDG&E Interconnection Project

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Supplement to the Draft Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a supplement to the draft environmental impact statement for the proposed APS/SDG&E Interconnection Project. This supplement to the draft document was prepared as a result of comments, suggestions, and requests by individuals and various public entities. The draft

document was released in August 1980. The California Public Utilities Commission (CPUC) was a joint lead agency for the preparation of this combined environmental document. The document also complies with the requirements of the California Environmental Quality Act.

DATE: Comments on the supplement will be accepted until June 26, 1981.

ADDRESS: Comments should be sent to: State Director (920), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

FOR FURTHER INFORMATION CONTACT: Stan Wagner, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Phone: (602) 261-4127.

SUPPLEMENTARY INFORMATION: The BLM and CPUC have prepared a combined environmental document on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct a 500KV transmission line and ancillary facilities from the Palo Verde Nuclear Generating Switchyard near Phoenix, Arizona, through the Yuma, Arizona area to the Miguel Substation near San Diego, California.

The document analyzes environmental effects of the proposal in addition to alternatives of various route alignments, no action, energy conservation and load management, alternative generating sources, and other transmission systems and technologies.

A limited number of copies are available upon request to the Arizona State Director at the above address.

Public reading copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-3706.

Phoenix District Office, BLM, 2929 W. Clarendon Ave., Phoenix, Arizona 85017, (602) 241-2501.

Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364, (602) 726-6300.

Office of Public Affairs, Bureau of Land Management, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240.

California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4541.

California Desert District Office, BLM, 1695 Spruce St., Riverside, California 92507, (714) 787-1462.

El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243, (714) 352-5842.

Public Meetings to receive oral or written comments on the supplement will be held as follows:

June 16, 1981; 7 p.m. Yuma—Civic and Convention Center (West Wing) 1440 Desert Hill Drive

June 17, 1981; 2 to 4 & 7 to 9 p.m. El Centro—Imperial Irrigation District Auditorium, 1285 Broadway

June 18, 1981; 2 to 4 & 7 to 9 p.m. San Diego—County Administration Center (Room 358) 1600 Pacific Highway

California Public Utilities Commission personnel will preside over the California hearings and BLM personnel over the hearing in Arizona. Oral comments should be limited to the 10 minutes.

Dated: April 24, 1981.

Clair M. Whitlock,

Bureau of Land Management State Director.

[FR Doc. 81-13048 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

Upland Petroleum Leasing—Alaska; Call for Areas of Interest and Comments, Upland Oil and Gas Leasing

Section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA) authorizes study and leasing of certain Federal lands for oil and gas purposes under the Mineral Leasing Act. The authorization pertains to Federal lands outside of the National Park System, the National Petroleum Reserve—Alaska, the Arctic National Wildlife Refuge, the National Wilderness Preservation System and National Monuments administered by the U.S. Forest Service, and any other areas where applicable law prohibits such leasing.

The Department of the Interior is seeking State, Native, industry, and other public views on establishing oil and gas lease priorities for applicable Federal lands, pursuant to the ANILCA, and on identifying significant environmental concerns associated with the possible leasing of those applicable areas. Preliminary studies and lease planning will be the immediate result of information gathering by the Department.

Lands under consideration for oil and gas leasing are shown on the accompanying map as shaded blocks 1 through 99. Specifically, the Department is interested in obtaining levels of interest for those areas. Expressions of interest should be described as either high, medium, or low for each identified block. Expressions of interest are to be for the entire block. Comments are also requested regarding specific areas

which should receive special consideration or be deleted because of environmental reasons. The reasons for deletion or special consideration should also be included.

Information gathered will be used to establish a preliminary ranking of areas under consideration for leasing and will also be considered in classifying and designating areas as favorable petroleum geological provinces pursuant to Section 1008 of the ANILCA.

In a parallel and separate effort and to assist the Department in accomplishing the study required under Section 1001 of the ANILCA in the Central Arctic area of Alaska, we are seeking similar expressions of interest

and comment on areas depicted on the enclosed map as blocks A through G.

Expressions of interest and comment for the areas under consideration for study and leasing must be submitted no later than June 17, 1981, and labeled "Alaska Oil and Gas Leasing Program" to:

For Refuge lands: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99501.

For BLM-administered lands: State Director (930), Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

For National Forest lands: Regional Forester, U.S. Forest Service, Federal

Office Building, Box 1628, Juneau, Alaska 99902.

For further information call the Bureau of Land Management at (907) 271-5069 in Alaska, or (202) 343-7722 in Washington, D.C.; the U.S. Fish and Wildlife Service (907) 276-3800 in Alaska, or (202) 343-4047 in Washington, D.C.; or the U.S. Forest Service at (907) 586-7247 in Alaska or (703) 235-8105 in Washington, D.C.

Ed Hastey,

Acting Director, Bureau of Land Management

Michael J. Spear,

Acting Director, U.S. Fish and Wildlife Service.

BILLING CODE 4310-84-M

UPLAND OIL & GAS LANDS UNDER CONSIDERATION FOR LEASING

ANILCA Lands Identification

Lands described in section 1008
managed by BLM

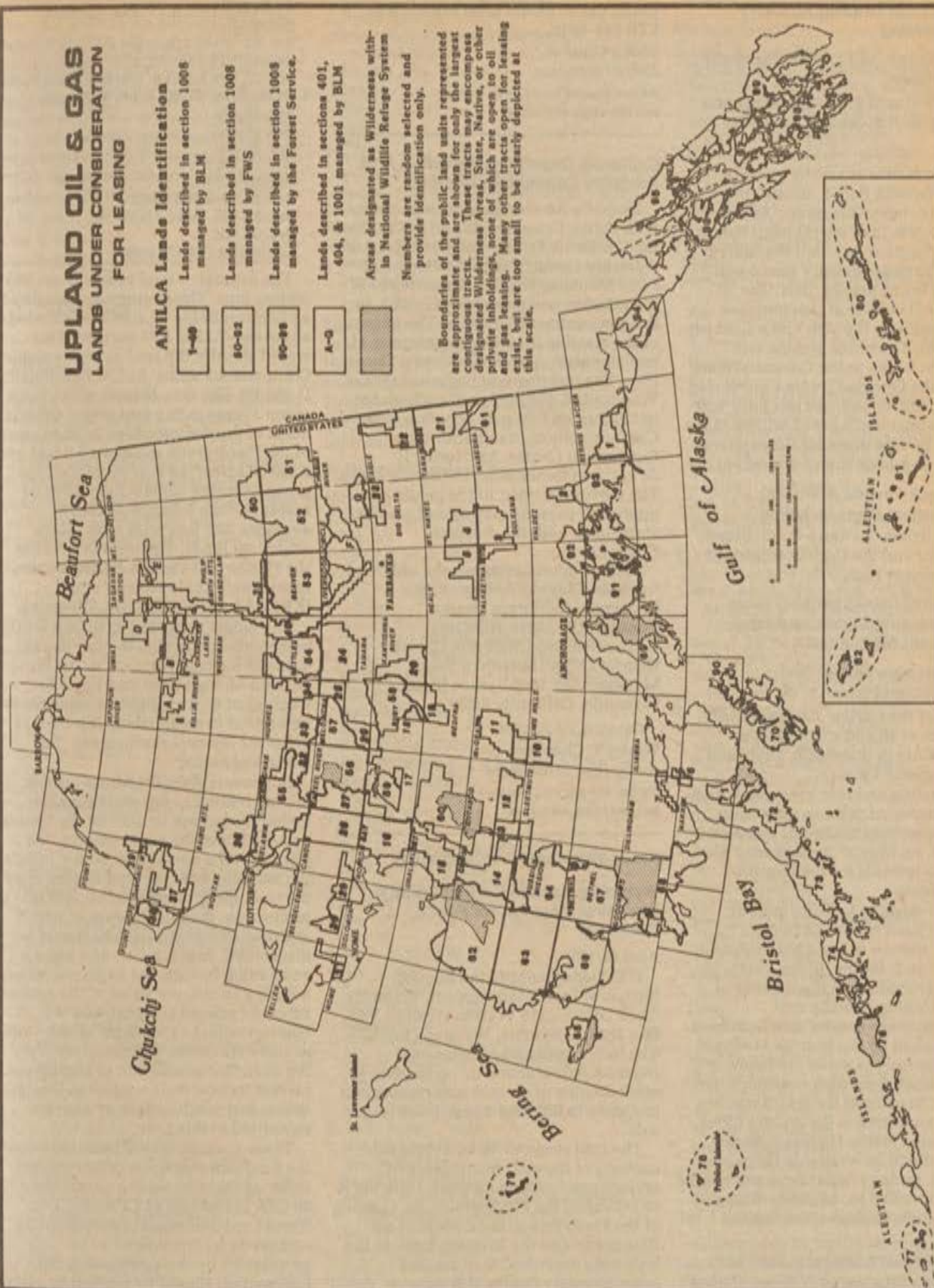
Lands described in section 1008
managed by FWS

Lands described in section 1008
managed by the Forest Service.

Lands described in sections 401,
404, & 1001 managed by BLM

Areas designated as Wilderness within
the National Wildlife Refuge System
Numbers are random selected and
provide identification only.

Boundaries of the public land units represented
are approximate and are shown for only the largest
contiguous tracts. These tracts may encompass
designated Wilderness Areas, State, Native, or other
private inholdings, none of which are open to oil
and gas leasing. Many other tracts open for leasing
exist, but are too small to be clearly depicted at
this scale.



Burley District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting and agenda for Burley district grazing advisory board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, that the Burley District Grazing Advisory Board will meet on May 27 and 28, 1981. The meeting will consist of two parts, an office session on the 27th and a field trip on the 28th. The office session will convene at 9 a.m. in the Commissioners' Room of the Oneida County Courthouse in Malad, Idaho, and will last until 4:30 p.m. A no-host lunch break will be taken at noon. Agenda items for the meeting will include a review and discussion of:

- (1) Bannock-Oneida Allotment Management Plans including Pleasantview, Samaria-South Stone revisions and the Curlew Allotment Management Plan;
- (2) Proposed fiscal year 1982 range improvement projects, and range betterment funds and;
- (3) The proposed Rangeland Improvement Policy.

A tour of the Curlew Allotment will commence at 10 a.m. on May 28 at Molley's Cafe in Snowville, Utah, and last until about 4 p.m.

The meeting and tour are open to the public. Interested persons may make oral statements to the Board between 3 and 4 p.m. on May 27, or they may file written statements for the Board's consideration.

Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by May 22. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager. Persons desiring to make the field trip should furnish their own transportation. Summary minutes of the Board meeting will be maintained in the district office at 200 South Oakley Highway, Burley, Idaho, and will be available for public inspection during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday, within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Inez Hanna, Information Officer, Burley District Office, Route 3, Box 1, Burley,

Idaho 83318. Phone (208) 678-5514 or FTS 554-6641.

Nick J. Cozakos,
District Manager.

[FR Doc. 81-13061 Filed 4-29-81; 8:45 am]
BILLING CODE 4310-84-M

California Desert Conservation Area Advisory Committee; Meeting

Notice is hereby given in accordance with Public Laws 92-463 and 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet May 27, 1981, in San Bernardino, California. The purpose of the meeting is to discuss progress of implementation of the California Desert Plan. The meeting will begin at 8:00 a.m., Wednesday, May 27, and is scheduled to adjourn by 5:00 p.m. Location is the California Room, San Bernardino Convention Center, 303 North "E" Street, San Bernardino, California 92418. The meeting is open to the public and interested persons may attend and file statements with the Advisory Committee.

Further information may be obtained from Mr. Clayton A. Record, Jr., Chairman, California Desert Conservation Area Advisory Committee, c/o California Desert District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: April 22, 1981.

Wesley T. Chambers,
Acting District Manager.

[FR Doc. 81-13062 Filed 4-29-81; 8:45 am]
BILLING CODE 4310-84-M

[Coal Lease Application (W-50061)]

Wyoming; Land in Carbon County, Wyoming; Request for Public Comment

April 23, 1981.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of the coal recoverable by underground mining methods from the A to D zone of the Finch group, the G seam of the Finch group, the E seam of the Blue group and the Johnson seam in the following described land located approximately twelve (12) miles southeast of Hanna, Wyoming:

T. 21 N., R. 79 W., 6th P. M., Wyoming
Sec. 8, all;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½, (all);
Sec. 20, N½ and SW¼;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½, (all).
T. 21 N., R. 80 W., 6th P. M., Wyoming
Sec. 12, all;
Sec. 14, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, W½ and SE¼;
Sec. 32, E½, and SE¼SW¼;
Sec. 34, all.
Containing 7,065.75 acres.

The estimated total reserves are 319 million tons. The average coal quality is as follows: BTU—11,100/lb., Sulfur—0.55 and Ash—7.25 to 8.74 percent. This would classify the coal as high volatile C bituminous under ASTM Specification D 388-66. The A to D zone of the Finch group averages 16.5 feet over 1,702.00 acres of the described lands; the G seam of the Finch group averages 6.9 feet over 2,560.00 acres; the E seam of the Blue group averages 3.3 feet over 3,542.00 acres; and the Johnson coal bed averages 22.5 feet thick over all the described lands. The tract lies within the Hanna and Carbon Basins known recoverable coal resource area (KRCRA), Carbon County, Wyoming.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the

submission. Information so marked will not be available to the public if it meets exemptions in the Freedom of Information Act. Comments should be sent to both the State Director, Wyoming State Office, Bureau of Land Management, at the above address, and to the Conservation Manager, North Central Region, U.S. Geological Survey, 100 East "B" Street, Room 4130, Casper Wyoming 82601, to arrive no later than May 29, 1981.

William S. Gilmer,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13063 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 18773]

Exchange of Public and Private Lands in Malheur and Harney Counties, Oregon; Notice of Realty Action

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian, Oregon

Harney County

- T. 36 S., R. 36 E., W.M.
Sec. 5, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 8;
Sec. 8;
Sec. 18;
Sec. 20;
Sec. 30;
Sec. 32.
T. 37 S., R. 36 E., W.M.
Sec. 8;
Sec. 8;
Sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18;
Sec. 19;
Sec. 20;
Sec. 21, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 22;
Sec. 24, W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 26;
Sec. 35.
T. 38 S., R. 38 E., W.M.
Sec. 13, Lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Total 10,345.36 acres in Harney County.

Malheur County

- T. 35 S., R. 37 E., W.M.
Sec. 4, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 30, Lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31, Lots 1, 2, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 32;
Sec. 33, S $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 34.
T. 36 S., R. 37 E., W.M.

- Sec. 5, Lots 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 7, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8;
Sec. 18;
Sec. 20;
Sec. 30;
Sec. 32.
T. 37 S., R. 37 E., W.M.
Sec. 30, Lots 18, 20 and 21;
Sec. 31, Lots 2, 3, 4, 7, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.
T. 38 S., R. 39 E., W.M.
Sec. 18, Lots 4, 5, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Total 8,494.43 acres in Malheur County.

Comprising 18,839.79 acres of public land in Harney and Malheur Counties, Oregon. In exchange for these lands, the Federal Government will acquire scattered tracts of private land in Harney and Malheur Counties from Whitehorse Ranch, Inc. described as follows:

Willamette Meridian, Oregon

Harney County

- T. 32 S., R. 25 E., W.M.
Sec. 36.
T. 35 S., R. 34 E., W.M.
Sec. 7, Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$;
Sec. 21;
Sec. 23, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 25;
Sec. 27, S $\frac{1}{2}$, NW $\frac{1}{4}$;
Sec. 31, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 35.
T. 36 S., R. 34 E., W.M.
Sec. 3;
Sec. 5, Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 35 S., R. 35 E., W.M.
Sec. 17, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19.
T. 36 S., R. 35 E., W.M.
Sec. 5, SE $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$.
T. 35 S., R. 36 E., W.M.
Sec. 31, Lot 4.
T. 37 S., R. 36 E., W.M.
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 38 S., R. 38 E., W.M.
Sec. 19, Lot 4, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 21, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, Lot 1;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 39 S., R. 38 E., W.M.
Sec. 2, Lot 4.

Total 9,623.58 acres in Harney County.

Malheur County

- T. 35 S., R. 37 E., W.M.
Sec. 1, Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 2, Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 3, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 4, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 9;
Sec. 10, E $\frac{1}{2}$;
Sec. 11, W $\frac{1}{2}$;
Sec. 12, NE $\frac{1}{4}$.
T. 36 S., R. 37 E., W.M.
Sec. 1;
Sec. 3, Lots 1, 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 11;
Sec. 13;
Sec. 15;
Sec. 23;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 27, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, SW $\frac{1}{4}$;
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$.
T. 37 S., R. 37 E., W.M.
Sec. 5, Lot 2, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 17, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 33 S., R. 38 E., W.M.
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 35 S., R. 38 E., W.M.
Sec. 7, SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 19, Lots 1, 2, 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 33 S., R. 39 E., W.M.
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 32 S., R. 40 E., W.M.
Sec. 3, N $\frac{1}{2}$ of Lot 3.
T. 36 S., R. 40 E., W.M.
Sec. 5;
Sec. 7, Lots 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22;
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 19, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.
T. 37 S., R. 40 E., W.M.
Sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 31 S., R. 41 E., W.M.
Sec. 31, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Total 15,556.45 acres in Malheur County.

Comprising 25,180.03 acres of private lands in Harney and Malheur, Oregon. The purpose of the land exchange is to facilitate multiple use management of the

public lands and acquire private lands which will benefit and support a multiple use federal program. These multiple use values include wildlife and wild horse habitat areas; fish habitat on Willow Creek for the Whitehorse Cutthroat Trout (a sensitive species), and cultural resource values.

The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to fully equalize the values upon completion of the final appraisal of the lands.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The terms, conditions, covenants, and reservations applicable to the land exchange are:

1. The public and private lands described above will be subject to the value equalization and adjustment for title and mineral problems, wilderness and cultural resource values and any other management reasons which may become apparent in the final stage of consummation of the land exchange.

2. The public lands will be exchanged subject to all valid existing rights, including any rights-of-way, easements, and leases of record.

3. The following described public land has been encumbered by 51 lode mining claims and will be eliminated from the exchange unless the claims are relinquished:

Harney County

T. 37 S., R. 36 E., W.M.

Sec. 17, S $\frac{1}{2}$ S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 20;

Sec. 21, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$,

S $\frac{1}{2}$ NW, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

1280 acres.

4. Where possible, the full fee estate will be exchanged. This will not be possible for all the lands involved as the mineral estate of portions of the private land is already owned by the United States or is encumbered by third party interests. The United States will convey the mineral estate to the public lands in an acreage as nearly equal to the mineral estate of the private lands acquired as practicable. As to the remaining public lands, the United States will reserve minerals to the extent they are known or reported to be valuable or prospectively valuable.

5. Roads identified as BLM owned and which are necessary for public access and/or land management will be retained by requiring the proposed grantee to convey easements concurrently with issuance of patent, rather than reserving roads in the patent documents.

Detailed information concerning the land exchange, including the Environmental Analysis, Official Land Report, and the record of public discussion, is available for review at the Vale District Office, 365 A Street West, (P.O. Box 700), Vale, Oregon 97918.

For a period of 45 days interested parties may submit comments to the Chief, Branch of Lands and Minerals Operations, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 23, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13053 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision Notice

As indicated by the findings below, the commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the

transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-79004. By decision of February 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Wrights Van and Storage, Inc. of Certificate No. MC-136389 (Sub-No. 1) issued December 14, 1972 to Wright's Moving and Storage, Inc. authorizing the transportation of used household goods, between New Albany, IN on the one hand, and on the other, points in Brown, Barthelomew, Jackson, Jennings, Jefferson, Switzerland, Ohio, Scott, Washington, Clerk, Crawford, Floyd and Hanson Counties, IN.

Applicant's representative: Mr. Robert Warrall, Vice President, Wright's Van & Storage, Inc., 128 West Main Street, New Albany, IN 47150.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-1310 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We Find

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the

relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, The Motor Carrier Board, Members Krock, Joyce, and Dowell.

MC-FC-78512. By decision of April 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Bickford Transportation, Inc., of Yarmouth, ME, of Certificate No. MC-44250 issued to Sullivan & Hansberry Moving & Storage Inc. (Indian Head National Bank, Secured Party) of Nashua, NH, authorizing: *Woodwork, and materials, supplies, and equipment incidental to the manufacture and assembly of woodwork, Between Nashua, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of a line beginning at the Vermont-New York State line and extending along U.S. Highway 11 to junction unnumbered highway (formerly portion U.S. Highway 11), thence along unnumbered highway through Perrys Mills, N.Y., to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. Woodwork, and materials, supplies, and equipment incidental to the manufacture and assembly of woodwork, restricted to shipments picked up as a part of an original order leaving Nashua, N.H. From Boston and Somerville, Mass., to points in the above-described territory. Woodwork, and materials, supplies, and equipment incidental to the manufacture and assembly of woodwork, in truckload lots, From Boston and*

Somerville, Mass., to Bristol, Meriden, and Hartford, Conn., and points in Rhode Island, Asbestos products, From Nashua, N.H., to New York, N.Y., and points in Maine and Vermont, Ironing boards, medicine cabinets, sashes, windows, and door cases, Between Fitchburg, Mass., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of a line beginning at the Vermont-New York State line and extending along U.S. Highway 11 to junction unnumbered highway (formerly portion U.S. Highway 11), thence along unnumbered highway through Ferrys Mills, N.Y., to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. Nails, window weights, and trim and finish, Between Worcester, Mass., on the one hand, and, on the other, points in the above-described Territory. Household goods as defined by the Commission, Between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Florida, West Virginia, Ohio, Michigan, Illinois, and the District of Columbia. Between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Wisconsin, Indiana, and South Carolina. Applicant's representative: Erving H. Bickford, RR #1, Box 333, Yarmouth, ME 04096. TA lease is sought. Transferee is a carrier.

MC-FC-78869. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number approved the transfer to (transferee, city and state) Capitol Movers, Inc. Dover Delaware of Certificate No. MC-133536 Sub 1 and Sub 2 issued (date) June 24, 1970 to (transferor's name, city and state) authorizing the common carrier transportation over irregular routes: Sub (1) *Used household goods, between points in Delaware points in Northampton and Accomack Counties Va., and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, Md. Sub (2) Household goods, as defined by the*

Commission. Between points in Delaware, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia. Applicant's representative is: J. Richard Berry, President, Capitol Movers, Inc., 773 N. DuPont Highway, Dover, Delaware 19901.

MC-FC-78955. By decision of March 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Alabama Storage Company, Inc., DBA Alabama-Mayflower, Birmingham, AL 35211 of certificate No. MC-26544 (Sub-No. 2) issued (date) May 6, 1975 to Alabama Storage Company, Inc., (X & Y Corp.), Dothan, AL 36301 authorizing the transportation of *used household goods, Between points in Calhouns, Cherokee, Clay, Clerburne, Etowah, Randolph, Saint Clair, Talladega, De Kalb, Bibb, Blount, Cullman, Fayette, Jefferson Lamar, Marion, Pickens, Shelby, Tuscaloosa, Walker and Winston Counties, Ala. Applicant's representative is: Jim Laftin, P.O. Box 1333, Dothan, AL 36302. No TA application has been filed. Transferee holds no authority.*

MC-FC-79051. By decision of April 7, 1981, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the lease for one year to Walter Mark Boka DBA Boka Freightline of Certificate of Registration No. MC-120647 (Sub-No. 1) issued August 17, 1964 to T.R. Henningsen dba Henningsen Freightlines, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Montana Public Service Commission certificate of public convenience and necessity No. 2753 dated July 28, 1960, subject to the following condition: Applicant furnish a certified copy of the order permitting the lease of the corresponding intrastate certificate. The lease has been limited to a one year period to correspond to the term permitted by the Montana Public Service Commission. The Certificate of Registration authorizes the transportation of property over U.S. Highway No. 91, between Batte, MT, and Onida, MT. Applicant's Representative is: Max A. Hansen, Attorney and Counselor, P.O. Box 1301, 230 North Idaho Street, Dillon, Montana 59725, (406) 683-4301.

MC-FC-79064. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Blue Water Transport, a

Division of International Movements, Inc., of Pasadena, MD, of Certificate No. MC-84751 and Subs 3 and 4 issued to Merchants Storage Company of Virginia, of Alexandria, VA. (Richard A. Bartl, authorizing the transportation of trustee in Bankruptcy) *Used automobiles*, in Driveaway service, from Washington, DC, to New York, NY, and points in New York and New Jersey within ten miles of New York, NY; Baltimore, MD, Portsmouth, Newport News, and Norfolk, VA, and Philadelphia, PA., with no transportation for compensation on return except as otherwise authorized, subject to certain restrictions.

Household goods as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points within 100 miles of the District of Columbia. Between Park, MD, Alexandria, VA, points in Arlington County, VA, and points in Maryland within ten miles of Takoma Park, MD, on the one hand, and, on the other, points in Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida. *Household goods* as defined by the Commission, and *soda fountain equipment*, between Washington, DC, on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida. *Used Household Goods* Between the District of Columbia, Alexandria, VA, and points in Montgomery, Howard, Frederick, Carroll, Baltimore, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, MD, Baltimore, MD, and points in Arlington, Fairfax, Prince William, Stafford, Spotsylvania, King George, Fauquier, and Loudoun Counties, VA, subject to certain restrictions *Household goods*, Between Washington, DC, on the one hand, and, on the other, points in Illinois, Ohio, Connecticut, Kentucky, Massachusetts, West Virginia, Vermont, and Maine. Applicant's representative: Alan F. Wohlsterter, 1700 K St., N.W., Washington, DC 20006. Transferee is not a carrier. TA lease is not sought.

FC-79066. By decision of April 7, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to Douglas Kriebel D/B/A Doble and Kriebel of Certificate No. MC-59281 and No. MC-59281 (Sub-No. 2) issued December 29, 1958, and February 23, 1955 respectively to George Kriebel D/B/A Doble Kriebel authorizing the transportation No. MC 59281 of *Household goods* as defined by the

Commission, from Philadelphia, PA., and points within 10 miles thereof, to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, with no transportation for compensation on return except as otherwise authorized, and in No. MC-59281 (Sub-No. 2) of *Household goods*, as defined by the Commission, between points in Philadelphia County, PA, on the one hand, and on the other, points in Pennsylvania, Maryland, New Jersey, New York, and the District of Columbia. Applicant's representative is: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046.

MC-FC-79068. By decision of April 2, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to E & H Tours, Inc., of License No. MC-12290 issued February 13, 1970 to Bliss Tours, Inc., in arranging the transportation as a broker at New York, NY, of passengers and their baggage, between New York, NY on the one hand, and, on the other, points in the United States (except Aneria, Copake and Kent, NY, Salisbury, CT; and points in Alaska and Hawaii). Applicant's representative is: Elson & Halpenn, Attorney At Law, 40 Exchange Place, New York, NY 10005.

MC-FC-79069. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Wiegmann Co., Inc., of Carnegie, PA, of Certificate No. MC-21788 (Sub-No. 2) F issued to J.A. Grimm & Wheeling Motor Express, Inc., of Pittsburgh, PA, authorizing: General Commodities (usual exceptions), between Waynesburg, PA, on the one hand, and, on the other, Washington, Brownsville, Point Marion, and Pittsburgh, PA, and between Carmichaels and Uniontown, PA, all over defined regular routes, serving named intermediate and off-route points. *Household goods* and machinery and equipment used in the petroleum industry, between points in Greene County, PA, on the one hand, and, on the other, points in New Jersey, Maryland, New York, West Virginia, Virginia, Ohio, and * * *. Applicant's representative: John A. Pillar, 1500 Bank Tower, 307 Forth Avenue, Pittsburgh, PA 15222.

MC-FC-79072. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to (transferee, city and state) Pacific Intermodal Transport, Inc. Bothell,

Washington, of Certificate No. MC-125551 (portion) and MC-125551 Sub 16 F issued (date) December 3, 1969 to (transferor's name, city and state) K & W Trucking Co., Inc. St. Cloud, Minnesota authorizing the common carrier transportation over irregular routes of (1) *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 Alaska with the pertinent restrictions. Sub (2) *General commodities* (except classes A and B explosives), between points in the commercial zone of Seattle, WA, restricted to traffic having a prior or subsequent movement by water. Applicant's representative is: Robert D. Gisuold (612) 333-1341, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402.

MC-FC-79074. By decision of April 12, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Rockingham Enterprises, Inc. of Permit No. MC-6607 (lead and Sub-No. 11, 12, 14, and 16) issued to J. J. Minehan, Inc., authorizing the transportation of (1) lead, sugar and related products, hides, dairy products, containers, veneer, fresh meats, canned goods, syrup, paper, potatoes, cotton and cotton waste, Navy food equipment and related items, meat, fish, agricultural commodities, packing house products, groceries, and related products, salvage (2) Sub-11 paper place mats, sugar fence kits, under contract with Armstar Corporation of New York, NY (3) Sub-12 corn products, sugar and blends under contract with Revere Sugar Corporation of Charlestown, MA and Armstan Corporation, of New York, NY (4) Sub-14—same commodities CPC International, Inc., of Englewood Cliff, NJ and (5) Sub-16—water under contract with General Dynamics Corporation, Electric Boat Division, Groton, CT, and generally from and to points in Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire and Vermont. Applicant's representative is: Frederick T. O'Sullivan, Esq., P.O. Box 2184, Peabody, MA 01960.

MC-FC-79078. By decision of April 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Jim and Bee Inc., of Ore City, TX of Certificate No. MC-68100 (Sub-No. 41F), issued July 23, 1980 to D.P. Bonham Transfer, Inc. of Bartlesville, OK authorizing the transportation of *coal tar pitch*, *coal tar pitch products* and *coal tar pitch by-products* between

the facilities of Reiley Tar & Chemical, at or near Lone Star, TX, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). Transferee presently holds no authority from the Commission. TA has not been filed. Applicants' representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601.

MC-FC-79081. By decision of April 3, 1981 issued under 49 U.S.C. 10926 and the transfer at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Leonard M. Moyers and Leeman M. Moyers, partnership, d.b.a. Moyers Transfer, of Middleboro, KY, of Certificate No. MC-106759 issued November 13, 1980, to Kenneth Spangler, individual, d.b.a. Kenneth Spangler Moving and Storage of Middlesboro, KY, authorizing the transportation of *household goods*, as defined by the Commission, between points in Bell County, KY, Claiborne County, TN, and Lee County, VA, on the one hand, and, on the other, points in Kentucky, Tennessee, Virginia, West Virginia, Ohio, Indiana, Michigan, North Carolina, South Carolina, Georgia, and Alabama. *Caskets*, between Middleboro, KY, and Cumberland Gap, TN. Applicant's representative is: George M. Catlett, Attorney, Suite 708, McClure Building, Frankfort, KY 40601, (502) 227-7384. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-79082. By decision of April 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Curtis D. Gunn and Daniel J. Gunn, partnership, d.b.a. Stan's Vans, of Long Beach, CA, of Certificate No. MC-129912 (Sub-No. 1), issued November 21, 1968, and No. MC-129912 (Sub-No. 2), issued July 14, 1970, to Stanley Levinson, d.b.a. Stan's Vans, of Long Beach, CA, authorizing the transportation in No. MC-129912 (Sub-No. 1) of *household goods* as defined by the Commission, between points within 25 miles of Los Angeles, CA, including Los Angeles. In No. MC-129912 (Sub-No. 2) of *used household goods*, between points in Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, Imperial, and Santa Barbara Counties, CA. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing,

crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Applicant's representative is: Milton W. Flack, Attorney, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655-3573. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-79087. By decision of April 3, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to William E. Johnson, d.b.a. William E. Johnson Trucking Company, of Dallas, TX of Certificate No. MC-146599 (Sub-No. 2)F, issued to Hannan Trucking, Inc., of Dallas, TX (Rick Frazier, Trustee in Bankruptcy) authorizing: *such commodities as are dealt in or used by grocery and food business houses* (except commodities in bulk, in tank vehicles), between Grand Prairie, TX, on the one hand, and, on the other, points in Kansas and Oklahoma. Applicant's representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. TA lease is not sought. Transferee is not a carrier.

MC-FC-79095. By decision of April 7, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Country Road Freightlines, Inc., of Certificate of Registration No. MC-120782 (Sub-No. 2) issued July 2, 1973, to Harding's Freight Service (a California Corporation), of San Diego, CA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate No. 809939 dated January 9, 1973 issued by the California Public Utilities Commission, subject to the following conditions: The Commission must be furnished a copy of the state order approving the transfer of the underlying intrastate rights. The Certificate of Registration authorizes general commodities, with named exceptions, (1) between points in San Diego County, CA; and (2) between San Diego, CA, and Devose, CA, serving all intermediate points on Interstate Hwy 15 and all off-route points located within 10 miles laterally of said highway (except those in the San Bernardino National Forest). Applicant's representative: Robert K. Sall, 25231 Paseo de Salicia, Suite 101, Laguna Hills, CA 92653. Transferee is not a carrier. TA lease is not sought.

MC-FC-79098. By decision of April 3, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to South/U.S.A., Inc., of Atlanta, GA, of License No. MC-130570

issued to South USA, Inc., of Atlanta, GA, authorizing: a brokerage service at Atlanta, arranging for transportation of passengers and their baggage, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in the United States (including Alaska and Hawaii), and extending to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Applicant's representative: Laurence D. Pless, 3100 Peachtree, Summit Bldg., 401 W. Peachtree Street, Atlanta, GA 30365.

Agatha L. Mergenovich,
Secretary.

[PR Doc. 81-13102 Filed 4-29-81; 8:45 am]

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[Permanent Authority Decision Volume No. 70]

Restriction Removals

Decision-Notice

Decided: April 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Person 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, preliminary, that each applicant has demonstrated that its requested removal or 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 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 2153 (Sub-52)X, filed April 6, 1981. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to restrictions in its lead and Sub-Nos. 13, 19, 21, 23, 29, 33, 37, 41, 42, 49, and 50 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) to change one-way to radial authority in the lead between Bismarck, ND, and, points within 100 miles thereof (with exceptions); (3) to authorize service at all intermediate points in place of authorize to serve or no intermediate points or restricted service to intermediate points on described regular routes in the lead between St. Paul, MN, and Mandan, ND; in Sub-No. 21 between Duluth, MN, and West Fargo, ND; in Sub-No. 29 between Bismarck, ND, and Minot, ND; in Sub-No. 33 between Ashley, ND, and Hague, ND; in Sub-No. 37 between Fargo, ND, and Grand Forks, ND, and between Moorhead, MN, and Grand Forks, ND; in Sub-No. 42 between St. Paul, MN, and McGregor, MN; in Sub-No. 47 between Portal, ND, and South St. Paul, MN, and between Detroit Lakes, MN, and Crookston, MN; and in Sub-No. 49 between Glendive, MT, and Billings, MT; (4) remove restriction against tacking its regular route authority in Sub-No. 42; (5) to remove restriction to the transportation of traffic moving interstate commerce in Sub-No. 47 and (6) remove the restriction limiting service at the off-route points of Sartell, MN, pickup of paper moving to Bismarck, ND in the lead.

MC 2230 (Sub-19)X, filed April 16, 1981. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th St., P.O. Box 82407, Lincoln, NE 68501. Representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 7, 8, 15, 16 and 18 certificates to: (1) broaden the commodity description to "transportation equipment" from new automobiles parts and accessories in the lead, new automobiles, trucks, chassis, bodies, cabs, parts and accessories in Sub-No. 2, passenger automobiles in Sub-No. 8 automotive vehicles in Sub-No. 15, all-terrain vehicles in Sub-No. 16 and new motor vehicles in Sub-No. 18

and remove exceptions to the transportation of trailers in Sub-Nos. 7 and 18; (2) remove the restriction to initial or secondary movements and to truckaway or driveaway service in the lead, and Sub-Nos. 2, 7, 8, 15, and 18, (3) broaden the territorial authority, where applicable, to county-wide services and authorize radial operations in place of one-way service: between places of manufacture and assembly in MI (except Lansing and Pontiac) and NE; between Chicago Heights (Cook County) IL and NE in the lead; between South Bend (St. Joseph County), IN and Billings (Yellowstone) County) MI, Carter County, MI, 6 counties in SD, 7 counties in ID and Crook County, WY; between IN, IL, IA, and NE and the above destination counties, between IL, IN, LA, NE and MI (except Lansing and Pontiac) and 8 counties in MT and 3 counties in WY in Sub-No. 2; between St. Louis County, MO and points in NE in Sub-No. 8; between Lincoln (Lancaster County) NE and points in the US in Sub-No. 16; between Omaha (Douglas County) NE and points in SD (except 6 counties) in Sub-No. 18; (4) remove a restriction against the transportation of motor vehicle, in interline service, having and immediately prior movement from named shipper plants in Clay County, MO in Sub-No. 7; (5) remove the exception of service at AK and HI in Sub-Nos. 15 and 16; (6) remove the facilities limitation in Sub-Nos. 8 and 15; (7) remove the "origination at" restriction in Sub-No. 16.

MC 32882 (Sub-163)X, filed April 2, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 55, 76, 90, 92F, 95F, 103F, 106F, 112F, 119F, 138F, 140F, 141F, 145F 147F, and 148F, certificates to (A) broaden the commodity descriptions as follows: (1) in Sub-No. 55, from paper and paper products to "pulp, paper and related products and printed matter"; (b) in Sub-No. 76 from contractors, construction, and mining machinery and equipment and parts to "machinery"; (c) in Sub-Nos. 90, 103F, and 119F, from flatglass, highway marking strip, spheres, ballotine, crushed and beaded cullet, rock or stone, crushed in bags to clay, "concrete glass or stone products"; (d) in Sub-No. 92F, from refractories and refractory products to clay, "concrete, glass or stone products, ores and minerals and metal products"; (e) in Sub-No. 95F, from bentonite clay and lignite coal to "ores and minerals and coal and coal products"; (f) in Sub-No.

112F, from pre-cut cedar log homes, knocked down to "lumber and wood products"; (g) in Sub-No. 138F, from lumber, lumber mill products, wood products and composition board, to "lumber, lumber mill products, wood products, pulp, paper and related products"; (h) in Sub-No. 140F, from talc in bags to "ores and minerals"; (i) in Sub-No. 141F, from (1) platform trucks, platform tractors, electric cars, barrows, platform wagons, parts, and rectifiers, and (2) iron and steel articles to "transportation equipment and metal products"; (j) in Sub-Nos. 106F and 145F, from truck parts and tractor cabs and in Sub-No. 145F, part (1) from railroad crossing modules, to "transportation equipment"; (k) in Sub-No. 147F part (1) from fiberglass products, to "rubber and plastic products"; (1) in Sub-No. 148F, part (1) from insulation and insulation panels and boards, to "building materials"; (B) remove "except in bulk" restrictions in Sub-Nos. 92F, 95F, 103F, 145F, 147F and 148F; (C) delete the facilities restrictions in Sub-Nos. 76, 90F, 95F, 119F, 141F, 145F, 147F, and 148F; (D) replace authority to serve specified cities or plantsites with county-wide authority: San Jose, Stockton, and Antioch with Contra Costa, San Joaquin and Santa Clara, CA, in Sub-No. 55; plantsite at or near Kingsburg, CA, with Fresno County, CA, in Sub-No. 90F; Cleveland, OH, with Cuyahoga County, OH, Brownwood, TX, with Brown County, TX, Anaheim, CA with Orange County, CA, and Canby, OR, with Clackamas County, OR, in Sub-No. 103F; Orrville, OH, and Ogden, UT, with Wayne County, OH, and Weber County, UT, in Sub-No. 106F; Three Forks and Dillon, MT, with Beaverhead and Gallatin Counties, MT, in Sub-No. 140F; Malad, ID, with Oneida County, ID, in Sub-No. 145F; (E) replace existing one-way authority with radial authority between the named counties and states predominantly in the Western half of the U.S. in Sub-Nos. 55, 90F, 95F, 103F, 106F, 112F, 119F, 140F, 141F; remove "originating and/or destined to" restrictions in Sub-Nos. 92F and 138F; (F) remove restriction against transportation of traffic to (a) AK and HI in Sub-Nos. 103F, 145F and 147F; (b) AK, HI and WY in Sub-No. 95F; (c) AK, HI and UT in Sub-No. 111F; (d) AK, HI and ID in Sub-No. 119F, (e) AK, HI and CA in Sub-No. 141F.

MC 41098 (Sub-58)X, filed April 10, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Gloval Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 36

certificate by removing the restriction prohibiting service to AK from its authority to transport household goods between points in the U.S.

MC 45875 (Sub-12)X, filed April 17, 1981. Applicant: AIR FREIGHT SPECIALISTS, INC., 333 North 25th Street, Milwaukee, WI 53233. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-No. 8 certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) replace the base points of O'Hare Airfield and General Mitchell Airfield with Cook County, IL, and Milwaukee County, WI; and (3) remove the restriction limiting transportation to traffic having a prior or subsequent movement by air.

MC 53965 (Sub-191)X, filed April 20, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, ANR Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 107, 118, 143F and 155F certificates to: (1) broaden the commodity descriptions from meat, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), to "food and related products"; (2) remove facility limitations and expand to county-wide service and authorize radial operations; between Sedgwick County (Wichita) KS and points in MN, IA, MO, AR, LA, TX, OK, NE, SD, ND, IN, CO, IL, TN, MS and AL in Sub-No. 107; Barton and Shawnee Counties (Great Bend and Topeka) KS in Sub-No. 118; between Ford County (Dodge City) KS and points in AZ, AR, CA, IL, IA, MO, NE, NM, ND, OK, TX and SD in Sub-No. 143F; and between Ford County (Dodge City) KS and points in AL, CO, GA, IN, KY, LA, MI, MN, ND, OH, TN and WI in Sub-No. 155F; and (3) remove an "originating at" restriction in Sub-No. 155F and "originating at and destined to" restrictions in Sub-Nos. 107, 118 and 143.

MC 79999 (Sub-15)X, filed April 15, 1981. Applicant: RANGER TRUCK LINE, INC., P.O. Box 2008, Houston, TX 77001. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 10 certificate (1) to broaden the commodity description from iron and steel articles (except pipe used for certain purposes), to "metal products"; and (2) to broaden the

territorial description by (a) replacing Lone Star, TX, and points in within 5 miles thereof, with points in Morris Camp, Cass, Upshur, and Marion Counties, Texas, (b) replacing one-way authority with two-way radial authority between the counties named above and points in the U.S.; (c) delete the exceptions of service to AK and HI; (d) eliminate the originating at or destined to named points restriction.

MC 82337 (Sub-1X), filed April 16, 1981. Applicant: MOELLER TRANSFER AND STORAGE CO., P.O. Box 152, Montgomery, AL 36101. Representative: George M. Thornbury (same as applicant). Applicant seeks to remove restrictions in its lead certificate to authorize radial in place of one-way authority: between Montgomery, Ala. and points in Alabama within 125 miles of Montgomery.

MC 93980 (Sub-90)X, filed April 17, 1981. Applicant: VANCE TRUCKING COMPANY, Inc., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 1 sheet 3 and 4, 10, 16, 21, 23, 24, 44, and 70 certificates to (1) broaden its commodity descriptions to "tobacco products and materials, equipment, and supplies used in the marketing, packing, processing, and handling of tobacco products", from various commodities such as tobacco, leaf tobacco, empty containers for leaf tobacco, unmanufactured tobacco, empty containers and materials in seasonal operation during the period July 1 to September 30, inclusive, of each year, redried leaf tobacco, strips, scraps or stems, in hagsheads, tierces or boxes, materials, supplies and equipment, used in marketing, packing processing, and handling of leaf tobacco, except liquid chemicals in bulk, in tank vehicles, and reconstituted, homogenized, or reconstructed tobacco, in all of the above sub-numbers; (2) replace cities with county-wide authority (a) in Sub-No. 16, Blackstone, Kenbridge, and Farmville, VA, with Nottoway, Lunenburg, and Prince Edward Counties, VA, and Lancaster, Mount Joy, Red Lion, and York, PA, with Lancaster and York Counties, PA, (b) in Sub-No. 21, Brightwaters, NY, with Suffolk County, NY, and (c) in Sub-No. 44, Spotswood, NJ, with Middlesex County, NJ; Jacksonville, FL, with Duval County, FL; and Lancaster, PA, with Lancaster County, PA; and (3) change one-way to radial authority (a) in Sub-No. 21, between NC and VA, and points in Suffolk County, NY, and (b) in Sub-No. 44, between Middlesex County, NJ, and

points in Duval County, FL, and Lancaster County, PA.

MC 115092 (Sub-130)X, filed April 10, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 12, 17, 21, 33, 35, 36, 42, 47, 49, 50, 51, 55, 59, 61, 64, 66, 72F, 73F, 79F, 80F, 82F, 85F, 91F, 98F, 105F, 106F, 107F, and 110F certificates to (1) broaden the commodity descriptions as follows: in lead certificate, first part, from machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and in second part, from machinery, equipment, materials and supplies, except gilsonite used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with the construction or dismantling of pipelines to "mercer commodities"; third part, from crude oil to "petroleum, natural gas and their products" and fourth part, from oil-based drilling mud to "mercer commodities"; in Sub-Nos. 6 and 8, from crude oil to "petroleum, natural gas and their products"; in Sub-Nos. 12, 35 and 55, from lumber and lumber mill products to "lumber and wood products"; in Sub-No. 17, from barite to "ores and minerals"; in Sub-No. 21, from wooden and metal curtain rods to "furniture and fixtures"; in Sub-Nos. 33, 72F, and 98F from flat glass to "clay, concrete, glass or stone products"; in Sub-No. 36, from foam board insulation and insulated gypsum foam board panels to "building materials"; in Sub-No. 42, from plastic conduit, plastic and iron fittings and connections, valves, hydrants and gaskets, and materials, equipment, and supplies used in the installation of the above-described commodities to "rubber and plastic products, metal products and clay, concrete, glass or stone products"; in Sub-No. 47, from particleboard and lumber and lumber products to "lumber and wood products"; in Sub-No. 49, from cedar shakes and shingles to "lumber and wood products"; in Sub-No. 50, from insulation foam to "rubber and plastic products"; in Sub-No. 51, from insulating materials to "clay, concrete, glass or stone products"; in Sub-Nos. 59 and 61, from lumber, lumber mill products,

lumber products and wood products to "lumber and wood products"; in Sub-No. 64, from wooden moldings to "lumber and wood products"; in Sub-No. 66m from minerals or mineral products to "ores and minerals"; in Sub-No. 73F, from expanding plastic products to "rubber and plastic products"; in Sub-No. 79F, from scrap paper and waste paper to "waste or scrap materials not identified by industry producing"; in Sub-No. 80F, from lumber and lumber products to "lumber and wood products"; in Sub-No. 82F, from (1) plastic articles and (2) materials, equipment and supplies used in the manufacture and installation of plastic articles to "rubber and plastic products and materials, equipment and supplies used in the manufacture and installation thereof"; in Sub-No. 85F, from cedar shakes and shingles to "lumber and wood products"; in Sub-No. 91F, from junk batteries to "waste or scrap materials not identified by industry producing"; in Sub-No. 105F, part (1) from wallboard and insulation board to "clay, concrete, glass or stone products"; Sub-No. 107F, part (1) from doors, door frames, parts and accessories to "lumber and wood products, furniture and fixtures, rubber and plastic products, clay, concrete, glass or stone products, metal products and transportation equipment"; (2) authorize county-wide authority for city-wide service: in Sub-No. 17, Lander County for Battle Mountain, NV; in Sub-No. 21, St. Joseph County for Sturgis, MI; Los Angeles County for City of Commerce, CA; in Sub-No. 35, Archuleta, Eagle La Plata, and Rio Grande Counties for Pagosa Springs, Eagle, Durango, and South Fork, CO; Uintah County for Vernal, UT; and Albany County for Laramie, WY; in Sub-No. 42, Boone County for Columbia, MO; in Sub-No. 51, Mesa County for Fruita, CO; in Sub-No. 61, Eagle County for Eagle, CO; in Sub-No. 64, Washoe County for Reno, NV; in Sub-No. 72, Fresno County for Kingsbury and Fresno, CA; in Sub-No. 73, Los Angeles County for Torrance, CA; in Sub-No. 79, Lincoln County for Toledo, OR; in Sub-No. 98, Jefferson County for Crystal City, MO; in Sub-No. 105, San Bernardino County for Ontario, CA; in Sub-No. 106, San Joaquin County for Tracy, CA; in Sub-No. 110, El Paso County for Colorado Springs, CO; in Sub-No. 110, Alameda County for Fremont, CA; (3) authorize radial service in lieu of existing one-way authority between the counties named above and points throughout the U.S. in Sub-Nos. 6, 8, 12, 17, 21, 33, 35, 36, 42, 47, 49, 50, 51, 55, 59, 61, 64, 66, 72, 73, 79, 80, 85, 91, 98, 105; and (4) eliminate all restrictions against

service in bulk or packages, to AK and HI and delete all plantsite and originating at and destined to restrictions where applicable in lead certificate and Sub-Nos. 6, 12, 17, 33, 35, 36, 42, 50, 64, 66, 72F, 73F, 80F, 82F, 98F, 105F, 106F, 107F and 110F

MC 128302 (Sub-22)X, filed April 21, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 1481 Sperry Road, Newbury, OH 44065. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its MC 112184 (Sub-No. 64F) permit to (1) broaden the commodity description to "food and related products and materials, equipment, and supplies used in the production and distribution of food and related products" from liquid sugars; (2) broaden its territorial description to between points in the U.S. under continuing contract(s) with a named shipper; and (3) remove "in bulk, in tank vehicles" restriction.

MC 129420 (Sub-5)X, filed April 13, 1981. Applicant: LILE INTERNATIONAL COMPANIES, 15605 SW 72nd Ave., Tigard, OR 97223. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) replace the authority to serve between the commercial zones of Seattle, Tacoma, Longview and Vancouver, WA and Portland, OR, with Snohomish, Island, King, Pierce, Clark and Cowlitz Counties, WA and Columbia, Washington, Clackamas and Multnomah Counties, OR; and (2) remove the "prior or subsequent movement by water" restriction.

MC 134182 (Sub-41)X, filed April 13, 1981. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 9, 10, 11, 21, 23, 30, and 32 (all acquired in MC-FC-77646) and Sub-Nos. 34F, 35F, 36F, and 40F certificates to (1) broaden the commodity descriptions to "food and related products" from: frozen prepared foods, and frozen poultry in the lead; meats, meat products, and meat by-products and articles distributed by meat packinghouses, in Sub-Nos. 7, 8, 10, 23, 34, 38F, and 40F; frozen foods in Sub-Nos. 11 and 36F; frozen batters in Sub-No. 21; fruit juices, fruit punch, and fruit flavored drinks (except frozen beverages) in Sub-No. 30; beverages, not frozen (except in bulk) in Sub-No. 32; and foodstuffs in Sub-No. 35F; (2)

eliminate the "except hides and/or commodities in bulk" restrictions in Sub-Nos. 7, 8, 10, 32, 34, 38F, and 40F; (3) remove all plantsite and originating at and/or destined to restrictions wherever they appear in above named certificates; (4) replace some cities with authority to serve the county: Carrollton, Macon, Marshall and Moberly with Carroll, Macon, Saline and Randolph Counties, MO in the lead and Sub-No. 36F; Milan and Sedalia with Sullivan and Pettis Counties, MO in the lead; Emporia with Lyon County, KS in Sub-No. 7; Holton with Jackson County, KS in Sub-No. 8; Mankato with Jewell County, KS in Sub-Nos. 10 and 38F; Dodge City with Ford County, KS in Sub-No. 34F; Wellston with Jackson County, OH in Sub-No. 11; Lawrence with Douglas County, KS in Sub-Nos. 30 and 32; Highlands with Harris County, TX in Sub-No. 32; and Vineland, Seabrook and Pitman with Cumberland, Salem, and Gloucester Counties, NJ in Sub-No. 35F; and (5) change its one-way authorities to radial authorities between points throughout the U.S. in the lead and Sub-Nos. 7, 8, 10, 11, 21, 23, 30, 32, 34F, 35F, 36F, and 38F.

MC 136728 (Sub-5)X, filed April 21, 1981. Applicant: HUB FREIGHT SYSTEMS, INC., P.O. Box 729, Marietta, OH 45750. Representative: A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 4F certificates to (1) broaden the commodity description from (a) general commodities (with exceptions not including classes A and B explosives) to "general commodities" in the lead; (b) aluminum articles to "metal products" in Sub-No. 2; (c) precast concrete products, and materials and supplies used in the erecting and assembling thereof to "contractor's equipment," in Sub-No. 4; (2) delete the restriction limiting transportation of shipments moving in mixed loads in Sub-No. 4; (3) authorize county-wide authority for city-wide: in the lead, Washington County, for Marietta, OH; in Sub-No. 2, Jackson County for Ravenswood, WV; (4) authorize radial service in lieu of existing one-way authority between points in OH and WV, and points in 15 eastern states in Sub-Nos. 2 and 4; (5) eliminate the restriction against the transportation of ferro-alloys, in bulk, in dump vehicles, from named facilities at or near Riverview, OH, in the lead; and (6) delete the plantsite restriction in Sub-No. 2.

MC 138762 (Sub-55)X, filed April 17, 1981. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500,

Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Applicant seeks to remove restrictions in its Sub-Nos. 1, 23F, 26F, 29F, 30F, 31F, 37F, 39F, 40F, 41F, 45F, 50, 52F and 54F certificates to (1) remove the "in bulk, in tank vehicles" restrictions in Sub-Nos. 1, 26F, 29F, 31F, 37F, 39F, 40F, 41F, 45F, 50, 52F and 54F; (2) remove the "in bulk" restriction in Sub-No. 23F; (3) change one-way authorities to radial authorities between points in U.S. in all the above certificates; (4) broaden the commodity description (a) in Sub-No. 1 from trimethylamine in part (1), polyvinyl chloride resins in part (2), molten sulphur in part (5), anhydrous aluminum chloride in part (6), choline chloride in part (8), spent catalyst in part (9), liquid chemicals in part (12), and isocyanates in part (13) to "chemicals and related products"; (b) in Sub-No. 1 from bread crumb products in part (3) to "food and related products"; (c) in Sub-No. 1 from lime and lime products in part (4) and tall oil in part (15) to "commodities in bulk"; (d) in Sub-No. 1 from liquid chemicals and petroleum products in parts (10) and (11) to "chemicals and related products and petroleum, natural gas and their products"; (e) in Sub-No. 1 from anhydrous ammonia in part (7), propane and butane in part (14) to "petroleum, natural gas and their products"; (f) from phosphoric acid in Sub-No. 29F, wood preservatives in Sub-No. 31F, polyvinyl chloride in Sub-No. 37F, tall oil and synthetic alcohol and acrylic copolymer in Sub-No. 39F, choline chloride and methyl formate in Sub-No. 40F, molten sulphur in Sub-No. 41F, polyvinyl chloride in Sub-No. 52F and chlorinated trisodium phosphate in Sub-No. 54F to "chemicals and related products"; (g) from soybean oil and soybean meal in Sub-No. 23F to "food and related products"; (h) from liquid asphalt products in Sub-No. 26F to "petroleum, natural gas and their products"; (i) from cement in Sub-No. 30F, lime and lime products in Sub-No. 45F, and paint products in Sub-No. 50 to "building materials"; (5) replace specified cities with county-wide authority as follows: (a) Spartanburg County, SC for Wellford, SC in Sub-No. 1 part (1); (b) Marshall County, IL for Henry, IL; Salem County, NJ for Pedricktown, NJ; and Lorain County, OH for Avon Lake, OH in Sub-No. 1 part (2); (c) Rockingham County, NH for Portsmouth, NH in Sub-No. 1 part (3); (d) Beaver County, PA for Aliquippa, PA in Sub-No. 1 part (4); (e) Bay County, MI for Bay City, MI in Sub-No. 1 part (5); (f) Harris County, TX for Baytown and

Houston, TX; Jefferson County, TX for Beaumont and Port Arthur, TX; Bexar County, TX for San Antonio, TX; Galveston County, TX for Texas City, TX; East Baton Rouge Parish for Baton Rouge, LA; and Plaquemines Parish, LA for Oak Point, LA in Sub-No. 1 part (10); (g) Jefferson County, TX for Port Neches, TX; Montgomery County, TX for Youens, TX; and Travis County, TX for Austin, TX in Sub-No. 1 part (11); (h) Ascension Parish, LA for Geismar, LA in Sub-No. 1 part (12); (i) Bay County, FL for Panama City, FL and Webster Parish, LA for Springhill, LA in Sub-No. 1 part (15); (j) Shelby County, OH for Sidney, OH in Sub-No. 23F; (k) Bay County, MI for Essexville, MI in Sub-No. 30F; (l) Shelby County, TN for Memphis, TN in Sub-No. 31F; (m) Venango, Beaver and Montgomery Counties, PA for Franklin, Mechanicsburg and Conshohocken, PA and Hudson County, NJ for Kearny, NJ in Sub-No. 37F; (n) Bay County, FL for Panama City, FL, Webster Parish, LA for Springhill, LA and Polk County, GA for Rockmart, GA in Sub-No. 39F; (o) Gray County, TX for Kingsmill, TX in Sub-No. 40F; (p) Bay County, MI for Bay City, MI in Sub-No. 41F; (q) Beaver County, PA for Aliquippa, PA in Sub-No. 45F; (r) Kent County, DE for Dover, DE in Sub-No. 52F; and (s) Adams County, IL for Quincy, IL in Sub-No. 54F; (6) expand a specified port of entry (at Buffalo, NY) on the International Boundary line between the United States and Canada to authorize all ports of entry within the State of NY in Sub-Nos. 26F and 26F and 29F; (7) eliminate the restriction to transportation in foreign commerce in Sub-Nos. 26F, 30F, 31F, 40F, 41F, 45F and 52F; and (8) eliminate origin or destination facilities limitations in Sub-Nos. 1 parts (11, 12, 13), 23F and 30F.

MC 138878 (Sub-9)X, filed April 9, 1981. Applicant: JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, WV 26452. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 6, 7, and 8F certificates to (A) broaden the commodity description to (1) "clay, concrete, glass or stone products," from (a) brick and clay products, in Sub-No. 2, and (b) brick, in Sub-No. 6; (2) "lumber and wood products," from (a) timber, cants and railroad ties, in Sub-Nos. 2 and 4, (b) wood residuals, in Sub-Nos. 4 and 6, (c) wood chips, in Sub-No. 4, and (d) wood pallets and wood pallets and wood pallet parts, in Sub-No. 6; (3) "metal products," from steel tubing, in Sub-Nos. 4 and 7; (4) "metal products

and materials, equipment and supplies used in the manufacture thereof" from pipe, tubing and materials, equipment and supplies used in the manufacture thereof, in Sub-No. 8, part (2), and (5) "mercer commodities," from oil field supplies, pipe, valves and fittings, in Sub-No. 8, part (1); (B) remove the facilities restriction at or near Reedy, WV, in Sub-No. 2; (C) broaden the territorial description to county-wide authority to replace existing city-wide service: (1) Lewis, Braxton and Roane Counties, WV, for Weston, Sutton and Reedy, WV, in Sub-No. 2; (2) Lewis, Braxton and Wirt Counties, WV, for Jane Lew, Sutton, and Elizabeth, WV; Coshocton and Muskingum Counties, OH, for Coshocton and Philo, OH, in Sub-No. 4; (3) Lewis County, WV, for Jane Lew, WV, in Sub-Nos. 6 and 7; and (4) Beaver County, PA, for Monaca, PA, and Lewis County, WV, for Jane Lew, WV, in Sub-No. 8; (D) remove the restriction prohibiting the transportation of specified commodities between points in WV and points in 8 PA counties, in Sub-No. 8; and (E) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S., in Sub-Nos. 2, 4, 6 and 7.

MC 141489 (Sub-16)X, filed April 6, 1981. Applicant: HUNTER TRUCKING, INC., 805 32d Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 6, 8, 10, 12, 15-19, 44 and 46 certificates, and certificate No. MC 138328 (MC-F-13839) to: (1) broaden the commodity descriptions to: (a) "lumber and wood products" from lumber in Sub-Nos. 2 and 16, lumber and lumber products in Sub-No. 6 and used crossties in Sub-No. 44; (b) "metal products" from metal drywall products in Sub-No. 3 and iron and steel articles in Sub-Nos. 10, 15, 19 and 46; (c) "such commodities as are dealt in or used by manufacturers and distributors of pipe, fittings and accessories" from plastic pipe, fittings and accessories in Sub-No. 8; (d) "construction materials" from pre-cast concrete construction members in Sub-No. 15; and (e) "food and related products" from soybean meal, soybean products and soybean byproducts in MC 138328; (2) to authorize service at all intermediate points in connection with regular route operations between Hershey, NE and Denver, CO; Hershey, NE and Council Bluffs, IA and Hershey, NE and Cheyenne, WY in the lead; (3) expand city to county-wide service: Evanstown and Cheyenne to Uinta and

Laramie Counties, WY in Sub-No. 2F; Fredonia, Payson and Whiteriver, to Navajo, Gila and Coconino Counties, AZ; Craig and Eagle to Moffat and Eagle Counties, CO; and Panguitch to Garfield County, UT in Sub-No. 6F; Washington to Washington County, IA, Pueblo to Pueblo County, CO in Sub-No. 15F; Ola and Waldo to Columbia and Yell Counties, AR in Sub-No. 16F; facilities near Shreveport to Caddo and Bossier Parishes, LA in Sub-No. 18F; Jewett to Leon County, TX in Sub-No. 46F; and Cedar Rapids and Washington to Linn and Washington Counties, IA in MC 138328; (4) permit round-trip service in place of one-way operations between the above counties and points and States throughout the U.S.; (5) remove facilities limitations in Sub-Nos. 3F, 8, 10F, 18F, 19F; (6) remove the restriction against service to AK, HI and NE in Sub-No. 3F, against service to AK, HI and IA in Sub-No. 8 and against service to AK and HI in Sub-No. 12F; (7) remove restrictions against the transportation of commodities in bulk in Sub-No. 18F and against commodities in bulk in tank vehicles in Sub-No. 8 and certificate No. MC 138328; and (8) remove the "originating at" limitation in Sub-No. 12F.

MC 144096 (Sub-2)X, filed April 14, 1981. Applicant: MERLE GREEN, d.b.a. MERLE GREEN TRUCKING, North Cable Road, Anaconda, MT 59711. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) replace its facilities with county-wide authority: facilities at or near Troy, ID, and Superior and Yaak, MT, with Latah County, ID, and Mineral and Lincoln Counties, MT; facilities at or near Troy, MT, and Bonner's Ferry, ID, with Lincoln County, MT, and Boundary County, ID; and facilities at Colburn, ID, with Bonner County, ID; (2) change its one-way to radial authority between the above named counties, and points in CO, IA, IL, IN, KS, MI, MN, MO, ND, and NE; and (3) eliminate the originating at and destined to restriction.

MC 145562 (Sub-2)X, filed April 17, 1981. Applicant: THE BROWNIE CORPORATION, P.O. Box 273, Port Huron, MI 48060. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (a) remove a restriction limiting service to ex-water traffic, (b) expand the commodity description from beet pulp pellets, in bulk, to "commodities in bulk," (c) broaden the territorial description from Port Huron, MI, and

Essexville, MI, to Bay and St. Clair Counties, MI and (d) authorize round-trip rather than one-way service between points in the Lower Peninsula of MI, and St. Clair and Bay Counties, MI.

MC 146404 (Sub-2)X, filed April 21, 1981. Applicant: C & J TRUCKING INC., 2055 South High Street, Columbus, OH 43207. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles, (2) replace facilities authority with county-wide authority as follows: facilities at or near Newark, Ohio to Licking County, and (3) remove the "except commodities in bulk" restriction.

MC 146609 (Sub-1)X, filed April 17, 1981. Applicant: DELTA EXPRESS, INC., 251-57 Jericho Turnpike, Bellerose, NY 11426. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its lead 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 restrictions against the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor to consignee on any one day, and the ex-air restriction.

MC 147338 (Sub-3)X, filed April 16, 1981. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead certificate to (1) expand its commodity description from foodstuffs to "food and related products"; (2) eliminate the restriction "except commodities in bulk"; (3) remove the facilities limitations at Chicago, IL, Grand Prairie, TX and Placentia, CA and expand Grand Prairie to Tarrant and Dallas Counties, TX; Placentia to Orange County, CA; (4) eliminate the AK and HI exceptions; and (5) remove the "originating at or destined to" restriction.

[FR Doc. 81-13103 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-29)]

Western Pacific Railroad Co. Exemption for Contract Tariff ICC- WP-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract and contract tariff to be filed will become effective one day after receipt by this Commission. This exemption may be revoked if protests are filed on or before May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Western Pacific Railroad Company filed a petition on April 22, 1981, pursuant to Section 10505 of the Interstate Commerce Act, 49 U.S.C. (§) 10505, to exempt a contract and contract tariff to be filed by Western Pacific from the statutory notice requirements contained in Section 10713(e) of the Interstate Commerce Act, 49 U.S.C. (§) 10713(e) to permit Western Pacific to file the contract tariff on one day's notice effective April 30, 1981. The contract involves the movement of motor vehicles over the Western Pacific from Salt Lake City, Utah to Northern California for the account of Chrysler Corporation. The contract will become effective the first month following the effective date of the contract and extends for a period of ninety days during which time Western Pacific will provide an allowance to Chrysler Corporation in the amount of five percent of its total divisions for the movement of not less than 95 percent of Chrysler's total rail shipments to Northern California. This contract would require a minimum of 325 carloads of motor vehicles within that ninety day period.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe, in this exceptional situation, an exemption should be granted. An early effective date is central to assist Chrysler in its financing arrangement. Moreover, the contract should provide improved service and

thereby should, in addition, provide improved service to other shippers and should not impair the carrier's ability to service its shipper.

We will impose the following conditions:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713 (g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the *Federal Register*.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: April 24, 1981.

By the Commission, Division 1,
Commissioners Clapp, Alexis, and Gilliam.
Commissioner Alexis dissented.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13104 Filed 4-29-81; 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-3-052

Decided: April 23, 1981.

By the Commission, Review Board No. 2,
Members Carleton, Fortier, and Williams.
(Member Fisher not participating.)

MC 1515 (Sub-299), filed April 13, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson

(same address as applicant), (602) 248-5016. Over regular routes, transporting passengers and their baggage and express and newspapers, in the same vehicle with passengers, (1) between Camarillo, CA, and junction CA Hwy 118 and Interstate Hwy 5, from Camarillo over CA Hwy 34 to junction CA Hwy 118, then over CA Hwy 118 to junction Interstate Hwy 5, and return over the same route, and (2) between Thousand Oaks, CA, and Simi Valley, CA, from Thousand Oaks over CA Hwy 23 to junction Tierra Rejada Road, then over Tierra Rejada Road to Simi Valley, and return over the same route.

Note.—Applicant intends to tack this authority with authority it presently holds in MC 1515.

MC 2934 (Sub-105), filed April 16, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting: carpet and expanded cellular plastic and adhesives, between points in Essex County, MA, and Camden County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 15735 (Sub-33), filed April 17, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting such commodities as are dealt in or used by medical facilities or manufacturers of medical equipment, between points in the U.S., under continuing contract(s) with the General Electric Company, Medical Systems Business Division, of Milwaukee, WI.

MC 29745 (Sub-10), filed April 8, 1981. Applicant: BODGE LINES, INC., 501 South West St., P.O. Box 546, Indianapolis, IN 46206. Representative: Phillip V. Price, 1444 Consolidated Bldg., Indianapolis, IN 46204, (317) 634-2200. Over regular routes, transporting general commodities (except classes A and B explosives). (1) Between Indianapolis, IN, and Dayton, OH: (a) From Indianapolis over U.S. Hwy 40 to junction OH Hwy 49, then over OH Hwy 49 to Dayton, and return over the same route, and (b) From Indianapolis over U.S. Hwy 40 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Dayton, and return over the same route, serving in (1) (a) and (b) above points in Montgomery County, OH, as off-route points; (2) Between St. Louis, MO, and St. Joseph, MO: (a) From St. Louis over U.S. Hwy 50 to junction U.S. Hwy 169, then over U.S. Hwy 169 to St. Joseph, and return over

the same route, and (b) From St. Louis over U.S. Hwy 40 to junction U.S. Hwy 71, then over U.S. Hwy 71 to St. Joseph, and return over the same route, serving in (2) (a) and (b) above points in Buchanan, St. Charles, St. Louis, Jackson, Clay and Platte Counties, MO, and Wyandotte and Johnson Counties, KS, as off-route points; (3) Between Indianapolis, IN, and Louisville, KY, (a) over U.S. Hwy 31, (b) From Indianapolis over U.S. Hwy 31 to junction Alternate U.S. Hwy 31 at Columbus, IN, then over Alternate U.S. Hwy 31 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Louisville, and return over the same route, and (c) from Indianapolis over U.S. Hwy 31 to junction U.S. Hwy 31W, then over U.S. Hwy 31W to Louisville, and return over the same route; and (4) Between Indianapolis, IN, and Cincinnati, OH, (a) over U.S. Hwy 52, and (b) From Indianapolis over U.S. Hwy 421 to junction IN Hwy 46, then over IN Hwy 46 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Cincinnati, and return over the same route.

Note.—Applicant intends to tack this authority with its existing authority.

MC 30824 (Sub-22), filed April 16, 1981. Applicant: AALCO EXPRESS COMPANY, INC., 13727 Shoreline Drive, Earth City, MO 63045. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 524 13th Street, NW., Washington, DC 20004, (202) 737-1030. Transporting *commodities which because of their size or weight require the use of special handling or equipment*, between points in MO on and east of U.S. Hwy 63, and those in IL on and south of U.S. Hwy 36, on the one hand, and, on the other, points in TX, IA, WI, LA, MS, GA, AL, and FL.

MC 100225 (Sub-7), filed April 17, 1981. Applicant: LAWSON TRUCKING COMPANY, INCORPORATED, 616 Weeden St., Pawtucket, RI 02860. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696-7610. Transporting *textile mill products, lumber and wood products, metal products, machinery, and transportation equipment*, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 115975 (Sub-45), filed April 17, 1981. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Woodriver, IL 62095. Representative: M. Burnell Watson (same address as applicant), (618) 254-6770. Transporting *coal and coal products, petroleum, natural gas and their products, and chemicals and*

related products, between points in the U.S., under continuing contract(s) with Century Hulburt Inc., of Kansas City, KS.

MC 107295 (Sub-1033), filed April 17, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141. Transporting *metal products*, between points in St. Clair County, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, NE, NC, ND, NH, NJ, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 116544 (Sub-251), filed April 15, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting *general commodities*, between the facilities of Heublein, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119894 (Sub-24), filed April 17, 1981. Applicant: BOWARD TRUCK LINE, INC., 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant), (301) 761-2580. Transporting (1) *malt beverages*, (2) *food and related products*, (3) *textile mill products*, (4) *clay, concrete, glass or stone products*, (5) *transportation equipment*, and (6) *metal products*, between points in GA, MD, NC, SC, TN, VA, WV, and DC.

MC 123265 (Sub-4), filed April 16, 1981. Applicant: SANTRY TRUCKING CO., a corporation, 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. Labissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting *fuel brick*, between points in the U.S., under continuing contract(s) with I & B Coal Sales, of Olympia, WA.

MC 126514 (Sub-77), filed April 17, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in the U.S.

MC 133314 (Sub-10), filed April 15, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, (317) 634-6313.

Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Mallory Components Group, Emhart Industries, Inc., of Indianapolis, IN.

MC 140174 (Sub-7), filed April 17, 1981. Applicant: BROOKS TRUCKING, INC., P.O. Box 187, Vanlue, OH 45890. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. BOX 97, Dublin, OH 43017, (614) 889-2531. Transporting *concrete products*, between points in Wyandot County, OH, on the one hand, and, on the other, points in IL, IN, MI, KY, NY, PA, TN, and WV; (2) *burial crypts*, between points in Allen County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, TN, and those in PA and WV on and west of U.S. Hwy 219; and (3) *steel tubing*, between the facilities used by the Copperweld Corporation, its division and subsidiaries, in the U.S., on the one hand, and on the other, points in the U.S.

Note.—Issuance of a certificate in this proceeding is subject to coincidental cancellation of Permits Nos. MC 140174 and Subs 1, 3, 5, and 6.

MC 143385 (Sub-3), filed April 17, 1981. Applicant: TRANSPORT ROBERT (1973) LTEE, 150 First Avenue—C.P. 39, Rougemont, P. Quebec, Canada JOL 1MO. Representative: Robert D. Schuler, 100 West Long Lake Rd., Ste. 102, Bloomfield Hills, MI 48013. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. Demers, Inc., of Quebec, Canada.

Note.—Issuance of a permit is subject to prior or coincidental cancellation, at applicant's written request, of Permit No. MC 14338.

MC 144115 (Sub-18), filed April 16, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677-2586. Transporting *food and related products*, between points in IA, on the one hand, and, on the other, points in the U.S.

MC 145744 (Sub-5), filed April 15, 1981. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *food and related products*, (1) between St. Joseph, MO, on the one hand, and, on the other, points in the U.S., and (2) between points in Jackson County, KS, on the one hand, and, on the other, points in the U.S.

MC 148275 (Sub-4), filed April 16, 1981. Applicant: J. L. MCCOY, INC., P.O.

Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562-3460. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Revere Copper & Brass, Inc., of Ravenswood, WV, and its divisions and subsidiaries.

MC 149244 (Sub-4), filed April 16, 1981. Applicant: PEAKE, INC., Midwest Business Center, 2022 Avenue "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245-2730. Transporting *chemicals and related products*, between Sioux City, IA, and points in Woodward County, OK, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND and SD.

MC 149275 (Sub-1), filed April 17, 1981. Applicant: GNAN TRUCKING, INC. Route 8, Box 367, Brainerd, MN 56401. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402 (612) 339-4548. Transporting (1) *malt beverages*, between points in WI, IL, and MO, on the one hand, and, on the other, points in MN, (2) *pulp, paper and related products*, between points in Crow Wing and Carlton Counties, MN, on the one hand, and, on the other, points in IA, WI, IL, and MI, and (3) *metal products*, between points in Crow Wing County, MN, on the one hand, and, on the other, Chicago, IL, Detroit, MI, and points in Monroe County, OH, and Colbert County, AL.

MC 149575 (Sub-9), filed April 16, 1981. Applicant: ADAMS CARTAGE COMPANY, INC., P.O. Box 3043, Macon, GA 31205. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321-1765. Transporting *plastic pipe and fittings*, between points in Geneva County, AL, and Guilford County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 150235 (Sub-4), filed April 15, 1981. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS 39482. Representative: Fletcher W. Cochran, 1338 Cause Blvd., Suite 300, P.O. Box 741 Slidell, LA 70569 (504) 641-7630. Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 150254, filed April 17, 1981. Applicant: ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham St.,

Everett, MA 02149. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102 Rockville MD 20850 (301) 424-2420. Transporting (1) *lumber and wood products*, and (2) *building materials*, between these points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150954 (Sub-24), filed April 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217. Transporting *such commodities* as are dealt in by retail grocery, drug and department stores, between points in the U.S., under continuing contract(s) with Purex Corporation, of St. Louis MO.

MC 153225 (Sub-1), filed April 17, 1981. Applicant: BRAINERD RECREATIONAL SUPPLY, INC., P.O. Box 311, Brainerd, MN 56401. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55042 (612) 340-0808. Transporting *transportation equipment*, between points in the U.S., under a continuing contract(s) with Starcraft Co., Division of Bangor-Punta Corporation, of Topeka, IN.

MC 154545 (Sub-1), filed April 17, 1981. Applicant: LOUIS E. BURRIS, d.b.a. L & M EXPRESS, 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797-6060. Transporting *machinery*, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 154625 (Sub-1), filed April 16, 1981. Applicant: RAYDAN TRANSPORT, LTD., 1802-8 St., Nisku, Alberta, Canada T0C 2G0. Representative: Daniel O. Hands, Suite 200-A, 205 W. Touhy Ave., Park Ridge, IL 60068 (312) 698-2235. Transporting *Mercer commodities*, between ports of entry on the International Boundary line between the U.S. and Canada in MT and ND, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR and LA.

MC 155205 (Sub-1), filed April 13, 1981. Applicant: T.L. VAN, INC., P.O. Box 1166, Center, TX 75935. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767 (512) 472-1101. Transporting *malt beverages*, between points in Jefferson County CO, on the one hand, and, on the other, points in TX and LA.

MC 155314, filed April 13, 1981. Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle St.,

Suite 1600 Chicago, IL 60603 (312) 263-1600. Transporting *food and related products*, between points in Hillsborough County, FL, on the one hand, and, on the other, points in IL, IN, OH, IA, KS, AL, GA, LA, TX, NC, MS, SC, and WI.

MC 155255 (Sub-1), filed April 16, 1981. Applicant: D & L TRANSPORTATION, INC., 3245 Fourth St. Southeast, Minneapolis MN 55414. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between those points in MN in and south of Traverse, Stevens, Pope, Stearns, Benton, Sherburne, Isanti and Chisago Counties.

MC 155315, filed April 13, 1981. Applicant: BLUFORD JACKSON & SON, INC., 910 U.S. Route 50, Milford, OH 45150. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215, (614) 464-4103. Transporting (1) *hazardous materials*, and (2) *waste or scrap materials* not identified by industry, between points in the U.S. NOTE: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous materials it will expire 5 years from the date of issuance.

MC 155334, filed April 15, 1981. Applicant: LOUISIANA HOT SHOT SERVICE, INC., 821 Hilma St., P.O. Box 488, Westlake, LA 70669. Representative: Skipper M. Drost, 702 First Ave., P.O. Drawer 1075, Sulphur, LA 70663, (318) 527-8658. Transporting *Mercer Commodities*, between points in LA, TX, OK, MS, and AL.

MC 155335, filed April 15, 1981. Applicant: CARE LINE, INC., Long View Drive, P.O. Box 488, Portland, TN 37148. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091, (703) 860-8521. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with (a) Bill Cude Hospital Disposables, Inc., of Portland, TN, (b) Western Enterprises, of Portland, TN, (c) Southern Insulated Containers, Inc., of Clearwater, FL, and (d) Tri State Hospital Supply, of Howell, MI.

MC 155355, filed April 15, 1981. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry St., Troy, MO 63379. Representative: B. W. LaTourette, 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives), between St. Louis,

MO, Philadelphia, PA, El Paso, TX, and points in Lafayette County, AR, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13105 Filed 4-29-81; 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 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. OP4-081

Decided: April 24, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 152457 (Sub-1), filed January 28, 1981, previously noticed in the Federal Register issue of February 24, 1981, and republished this issue. Applicant: OLIN WILLINGHAM, d.b.a. WILLINGHAM'S GARAGE, 2122 Wilson Rd., Newberry, SC 29108. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211. Transporting *Wrecked or disabled vehicles and replacement vehicles therefor, and repossessed vehicles*, (1) between points in GA, NC, and SC, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the commodities description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13047 Filed 4-29-81; 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 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 become 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-4-91.

Decided April 21, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 147546 (Sub-3), filed April 10, 1981. Applicant: DEPENDON, INC., 875 East Rand Rd., Des Plaines, IL 60016. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in U.S.

MC 150936 (Sub-2), filed April 14, 1981. Applicant: HERMANN ASSOCIATES, INC., d.b.a. BANK DRAYAGE, 1405 Indiana St., San Francisco, CA 94107. Representatives: Donald W. White (Same address as applicant) (415) 285-8486. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-4-96

Decided April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 155326, filed April 14, 1981. Applicant: JACK L. HICKS, JR., JAY'S PACKAGE DELIVERY, 8 Baker Lane, Budd Lake, NJ 07828. Representative: Jack L. Hicks, Jr. (Same address as applicant) (201) 691-2760. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-4-103.

Decided April 24, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 151707 (Sub-8), filed April 13, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (Same address as applicant) (215) 985-6853. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155297, filed April 13, 1981. Applicant: ROYAL FREIGHT, INC., 632 Allen Court, N.W., Atlanta, GA 30327. Representative: Richard M. Tettelbaum (Same address as applicant) (404) 256-1077. As a *broker of general commodities* (except household goods), between points in the U.S. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-13049 Filed 4-29-81; 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-4-92

Decided April 21, 1981.

By the Commission, Review Board No. 2, members Carleton, Fortier, and Williams.

W-536 (Sub-1), filed April 3, 1981. Applicant: RIVERWAY BARGE CO., 7703 Normandale Rd., Suite 110, Minneapolis, MN 55435. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312 (703) 750-1112. Transporting *raw sugar* by non-self-propelled vessels with the use of separate towing vessels, between West Palm Beach, FL, on the one hand, and, on the other, ports and points along the Gulf Intracoastal Waterway and the Gulf of Mexico between Brownsville, TX and Tampa, FL and along the Mississippi River and Mississippi River Gulf Outlet Channel, below and including Baton Rouge, LA. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8). Accordingly, applicant must submit the information required by 49 CFR 1106.7(a). Upon submission of such information, an appropriate statement of energy impact will be prepared.

Note.—Applicant intends to tack the authority herein with its existing operating rights.

MC 3246 (Sub-24), filed April 13, 1981. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Ave., W., Warren, PA 16365. Representative: Ronald W. Malin Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701 (716) 664-

5210 Transporting (1) *metal products*, and (2) *plastic products*, between points in Chautauqua County, NY, on the one hand, and, on the other, points in the U.S.

MC 129086 (Sub-35), filed April 13, 1981. Applicant: SPENCER TRUCKING CORPORATION, Rt. 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797-6060. Transporting *coal and coal products*, between points in MD, PA, VA, WV, and DC.

MC 133966 (Sub-60), filed April 9, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW, Washington, DC 20004.

Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with St. Regis Paper Company, of New York, NY.

MC 136816 (Sub-12), filed April 9, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *food and related products*, between Omaha, NE, on the one hand, and, on the other, points in IA, WI, and MN.

MC 140986 (Sub-16), filed April 13, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572-5551. Transporting *such commodities* as are manufactured, dealt in, or used by manufacturers of paper and plastic products and containers, between points in the U.S., under continuing contract(s) with American Company, of Greenwich, CT.

MC 141396 (Sub-11), April 14, 1981. Applicant: DELP, INC., Hwy 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, P.O. Box 285, 529 S. Holcomb St., Springdale, AR 72764 (501) 751-9452. Transporting *food and related products*, between points in Adams County, WA, Hubbard County, MN and Clark County, SD, on the one hand, and, on the other, points in the U.S.

MC 145676 (Sub-7), filed April 13, 1981. Applicant: JOHN BREITWEISER TRUCKING, INC., P.O. Box 217, Jerseyville, IL 62052. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468.

Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Shasta Beverage, Division of Consolidated Foods Company, of Granite City, IL.

MC 147896 (Sub-6), filed April 13, 1981. Applicant: WESTERN SONTX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavalier, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277-2323.

Transporting *starch*, between points in the U.S., under continuing contract(s) with Busch Industrial Products Corporation, a subsidiary of Anheuser-Busch Companies, Inc., of St. Louis, Mo.

MC 149536 (Sub-2), filed April 14, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103 (413) 781-8205. Transporting *plastic and plastic products*, between points in Hampshire County, MA, on the one hand, and, on the other, points in the U.S.

MC 150746 (Sub-7), filed April 13, 1981. Applicant: DFC TRANSPORTATION COMPANY, A CORPORATION, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *metal and plastic products*, between points in the U.S., under continuing contract(s) with Interlake, Inc., of Riverdale, IL.

MC 154646 (Sub-2), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 154646 (Sub-3), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *clay, concrete, glass or stone products*, between points in CA, on the one hand, and, on the other, points in NC, NE, IL and OH.

MC 154646 (Sub-4), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761.

Transporting *metal products*, between points in the U.S., under continuing contract(s) with D. L. Steel Co., of Chicago, IL.

MC 155286, filed April 14, 1981. Applicant: RICHARD J. BERGKAMP d.b.a. BUCKO TRUCKING, P.O. Box 1262, Colton, CA 92324. Representative: Earl N. Miles, 3704 Candlewood Dr. Bakersfield, CA 93306 (805) 872-1106. Transporting (1) *clay, concrete, glass or stone products* and (2) *metal products*, between points in the U.S., under continuing contract(s) with Colton-Wartsila, Inc., of Colton, CA.

Volume No. OPY-4-94

Decided April 21, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fortier, and Williams.

MC 99896 (Sub-9), filed April 13, 1981. Applicant: ATKINSON TRANSFER, INC., 1475 W. River Rd., Dayton, OH 45418. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IL, IN, and KY.

MC 105566 (Sub-250), filed April 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312, (703) 750-1112. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in Greene County, TN, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA.

MC 113666 (Sub-196), filed April 13, 1981. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant), (412) 295-2181. Transporting (1) *refractories and refractory products*, (2) *clay, concrete, glass or stone products*, (3) *insulation and insulating materials*, and (4) *carbon and carbonaceous materials*, between points in the U.S.

MC 119936 (Sub-2), filed April 13, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION COMPANY, 4350 W. 123rd St., Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 728-9722. Transporting *food and related products*, between the facilities of Nabisco, Inc. at points in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the

other points in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI.

MC 140676 (Sub-2), filed April 13, 1981. Applicant: MID-WAY TRANSPORTATION, INC., P.O. Box 56, Hewitt, TX 76643. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *brick, tile, and refractory products*, between points in TX, NM, OK, AR, LA, MS, and MO.

MC 155316, filed April 14, 1981. Applicant: EARL EDWARD KLANDSTRUP, JR., Box 8092, Incline Village, NV 89450. Representative: Earl Edward Klandstrup, Jr. (same address as applicant), (702) 832-0234. Transporting *passengers and their baggage*, between points in Washoe, Ormsby and Douglas Counties, NV, and those in El Dorado, Placer and Nevada Counties, CA.

Volume No. OPY-4-95

Decided: April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 10438 (Sub-4), filed April 10, 1981. Applicant: NORTH MANCHESTER TRUCKING CO., INC., P.O. Box 268, North Manchester, IN 46962. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives), between points in Allen, Cass, De Kalb, Fulton, Huntington, Kosciusko, Lagrange, Marshall, Miami, Noble, Steuben, Wabash, and Whitley Counties, IN.

MC 124306 (Sub-89), filed April 15, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerney, Suite 502, 1000 16th Street NW., Washington, DC 20036, (202) 783-8131. Transporting *chemicals and related products*, between points in Sullivan County, TN, on the one hand, and, on the other, points in Richland County, SC.

MC 142716 (Sub-8), filed April 13, 1981. Applicant: C & L TRUCKING, INC., 1609 27th Street NW., Cedar Rapids, IA 52405. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *liquid fertilizer*, between points in Kossuth and Cerro Gordo Counties, IA, on the one hand, and, on the other, points in MN.

MC 143696 (Sub-23), filed April 14, 1981. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Hwy. 259 South, Henderson, TX 75652. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75202, (214) 742-9175. Transporting (1) *metal products*,

(2) *machinery*, (3) *commodities* which because of their size or weight require the use of special handling or equipment, and (4) *mercer commodities*, between points in TX and LA, on the one hand, and, on the other, points in the U.S.

MC 144776 (Sub-11), filed April 14, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *chemicals and related products*, between the facilities of Anitox Corp. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152476 (Sub-2), filed April 14, 1981. Applicant: COMBINED TRANSPORTATION SERVICES, INC., 8300 Bletzer Road, Baltimore, MD 21222. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting (1) *metal products*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with Hitachi Metals International, Ltd., of White Plains, NY.

MC 152946 (Sub-1), filed April 15, 1981. Applicant: ALBERT FARMS, INC., St. David Rd., Madawaska, ME 04758. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 733-5651. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fraser Paper Limited and Northern Trading Co., Inc., both of Madawaska, ME, and Agway, Inc., of Presque Isle, ME.

MC 155336, filed April 16, 1981. Applicant: KENNETH HARLAN CARSTON, d.b.a. CARSTON TRUCKING, 10732 Chowen Avenue South, Bloomington, MN 55431. Representative: Samuel Rebenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting (1) *rubber and plastic products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Poly-Tech, Div. of U.S. Industries, of Minneapolis, MN.

MC 155346, filed April 16, 1981. Applicant: COUGAR TRUCKING, INC., 218 W. Main St., Ligonier, PA 15658. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *coal*, between points in Westmoreland, Cambria, Somerset, Allegheny, Fayette, and Indiana Counties, PA, on the one hand, and, on the other, points in VA, WV, MD, OH, NY, and DC.

Volume No. OPY-4-102

Decided: April 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 13087 (Sub-5), filed April 9, 1981. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 324 Second Street SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3535. Transporting *food and related products*, between points in Polk County, IA, on the one hand, and, on the other, points in IN, KS, MI, MN, MO, NE, ND, OK, SD, TN, TX, WI.

MC 118537 (Sub-2), filed April 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252-4334. Transporting (1) *chemicals and related products*, (2) *rubber and plastic products*, and (3) *general commodities* as are dealt in or used by manufacturers and distributors of fishing tackle, between points in Lincoln County, NE, Union County, SD, and Woodbury County, IA, on the one hand, and, on the other, points in AR, CO, IL, IN, KS, MI, MN, MO, MT, NE, ND, OK, SD, TN, TX, WI, and WY.

MC 118537 (Sub-26), filed April 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252-4334. Transporting (1) *such commodities* as are dealt in or used by processors of honey and apiaries, and (2) *food and related products*, between points in AR, CO, IL, IA, IN, KS, MI, MN, MO, MT, NE, ND, OK, SD, TX, WI, and WY.

MC 144667 (Sub-21), filed April 6, 1981. Applicant: ARTHUR R. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products*, between Denver, CO, and points in Morgan and Logan Counties, CO, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146447 (Sub-6), filed April 7, 1981. Applicant: TANBAC, INC., 847 Glenbrook Rd., Orange, CT 06477. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of (1) plastic products, (2) food products and related products, (3) textile mill products, and (4) shoe products, between points in the U.S., under

continuing contract(s) with Chelsea Industries, Inc., of Boston, MA, and its subsidiaries, affiliates and divisions.

MC 146927 (Sub-22), filed April 6, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company, and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148447 (Sub-5), filed April 7, 1981. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ouida St., Irving, TX 75061. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Sewell Plastics Company, of Dallas, TX, and Roper Plastics, Inc., and D & D Container Corporation, both of Grand Prairie, TX.

MC 148647 (Sub-24), filed April 9, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th Street, Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601 (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Syndicate Sales, Inc., of Kokomo, IN, and Reichard-Coulston, Inc., of Bethlehem, PA.

MC 149437 (Sub-18), filed April 13, 1981. Applicant: DOUGLAS TRUCK LINES, INC., 587 SW 1st Street, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *food and related products*, between points in ND and MN, on the one hand, and, on the other, points in IL, IA, MO, NE, SD, KS, and WI.

MC 152977 (Sub-1), filed April 6, 1981. Applicant: FULTONVILLE PLASTICS, INC., 1 Union Street, Fultonville, NY 12072. Representative: Robert Abrams, 1215 Western Avenue, Albany, NY 12203, (518) 438-3567. Transporting *glass containers*, between points in the U.S., under continuing contract(s) with Beech-Nut Foods Corp., of Canajoharie, NY.

MC 154437 (Sub-1), filed April 8, 1981. Applicant: LA VERNE L. JENSEN, 205 2d Avenue, Audubon, IA 50025. Representative: Thomas E. Leahy, 1980 Financial Ct., Des Moines, IA 50309, (515) 245-4300. Transporting *fertilizer and feed ingredients* (1) between points in Crawford, Sac, Carroll, Greene,

Shelby, Audubon, Guthrie, Pottowattamie, Cass, Webster, and Adair Counties, IA, on the one hand, and, on the other, points in NE, MO, KS, SD, and MN, and (2) between points in Carroll County, IA, on the one hand, and, on the other, points in Audubon County, IA.

MC 154457 (Sub-1), filed April 10, 1981. Applicant: ELKAY TRANSFER, INC., Polifka Rd., Box 187, Francis Creek, WI 54214. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Rosi-Jean Alcohol, Inc., of Greenleaf, WI.

MC 154877 (Sub-2), filed April 8, 1981. Applicant: NORTHERN VIRGINIA LINES, INC., 1429 N. Quincy St., Arlington, VA 22207. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, (301) 587-8656. Over regular routes, transporting *passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, (1) between junction U.S. Hwys 211 and 50 and junction VA Hwy 236 and U.S. Hwy 50, over U.S. Hwy 50, (2) between junction VA Hwy 236 and U.S. Hwy 50 and junction Interstate Hwy 66 and U.S. Hwy 211, over U.S. Hwy 211, and (3) between junction Interstate Hwy 66 and U.S. Hwys 29 and 211 and Washington, DC, over Interstate Hwy 66, as an alternate route for operating convenience only, serving all intermediate points.

MC 155217, filed April 10, 1981. Applicant: MEXICO EXPRESS, INC., 2904 Cresthaven, Grapevine, TX 76051. Representative: Edwin M. Synder, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *general commodities* (except classes A and B explosives), between Dallas and Ft. Worth, TX, and on the one hand, and, on the other, ports of entry on the international boundary line between the United States and the Republic of Mexico located in Texas.

MC 155237, filed April 10, 1981. Applicant: GOLDEN RING TRAVEL AND TRANSPORTATION, INC., 8800 Yellow Brick Rd., Rossville, MD 21237. Representative: L.C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. To engage in operations, in interstate or foreign commerce, as a broker, at Rossville and Annapolis, MD, and at Washington, DC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 155247, filed April 10, 1981. Applicant: W.S.I. TRUCKING, INC., 655

Brighton Beach Rd., Menasha, WI 54952. Representative: Michael J. Collins, 330 E. Wilson St., Madison, WI 53703, (608) 255-9493. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s), with Warehouse Specialists, Inc., of Menasha, WI.

MC 155267, filed April 13, 1981. Applicant: ROBERT PADEN, d.b.a. PRUDHOE BAY FREIGHT LINES, P.O. Box 8-436, Anchorage, AK 99508. Representative: Robert Paden (same address as applicant), (907) 279-0138. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northern Ventures, Inc., Seattle, WA.

MC 155287, filed April 13, 1981. Applicant: GARY B. FLOSS d.b.a. FLOSS TRUCKING, 2235 Lincoln, Lot 27, Cedar Falls, IA 50613. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927-8855. Transporting *mobile homes and portable buildings*, between points in Blackhawk, Linn, and Polk Counties, IA, on the one hand, and, on the other, points in NE, MN, and WI. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-13050 Filed 4-29-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree In Action To Enforce Compliance With Provisions of the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 10, 1981, a proposed consent decree in *United States v. Tecumseh Corrugated Box Company*, Civil Action No. C81-383A, was lodged with the United States District Court for the Northern District of Ohio, Eastern Division. The proposed decree provides for compliance with the Clean Air Act and with the federally approved Ohio State Implementation Plan for sulfur dioxide at boilers at the company's Jaite Paper Mill, located in Brecksville, Ohio. The proposed decree requires the company to maintain process modifications at one boiler and to utilize low sulfur fuel at a second boiler to comply with the Ohio State Implementation Plan.

The Department of Justice will receive for a period of thirty (30) days (June 1, 1981) written comments relating to the proposed consent decree. Comments should be addressed to the Assistant

Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. Tecumseh Corrugated Box Company*, D.J. Ref. 90-5-2-1-337.

A proposed consent decree may be examined at the office of the United States Attorney, Northern District of Ohio, Eastern Division, Room 400, United States Courthouse, Cleveland, Ohio 44114; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and The Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12969 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action for Penalties and Injunctive Relief for Violations of the Louisiana State Implementation Plan, Requiring the Installation of a Vapor Recovery System, by Evangeline Refining Company at its Loading Facility Near Jennings, Louisiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19025, notice is hereby given that on April 20, 1981, a proposed consent decree in *United States v. Evangeline Refining Company*, (W.D. Ca. No. 80-0068); was lodged with the United States District Court for the Western District of Louisiana. The proposed consent decree requires the defendant to install at its Jennings, Louisiana facility, by May 1, 1981, a vapor recovery system as prescribed by the Louisiana State Implementation Plan, LACC 22.5, approved by the United States Environmental Protection Agency on February 14, 1980 pursuant to Section 110 of the Clean Air Act, 42 U.S.C. 7410. In addition, the consent decree requires the defendant to pay a civil penalty of five thousand dollars upon final entry of this consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of

thirty days (30) (June 1, 1981). Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Evangeline Refining Company*, (D.J. Ref. No. 90-5-1-1-281).

The proposed consent decree may be examined at the Clerk's Office, United States Courthouse, 500 Fannin Street, Shreveport, Louisiana; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12973 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 F.R. 19029, notice is hereby given that on April 20, 1981, a proposed consent decree in *United States of America v. Whirlpool Corporation*, Case No. C-78-540, was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree will require Whirlpool Corporation to pay \$98,000.00 in penalties for failure to meet the terms and conditions of its NPDES permit for its washing machine manufacturing facility at Clyde, Ohio.

The Department of Justice will receive for thirty (30) days (June 1, 1981) written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Whirlpool Corporation*, D.J. Ref. 90-5-1-1-1039.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, Toledo, Ohio 43624, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th

and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of \$1.80 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12972 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

[AAG/A Order No. 65-81]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Drug Enforcement Administration. Further, in the Proposed Rules Section of today's **Federal Register**, the Drug Enforcement Administration proposes to exempt the system, to the extent the information is subject to exemption pursuant to 5 U.S.C. 552a(k)(6), from the provisions of 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f). The purpose of these exemptions is as follows:

(1) From subsection (d) because access to the data contained in this system would reveal information which could assist an individual in compromising or subverting the process whereby candidates are selected to be Special Agents of the Drug Enforcement Administration.

(2) From subsections (e)(4)(G) and (H) because the system is exempt from the individual access provisions of subsection (d) pursuant to subsection (k).

(3) From subsection (f) because the system is exempted from the individual access provisions of subsection (d) pursuant to subsection (k).

The Agent Recruit Assessment Program, (JUSTICE/DEA-030) is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register**.

5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibilities

under the provisions of the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 6239, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before June 29, 1981, the system will be implemented without further notice in the *Federal Register* except that a final rule exempting the system will be published after 60 days. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.

Dated: April 22, 1981.

William D. Van Stavoren,
Acting Assistant Attorney General for
Administration.

JUSTICE/DEA-030

SYSTEM NAME:

Agent Recruit Assessment Program.

SYSTEM LOCATION:

Drug Enforcement Administration
(DEA), 1405 I Street, N.W., Washington,
D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- A. Prospective recruits for basic agent classes
- B. Basic agent trainees
- C. Special Agents

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information concerning: (1) scores on measurement instruments; (2) personality score derivatives; and (3) job-related factors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained under DEA's authority to recruit and train Special Agents to enforce the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records maintained in this system are utilized only for internal purposes and no dissemination outside the Department of Justice is contemplated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on an ADP storage device. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Information relating to an individual is retrieved by name or a unique identifying number assigned by DEA.

SAFEGUARDS:

Access to the system is restricted to DEA personnel on a strict need-to-know basis. The records are maintained in a secure area at DEA headquarters, which is protected by guards and electronic means.

RETENTION AND DISPOSAL:

The automated portion of the system is maintained for 15 years and then purged from the data base. Manual records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for
Enforcement, Drug Enforcement
Administration, 1405 I Street, N.W.,
Washington, D.C. 20537.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to:
Freedom of Information Division, Drug
Enforcement Administration, 1405 I
Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the system is obtained from test protocols and allied records or provided by the individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(6). See 28 CFR 16.98 for exemption regulations.

[FR Doc. 81-13119 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL CREDIT UNION ADMINISTRATION

Central Liquidity Facility: Notice of Changes to Regular Member Repayment, Security and Credit Reporting Agreement

AGENCY: National Credit Union Administration.

ACTION: Notice.

SUMMARY: This notice announces a number of changes to the Repayment, Security and Credit Reporting Agreement for Regular members of the Central Liquidity Facility (CLF) that will bring it into conformity with the Repayment, Security and Credit Reporting Agreement for Agent members of the CLF. These changes were approved by the National Credit Union Administration Board (NCUA Board) on December 20, 1979. The contract changes are (1) a modification of the late payment charge to be assessed by CLF from 5 percent of the overdue principal to 2 percent of overdue principal and 20 percent of overdue interest, along with a provision to carry overdue loans until paid at the higher of the contract rate or the highest rate being charged by the CLF on loans on the day of default; (2) adoption of a "Severability" clause; and (3) adoption of a restructured "Modification Procedures" clause.

EFFECTIVE DATE: April 30, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark Medvin, at the above address. Telephone: (800) 424-3205.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the NCUA Board approved additions to the Repayment, Security and Credit Reporting Agreement for Regular CLF members that bring that Agreement into conformity with the Repayment, Security and Credit Reporting Agreement for Agent CLF members. Those changes are outlined below.

Late Payment Charges

The late payment charge assessed by CLF is changed from 5 percent of the overdue principal to 2 percent of overdue principal and 20 percent of overdue interest. In addition, a provision is added to carry overdue loans until paid, at the higher of the contract rate or the highest rate being offered by CLF on loans on the day of default.

Severability Clause

This additional clause indicates that the Agreement is severable. That is, the possible invalidity of any of its terms and conditions shall not invalidate the remainder of the Agreement, each term and condition of which shall remain fully enforceable.

Modification Procedures Clause

This clause permits the NCUA Board to modify the Agreement from time to time. All such modifications shall be published in the Federal Register and mailed to Regular members at the address on file at the CLF. Such modifications shall become effective as of the date specified in the Federal Register provided that the date specified is not less than 30 days after the required publication and mailing *unless* (1) the modification is limited to the reduction or elimination of any one or more of the obligations imposed on credit unions by any term or condition of the Agreement; or (2) the NCUA Board makes a finding that an earlier effective date is necessary and such finding is included in the required publication and mailing.

Credit unions may submit written data, views or arguments to the CLF concerning proposed modifications at any time up to five (5) days before the effective date specified in the Federal Register. Modifications shall apply to all CLF advances after such effective date. All modifications, including those occurring prior to the signing of the Agreement, shall become part of the Agreement. Operating circulars issued by CLF may include interpretive rules and statements of policy concerning terms and conditions of the Agreement. Such circulars, however, will not serve to modify any term or condition of the Agreement.

Without modifying the Agreement, the CLF may waive any part or all of any obligation imposed on a credit union by any term or condition of the Agreement. The CLF also retains the right to reinstate any part or all of any such obligation previously waived.

The usual rulemaking procedures involving notice and comment have not been complied with pursuant to the specific exemption for contracts found at 5 U.S.C. 553(a)(2).

Accordingly, the National Credit Union Administration Central Liquidity Facility Repayment, Security and Credit Reporting Agreement (Regular Member) is modified as follows:

Section 5 is modified to read:

"(5) *Repayment obligation.* When the regular member receives an advance of funds from the Facility, a repayment

obligation is created (herein a "repayment obligation created hereunder") whereby the credit union, for value received, agrees:"

"(i) to pay the Facility on each principal repayment date an amount equal to the principal amount due on such principal repayment date; and"

"(ii) to pay the Facility on each interest payment date an amount equal to unpaid interest from the date of the advance through such interest payment date; and"

"(iii) to pay the Facility on the maturity date an amount equal to the unpaid balance of the amount of the advance, if any, plus unpaid interest from the date of the advance through the maturity date; and"

"(iv) if the principal amount due on any principal repayment date is not paid on or before such date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late principal payment charge equal to 2 percent of such principal amount, plus"

"(C) interest after such date through the maturity date on the unpaid balance of such principal amount at the interest rate specified in the confirmation; and"

"(v) if the unpaid interest due on any interest payment date or the maturity date is not paid on or before such date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late interest payment charge equal to 20 percent of such unpaid interest; ¹⁴ and"

"(vi) if the amount due on the maturity date is not paid on or before the maturity date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late principal payment charge equal to 2 percent of the unpaid balance of the amount of the advance, as due on the maturity date, plus"

"(C) interest after the maturity date on the unpaid balance of the overdue principal amount at the overdue interest rate specified in this agreement."

¹⁴ Under paragraph (9) of this Agreement, the full amount owed to the Facility at maturity will become immediately due and payable, unless otherwise determined by the Facility, if the regular member fails to pay the amount due on any principal repayment date or any interest repayment date. In such case, the late payment charges and overdue interest rate specified in subparagraphs 5(v) and 5(vi) hereof would apply to the full amount owed to the Facility."

"As used herein, unless the context otherwise requires, the date and amount of the advance, the interest rate, the principal repayment dates, the principal amount due on each such principal repayment date, the interest payment dates, and the maturity date are the dates, amounts and rate specified as such in the confirmation issued by the Facility in connection with the advance; the overdue principal amount used for determining interest after the maturity date is equal to the unpaid balance of the amount of the advance, as due on the maturity date, plus unpaid interest from the date of the advance through the maturity date plus the unpaid balance of any late principal and interest payment charges payable through the day after the maturity date; and the overdue interest rate is the higher of the following two rates, namely, the interest rate specified in the confirmation, as in effect on the maturity date, or the highest interest rate set by the Facility for Facility advances to any party on the maturity date. If the interest rate specified in the confirmation is variable, the variable interest rate determined in the manner specified in the confirmation shall constitute the 'interest rate specified in the confirmation' as used herein. Interest from the date of the advance through the maturity date shall be determined hereunder as follows, using the interest rate specified in the confirmation: interest shall accrue each day on the unpaid balance of the amount of the advance, and the unpaid interest from the date of the advance through any date shall be equal to all accrued interest through such date less the portion of such accrued interest that has been paid prior to such date. ¹⁵"

"The Regular member may make a prepayment in any amount at any time. When the unpaid balance of the amount of the advance is reduced as a result of a prepayment, the principal amount due on the next succeeding principal repayment date shall be reduced by an amount equal to the reduction in the unpaid balance of the amount of the advance. If any amount due on any interest payment date or the maturity date includes an amount that has previously been subjected to a late interest payment charge or a late principal payment charge under subparagraphs 5(v) or 5(vi) hereof, the amount used for computing any late interest payment charge or late principal payment charge on the amount due on

¹⁵ The number of days used for computing accrued interest shall exclude the date of the advance and shall include the date through which the accrued interest is being computed."

such date shall exclude the amount that has previously been subjected to such a charge under subparagraphs (5)(v) or (5)(iv) hereof. The Facility may waive any part or all of the interest, late principal payment charge, late interest payment charge or overdue interest. Each payment on a repayment obligation created hereunder, including a prepayment thereon, shall be applied as follows to the amounts payable under the repayment obligation: if the payment is made on or before the maturity date, it shall be applied first to the unpaid balance of any late principal and interest payment charges payable through the time of the payment, then to any unpaid interest that was not paid when due, then to the unpaid balance of any principal amount that was not paid when due at the time of the payment, then to the unpaid balance of any principal amount that is due at the time of the payment, then to the remaining unpaid balance of the amount of the advance, and then to the remaining unpaid interest; if the payment is made after the maturity date, it shall be applied first to unpaid interest on the overdue principal amount and then to the unpaid balance of the overdue principal amount. If the amounts owed to the Facility on all repayment obligations created hereunder become immediately due and payable under the terms of paragraph (9) hereof, the maturity date of each such repayment obligation, as used herein, is the earlier of the following two dates, namely,"

"—The date such amounts became immediately due and payable, or

"—The date specified as the maturity date in the confirmation issued by the Facility in connection with the advance that created the repayment obligation."

New Section 15 is added to read:

"This agreement shall be severable. The invalidity of any term or condition of this agreement shall not invalidate the remainder of this agreement, and each term and condition of this agreement shall be fully enforceable regardless of the validity of any other term or condition of this agreement."

Section 13 is modified to read:

"This agreement may be modified from time to time by the NCUA Board. Any such modification shall be published in the *Federal Register* and shall be mailed to the Regular member at the address shown for such member in the records of the Facility. The modification shall become a part of this agreement as of the effective date specified in the *Federal Register*, provided that the effective date specified in the *Federal Register* shall not be less than 30 days after the

required publication and mailing unless:"

"(i) the modification is limited to the reduction or elimination of any one or more of the obligations imposed on the Regular member by any term or condition of this agreement, or"

"(ii) the NCUA Board makes a finding that an earlier effective date is necessary and the finding is included in the required publication and mailing."

"Written data, views or arguments concerning the modification may be submitted to the Facility by the Regular member at any time up to five days before the effective date specified in the *Federal Register*. The modification shall apply to all advances made by the Facility after such effective date. All such modifications are a part of this agreement, including modifications that occurred prior to the signing of this agreement. Operating circulars issued by the Facility may include interpretive rules and statements of policy with respect to the terms and conditions of this agreement but may not modify any such term or condition. Without modification of this agreement, the Facility may waive any part or all of any obligation imposed on the Regular member by any term or condition of this agreement, and the Facility may reinstate any part or all of any such obligation previously waived by the Facility."

Rosemary Brady,

Secretary, NCUA Board.

April 24, 1981.

[FR Doc. 81-12996 Filed 4-29-81; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel (Special Exhibitions Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Museum Panel (Special Exhibitions Section) to the National Council on the Arts will be held on May 18-20, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E. St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the

determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 21, 1981.

[FR Doc. 81-13072 Filed 4-29-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-18]

Reports, Recommendations, Responses; Availability

Recently released by the National Transportation Safety Board are these documents:

- *Highway Accident Report—Central Texas Bus Lines, Inc., Charter Bus, State Route 7 near Jasper, Arkansas, June 5, 1980 (NTSB-HAR-81-1)*. During its investigation, the Safety Board issued to the State of Arkansas recommendations H-80-45 and -46, reported at 45 FR 52517, Aug. 7, 1980. (See 45 FR 62234, Sept. 18, 1980, for response.) On March 24, following investigation, the Board issued these additional recommendations:

To the State of Arkansas: Correct the drainage channel hazard at the accident site and, whenever feasible, take action to ensure that all highway drainage channels conform to the recommendations of the American Association of State Highway and Transportation Officials. (Class II, Priority Action) (H-81-10)

To the Federal Highway Administration: Develop national standards for the signing of brake check areas. (Class II) (H-81-11)
Conduct research to develop guidelines for the location and illumination of brake check areas. (Class II) (H-81-12)

To the Bureau of Motor Carrier Safety: Maintain strict surveillance of the Central Texas Bus Lines, Inc., operations and maintenance procedures to ensure that all facility survey deficiencies are corrected. (Class I, Urgent Action) (H-81-13)
Issue an ON GUARD Bulletin, with emphasis on distribution to charter bus companies, outlining the particulars of this accident relating to drivers' hours of service and other safety-related matters, and recommending that charter bus contracts include a statement that all tours will be

restricted on a daily basis to the mileage that can be safely traveled at legal speeds and within the authorized 10-hour driving time. (Class I) (H-81-14)

Give appropriate consideration to the identification of violations and enforcement of the Federal Motor Carrier Safety Regulations pertaining to Hours of Service of Drivers, Maintenance of Vehicles, and other carrier safety matters in developing the annual BMCS Work Schedule. (Class II) (H-81-15)

To the National Tour Brokers Association:

Inform member tour brokers of the particulars of this accident and encourage them in their contract negotiations with passenger carriers who have Interstate Commerce Commission operating authority to emphasize the importance of the carrier's compliance with all safety regulations. (Class II) (H-81-16)

*** Safety Effectiveness Evaluation—Federal and State Enforcement Efforts in Hazardous Materials Transportation by Truck (NTSB-SSE-81-2).** As a result of this evaluation, the Safety Board on March 17 issued these recommendations:

To the Federal Highway Administration:

Develop and implement a data collection and analysis plan for use in determining the relationship between compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations and motor carrier accident/incident reduction. (Class II) (H-81-2)

Develop a plan for performing periodic vehicle inspections, based on random selection methods, of sufficient magnitude and appropriate frequency to provide statistically valid data on carrier compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations. Such a plan should consider the potential for assistance by the States in performing these inspections. The data should be published in a form usable by States with motor carrier safety or hazardous materials enforcement programs. (Class II) (H-81-3)

Develop a written plan for using the BMCS Management Information System to (1) improve the effectiveness of the Bureau's motor carrier safety and hazardous materials enforcement activities; (2) evaluate the effectiveness of these activities on carrier compliance with the Federal regulations and on reducing the risks of motor carrier transportation and hazardous materials carriage by truck; (3) assist States in developing and conducting motor carrier safety and hazardous materials enforcement programs. (Class II) (H-81-4)

Allocate more resources to the development of the Management Information System and provide the Bureau of Motor Carrier Safety with adequate and timely programming support to facilitate the system's development. (Class II) (H-81-5)

Develop explicit criteria for deciding which carriers and hazardous materials shippers to audit to ensure that the small resources of the Bureau of Motor Carrier Safety are focused on the companies most in need of attention.

The criteria should take into account such factors as accident experience, type of cargo, compliance history, measures of exposure, and other factors related to the degree of hazard presented by the candidate companies. (Class II) (H-81-6)

Develop explicit criteria to guide field staff of the Bureau of Motor Carrier Safety in the development of enforcement case reports, including criteria for initially determining that a case should be developed and the number and types of violations to document. (Class II) (H-81-7)

Develop and publish FHWA policy and procedures for determining initial and final assessments against motor carriers and hazardous materials shippers for violations of the Federal Motor Carrier Safety Regulations or the Federal Hazardous Materials Regulations, for use by FHWA attorneys and others. (Class II) (H-81-8)

Direct FHWA regional and headquarters attorneys to systematically document the reason(s) for the amount of initial assessment, the arguments advanced by respondents for withdrawing or mitigating the initial assessment, the disposition of those arguments, and the reason(s) for the amount of the final assessment. Determine whether such documentation could be included in the carrier and hazardous materials shipper computer files of the Management Information System of the Bureau of Motor Carrier Safety. (Class II) (H-81-9)

To the Research and Special Programs Administration:

Develop and use a common shipper identifier in all DOT hazardous materials compliance records. (Class II) (H-81-3)

*** Aviation Safety Recommendations A-81-44 and -45 to the Federal Aviation Administration, April 16, 1981:**

Immediately issue a General Aviation Airworthiness Alert warning Decathlon owners of the potential hazards to aerobatic flight when they modify Decathlon acrobatic restraint systems by attaching the shoulder harness to the seatpan frame and/or route the shoulder straps behind the seatback. (Class I) (A-81-44)

Issue an Airworthiness Directive revising the Bellanca Decathlon FAA-approved flight manual for aircraft manufactured prior to 1977 to include the relevant cautionary information of section 2.1.9, "Occupant Restraint Systems," which is contained in subsequent approved flight manuals. An accurate description of the proper installation of the restraint systems should be included. (Class II) (A-81-45)

*** Highway Safety Recommendations H-81-17 through -19, March 20, 1981.—**In connection with its investigation of the February 18, 1981, commuter bus accident near Quantico, Va., the Safety Board has issued these recommendations:

To the Federal Highway Administration:

Issue an ON-GUARD Bulletin and other appropriate material to alert both interstate and intrastate operators of large commercial vehicles to the preliminary

findings of this accident investigation and point out that worn ball joint assemblies and end fittings on power assist mechanisms may not be detectable using the procedures prescribed in the National Highway Traffic Safety Administration inspection standards. (Class I) (H-81-17)

Develop, in coordination with the National Highway Traffic Safety Administration, steering mechanism inspection procedures and inspection intervals that will ensure the detection of all worn ball joint assemblies and end fittings in the steering linkages with particular attention to those vehicles equipped with power assist mechanism. (Class II) (H-81-18)

To the National Highway Traffic Safety Administration: In coordination with the manufacturers, develop standards prescribing inspection procedures and intervals which will ensure detection of all worn ball joints assemblies and end fittings in the steering linkage of large commercial vehicles, with particular attention to those equipped with power steering mechanisms, and coordinate with the Bureau of Motor Carrier Safety in disseminating such standards to the motor carrier industry. (Class II) (H-81-19)

Recent Responses to Safety Recommendations

From the Federal Aviation

Administration: A-75-27 (April 15).—Supplements response of May 27, 1975 (40 FR 25862, June 19, 1975). Reports on regulatory action taken, including proposal No. 80-27 (46 FR 76, Jan. 2, 1981) re installation of pitot heat indication systems.

A-78-59 through -62 (April 14).—Responds to Board inquiry of July 22, 1980, and supplements response of Nov. 3, 1978 (43 FR 55021, Nov. 24, 1978) on which the Board commented Feb. 7, 1979. Forms and instructions re airport inspection now revised. FAA Order 5010.4, Airport Safety Data Program, published. Alternate action re legends on Sectional Aeronautical Charts pending consideration.

A-78-76 (April 15).—Supplements response of Jan. 3, 1979 (44 FR 5216, Jan. 25, 1979) and responds to Board inquiry of Sept. 17, 1980. Reports on inspection of Piper PA-28 and PA-32 fuel tanks for sealant deterioration and procedures for minimizing fuel system contamination.

From Alaska Air Carriers

Association: A-80-105 (March 30).—Response is to recommendation reported at 45 FR 73828, Nov. 6, 1980. The nonprofit Alaskan Aviation Safety Foundation, to be launched in 1981, will foster aviation safety through education programs.

From the U.S. Coast Guard: P-80-16 and -17 (April 6).—Responds to Board comments of Sept. 4, 1980, on initial response of Aug. 7, 1980 (45 FR 55879,

Aug. 21, 1980). Will publish by Jan. 1, 1982, rulemaking proposal dealing with use of navigational charts informing of location of submarine pipelines and other harbor hazards before conducting anchor-handling activities. USCG Public Notice 80-5 re hazards survey effective July 1, 1980.

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 23, 1981.

[FR Doc. 81-12839 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-56-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 7-9, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the Federal Register on April 21, 1981.

The agenda for the subject meeting will be as follows:

Thursday, May 7, 1981

8:30 a.m.-8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.-12:30 p.m.: Control System Failures that Could Cause or Exacerbate Nuclear Power Plant Accidents (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the evaluation of control system failures in nuclear plants that could cause or exacerbate nuclear power plant accidents. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the nuclear industry who may be present.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:30 p.m.-2:30 p.m.: Anticipated Transients Without Scram (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the ability to calculate ATWS consequences and actions taken subsequent to the Browns Ferry Nuclear Plant partial failure to scram. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the nuclear industry who may be present.

2:30 p.m.-3:00 p.m.: Siting Policy (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding reevaluation of NRC siting policy for nuclear power plants.

3:00 p.m.-4:00 p.m.: Emergency Planning (Open)—The Committee will hear and discuss a report from the NRC Staff regarding consideration of natural events in emergency planning.

4:00 p.m.-5:00 p.m.: North Anna Power Station Unit 2 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding changes in the decay heat removal systems in the North Anna Nuclear Plant Unit 2 which would improve systems reliability and performance.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

5:00 p.m.-6:00 p.m.: Safety Features for Future Nuclear Plants (Open)—The Committee will hear and discuss the report of its Subcommittee regarding requirements for improved safety features in nuclear power plants.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, May 8, 1981

8:30 a.m.-10:30 a.m.: Interim Requirements Related to Hydrogen Control and Certain Degraded Core Conditions for Nuclear Power Plants (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding a proposed NRC rule (10 CFR Part 50) regarding hydrogen control and certain degraded core conditions in the design of nuclear power plants. The Committee will also hear and discuss comments from members of the NRC Staff and representatives of the nuclear industry who may be present regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

10:30 a.m.-11:00 a.m.: Quantitative Risk Criteria (Open)—The Committee will hear and discuss a report from a

representative of the NRC Interoffice Steering Group regarding development of quantitative risk criteria to be used in the licensing of nuclear facilities.

11:00 a.m.-12:00 noon: Probabilistic Assessment of Nuclear Facilities (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff regarding use of probabilistic assessment in the review and evaluation of nuclear facilities.

12:00 noon-12:45 p.m.: Scheduling ACRS Project Reviews (Open)—The Committee will discuss with members of the NRC Staff the basis for proposed scheduling of ACRS project reviews and the impact of such schedules on the NRC licensing process.

1:45 p.m.-2:30 p.m.: ACRS Activities (Open)—The Committee will discuss the future schedule for ACRS activities and proposed items for the meeting with the NRC Chairman and other NRC Commissioners.

2:30 p.m.-3:30 p.m.: Meeting with NRC Chairman and Commissioners (Open)—The Committee and Commissioners will discuss the scheduling of ACRS project reviews for CP and OL applications. The status of the ACRS review of proposed NRC interim requirements for hydrogen control and certain degraded core conditions will also be discussed.

3:30 p.m.-4:00 p.m.: Revised Cladding Swelling and Rupture Models (Open)—The Committee will meet with members of the NRC Staff to clarify the Committee's report to NRC of 1/8/81 regarding NUREG-0630, "Cladding Swelling and Rupture Models for LOCA Analysis."

4:00 p.m.-5:00 p.m.: Crystal River Nuclear Generating Plant Unit 3 (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding a proposed power level increase for the Crystal River Nuclear Generating Plant Unit 3. Members of the NRC Staff and representatives of the licensee will participate, as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matter being discussed.

Saturday, May 9, 1981 this matter.

5:00 p.m.-6:00 p.m.: ACRS Reports to NRC (Open)—The Committee will discuss proposed reports to NRC regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

8:30 a.m.-12:30 p.m.: Concluding Session (Open/Closed)—The Committee will discuss proposed ACRS positions

and reports to NRC as appropriate regarding items discussed during this meeting. The scope, content, and format of ACRS reports will also be discussed.

The Committee will discuss the qualifications of candidates proposed for appointment to the ACRS.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matters being reviewed and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to

the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), and information of a personal nature where disclosure would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m. edt.

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12975 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for hearing or a petition for leave to intervene may be filed on or before May 29, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day April 24, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission,
James R. Shea,
Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear, Mar. 19, 1980, Mar. 19, 1980, XSNMO1703(01)	2.85 percent enriched uranium		¹ 1 Kg	To cover actual amount in cylinder after reanalysis, LEU for Gundremmingen B and/or C.	West Germany.
Mitsui & Company, Apr. 2, 1981, Apr. 7, 1981, XSNMO1803	2.84 percent enriched uranium	75,171	1,729	Initial core loading for Onagawa Nuclear Power Plant	Japan.
General Electric, Apr. 3, 1981, Apr. 7, 1981, XSNMO1804	3.95 percent enriched uranium	1,835	63	For surface treatment and return to United States for fabrication of domestic fuel	West Germany.
Dept. of Energy, Apr. 7, 1981, Apr. 8, 1981, XSNMO1805	97.6 percent enriched uranium	4,400	² 4,250	Irradiation in Canadian test reactors and return to United States for post-irradiation examination as part of continuing U.S. civilian reactor development.	Canada.
Exxon Nuclear, Apr. 7, 1981, Apr. 13, 1981, XSNMO1770(01)	3.50 percent enriched uranium	¹ 2,300	² 81	Fuel for Biblis A	West Germany.
Mitsui & Company, Apr. 8, 1981, Apr. 13, 1981, XSNMO1807	3.75 percent enriched uranium	11,618	312	Routine reload for Fukushima II, Unit I	Japan.
Transnuclear, Inc., Apr. 13, 1981, Apr. 14, 1981, XSNMO1808	45.4 percent enriched uranium	64,700	29,374	Fuel elements for FRJ-1 (Merlin) and FRJ-2 (DIDO)	West Germany.
Do	93.3 percent enriched uranium	31,300	29,203	do	Do.
Westinghouse, Mar. 27, 1981, Apr. 1, 1981, ISNM81006	3.1 percent enriched uranium	2,146	67	For fuel fabrication production line	From Sweden.
Department of Energy, Apr. 7, 1981, Apr. 8, 1981, ISNM81007	97.6 percent enriched uranium	4,400	² 4,250	Irradiation in Canadian test reactors and return to United States for post-irradiation examination as part of continuing U.S. civilian reactor development.	From Canada.
Edow International, Mar. 31, 1981, Apr. 2, 1981, XUD8520	Natural uranium	10,176		For use in the conversion plant located at the Korea Advanced Energy Research Institute in Daejeon.	South Korea.

¹ Additional.

² U-235 and/or U-233.

[FR Doc. 81-12981 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254, 265]

**Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.;
Consideration of Amendment to
Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-29 and DPR-30, issued to Commonwealth Edison Company (the licensee), for operation of the Quad Cities Station, Units 1 and 2, located at the licensee's site near Cordova, Illinois.

The proposed amendment would modify the Technical Specifications to increase the combined spent fuel storage capacity from 2920 spaces to 7570 spaces.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. By June 1, 1981 the licensee or any person whose interest may be affected by this action may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition would specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the

nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration.

A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas A. Ippolito: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication

date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated March 26, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 61265.

Dated at Bethesda, Md., this 23rd day of April 1981.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito, Chief,
Operating Reactors Branch No. 2, Division of Licensing.

(FR Doc. 81-12879 Filed 4-29-81; 8:45 am)

BILLING CODE 7590-01-M

Safety Goal; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Public Meetings on Safety Goal.

The Nuclear Regulatory Commission (NRC) will hold four public meetings to elicit public comment on its project to develop a safety goal. The safety goal will define the level of safety in the nuclear industry which the NRC considers adequate. Procedures for the meetings and issues that NRC has considered in the development of the goal are described in an "Announcement of Public Meetings and Staff Working Paper," available from the contacts listed below. The project is described in detail in three documents published by the NRC:

1. "Development of a Safety Goal: Preliminary Policy Considerations" (Federal Register Notice published March 26, 1981, 46 FR 18827; 4 pages.)

2. *Toward a Safety Goal: Discussion of Preliminary Policy Considerations* (NUREG-0764; March 1981; 58 pages). This document includes item 1 and a summary of item 3.

3. *An Approach to Quantitative Safety Goals for Nuclear Power Plants* (NUREG-0739; October 1980; 161 pages). This document was submitted to the NRC by the Advisory Committee on Reactor Safeguards, which characterized it as a "preliminary proposal" and a "first step in an iterative process." It was accepted as such by the Commission, which has not taken a position on the document.

The details of the meetings are listed below. Interested persons are invited to write or phone the local contacts listed to register to speak at a meeting, to obtain any of the documents listed above, or for further information.

Date, Time, Place and Local Contact

May 19, 1981, 1:30-5 p.m., 7-10 p.m.,
Chicago Public Library, Cultural
Center, 78 East Washington St.,
Chicago, Ill.; Judy Elsass, League of
Women Voters of Illinois, 67 East
Madison, Chicago, Illinois 60603, (312)
236-0315

May 27, 1981, 1:30-5 p.m., 7-10 p.m.,
Gardner Auditorium, State House,
Beacon Street, Boston, Mass.; Marcia
Wood, League of Women Voters of
Massachusetts, 120 Boylston Street,
Boston, Massachusetts 02116, (617)
357-4128 (call after May 5)

June 4, 1981, 1:30-5 p.m., 7-10 p.m., Los
Angeles Museum of Science,
Exposition Blvd. at Harbor Freeway,
Exposition Park, Los Angeles, Calif.;
Joan Riddle, P.O. Box 1150B, Garden
Grove, California 92614, (800) 422-
4488 (call after May 5)

June 11, 1981, 9-12 noon, Colony Square
Hotel, Peachtree at 14th St., N.E.,
Atlanta, Ga., 7-10 p.m., Northlake
Hilton Inn, 4156 La Vista Road,
Atlanta, Ga.; Kenneth Clark, Joseph
Gilliland, NRC Region II, 101 Marietta
Street, Atlanta, Georgia 30303, (404)
242-5503

Dated at Washington, D.C., this 24th day of
April 1981.

Dennis K. Rathbun,

Acting Director, Office of Policy Evaluation.

(FR Doc. 81-12976 Filed 4-29-81; 8:45 am)

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Order Confirming Licensee's Commitments for Event V

The Maine Yankee Atomic Power Company (the licensee) holds Facility Operating License No. DPR-36, which authorizes the licensee to operate the Maine Yankee Atomic Power Station (the facility) at power levels not in excess of 2630 megawatts thermal. The facility, which is located at the licensee's site in Lincoln County, Maine is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Safety Injection (LPSI) system piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPSI low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exists, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exists, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 13, 1980, the

licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded that one valve configuration of concern exists at the facility.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPSI failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required.

Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that actions must be undertaken by the licensee to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA.

III

The licensee's submittal dated March 9, 1981, was committed to implement each of the actions specified in Section IV. We have reviewed the licensee's submittal and determined that it is acceptable because:

1. The licensee's action ensures two in a series closed valves that provide a pressure barrier that isolates the High Pressure Primary Coolant System from the Low Pressure Safety Injection (LPSI) system.

2. The licensee's actions ensure the pressure boundary by leak testing the valves periodically.

Accordingly, I have determined that these commitment are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective order.

IV

Accordingly, pursuant to Sections 103 and 161i of the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately

that the license be amended to include the following conditions:

1. The licensee will assure that MOV's LSI-M-11, 21 and 31 remain in their normally closed position during power operation by modifying existing surveillance procedures to include monthly monitoring of the downstream check valve, affix a CAUTION tag to each valve switch, and provide training to the operators relative to the reasons for these modifications including relief from monthly performance testing of these valves. These actions are required until the Maine Yankee Atomic Power Station is shut down for the Spring 1981 Cycle 6 refueling.

2. Prior to returning to power after the Spring 1981 Cycle 6 refueling, the licensee shall (1) install an additional leak tight check valve and its associated leak testing capabilities between the two existing LPSI check valves and (2) obtain approval for appropriate technical specifications for periodic surveillance to verify the integrity of the LPSI check valves.

V

Any person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for a hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the license should be modified as set forth in Section IV of this Order.

Dated at Bethesda, Md., this 20th day of April 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-12877 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., City of Eugene, Oregon and Pacific Power and Light Co., (Trojan Nuclear Plant); Order for Modification of License

I

The Portland General Electric Company, et al., (the licensee) holds Facility Operating License No. NPF-1, which authorizes the licensee to operate the Trojan Nuclear Plant (the facility) at power levels not in excess of 3411 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Columbia County, Oregon, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 31, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF-1 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. NPF-1 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The license or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to J. W. Durham, Esq. Vice President and Corporate Counsel, Portland General Electric Company, 121 SW. Salmon Street, Portland, Oregon 97204, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(1) Whether the license should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: this 20th day of April 1981. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-12978 filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361A and 50-362A]

Southern California Edison Co. and San Diego Gas and Electric Co.; Finding of No "Significant Antitrust Changes" and Time for Filing of Request for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial determination in accordance with Section 105c(2) of the Atomic Energy

Act of 1954, as amended, that no significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of San Onofre 2 and 3 by the Attorney General and the Commission that would require an operating license antitrust review of the application. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the "significant change" determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of the events that have transpired since issuance of the San Onofre 2 and 3 construction permits to the Southern California Edison Company and the San Diego Gas and Electric Company, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the "staff," have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not sufficiently "significant" in an antitrust context to require a second antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensees or do not have antitrust implications that would likely warrant some Commission remedy.

In reaching this conclusion, the staff considered the structure of the electric utility industry in Southern California, the events relevant to the San Onofre 2 and 3 construction permit antitrust review, and the events that have occurred subsequent to that permit review.

The Summary and Conclusion of the Staff's analysis is as follows:

During the construction permit review of San Onofre 2 and 3, the Attorney General's first advice letter did not identify any anticompetitive situation attributable to San Diego Gas and Electric Company ("SDG&E") but specifically referred to actions taken and positions asserted by Southern California Edison Company ("SCE") as foreclosing its customers from bulk power supply alternatives. Presumably, in reaching a settlement agreement later with SCE, the Attorney General considered that this problem had been, or would be, resolved by the San Onofre license conditions.

Based on this operating license review of San Onofre, staff has some concern that the actions and positions taken by SCE with respect to transmission services are still, at least to a limited degree, foreclosing SCE's customers from bulk power supply alternatives. This represents a change, at least of some significance, with respect to the

¹ Attachments are available in the NRC Public Document Rooms.

situation envisioned at the close of the San Onofre construction permit antitrust review. This change appears to have been brought about principally by a trend toward development of bulk power supply alternatives outside of the SCE service area and, to a lesser extent, by SCE's interpretation of what was required under its license conditions.

Staff must decide as to whether these changes since the construction permit review are reasonably attributable to SCE and have significant antitrust implications that would likely warrant some Commission remedy at this operating license stage. In reaching this decision, staff takes note of the Attorney General's advice letters for San Joaquin, Palo Verde 1, 2, 3, and Palo Verde 4 and 5, each of which found no reason to recommend a hearing with respect to SCE. We also note the letters of Riverside and Anaheim which state that the issues are being fully aired and litigated before other agencies including the FERC and District Court. Since Riverside and Anaheim are the entities that have been principally affected by SCE's transmission policies, staff has concluded in this finding that there are no "significant changes" that would warrant a second antitrust review of SCE or SDG&E with respect to their San Onofre 2 and 3 applications.

Based on the Staff's analysis, it is my finding that an operating license antitrust review of SCE or SDG&E with respect to the San Onofre Nuclear Units 2 and 3 is not required.

Copies of the Director of Nuclear Reactor Regulation's "Finding" and the staff's complete analysis and appendices are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room at Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Any person whose interest may be affected by this finding may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by (60 days).

For the Nuclear Regulatory Commission.

Argil Tolston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-12980 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 27, 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 U.S.C., 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 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 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 AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Forest Service
Maine Woodland Ownership Study
Nonrecurring
Individuals or households/farms/
businesses or other institutions
Owners of privately owned forestland in
Maine
- SIC: All Small businesses or
organizations conservation and land
management, 938 responses, 469
hours, \$31,075 Federal cost, 1 form, not
applicable under 3504 (H) 202-395-
7340

Charles A. Ellett,

To provide estimates of timber volume and acreage of timber that might be available for harvesting, describe attitudes of typical owners toward forest land ownership, management,

timber harvest and recreation. Uses—planning, and economic development.

- Agricultural Stabilization and Conservation Service
Supplemental Qualifications Statement
Agricultural Program Specialist GS-1145-5/7

ASCS-650

On occasion

Individuals or households

Applicants for agricultural program specialist, GS-1145/5/7

Farm income stabilization, 1,000 responses, 2,000 hours, \$12,800 Federal cost, 1 form, not applicable under 3504 (H) 202-395-7340

Charles A. Ellett,

This form is to be used to obtain supplemental qualifications from candidates for positions as agricultural specialists at the GS-5 and GS-7 levels. The right to collect this information is based on the authority to examine delegated to office of personnel management by Title 5 U.S.C. 1104.

- Agricultural Cooperatives Service
Marketing Operations of Dairy Cooperatives
Nonrecurring
Businesses or other institutions
Dairy marketing cooperatives
SIC: 202 514
Small businesses or organizations
Agricultural research and services, 465 responses, 470 hours, \$88,000 Federal cost, 1 form, not applicable under 3504 (H) 202-395-7340

Charles A. Ellett,

Data on present marketing operations of farmer owned dairy cooperatives are needed to improve the efficiency of dairy marketing. Data will be used to aid cooperatives make changes, to help the executive branch agencies, the Congress, and educational institutions evaluate cooperative dairy marketing programs and perform needed dairy marketing research.

Reinstatements

- Economics and Statistics Service
Sugar Processor Inquiries
Other—see SF83
Businesses or other institutions
Sugar cane and sugar beet refiners
SIC: 206
Small businesses or organizations
Agricultural research and services, 96 responses; 62 hours, \$6,000 Federal cost, 1 form, not applicable under 3504 (H)

5• Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data to estimate sugarcane acreage, sucrose content, puritpolarization, raw sugar and molasses production. Estimates used to

keep persons or firms associated with sugarcane production, processing, storage and transportation informed on size, quality and value of the commodity.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

- Conservation and Solar Energy
Urban Wastes Demonstration Facilities
Guarantee Program
CE-497
Nonrecurring
State or local governments
Municipalities
SIC: 919
Energy conservation, 50 responses, 7,600 hours, \$26,500 Federal cost, 1 form, not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

The CE-497 is a nonrecurring form to be filed by municipalities applying for loan guarantees to support urban waste facilities. The data will be used for evaluating and selecting applicants to receive loan guarantee support. This is being submitted to OMB on a standby basis since no funds have been appropriated.

- Economic Regulatory Administration
Emergency Interconnection of Electric Facilities and Transfer of Electricity
ERA 737R
On occasion, weekly
Businesses or other institutions
Public utilities inv. in gen., trans. and distr. of elec. en.
SIC: multiple
Small businesses or organizations
Energy information, policy, and regulation, 40 responses, 1,207 hours, 1 form, not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data will be used to approve or deny application to make permanent connections for emergency use only by persons engaged in the transmission or sale of electric energy where the applicant is not otherwise subject to the jurisdiction defined in section 201 of the Federal Power Act and to order temporary connections of facilities during times of war or national emergency to meet the emergency and serve the public interest.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Revisions

- Centers for Disease Control
National Disease Surveillance—I. Case Reports

On occasion

State or local governments

State and territorial health departments
SIC: 943

Health, 36,214 responses, 15,572 hours, \$100,000 Federal cost, 16 forms, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Case reports on the nationally notifiable diseases provide information on epidemiological characteristics such as age, race/ethnicity, sex, geographic location, etc., that may produce significant contributions toward the resolution of public health problems. State and territorial health departments provide clinical and laboratory data on a number of diseases of timely interest in this national surveillance program.

Extensions (No Change)

- Centers for Disease Control
Rat Control Project Activities—
Quarterly Report
CDC 7.15
Quarterly
State or local governments
Rat control project grantees
SIC: 943
Health, 272 responses, 2,176 hours, \$8,500 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The form submitted for clearance serves as a quarterly report for the urban rat control program which administered \$13 million in fiscal year 1981 to 68 program communities to develop comprehensive urban rat control programs in target areas identified with high infestation areas.

Reinstatements

- National Institutes of Health
Role of Artificial Sweeteners in Bladder Cancer—Water Supply Data
Abstracting Form
Nonrecurring
Businesses or other institutions
H2O UT. in U.S. where cancer studies are being conducted
SIC: 494
Health, 230 responses, 115 hours, \$145,000 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Epidemiologic surveys based on mortality records suggest an important role of drinking water contaminants in various types of cancer. Several NCI case-control interview studies, ongoing and planned, afford the opportunity to evaluate the hypothesized associations. This form will serve to collect the necessary water quality information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

Extensions (Burden Change)

- Government National Mortgage Association
- Summary of Guaranty Agreement—Graduated Payment
- HUD 1746, 1748A, and 1748B
- On occasion, monthly
- Business or other institutions
- Mortgage Bankers
- SIC: 616
- Small businesses or organizations
- Mortgage credit and thrift insurance, 13,440 responses, 3,360 hours, \$15,800
- Federal cost, 3 forms, not applicable under 3504(h)

Richard Sheppard, 202-395-6880

This summary contains all of the terms of a particular security issue and for the execution of the guaranty agreement. Execution of this document is necessary to specify the terms under which the guaranty is offered by GNMA. Issuer must agree to these terms by executing the document.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

- Employment and Training Administration
- Research on the Food Stamp Workfare Demonstration
- MT 303
- Nonrecurrent
- Individuals or households
- Food stamp work registrants
- Public assistance and other income supplements, 2,000 responses, 1,600 hours, \$1,199,885 Federal cost, 2,000 forms, not applicable under 3504(h)
- Arnold Strasser, 202-395-6880

This summary will provide the information to submit the required report to Congress on the impact of the food stamp workfare demonstration project.

Revisions

- Employment and Training Administration
- National Longitudinal Survey of Work Exp of Youth
- MT-290 (E)
- Annually
- Individuals of households
- Youth 14-21 on January 1, 1979
- Training and employment, 2,600 responses, 19,360 hours, \$3,500,000
- Federal cost 1 form, not applicable under 3504(h)
- Arnold Strasser, 202-395-6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by youth.

Extensions (No Change)

- Bureau of Labor Statistics
- Annual OSHA Survey and
- Prenotification of Recordkeeping requirements
- OSHA 200S and OSHA No. 200PRE
- Annually
- State of local governments/farms/businesses or other institutions
- Private sector employers and local government agencies
- Small businesses or organizations
- Other labor services, 280,000 responses, 0 hours, \$4,000,000 Federal cost, 2 forms, not applicable under 3504(h)
- Off. of Federal Statistical Policy and Standard, 202-673-7974
- Section 8(c) of the Occupational Safety and Health Act (Pub. L. 91-91-596) legislates the Secretary of Labor to require employers to maintain records of occupational injuries and illnesses and to submit periodic reports. Uses of the data: indicates industries needing safety and health attention; guidance in administering Federal and State programs; and used by labor and management for safety program comparisons.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—673-6042

Revisions

- Part 249 of the economic Regulations
- Preservation of Air Carrier Accounts, Records and Memoranda
- 91
- On occasion
- Businesses or other institutions
- Certified air carriers
- Small businesses or organizations
- Air transportation, 223 responses, 335 hours, 0 form, not applicable under 3504(h)
- Terry Grindstaff, 202-395-7340

Prescribes record retention periods for air carrier records to assure availability of records for audit and enforcement purposes. Retention periods are prescribed only for records that support specific regulatory needs.

Extensions (No Change)

- Part 202—Certificates Authorizing Scheduled Route Service: Terms, Conditions and Limitations
- On occasion
- Businesses or other institutions
- Certified air carriers
- Small businesses or organizations

Air transportation, 52 responses, 356 hours, 0 form, not applicable under 3504(h)

Terry Grindstaff, 202-395-7340

Certain provisions are designed to require the carrier to advise the Board of and receive prior Board approval for the specific service the carrier intends to provide to meet its certificate obligations under section 401 of the Federal Aviation Act.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

- Permittee Inventory Information
- Nonrecurrent
- State or local governments/businesses or other institutions
- Own. and Oper. involved in undergr. inj. and are auth. by rule
- SIC: multiple
- Small businesses or organizations
- Pollution control and abatement, 19,000 responses, 9,500 hours, 1 form, not applicable under 3504(h)
- Edward H. Clarke, 202-395-7340
- Section 1421 of the Safe Drinking Water Act requires a permit or authorization by rule for underground injection. If by rule, then certain information is required, e.g., name of facility, legal contact, nature and type of injection wells.

- On Site Inspection Report
- Nonrecurrent
- Businesses or other institutions
- Car and eng. dealers, comm. rep. fac., ser. st., fl. operators
- Small businesses or organizations
- Pollution control and abatement, 1,225 responses, 102 hours, \$1,632.50 Federal cost, 1 form, not applicable under 3504(h)
- Edward H. Clarke, 202-395-7340
- Responses verify facility name and address for maintenance of FOSD inspection reports and to insure proper naming of respondent if complaint results from inspection. Survey questions assist FOSD in identifying and assessing impact of industry-wide problems.
- Catalyst Lead Survey
- Weekly
- Individuals or Households
- Vehicle owners in the United States
- Pollution control and abatement, 1,000 responses, 166 hours; \$3,500 Federal cost, 1 form; not applicable under 3504(h)
- Edward H. Clarke, 202-395-7340
- Lead contamination of automobile catalysts has a direct effect on the level

of HC and CO emissions and hence an effect on air quality. This survey will be used to quantify whether lead contamination of catalysts is a problem and to verify cars tested for recall actions do not have contaminated catalysts.

- **Vehicle Owner's Manuals and Warranty Statements**
Annually
Businesses or other institutions
Manufacturers of light-duty vehicles and trucks, both domestic and foreign
Sic: 371

Pollution control and abatement, 30 responses, 15 hours; \$1,625 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Vehicle manufacturers must submit owner's manuals warranty statements to EPA prior to the introduction of a vehicle for sale. EPA reviews these materials to assure that manufacturers provide the information to purchasers which the Clean Air Act requires. The S. 207(b) emission performance warranty was effective beginning with the 1981 model year.

- **Inspection/Maintenance Station Audit**
Annually
State or local government/businesses or other institutions
Organizations that run automobile inspection/maintenance programs
Small businesses or organizations
Pollution control and abatement; 24 responses, 96 hours; \$40,000 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Inspection/maintenance (I/M) programs have been set up or are being planned in most States. This program was set up to check the accuracy of the instrumentation at I/M sites.

- **1981 Motor Vehicle Tampering Survey**
Nonrecurring
State or local governments
Government inspection filling in motorist surveys in urban areas
Pollution control and abatement, 2,500 responses, 208 hours; \$30,000 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

A survey of in-use vehicle to assess the degree and type of tampering with motor vehicle emission controls. An annual or bi-annual survey is desired to assess trends in this rate. Needed to determine focus of problems.

- **Recordkeeping of Application Data**
Nonrecurring
Businesses or other institutions
All NPDES permit appli.-indust. & municipal dischargers

Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 65,000 responses, 325,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

This recordkeeping is necessary to support and document any subsequent EPA enforcement actions for submission of false information on the permit application, for which there are severe penalties. This program cannot work unless EPA has correct information in the application and permit and can enforce this requirement.

- **Reporting and Recordkeeping of Monitoring Data**
On occasion
Businesses or other institutions
All permittees—industrial and municipal dischargers

Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 65,000 responses, 650,000 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Data needed to support possible subsequent enforcement actions where past records indicate the extent of noncompliance. Also to determine if results given to EPA are accurate.

- **Variance Req of Publically Owned Treatment Works (POTW)**
On occasion
Businesses or other institutions
POTW's
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 10 responses, 600 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

A publicly owned treatment works seeking a variance from otherwise applicable effluent limitations for discharges into marine waters must submit a request demonstrating why such variance is justified. EPA will evaluate the request. Statutory requirement. CWA section 301(h). Regulatory requirement: 40 CFR sec. 122.53(j)(1).

- **Extra Monitoring Report**
On occasion
State or local governments
All permit dischargers who moni. more freq. than req. by permit
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 1,700 responses, 1,700 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The results of monitoring conducted more frequently than required in the

permit must be reported in order to provide EPA with complete monitoring data and to avoid selective reporting of favorable monitoring results. Regulatory requirements: 40 CFR sec. 122.60(e)(2).

- **Bypass/Upset Report**
On occasion
State or local governments/businesses or other institutions
All NPDES permit appli.—indust. and municipal dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 4,700 responses, 25,850 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Permittee must report unanticipated bypass of upset orally within 24 hours of discovery and in writing, within 5 days in order to keep EPA informed of such instances, and in the case of upsets, in order for the permittee to establish an affirmative defense to an enforcement action. Permittee must report anticipated bypass, if possible, at least 10 days before the date of the bypass, in order to keep EPA informed of such instances. No action is taken against permittee when bypass is avoided.

- **Excessive Discharge Report**
Nonrecurring
Businesses or other institutions
All NPDES industrial permit applicants
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 1,000 responses, 2,000 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Existing manufacturing commercial, mining and silvicultural discharges must report discharges of or the use of toxic pollutants not limited in the permit which exceed, specified levels in order to keep EPA informed of such instances and to allow EPA to modify permits when necessary regulatory requirement 40 CFR 122.61(A).

- **Changes in pollutant report**
On occasion
State or local governments
Municipalities, cities
Sic: Multiple
Pollution control and abatement, 11,000 responses, 66,000 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Publicly owned treatment works (s) must report any new introduction of pollutants into that POTW and any substantial change in the volume or character of pollutants being introduced

to the POTW in order to keep informed of such instances and to allow EPA to modify permits when necessary, regulatory requirement 40 CFR 122.61(b).

• **Additional Monitoring Requirements for NPDES Permits**

Quarterly

State or local governments/businesses or other institutions

NPDES permit applicants—industrial and municipal

SIC: Multiple

Small businesses or organizations

Pollution control and abatement, 24,000 responses, 24,000 hours; \$100 Federal cost, 1 form; not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

Sec. 122.62(I)(III) is a regulatory requirement imposed by sec. 308 of the Clean Water Act. This section requires monitoring for the NPDES program, and includes measuring pollutants in internal waste streams, intake water for net limitations, and frequency and RA of discharge for noncontinuous discharge. The requirement allows the director to require monitoring at the point of discharge is impracticable or infeasible and to specify monitoring requirements for toxic pollutants.

• **Construction of New Sources Notification**

On occasion

State or local governments/businesses or other institutions

NPDES permit applicants with new source discharges

SIC: Multiple

Small businesses or organizations

Pollution control and abatement, 100 responses, 200 hours; \$100 Federal cost, 1 form; not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

Sec. 122.66(c)(5) requires the permit applicant to notify the regional administrator of any on-site construction of a new source which begins before final agency action in issuing a final permit incorporating appropriate EIS related requirements. Such notification signals a violation of the no on-site construction rule and is ground for denying a permit. EPA may also seek to enjoin construction.

• **Transmission of State Information Semiannually**

State or local governments

NPDES approved States (33 States)

SIC: Multiple

Pollution control and abatement, 16,000 responses, 8,000 hours; \$100 Federal cost, 1 form; not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

This information is necessary so that EPA can continue to oversee a State's

program, to insure that permits proposed to be issued comply with applicable State and Federal law, and to provide EPA with the ability to veto permits if necessary as provided by law (40 CFR 123.74).

• **Recordkeeping Requirements for Compliance Evaluation**

On occasion

State or local governments

33 States with NPDES program

SIC: multiple

Pollution control and abatement, 33 responses, 1,650 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

This recordkeeping requirement is necessary to insure that states retain information to monitor its own program and support enforcement actions and so that EPA can examine the effectiveness of the State program and gain information to support its own enforcement actions in the state if needed.

• **State Program Revision Submission**

On occasion

State or local governments

NPDES approved States (33 States)

SIC: multiple

Pollution control and abatement, 33 responses, 1,659 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

This information is necessary so that when Federal regulations change upon which a State program is based, the State updates its program and provides EPA with updated information as to how the program will be changed along with the necessary legal authority to make any needed change (40 CFR 123.13(b)(1) and 123.13(g)).

• **Permit Consolidation Request**

Nonrecurring

Businesses or other institutions

All permit applicants

SIC: multiple

Small businesses or organizations

Pollution control and abatement, 500 responses, 1,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

The permit applicant may request that the processing of one permit application be consolidated with application. Under other permit programs this will allow one joint draft permit, comment period and one public hearing rather than several.

Consolidation of PSD permit

Nonrecurring

Businesses or other institutions

PSD permit applicants only

SIC: multiple

Small businesses or organizations

Pollution control and abatement, 250 responses, 500 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

This requirement is regulatory based on the provision in the clean air act (sec. 165(C)) which requires that PSD permits be issued within one year of the date the application is received. In order to comply with this statutory deadline, this requirement (124.4(e)) allows PSD permits to be consolidated only with the written consent of the permittee.

• **Modification of Permit Application Nonrecurring**

Businesses or other institutions

Permittees

SIC: multiple

Small businesses or organizations

Pollution control and abatement, 500 responses, 6,500 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

This section requires a permittee whose permit is subject to modification to file an updated application at the request of the Director. Permits can be modified, if there is cause.

• **State Certification of EPA-Issued Permits**

On occasion

State or local governments

Non NPDES approved States (22 States and territories)

SIC: multiple

Pollution control and abatement, 3,000 responses, 12,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

Sec. 401(a)(1) of the Clean Water Act requires that the State from which a discharge originates or will originate certify that the discharge complies with applicable State or Federal law. 40 CFR 124.53 insures that this statutory mandate will be satisfied. No final permit can be issued if certification is denied or if the requirements specified in the certification are not incorporated into the final permit (40 CFR 124.53).

• **State certification of 301(h) variances**

On occasion

State or local governments

States and territories

SIC: multiple

Pollution control and abatement, 80 responses, 480 hours, \$100 Federal cost, 1 form, not applicable under 3504(h).

Edward H. Clarke, 202-395-7340

Sec. 301(h) of the Clean Water Act allows EPA to issue a variance to POTW discharges into marine waters. This variance can only be issued with the concurrence of the State which the discharge originates. Sec. 124-54 complies with this statutory mandate.

• **Best Management Practices Plans (BMP)**

Nonrecurring
Businesses or other institutions
Chemicals and related indust. (pharm., metal finishers, etc.)

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 5,000 responses, 20,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

(1) Certification statement—a brief standard by an applicant for an NPDES acknowledging the need to prepare and implement a BMP plan. (2) BMP plan summary—a summary of the NPDES permittee's BMP plan used by the permitting authority to evaluate the quality of the BMP plan and identify the need for followup (i.e. site visit.)

• **State Recordkeeping of Public Hearings**

On occasion
State or local governments
33 NPDES States

SIC: multiple

Pollution control and abatement, 2,475 responses, 19,800 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The director of an NPDES State program must hold a public hearing on the basis of requests from the public, on draft permits of interest. A tape recording or written transcript of the hearing must be made available to the public.

• **Written Variance Request**

Nonrecurring
Businesses or other institutions
Major statement sources

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 5 responses, 200 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

The owner or operator of a proposed course of modification may demonstrate to the Federal land manager that the emissions from his source would have no adverse impact on the air quality related values of any lands.

• **Permit/Modification/Reissuance**

Nonrecurring

State or local governments

All NPDES permit appl.—industrial and municipal dischargers

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 1,500 responses, 9,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This is an optional reporting requirement of the permittee, which allows him to take the initiative in changing the permit to his benefit.

• **Discharge Allowance for Permit Issuance**

Nonrecurring
State or local governments/businesses or other institutions

All NPDES new source or new discharge permit appl., etc.

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 800 responses, 4,800 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information is needed because discharge into certain water segments not meeting State and water quality standards are prohibited unless a new source or new discharger can show that sufficient pollutant load allocations remain to allow discharge into the segment (40 CFR 122.52(i).)

• **Results of Testing Report**

On occasion
State or local governments
NPDES

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 1,000 responses, 10,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information may be required from certain applicants to assess the toxicity problems at a facility and to determine permit conditions.

• **Variance Request (Non-conventional Pollutants)**

On occasion
State or local governments/businesses or other institutions

Direct indust. discharges with nonconventional pollutants

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 200 responses, 12,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Applicants may present data showing that a level of treatment less than BAT

for nonconventional pollutants in their NPDES permits will not have an adverse environmental or human health effect on the receiving water.

• **Variance Request (Dischargers With Thermal Components)**

On occasion

Businesses or other institutions
Power plants or any point source of a discharge, etc.

SIC: Multiple

Small businesses or organizations
Pollution control and abatement, 25 responses, 5,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

An industrial discharger seeking a variance for the thermal component of its discharge must submit a request demonstrating why such variance is justified. EPA will evaluate the request. Statutory requirement: CWA sec. 316(a). Regulatory requirement: 40 CFR sec. 122.53(a)(6).

• **Report of Planned Changes**

Nonrecurring
Businesses or other institutions
Industrial and municipal dischargers

SIC: Multiple

Small businesses or organizations
Pollution control and abatement, 7,000 responses, 14,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Information enables permitting authority to determine if changes will cause a need to modify permit. This will allow the permittee to avoid noncompliance penalties.

• **Anticipated (and Other) Non-Compliance Reports**

On occasion
Businesses or other institutions
Industrial dischargers

SIC: Multiple

Small businesses or organizations
Pollution control and abatement, 9,500 responses, 33,250 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Information needed so that EPA can receive timely information concerning changes in production or other activities that might cause non-compliance and take appropriate action to avoid non-compliance. Reporting other non-compliance allows the agency to determine if enforcement action or permit modifications are needed.

• **Permit Transfer Report**

Nonrecurring
State or local governments

NPDES permit applicants—industrial and municipal dischargers

Sic: Multiple

Small businesses or organizations

Pollution control and abatement, 4,800 responses, 28,800 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

EPA needs to be notified of proposed transfers of discharging facilities so that the permit can be modified before transferred if necessary to reflect the new situation.

• Reporting Permit Violations

On occasion

State or local governments/businesses or other institutions

All NPDES permit appl.—industrial and municipal dischargers

Sic: Multiple

Small businesses or organizations

Pollution control and abatement, 5,000 responses, 30,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Permittee must report violations of maximum daily discharge limitations for toxic pollutants and hazardous substances, as well as any noncompliance which may endanger health or the environment, within 24 hours of discovery in order to keep EPA informed about possible danger to the public.

• Report of Inaccurate Previous Information

On occasion

State or local governments

All NPDES permit appl.—industrial and municipal dischargers

Sic: Multiple

Small businesses or organizations

Pollution control and abatement, 3,500 responses, 7,000 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information is necessary to ensure that EPA has the most accurate knowledge on hand to self permit conditions and to institute only the appropriate enforcement actions.

• Cessation of Regulated Activities

Nonrecurring

Businesses or other institutions

All NPDES permit appl.—industrial and municipal dischargers

Sic: Multiple

Small businesses or organizations

Pollution control and abatement, 2,100 responses, 1,050 hours, \$100 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information is needed to prevent abuses of compliance schedules leading

to termination of a regulated activity. Without evidence of a public commitment, the permittee could change its mind about termination and continue discharging indefinitely.

Emission Monitoring and Semiannual Reporting

Semiannually

Businesses or other institutions

Ethylene dichloride, vinyl chloride and polyvinyl chl. plants

Sic: 282

Pollution control and abatement, 116 responses, 27,402 hours, \$967 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Sources shall perform continuous monitoring and prepare semiannual reports to ensure the continuing compliance of vinyl chloride sources. Records shall be maintained to support the data and reports.

• Beryllium Sources Emission Test Reporting and Request for Alternative Procedures

Nonrecurring

Businesses or other institutions

Beryllium machine shops, extrac., pound. and ceramic plants

Sic: 333, 325, 286

Pollution control and abatement, 4 responses, 16 hours, \$66.70 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Owner of operator is required to perform an emission test, report the results, and retain records of the test to demonstrate to the Administrator that source is initially in compliance. Administrator may approve source request for meeting ambient concentration after monitoring records justify the request.

• Written Report of Performance Tests and Monitoring Systems Performance Under NSPS

On occasion

Businesses or other institutions

New, modified or reconstructed sources covered by NSPS

Sic: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small businesses or organizations

Pollution control and abatement, 570 responses, 2,850 hours, \$10,000 Federal cost, 1 form, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Each source must furnish a written report of the result of each performance test, and continuous monitoring system performance evaluation if applicable. Records shall be provided to determine the conditions of the performance test. These reports are used to determine if a

source has initially met the standard, and to provide the means of insuring continuous compliance.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202-634-6983

New

• Practical Utility Survey on Recordkeeping Requirements for UGESP

Nonrecurring

State or local governments

Emps., unions, attnys., repres., plaintiffs, res. and psychs.

Federal law enforcement activities, 250 responses, 125 hours, \$7,800 Federal cost, 6 forms, not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

This survey is being conducted in response to an OMB request for a study evaluating the practical utility of the recordkeeping requirements of the uniform guidelines on employee selection procedures (UGESP). This survey is designed to obtain information on the recordkeeping practices of employers and the impact UGESP has had on those practices.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202-566-1164

New

• Building Service Contractor Work Report

GSA 3430

On occasion

Individuals or households/businesses or other institutions

Bus. firms or indiv. providing services under GSA contracts

Small businesses or organizations

General property and records management, 28,080 responses, 14,040 hours, \$501,973 Federal cost, 1 form, not applicable under 3504(h)

Franklin S. Reeder, 202-395-3785

The GSA Form 3430, Building Service Contractor Work Report, is required to improve GSA's procedures for administering building service contracts such as janitorial, guard, and related services. It is used to record and certify productive hours worked.

• Deposit Bond Individual Invitation—Sale of Government Personal Property

50, 25

On occasion

Individuals or households/businesses or other institutions

Certain bidders on sale of surplus personal property

SIC: Multiple

Small businesses or organizations
Multiple functions, 50 responses, 25
hours, 50 forms, not applicable under
3504(h)

Franklin S. Reeder, 202-395-3785

The standard form 150 provides data regarding the cash sale of Government personal property whenever the sales invitation permits an individual invitation type of deposit bond in lieu of each or other form of bid deposit, and the sale terms provide for payment in full prior to release of the property.

- Deposit Bond Annual Sale of Government Personal Property

SF-151

Annually

Individuals or households/businesses or other institutions

Certain bidders on sale of surplus personal property

SIC: multiple

Small businesses or organizations

Multiple functions, 400 responses, 100
hours, 1 form, not applicable under
3504(h)

Franklin S. Reeder, 202-395-3785

The standard form 151 is provided for use in connection with the cash sale of Government personal property whenever the sales invitation permits an "annual" type of deposit bond in lieu of cash of other form of bid deposit.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—

Extensions (Burden Change)

- Application for Authority Under 49 U.S.C. 11343, 11344 Acquire Control of a Motor Carrier or Motor Carriers Through Ownership of Stock or otherwise

OP-F-45

On occasion

Businesses or other institutions

Privately owned motor common carriers

SIC: multiple

Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

Motor carriers proposing the transaction described in answer 5 submit information about their business structure, finan. status, affiliates, transportation operation under the proposal, and terms of the transaction to the ICC. The information provides the minimum factual basis to determine whether the transaction may be authorized. The information serves no other regulatory purpose.

- Appl. for Appvl Under 49 U.S.C. 11349, of the Temp. Oper. of Mot. Carrier

Properties Sought To Be Acq. Under Sep. Fil. Appl. Und. 49 U.S.C. 11343, 113, or Transf. of M.C. Cert.

OP-F-46

On occasion

Businesses or other institutions

Privately owned motor common carriers

SIC: multiple

Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

Motor carriers proposing the transaction described in answer 5 submit information about their business structure, terms of the transaction and justification for requested authorization to the ICC. The information provides the minimum factual basis for deciding whether the transaction may be authorized. The information serves no other regulatory purpose. Operations.

Extensions (No change)

- Application for Authority To Consolidate Merge Purchase or Lease Operating Rights of a Motor Carrier

OP-F-44

On occasion

Businesses or other institutions

Privately owned motor common carriers

Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

Motor carriers proposing transactions described in answer 5 submit information about their business structure affiliates financial status, transportation operations under the proposal and about the terms of the transaction. The information provides the minimum factual basis to decide whether the ICC may authorize the transaction. The information serves no other regulatory purpose.

VETERANS ADMINISTRATION

Agency clearance Officer—R. C. Whitt—
202-389-2146

Reinstatements

- Pension Verification-Interview Worksheet

20-8849, 8849A, 8849B, 8849C, and 21-8848

Annually

Individuals or households

VA pensioners

Income security for veterans, 4,028 responses, 18,128 hours, \$500,000 Federal cost, 5 forms, not applicable under 3504(h)

Robert Neal, 202-395-6880

To continuously verify benefit entitlement and payment under the veterans administration pension

program. The program will monitor both the self-reporting system of the pensioners and the VA's income questionnaire processing. The findings will be used to identify and correct defects in the system.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-13115 Filed 4-29-81; 8:45 am]

BILLING CODE 3110-01-M

PANAMA CANAL COMMISSION

Privacy act of 1974; Systems of Records; Annual Publication, Deletions, Revisions

Correction

In FR Doc. 80-39307 published at page 85256 in the issue for Wednesday, December 24, 1980, make the following changes:

1. On page 85257, the first column, the entry reading "PCC-CZG/10-2, News Media Representatives . . ." should read "PCC-CZG/10-2, News Media Representatives . . .".

2. On the same page, the middle column, the entry reading "PCC-CZG/CAPR-4" should read "PCC-CZG/CAPS-4".

3. On page 85279, the middle column, just before the center heading reading "PCC/GSLM-1", insert the following system of records that was inadvertently omitted:

PCC/GSIS-1**SYSTEM NAME:**

Personnel Security Files, PCC/GSIS-1

SYSTEM LOCATION:

Industrial Security Office, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450; E.O. 10865; Part 60.14, Sub-Chapter B of Chapter 1, Title 35 CFR; PCPM Chapters 732 and 736; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10½ inches, microfilm.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroy 20 years after date of last action.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Industrial Security, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21.

4. On page 85281, the first column, the last paragraph, the last sentence which reads "See 33 CFR 10.21 and 10.22." should read "See 35 CFR 10.21 and 10.22."

5. On page 85297, the first column, just before the center heading reading "PCC/PR-5", insert the following system of records that was inadvertently omitted:

PCC/PR-3

SYSTEM NAME:

Personal Data Records, PCC/PR-3

SYSTEM LOCATION:

Personnel Operations Division, Bldg. 366, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, dependents of employees, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data maintained for reference and statistical purposes, such as employment history of U.S. citizen employees of Canal agencies and Panama Area Personnel Board; identification of U.S. citizens who would be evacuated from residence in the event of civil disturbance or natural disaster; identification of employees

who are earning a special or retained rate of pay which must be adjusted manually; documentation of employees' leave-without-pay to determine periods for within-grade step advancement, conversion to career status, or completion of probationary period; documentation of eligibility for medical services at U.S. Armed Forces hospitals; identification of reemployed Civil Service annuitants; identification of employees who are retired members of the U.S. Armed Forces; authorizations for disposition of pay; and indexes of employees for counseling on retirement, and disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards; lists; and individual forms.

RETRIEVABILITY:

Filed alphabetically by name of employee or former employee or filed by identification number.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Employment history cards are retained permanently. Legal dependent and leave-without-pay records are transferred to official personnel folder upon employee's separation from service. Other records are destroyed when they are no longer pertinent to the employee's current status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from Systems Manager or the Agency Records Officer, Administration

Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employees and officials of the Canal agencies.

6. On page 85309, the third column, the entry under the heading "Authority for Maintenance of the system:" should read as follows: "2 C.Z.C. 65, 66, 76A Stat. 11; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977."

7. On page 85311, the middle column, under the heading "Retention and Disposal:", the fifth line from the bottom, the phrase which reads "mental health patient records destroyed 6 years after last entry;" should read "mental health patient charts destroyed 25 years after patient's discharge; animal patient records destroyed 6 years after last entry;"

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Woolco Fashionwear Corp. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is

required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before June 15, 1981.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning, Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Terrence M. Deneen, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4860.

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV or ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of contributing employer will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan

within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

By letter dated March 5, 1981, the PBGC received a request from Woolco Fashionwear Corp. ("Woolco") for an exemption from the requirements of section 4204(a)(1)(B) of ERISA. In the request, Woolco represents among other things, that:

1. Apparel Buying Associates ("ABA") was a participating employer in the I.L.G.W.U. National Retirement Fund (the "Plan").

2. ABA's average annual contribution to the Plan for the years 1976-1980 was \$121,997.00.

3. On December 31, 1980, ABA sold certain of its assets to Woolco, a wholly-owned subsidiary of F.W. Woolworth Co., ("Woolworth"), pursuant to an agreement dated October 10, 1980, and an amendment thereto executed December 31, 1980.

4. According to its audited statements for the fiscal year ending on January 31, 1980, Woolworth has a net worth of \$1.3 billion.

5. The sales agreement provides that Woolco will have an obligation to contribute to the plan for substantially the same number of contribution base units for which ABA had an obligation to contribute.

6. The sales agreement provides that ABA shall be secondarily liable if Woolco withdraws from the Plan, either completely or partially, before the end of the fifth plan year beginning after December 31, 1980.

7. The sales agreement further provides that unless the PBGC grants a waiver or variance Woolco will post the bond or escrow required under section 4204(a)(1)(B) of ERISA.

Woolco has requested the PBGC to waive the bond/escrow requirement of section 4204(a)(1)(B). In support of its request, Woolco states that the sale has improved the Plan's condition because a financially sound company, Woolco, has become primarily liable for future contributions to the Plan, while ABA remains secondarily liable.

Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, on or before June 15, 1981. All comments will be made a part of the record. Comments received will be available for public inspection with the application for exemption at the address set forth above.

The application for exemption referred to herein is available for public inspection at Room 7100, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Issued at Washington, D.C. on this 24 day of April, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-12963 Filed 4-29-81; 8:45 am]

BILLING CODE 7706-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22023; 70-6590]

Central Power & Light Co.; Proposal To Lease Rail Coal Cars

April 24, 1981.

In the matter of Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403 (70-6590). Central Power and Light Company ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 9(a) 10 and 13 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 86 and 95 thereunder.

Due to increased use of coal at Unit 1 of its Coletto Creek generating station in

Goliad County, Texas coupled with the destruction of and/or need to repair 21 of the rail cars the Company owns, it has become necessary to lease additional coal cars. The Company proposes to enter into a one year lease for 105 rail cars which would commence in May, 1981 with the option to extend that lease for an additional year. The Company has solicited bids for the leasing of the 105 additional cars. The Company has received five bids, and expects to receive 3 to 5 more bids. An affiliate of the Company is contemplating the submission of a bid. If the affiliate's bid either is or matches the lowest bid submitted to the Company, and Company will accept such affiliate's bid. If such affiliate's bid is accepted, the lease rate to be paid by the Company shall not exceed the affiliate's cost of providing such cars.

Because of the emergency need for additional coal cars, subject to Commission approval, the Company has leased 40 coal cars from PLM Railcar Services, Inc. pursuant to a six month lease commencing February 1981 with an option to extend the lease for an additional six months. These cars are leased at a rate of \$280 per car per month plus \$.02 per mile.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley F. Hollis,
Assistant Secretary.

[FR Doc. 81-13064 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22024; 70-6428]

System Fuels, Inc.; Amendment of Financing Arrangements Related to Purchase of Fuel by Nonutility Subsidiary for Use by Operating Companies

April 24, 1981.

In the matter of System Fuels, Inc., Noro Plaza, 666 Poydras, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205, and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112 (70-6428).

Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively, the "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, together with System Fuels, Inc. ("SFI"), a jointly owned nonutility subsidiary company of the Operating Companies, have filed with this Commission a post-effective amendment to the declaration previously filed in this proceeding pursuant to Sections 6(a), 7, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) thereunder.

By order dated May 22, 1980 (HCAR No. 21584) SFI, with its Operating Companies, was authorized to enter into a loan agreement with Clipper Oil Corporation ("Clipper"), a nonaffiliated company, dated as of May 28, 1980 for the purpose of financing fuel inventory. Under the loan agreement Clipper makes loans to SFI in amounts not to exceed \$100,000,000 at any time outstanding out of the proceeds of commercial paper notes issued and sold by Clipper or the proceeds of revolving credit borrowings obtained by Clipper under a credit agreement dated as of May 28, 1981 between Clipper and Bank of America.

A post-effective amendment has now been filed seeking authorization to enter into an amended loan agreement under which the terms of the loan agreement would be extended from May 28, 1981 to July 31, 1982 and certain related conforming changes would be made including changes in the timing and mechanics of subsequent renewals. Subsequent renewals will be for twelve-month periods. Corresponding changes would also be made in the credit

agreement which would also be extended to July 31, 1982.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley F. Hollis,
Assistant Secretary.

[FR Doc. 81-13067 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17753; File No. SR-NSCC-81-5]

Self-Regulatory Organizations; Proposed Rule Change By National Securities Clearing Corporation Relating to Fee Change for Data Entry

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change Amend Section VI.A. of NSCC's Consolidated Rate Structure as follows:

VI. Data Processing Service Fees

A. Paper Input:

[\$.10] \$.15 for each item submitted in paper form (includes [trade input,] buy-ins, [CNS exemptions,] priority requests, interface exemptions,

interface inclusions, commission bills, advisories and dividend settlement input).

\$.30 per item for each item submitted in paper form where alternate machine readable input systems exist (includes trade input and CNS exemptions).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is designed to increase processing efficiency by encouraging the use of automated input and eliminating the potential for possible data entry delays in periods of high volume. The increased fees represent a reallocation of costs, rather than an overall price increase, since the fees are subject to NSCC's monthly discount. Additionally, the record volume and the resulting higher rate which NSCC discounts participant billings has resulted in a significant imbalance between net data entry revenues and costs. The proposed rule change is intended to both operate the data entry function at break-even and to discourage participant use of manual input where alternate automated input systems exist. NSCC does not know of any significant problems that persons affected are likely to have in complying with the proposed rule change. The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 because it encourages processing efficiencies which will facilitate the prompt and accurate clearance and settlement of trades and the safekeeping of assets. The proposed increases in fees represent a break-even level for the cost of data entry and will be equitably allocated among all participants using the service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is concerned solely with a change in NSCC's fee schedule for data entry in order to encourage use of automated input systems and to operate the data entry function at cost. Therefore, NSCC cannot perceive that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change will be solicited pursuant to a notification to Members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions, should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 24, 1981.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-13065 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17750; File No. SR-NYSE-81-11]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 20, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change, eliminating paragraph .40, the "sunset" provision, makes permanent Rule 103A which provides the authority for non-disciplinary corrective action by the Exchange's Market Performance Committee in cases where a specialist's market-maker performance is not in violation of any rule but is inadequate in terms of the Exchange's performance standards. It allows the Market Performance Committee to withdraw Exchange approval of a member's registration as specialist in one or more stock(s), if the specialist organization has consistently received below average evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire (SPEQ).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change makes permanent Exchange Rule 103A. The statutory basis for Rule 103A is Section 6(b)(5) of the 1934 Securities Exchange Act which requires exchange rules to be designed to promote just and equitable principles of trade. The Rule provides the Exchange with the authority to reallocate a stock away from a specialist with consistently high performance scores to a specialist with consistently low performance scores in the quarterly brokers' Specialist Performance Evaluation Questionnaire. The Exchange has found Rule 103A effective in motivating those specialists whose questionnaire scores show a tendency toward slackening performance to upgrade their performance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The process of broker evaluation of specialist performance coupled with the Exchange's authority provided by Rule 103A to reallocate stocks, assures that specialists compete with each other not only for the allocation of newly listing stocks but also for the reallocation of stocks in which they are already registered. For these reasons the proposed rule change will not impose any burden on competition; rather, it will enhance competition among specialists on the Floor of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 21, 1981. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

April 23, 1981.

Shirley E. Hollis,

Assistant Secretary.

[JFR Doc. 81-13066 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17757; File No. SR-Amex-81-8, SR-CBOE-81-8, SR-Phlx-81-7]

American Stock Exchange, Inc. et al.; Self Regulatory Organizations; Proposed Rule Change

Proposed rule change by American Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Philadelphia Stock Exchange, Inc., relating to allocation plan, comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that the American Stock Exchange, Inc. ("Amex"); Chicago Board Options Exchange, Incorporated ("CBOE"); and the Philadelphia Stock Exchange, Inc. ("Phlx") ("self-regulatory organizations")¹ filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organizations. The Commission is

¹ Amex's proposed rule change was submitted on April 16, 1981; CBOE's on April 20, 1981; and Phlx's on April 24, 1981.

publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

Amex, CBOE and Phlx propose to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission on May 30, 1980 (see SEC Release No. 34-16863) concerning selection and replacement of underlying securities for options trading.^{1,2} This agreement is also referred to as the "Allocation Plan." Amex, CBOE, PSE and Phlx have entered into an agreement to adopt the following amendments respecting the replacement of involuntarily delisted options.

The text of the proposed amendments to the Allocation Plan (previously noted in SR-Amex-80-16, SR-CBOE-80-14, SR-PSE-80-9, SR-Phlx-80-14) is set forth below. Italics indicate new material; brackets [] indicate material to be deleted.

A. No change.

B. No change.

C. No change.

D. No change.

E. No change.

F. No change.

G. Until this plan has been approved by the Commission and the initial allocation has been carried out, any options exchange which delists an option because the underlying stock no longer qualifies for options trading shall be eligible to select another underlying stock in accordance with the plan submitted to and approved by the Commission in its Release 14878, of June 22, 1978, and was done by the AMEX and PSE in April of 1980. After the initial allocation described above, such procedure for selecting substitute underlying stocks will be [terminated.] as follows:

1. Involuntarily delisted options, delisted either because of failure to meet the maintenance standards and/or because of changes in the corporate structure of the issuer of the underlying security, may be replaced by an exchange outside of the normal allocation procedure if the exchange observes the following procedure. The exchange must select a replacement option within ten business days of the replacement priority date, must promptly notify the other parties to this

² A proposed rule change substantially identical in content is anticipated from the Pacific Stock Exchange, Incorporated ("PSE").

agreement of the selection and must admit the selection to trading within 90 calendar days from the date of selection. Failure of an exchange to observe this procedure shall result in that exchange's forfeiting its right to replacement outside the normal allocation procedure unless all parties to this amendment waive the forfeiture.

2. Unless all parties to this amendment agree otherwise, the replacement priority date for involuntarily delisted options shall be the last day of trading of the involuntarily delisted options; provided however that, when the involuntary delisting occurs as the result of a change in the corporate structure of the issuer of the underlying security, the replacement priority date shall be the effective date of the corporate action which causes the involuntary delisting. Excepting the determination based on volume that is described below in connection with options currently listed on more than one exchange, should a replacement priority date be the same for two or more exchanges, the exchanges shall use a random method to determine the order in which they select replacement options.

3. An exchange on which options are currently listed shall have the first right to select for options listing one of the following: a surviving entity or a new entity, including any spin-off, resulting from an involuntary delisting. Any selection must qualify for options listing. In the case of options currently listed on more than one exchange, the exchange having the greater public contract volume in the past calendar year with respect to those options (as per OCC statistics) shall have the first right described above. The exchange having the lesser public contract volume shall have the second such right.

4. This amendment is effective as of June 30, 1980 for the purpose of determining the replacement priority date for any exchange which involuntarily delisted an option class in the time period between June 30, 1980 and the date the Commission approves this amendment. Notwithstanding the time limits set forth in paragraph number one above, any exchange which involuntarily delisted an option within this time period for any reason shall be entitled to select, in the order of the replacement priority dates determined in accordance with this amendment, a replacement option for each delisted option provided the selection (a) is made within 20 business days following Commission approval of this amendment and (b) is admitted to trading within 90 calendar days from

the date of selection. Under this exception, an exchange having an earlier replacement priority date shall not be able to select as a replacement an option on which another exchange has a first right of selection, unless that other exchange has expressed in writing its intent not to exercise that right.

H. No change.

I. No change.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In their filings with the Commission, each self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Changes

The purpose of the Allocation Plan amendments is to provide a replacement plan, outside the normal allocation procedure, to replace involuntarily delisted options. At the present time, there is no plan in effect which covers the replacement of involuntarily delisted options. The amendments set forth in these filings are intended to fill the void in the current Allocation Plan.

This agreement sets forth replacement priority dates for involuntarily delisted options, the first right to select for options whose underlying security leaves a surviving entity or new entity and parameters for replacing involuntarily delisted options.

All the proposed changes are in furtherance of the Commission's request that the option exchanges create a plan that is agreed to by all option exchanges which provides for the equitable allocation of new options among the existing options exchanges. In addition, the changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to national securities exchanges in that they facilitate and standardize the method and procedure for replacing involuntarily delisted options in a fair and equitable manner. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to

promote just and equitable principles of trade.

(B) Self-Regulatory Organizations' Statement on Burden on Competition

Amex and CBOE have stated that the proposed rule changes will not have any impact on competition. Phlx has stated that for the reasons stated above and in Commission Release No. 16701, the Phlx does not believe that this proposal will impose any burden on competition that is not otherwise necessary and appropriate.

Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

Amex's proposed rule change was considered and approved by the Exchange's Options Committee which is composed of Amex members and representatives of Amex member organizations. The CBOE's proposed rule change was considered and approved by the Exchange's Securities and New Products Committee which is composed of CBOE members and representatives of CBOE member organizations. No written comments were solicited or received by the Phlx.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5

U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

April 27, 1981.

[FR Doc. 81-13090 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17754; File No. SR-PSE-81-07]

Pacific Stock Exchange Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed Rule Change by Pacific Stock Exchange Incorporated Relating to rights distribution to members. Comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 14, 1981 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been proposed by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

The proposed rule change is a distribution of rights to current members of Pacific Stock Exchange Incorporated. Each right entitles the holder to purchase one-tenth of a membership, with ten rights and payment of \$10,000 being required to make the purchase. The rights are transferable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule and discussed any comments it received on the proposed rule change. The text of

these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the proposed rule change is to correct an imbalance in the supply of and demand for memberships in Pacific Stock Exchange Incorporated. This imbalance is due in part to the expansion of the options floor, the lifting of a moratorium on new specialist posts on the Los Angeles floor and the desire of certain non-members to use the Exchange's SCOREX system. The use of the rights distribution to correct the imbalance is based upon the desire to have current members share in the benefits resulting from the additional memberships.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 in that it will promote just and equitable principles of trade and remove impediments to a free and open market in securities by correcting an imbalance in the supply of and demand for memberships in the Exchange. The proposed rule change will also help avoid unfair discrimination between brokers or dealers and to foster competition in furtherance of the purposes of the Act.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will not impose any burden on competition, but will, in fact, have a favorable impact on competition by correcting an imbalance of supply of and demand for memberships, and increasing the number of members participating in the auction market of the Exchange.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission

that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 24, 1981.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-13091 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17756; File No. SR-SCCP 81-2]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Stock Clearing Corporation of Philadelphia, relating to pledgee bank account charge, comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 21, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP), as billing agent for Philadelphia Depository Trust Company (PHILADEP), proposes to amend Rule 23 (SCCP and PHILADEP Rate Schedule), to include an account charge of \$100 per month for Pledgee Banks. The text of the rule change is as follows.

Rule 23. For the services rendered to [clearing members] participants and pledgees as herein provided, such [clearing member] participant or pledgee shall pay compensation to Stock Clearing Corporation and PHILADEP as follows:

1. Account Charges:

a. Brokers and Dealers:	
Per Clearing account, per month	\$125.00
Per additional suffix, per month	5.00
Minimum transaction charge, per month	25.00
Per PHILADEP account, per month	None.
b. PHILADEP Bank Participants:	
Per PHILADEP account, per month	100.00
Minimum transaction charge, per month	150.00
c. PHILADEP Pledgee Banks:	
Per Pledgee Bank, per month	100.00

(Sections 2 through 7 of Rule 23 remain unchanged)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The proposed rule change is designed to allocate to pledgee banks some of the costs of PHILADEP's pledgee bank program; e.g., the production and transmission of reports, and the administration of pledges and releases of collateral. By using PHILADEP's pledgee bank program, the banks eliminate the costs and risks attendant upon the handling and physical custody of securities.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act), in that it provides for the equitable allocation of reasonable dues, fees, and

other charges among its participants in accordance with Section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP and PHILADEP do not foresee any impact on competition, negative or positive, arising from an account charge to Pledgee Banks. Every other depository currently offering this service charges some kind of pledgee bank fee: PHILADEP, up to this point, was the only depository without such a charge.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated

authority.

Dated: April 27, 1981.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-13092 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) for Performance Standards, Retread, Repair and Alterations of Aircraft Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the period for submission of public comments related to the AC No. 145-XX [AC No. 145-XX, Federal Register Vol. 46, No. 53, Pgs. 17730-17735, Thursday, March 19, 1981]. This action is in response to public requests indicating that persons who may be affected by the AC need additional time to gather data for the preparation of their responses.

DATE: Comment period is extended to July 1, 1981. Comments must identify AC 145-XX and be received on or before July 1, 1981.

ADDRESS: Send all comments on the draft advisory circular to: Federal Aviation Administration, Attention: General Aviation and Commercial Branch (AWS-340), 800 Independence Ave. SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, Telephone (202) 426-8204.

Comments received on the draft AC may be inspected in Room 313, FAA Headquarters Building (FOB-10A), 800 Independence Ave. SW., Washington, D.C. 20591, between the hours of 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION: The draft Advisory Circular published in the Federal Register on March 19, 1981, is intended to provide guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incident of tire failure decreased.

Request for additional time to comment was made by Air Treads, Rubber Manufacturers Association, Thompson Aircraft Tire Corporation and Wilkinson Co., Inc., Aircraft Tire Division.

The FAA has reviewed these requests and had determined the extending of the comment period will afford the public an opportunity to collect data to prepare more appropriate and meaningful responses.

Issued in Washington, D.C., on April 23, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12746 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-11]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 20, 1981.

ADDRESS: Send comments on any

petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e) and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 21, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21558	Todd's Service	14 CFR § 135.243(b)(3)	To permit Mr. Terry R. Willis to operate as pilot in command in petitioner's Part 135 operations without having an instrument rating. This operation would be limited to day visual flight rule conditions.
21443	Murray Air, Limited	14 CFR § 91.90(b)(2)(i)	To permit the petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable VOR or TACAN receiver.
21594	Francis G. Gomes	14 CFR § 91.90(b)(2)(i)	To permit the petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable VOR or TACAN receiver.
21675	Joseph S. Ohelo Jr.	14 CFR § 91.90(b)(2)(i)	To permit petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable Transponder.
21579	United Air Carriers, Inc.	14 CFR § 121.291(a) and (b)	To permit petitioner to introduce its B-707-323 series aircraft into passenger-carrying service in a 152-seat configuration using four flight attendants without first conducting a full-seating capacity emergency evacuation and ditching demonstration.
21337	Falcon Jet Corp.	14 CFR § 21.195(a)	To permit issuance of Special Airworthiness Certificates-Experimental to Dassault/Sud Fan Jet Falcon, all series which are not U.S. Manufactured Aircraft and used for market survey.
21588	Capitol Int'l Airways	14 CFR § 121.163(e)	To permit petitioner to carry passengers in its DC-10 airplanes during proving tests.
21508	Peninsula Airways, Inc.	14 CFR § 135.243(b)(3)	To permit Mr. Tibbette to act as pilot in command on an airplane engaged in Part 135 operations without holding an instrument rating.
21525	Venezolana Int'l de Aviacion, S.A. (VIASA)	14 CFR Parts 21, 43, and 91	To permit petitioner to operate a B-747-273C airplane, N747WR, pursuant to a lease agreement between VIASA and World Airways using the FAA approved master minimum equipment list and to maintain the airplane in accordance with World Airways' FAA-approved continuous airworthiness maintenance and inspection program.
21557	Altair Airlines, Inc.	Portions of 14 CFR Parts 61 and 121	To permit certain foreign airmen to serve as simulator and flight instructors under Altair's FAA approved training program.
21405	Warroad Airways, Inc.	14 CFR § 135.243(b)(3)	To allow petitioner to use pilots in command in Part 135 operations without having instrument ratings when operation in day, visual flight rule (VFR) conditions.
21397	Flight Safety Int'l (FSI)	14 CFR § 135.303	To permit FSI's employed instructor pilots, seeking FAA approval for check pilot status, to take the flight test in an FAA-approved simulator in lieu of the aircraft.
21574	Ransome Airlines (RAA)	14 CFR § 135.261(b)	To permit RAA to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment.
21450	Stephen L. Higgins	14 CFR § 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
20258	Altair Airlines, Inc.	14 CFR § 121.371(a) and § 121.378	Extension of Exemption No. 3039 which allows certain foreign air agencies to overhaul Fokker F-28 aircraft components without meeting the certificate requirements.

Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
14447	Allair Airlines, Inc.	14 CFR § 121.371(a) and § 121.378	Extension of Exemption No. 2156C which allows certain foreign air agencies to overhaul Nord 262A components without meeting the certificate requirements.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20899	United Air Lines	14 CFR § 121.311(f)	To permit certain of petitioner's required flight attendants to occupy passenger seats instead of flight attendant seats equipped with the specified restraint system. <i>Considered withdrawn 4/10/81.</i>
19444	Kodiak Western Alaska Airlines	14 CFR § 135.203(a)(1) and § 135.205(a)	Extension of Exemption No. 2878 for 1-year. The present exemption permits the petitioner to operate under Visual Flight Rules (VFR) conditions below 500 feet above the surface or less than 500 feet horizontally from any obstacle and permits VFR operations in controlled airspace when the ceiling is less than 1,000 feet and flight visibility is less than 2 miles. <i>New exemption granted 4/6/81.</i>
20771	U.S. Air, Inc.	14 CFR § 91.307	To amend Exemption No. 3080 to add 2 aircraft. The present exemption allows operation in the United States under a service to small communities. Exemption specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. The new exemption would cover until not later than January 1, 1985—17 DC-9's; and until not later than January 1, 1988—30 DC-9's and 29 BAC 1-115. <i>Granted 4/1/81.</i>
21198	Pocono Airlines Inc.	14 CFR § 135.261(b)	To reduce the required 10-hour rest period to 8 hours for flightcrews. <i>Denied 4/8/81.</i>
15691	Air Logistics	14 CFR § 43.3(h)	To permit appropriately trained, certificated pilots to remove, check and reinstall magnetic chip detector plugs in Allison 250C series turbine engines and transmissions, and tail rotor gearboxes installed on Bell Model 206 series and Hughes Model 369 series helicopters, and magnetic chip detector plugs in 42" and 50" tail rotor gear boxes installed on Bell Model 205 series and 212 series helicopters. <i>Granted 4/8/81.</i>
20162	Servair Accessories, Inc.	14 CFR §§ 135.297(a) and 135.297(b)	To permit petitioner's pilots to serve in air taxi/charter operations without demonstrating their proficiency in conducting all required instrument approaches. <i>Partial grant 4/9/81.</i>
21658	Ice Flying Service	14 CFR § 135.297(b)	To provide relief from the requirement for pilots to demonstrate a Non-Directional Radio Beacon instrument approach as a part of the required 6-month proficiency check. <i>Granted 4/10/81.</i>
20636	Bighorn Airways, Inc.	14 CFR § 135.297(b)	To allow petitioner's pilots in command to operate under Part 135 without first completing the instrument proficiency check using a Non-Directional Beacon (NDB) facility. <i>Granted 4/10/81.</i>
20866	International Air Services Co.	14 CFR § 135.261(b)	To allow petitioner's pilots to operate when they may not be able to meet the 10-consecutive hours of rest required in any 24-hours period due to possible delays at the turn-around point or at intermediate stops. <i>Denial 4/10/81.</i>
21104	Trans-West Air Charter	14 CFR § 135.89(b)(3)	To allow petitioner to operate its Learjet 24 aircraft up to and including FL 410 without requiring one pilot to wear and use an oxygen mask at all times above FL 350. <i>Partial Grant 4/10/81.</i>
19332	Soaring Society of America	14 CFR § 91.42(a)(1)(2)	To allow Petitioner to operate aircraft that have an experimental certificate, for other than the purpose for which the certificate was issued. <i>Granted 4/10/81.</i>
21233	Air Oregon	14 CFR § 21.197	To allow petitioner to obtain a special flight permit with continuing authorization. The requested permit would authorize petitioner to fly all aircraft utilized in its air carrier operations that may not meet applicable airworthiness requirements but are capable of safe flight for relocation to a facility where maintenance or alterations would be performed. <i>Granted 4/10/81.</i>
16299	Kenmore Air Harbor, Inc.	14 CFR § 141.37(e) and 3(b)(4) of Appendix D to Part 141	To permit petitioner to use a seadrome without permanent runway lights for night training flights involving seaplanes; and to credit toward flight instruction, cross-country night instruction, cross-country night flights in seaplanes with a landing in a body of water less than 100 miles from point of departure under certain conditions. <i>Granted 4/10/81.</i>
21578	Air Illinois (AIL)	14 CFR § 121.538	Relief from requirement to maintain a full security program. <i>Granted 4/10/81.</i>
21585	Aspen Airways, Inc.	14 CFR § 121.538	Relief from requirement to maintain a full security program. <i>Granted 4/13/81.</i>
21340	Aerospatiale Helicopter, Corp.	14 CFR § 91.28(c)	To permit the operation of an aircraft of other than U.S. manufacture without a registration certificate from the country of ownership. <i>Granted 4/15/81.</i>

Corrections of Dispositions Previously Published

On April 6, 1981 the FAA published a notice of disposition (46 FR 20651) of a petition from Frontier Airlines, Inc., incorrectly indicating the granting of an exemption to permit operation of B-737 aircraft with 115 passenger seats using two flight attendants and blocking 6 seats in certain situations. The actual grant was for a B-737 aircraft with 106 passenger seats.

On April 9, 1981, the FAA published a notice of disposition (46 FR 21305) of a petition from World Airways, Inc., incorrectly indicating the granting of an exemption to permit introduction of B-747-200C aircraft into service with a 520 passenger seat configuration without first conducting the required full seating capacity emergency evacuation demonstration. The petition for the 520 passenger seat exemption had been withdrawn and replaced with a petition for a 535 passenger seat exemption which was granted on 4/1/81.

Federal Highway Administration**Environmental Impact Statement;
Cumberland County, Maine****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed bridge-highway project in the cities of Portland and South Portland in Cumberland County, Maine.

FOR FURTHER INFORMATION CONTACT:

James J. Barakos, Division Administrator, Federal Highway Administration, Room 614, Federal Building, 40 Western Avenue, Augusta, Maine 04330, Telephone: (207) 622-6171 Ext: 486.

or

Richard A. Coleman, Acting Deputy Commissioner and Chief Engineer, Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, Telephone: (207) 289-2055.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration and the Maine Department of Transportation as joint lead agencies will prepare an environmental impact statement (EIS) on a proposal to replace or upgrade the existing State Route 77 low level movable span structure ("Million Dollar Bridge") over Fore River between the cities of Portland and South Portland in Cumberland County, Maine.

Improvements are considered necessary because existing conditions seriously obstruct the flow of vehicular traffic between the cities of Portland and South Portland. Studies show that major delays to traffic are caused by the slow movement of water borne traffic which is impeded by limited horizontal and vertical clearance through the existing Bascule spans.

The existing structure is 66 years old and is suffering significant deterioration particularly in the bascule lift spans. These spans have recently been reconditioned and are expected to be structurally adequate for approximately 10 years.

Alternatives presently under consideration are (1) a multi-lane Bridge and Highway approaches on new location; (2) upgrading the existing facility; (3) no action and (4) alternative modes of transportation. At this time alternative modes are not considered a probable solution to the existing unsatisfactory conditions.

Incorporated into and studied with the various build alternatives will be design variations of grade, alignment, number of lanes and alternate types of structures.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public notice will be given of the time and place of public meetings and the public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MDOT at the addresses provided above.

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

Issued on: April 17, 1981.

James J. Barakos,
Division Administrator, Augusta, Maine.

[FR Doc. 81-12752 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement;
Arlington County, Virginia****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Arlington County, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, Environmental Coordinator, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240, Telephone: (804) 771-2805.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Virginia Department of Highways and Transportation, will prepare an environmental impact statement (EIS) for proposed improvements in the Jefferson Davis Highway-Route 1 Corridor. Study limits commence in the vicinity of the proposed improved Monroe Street Bridge in the City of

Alexandria and terminate in the vicinity of 12th Street in Arlington County.

Alternates considered include (1) no build; (2) Mass Transit; (3) Transportation System Management Option; and (4) upgrading of Route 1.

Letters describing the proposed project and soliciting comments have been sent to appropriate Federal, State, and local agencies. Planning for improvements to the Jefferson Davis Highway corridor has been underway since the early 1960's, involving coordination with various local, state, and federal entities. Recently, the Virginia Department of Highways and Transportation, in conjunction with Arlington County and citizen input through the Jefferson Davis Ad Hoc Committee, has analyzed traffic impacts of planned area development and evaluated potential options for solving current and future transportation problems within the corridor. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: April 21, 1981.

Robert B. Welton,
Environmental Coordinator, Richmond,
Virginia.

[FR Doc. 81-12660 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement;
Raleigh County, West Virginia****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of intent.

SUMMARY: The FHWA, in cooperation with the West Virginia Department of Highways (WVDOT), is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed highway project in the city of Beckley, Raleigh County, West Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. David Price, Environmental and Highway Safety Engineer, Federal Highway Administration, 550 Eagan Street, Charleston, West Virginia 25301. Telephone (304) 348-2067, (FTS: 924-1207).

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the WVDOH, will prepare an environmental impact statement (EIS) on a proposal to improve 1.4 miles of WVA 16 (North Valley Drive) in Beckley, West Virginia. The proposed improvement involves the reconstruction and widening of the existing WVA 16 from Raleigh County 6 (Ewart Avenue) to U.S. Route 19 (North Eisenhower Drive). WVA 16 serves as a major north-south route through the city as well as linking the downtown area with the shopping mall and residential developments north of the city. The section of highway under study can no longer accommodate current traffic volumes safely and efficiently.

Alternatives under consideration include: (1) taking no action; (2) widening the existing two-lane highway to five lanes by equal widening on each side; and (3) widening the existing two-lane highway to five lanes by alternating widening on each side (two alternatives). The action alternatives will have varying degrees of social, economic and environmental impacts. Potential impacts include relocation of businesses and residences, stream involvement and increase in noise levels.

A public involvement meeting has been held to solicit input on the proposed alignments. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. Copies of the draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research,

Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: April 21, 1981.

David Price,

Environmental and Highway Safety Engineer, Charleston, West Virginia.

[FR Doc. 81-12750 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

**Environmental Impact Statement:
Quincy, Illinois and Marion County,
Missouri**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed replacement or rehabilitation of the existing two lane U.S. Route 24 Mississippi River Bridge at Quincy, Illinois, commonly known as the Quincy Memorial Bridge. The proposed project also includes associated roadway improvements in Illinois and Missouri. The FHWA and the Illinois Department of Transportation will act as lead agencies. The Missouri State Highway and Transportation Department will act as a cooperating agency.

FOR FURTHER INFORMATION CONTACT:

Mr. Lionel Wood, Staff Specialist for Environment, Federal Highway Administration, 320 W. Washington Street, 7th Floor, Springfield, Illinois 62701, phone (217) 492-4600

W. E. Burns, District Engineer, Illinois Department of Transportation, 126 East Ash Street, Springfield, Illinois 62706, Phone (217) 782-7301

SUPPLEMENTARY INFORMATION: The proposed action would consist of constructing 2- or 4-lane approaches to the Mississippi River Bridge from U.S. 24 (3rd & 4th Streets) in Quincy to the U.S. 61-24 interchange just east of Taylor, Missouri, a distance of approximately 5 miles. This proposed improvement will replace or rehabilitate a functionally and structurally deficient bridge, provide additional bridge traffic lanes for capacity, improve traffic conditions in Quincy, and improve the economic growth and development potential in the Quincy area.

Alternatives under consideration for this project include:

1. Widen only the traffic lanes on the existing bridge.

Construct a new 2-lane bridge three blocks north of the existing bridge (Broadway St. in Quincy) for one-way

westbound traffic, and increase the lane widths of the existing 2-lane bridge for one-way eastbound traffic. Existing U.S. 24 would be improved to 4 lanes to the U.S. 61 and 24 interchange just east of Taylor, Missouri.

3. Construct a new 4-lane bridge from three blocks north of the existing bridge (Broadway St. in Quincy), to U.S. 24 just east of West Quincy, Missouri, and improve existing U.S. 24 to 4 lanes to the U.S. 61 & 24 interchange just east of Taylor, Missouri. The existing bridge would be removed with this alternative.

4. Construct a new 4-lane bridge and roadway from three blocks north of the existing bridge (Broadway St. in Quincy), to north of West Quincy, Missouri, and parallel to the Burlington Northern Railroad tracks to the U.S. 61 & 24 interchange just east of Taylor, Missouri. The existing bridge would be removed with this alternative.

5. Construct a 2- or 4-lane bridge from fifteen blocks north of the existing bridge (Locust St. in Quincy) parallel to and south of the Burlington Northern Railroad tracks to the U.S. 61 & 24 interchange just east of Taylor, Missouri; or connect into U.S. 24 just west of West Quincy and continue construction of 4 lanes to the U.S. 61 and 24 interchange just east of Taylor, Missouri. The existing bridge would remain in place with this alternative.

6. No build.

Possible environmental effects associated with this project include conversion of up to 30 acres of prime farmland and 18 acres of wetlands. Properties protected by Section 4(f) of the DOT Act may be affected and floodplain encroachments may occur. Endangered species habitat may also be affected. Displacements of 1 home, and up to 5 businesses may also result.

The scoping process will be achieved by review and comment on a scoping document that has been prepared by the Federal Highway Administration, Illinois Department of Transportation and Missouri Highway and Transportation Department. The scoping document will be sent to the Department of Interior, U.S. Fish and Wildlife Service, Department of Housing and Urban Development, Department of Agriculture, U.S. Environmental Protection Agency, National Park Service, U.S. Coast Guard and the U.S. Army Corps of Engineers. State and local agencies in Illinois and Missouri will also have an opportunity to review and comment on the scoping document. Other interested parties may obtain copies of the scoping document from the contact persons listed in this notice. A notice announcing the availability of the

scoping document will be published in local newspapers.

A formal scoping meeting will not be held for the proposed action.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-19 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: April 23, 1981.

Lionel H. Wood,

Staff Specialist for Environment, Federal Highway Administration.

[FR Doc. 81-12941 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Clark County, Nev.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Clark County, Nevada.

FOR FURTHER INFORMATION CONTACT:

A. J. Horner, Division Administrator, Federal Highway Administration, 1050 East William Street, Suite 300, Carson City, Nevada 89701, Telephone: (702) 885-5320, or J. J. King, Supervisor, Roadside Development and Environmental Services, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada 89712, Telephone: (702) 885-5680.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nevada Department of Transportation (NDOT), will prepare an environmental impact statement (EIS) on a proposed improvement to U.S. 93 in Clark County, Nevada. The proposed improvement involves the reconstruction and widening of the existing U.S. 93 from the southern intersection of U.S. 3 with S.R. 500 (in Boulder City) northeasterly for a distance of approximately four miles. Also included in the proposed project is the reconstruction of both intersections of U.S. 93 with S.R. 500. Improvements to this highway are considered necessary to provide for the safe movement of the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action, and (2) reconstruction and widening of the existing U.S. 93 to a two-lane highway

with climbing lane and the reconstruction of both intersections of U.S. 93 with S.R. 500. There are several alternative designs for each intersection.

Letters describing the proposed project and soliciting comments will be sent to appropriate Federal, State, and local agencies as well as interested private organizations and individuals. In addition, a public informational meeting will be held May 19, 1981, in the Boulder City Council Chambers to provide general information about the project and solicit public reaction and comment. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments, suggestions, or questions concerning this proposed action and the EIS should be directed to the FHWA or NDOT at the addresses provided above.

Dated: April 20, 1981.

A. J. Horner,

Division Administrator, Carson City, Nevada.

[FR Doc. 81-13071 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-5]

Aroostook 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 Aroostook Valley Railroad (AVR) 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 AVR 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 AVR 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-81-5, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before May 25, 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, SW, 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 10, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-12760 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-94]

Tariff Classification; Region II Ruling Program; Manual Supplement 2300-09; Guidelines for Issuance of Selected Tariff Classification Rulings

Reproduced below is the text of Manual Supplement 2300-09, dated February 6, 1981, which relates to the issuance of selected tariff Classification rulings by the Regional Commissioner of Customs, Region II (New York).

Under T.D. 80-285 (45 FR 80100), which established the Region II Ruling Program, recipients of rulings from Region II are given the right to appeal those rulings to Customs Headquarters in Washington, D.C. Such appeals must be made promptly, following the procedures set forth in Section 5 of

Manual Supplement 2300-09, as set forth below.

John T. Roth,

Acting Director, Classification and Value Division.

April 15, 1981.

1. Purpose

This Manual Supplement sets forth the guidelines to be used in selecting the tariff classification ruling requests to be acted upon by Region II and in selecting those to be referred to Headquarters for action. These guidelines also cover the circumstances when Headquarters will refer tariff classification ruling requests to Region II for action. Information is also included in this Manual Supplement concerning appeals from Region II rulings, Headquarters' review of Region II rulings for which publication is proposed, and the monitoring of Region II rulings generally for consistency with the law, the regulations, and administrative and judicial precedents.

2. Background

On December 3, 1980, T.D. 80-285 was published in the *Federal Register* (45 FR 80100) amending Part 177 of the Customs Regulations (19 CFR Part 177) to authorize the Regional Commissioner, New York (Region II), to issue selected tariff classification rulings. These amendments became effective on January 2, 1981. As noted in the explanatory material contained in T.D. 80-285, the Director, Classification and Value Division, Headquarters, has the responsibility for issuing the guidelines to be used by the Regional Commissioner in determining the ruling requests to be acted upon by Region II and those which should be referred to Headquarters for action. The Director, Classification and Value Division, will monitor the rulings issued by Region II for compliance with the law, regulations, and applicable precedents. Region II rulings which are recommended by the Regional Commissioner for publication will be reviewed by Headquarters prior to publication.

3. Action

The following guidelines will be used in identifying the tariff classification ruling requests to be acted upon by Region II, whether received in New York or at Headquarters. The guidelines also provide for the handling of appeals of rulings issued by Region II, for the monitoring by Headquarters of Region II rulings, and for the review of rulings issued by Region II which are recommended for publication in the Customs Bulletin.

These guidelines will apply only with respect to requests for tariff

classification rulings which are received on or after January 2, 1981. Requests for rulings received prior to that date will be processed by Headquarters.

4. Guidelines for the Issuance of Tariff Classification Rulings by Region II

The authority delegated to Region II by T.D. 80-285 extends only to rulings requested with respect to prospective transactions. The transactions for which rulings are requested involve many specialty areas, many types of ruling applicants and correspondents, and an infinite variety of fact patterns. Some of the requests received by Region II will be readily identifiable as items appropriately ruled upon or otherwise acted upon by Region II. Other requests will be more complex, often involving issues other than those specifically set forth in the request. Whether these requests should be selected for Region II action or referred to Headquarters will be determined by application of the guidelines set forth below and the exercise of good judgment.

It is likely that Region II will receive correspondence which does not require a ruling by either Region II or Headquarters, such as inquiries involving pending transactions. These items should be referred by Region II directly to the port or district where the transaction is pending for reply (or processing in accordance with the internal advice procedures, if applicable). In such instances, the correspondent will be notified of the referral.

Headquarters' experience with the administrative rulings program indicates that tariff classification ruling requests are likely to fall into one of 14 categories, as described below in paragraphs A through N. Requests in certain of the categories will be handled exclusively by Region II, while requests which fall into other categories will be processed solely by Headquarters. In the remaining categories, however, a determination of the proper office to handle the request must be made using the guidelines provided.

A. Inquires Answerable by Information Letters. Any ruling request or inquiry which would be answered best by an information letter, as defined in section 177.1(d)(2) of the Customs Regulations (19 CFR 177.1(d)(2)), will be acted upon by Region II. Letters of this nature received by Headquarters will be referred to Region II for reply.

B. Ruling Requests in Which No Issues Are Raised. In this category of ruling requests, the correspondent will make no classification claims or claims for exemptions, or otherwise offer any specific suggestions as to how the

request should be answered. The classifications in this category of requests will be arrived at by routine applications of the language of specific provisions or pertinent headnotes or of other fundamental rules of construction. This category of ruling requests will be acted upon by Region II unless action by Headquarters would be appropriate under one or more of the guidelines set forth below.

C. Ruling Requests Involving Unsupported Classification Claims.

Requests in this category will be similar in complexity to those requests where no claims are made, except that the claims which are made will be frivolous or otherwise based on contentions patently lacking in merit.

Correspondence of this nature will often be from businessmen, tourists, or other correspondence showing an obvious unfamiliarity with classification principles. An example of this type of inquiry could be one in which the correspondent seeks to avoid a specific higher-rate provision in favor of a free-rate or lower-rate basket provision in the interest of "national trade policy" or other reasons clearly frivolous and not pertinent to the classification of the merchandise. This category of ruling requests will be acted upon by Region II unless bona fide issues warranting Headquarters' attention are raised. In this regard, it should be noted that the fact that the ruling request is from a customs broker or other correspondent for whom customs expertise may be presumed would not in itself remove a case from this category or from handling by Region II. However, requests which raise real social or economic issues should be referred to Headquarters under paragraph L, below.

D. Ruling Requests Involving a Uniform Classification Practice. Any ruling request which alleges the existence of a uniform and established classification practice based on liquidations, or which will result in a classification based on uniform liquidations rather than on the normal application of the tariff schedules, the headnotes, or the usual rules of construction will be referred to Headquarters for action.

E. Ruling Requests Involving Special Tariff Classification Provisions. Ruling requests which involve the entitlement to a conditional exemption from duty under any special tariff classification provisions will be referred to Headquarters for action unless it merely involves technical details concerning a prospective exemption claim normally handled locally. For example, if the requirements of a specific port

concerning the filing of documentation or other evidence of entitlement are at issue, the matter will be referred to that port for action. Among the ruling in this category warranting Headquarters' attention are those which present such issues as substantial transformation, advancement in condition, further fabrication, diplomatic courtesy, application of the Florence Agreement, or other substantive issues relating the entitlement to free-rate provisions in Schedule 8, TSUS, the Generalized System of Preferences, or any other conditional exemption or special provision.

F. Ruling Requests Involving Inconsistent Precedents. Any ruling request concerning a tariff classification to which two or more precedents are pertinent, whether administrative or judicial, and the precedents are in any material respect inconsistent, will be referred for Headquarters' action. This guideline applies even when one or more the precedents is a Region II ruling. For further instructions regarding requests involving the application of judicial precedents, see paragraph K, below.

G. Ruling Requests Involving Reconsiderations. Any ruling request in which a reconsideration of a ruling (whether issued by Headquarters or Region II) is requested, or any matter which involves a pertinent administrative precedent which Region II believes should be reconsidered, will be referred to Headquarters. However, correspondence in which a reconsideration of a Region II ruling is requested from Region II, as opposed to Headquarters (see Section 5, below), will not be referred to Headquarters unless (1) the submission of new material or information makes the referral to Headquarters appropriate under another guideline, or (2) Region II believes that favorable action on the request (i.e., modification or reversal of the earlier Region II ruling) is appropriate. Whenever requests for reconsideration are not referred to Headquarters, the correspondent will be advised of the right to appeal or protest.

H. Ruling Requests Involving Issues of Fact. Ruling requests involving bona fide issues of fact will be referred to Headquarters for action. The "issues of fact" contemplated by this guideline are present in those ruling requests where there is a conflict in the evidence present in the materials in the case file, or where the evidence present may be in conflict with information available from reliable secondary sources. For example, a bona fide issue of fact exists (1) if a ruling request includes a private

laboratory analysis which is at variance with an official Customs Laboratory report, or (2) if information furnished by the party requesting the ruling is contradicted by information found in pertinent trade media. An issue of fact does not exist because the record is incomplete or pertinent facts or information is not known (for whatever reason). Similarly, an issue of fact does not exist because of bare allegations as to the existence of such an issue and does not result from the presentation of nonauthoritative evidence regarding the facts.

I. Ruling Requests Presenting Multiple Issues. Ruling requests involving merchandise where the tariff classification is contingent upon a determination outside the tariff classification area, such as valuation or appraisal, will be referred to Headquarters. However, a piecemeal disposition of the ruling request would be appropriate when the multiple issues presented are clearly separable. In such a situation, Region II will respond to the classification aspect(s) and would advise the party making the request that the balance of the issues presented have been referred to Headquarters for separate reply.

Ruling requests which might be considered to be of a "multi-issue" type because different types of merchandise are involved will be handled by Region II if they otherwise qualify. In appropriate circumstances, parties requesting rulings will be informed that the Customs Service cannot classify all of the items in a catalog or a lengthy list of items; in such cases, an effort will be made to furnish those parties with as much useful information as it is practical to furnish.

J. Ruling Requests Containing Legal Briefs. Some requests for rulings, particularly those submitted on behalf of importers or other interested parties by attorneys, may contain sophisticated arguments, advocating the application of a particular tariff provision, precedent, or concept. Ruling requests of this type will generally be acted upon by Headquarters. Region II should refer such requests to Headquarters unless it concludes (1) that both the arguments contained in the request, and the tariff classification advocated, are correct, and (2) that such conclusions are supported by uniform precedents and would have been reached by Region II notwithstanding the arguments made in the request.

K. Ruling Requests Involving the Application of Judicial Precedents. While one of the purposes of the Region II ruling program is to utilize the National Import Specialists' knowledge

of legal precedents pertinent to the classification of merchandise, this resource will only be used to apply judicial precedents which are pertinent because the merchandise which was the subject of the precedent litigation was the same or similar to the merchandise to be ruled upon. However, a ruling request which seeks the application of legal precedents to merchandise of a different class or kind than that involved in the precedents will be referred to Headquarters for a decision. Any classification requiring the application of rules of construction, whether found in headnotes, judicial precedents, or elsewhere, will be referred to Headquarters whenever the application of two or more of such rules produces results that are inconsistent or when, in determining relative specificity, the application of the rules appears to produce ambiguous, impractical, unreasonable, or illogical results.

L. Ruling Requests Having the Potential for Unusual Social or Economic Impact. Ruling requests having the potential for unusual social or economic impact, or the potential for national publicity, will be referred to Headquarters for action. This category of cases may include matters where there is special public attention or interest, matters involving international trade organizations or foreign governments, or matters where Customs' action may be of interest to other Government agencies having responsibilities in the area of national trade policy.

M. Pending Issues. Region II will issue no rulings on issues which, to Region II's knowledge, the ruling applicant has pending in the form of an appeal, protest, or request for internal advice, or before the U.S. Court of International Trade or any other court. Unless the referral of correspondence of this type to Headquarters would serve some useful purpose, Region II will prepare a brief response to the ruling applicant explaining that a ruling on the issue(s) raised cannot be furnished because of the pendency of the related matter(s). A copy of that response, together with the incoming correspondence, will be forwarded to each office holding the primary file(s) in the pending matter(s) in order that a complete record of the matter may be maintained in the event of litigation.

N. Other Ruling Requests. In general, those ruling requests which are not disposed of by application of the foregoing guidelines will be handled by Headquarters. However, in distinguishing between matters which can be effectively acted upon by Region

II and those which are more appropriately handled by Headquarters, it should be borne in mind that the Region II rulings program seeks to utilize the expertise of the National Import Specialists in responding to classification inquiries or ruling requests which involve well-settled areas or issues easily resolved by reference to precedents. Ideally, this will permit Headquarters to concentrate its efforts on those matters in which its expertise may best be utilized, including the more complex ruling requests, ruling requests involving novel issues, and other matters which Headquarters action is required by law or regulations.

However, Region II should not fail to consider acting on a ruling request simply because the issues raised are complex or new. Similarly, Region II will not be disqualified from responding to a matter because its consideration of the issue would have been precluded had it been raised in connection with an application for internal advice or in connection with a request for further review of a protest.

It is anticipated that most ruling requests raising issues of the degree of complexity warranting Headquarters attention will be submitted by professionals or experts in various aspects of importing or international trade who will be aware of the option of submitting their presentations to Headquarters, rather than to Region II, and will do so.

5. Appeals

Under T.D. 80-285, recipients of rulings from Region II are given the right to appeal those rulings to Headquarters. The regulations provide no time limit for the filing of that appeal. However, it is possible that between the time when a ruling has been issued and the time the appeal is filed the status of the transaction covered by the ruling may change. Those changes may affect the treatment of the appeal.

When the merchandise has been entered, the entry has been liquidated in accordance with a Region II ruling, and the time for filing a protest has not elapsed, Headquarters will only consider an appeal of that ruling as an adjunct to the protest procedures, as explained below. To provide a separate, direct appeal to the Headquarters in those circumstances could mislead the appellant as to the finality of the liquidation and the necessity to file a timely protest in order to preserve the required standing to sue the Government.

While the status of the transaction to which the Region II ruling relates remains prospective, the ruling may be

appealed directly to Headquarters. If the status of the transaction changes from prospective to ongoing after such an appeal is filed, the appellant should provide the port having jurisdiction over the transaction with a copy of both the Region II ruling and the appeal, in order that liquidation can be suspended pending Headquarters action on the appeal.

When the appeal is filed after the status of the transaction has changed from prospective to either ongoing (*i.e.*, the merchandise covered by the ruling has arrived in the U.S., but the entry has not been liquidated) or completed (the entry has been liquidated), the following procedures will be observed:

A. Appeals Before Liquidation. When a recipient of a Region II ruling appeals that ruling to Headquarters prior to liquidation of the merchandise covered by that ruling, Headquarters will unconditionally grant the requested review of that ruling. A copy of the Region II ruling and the appeal should be filed by the appellant with the port having jurisdiction over the transaction in order that liquidation of the entry or entries involved can be suspended pending completion of Headquarters' review of the ruling. Although such an appeal may not be properly the subject to a request for internal advice under section 177.11(b)(ii) of the Customs Regulations (19 CFR 77.11(b)(ii)), Headquarters will accord such appeals the same priority status.

D. Appeals After Liquidation, but Before Liquidation Is Final. When the transaction to which the Region II ruling relates has been liquidated in accordance with that ruling, but the liquidation has not become final, the proper avenue of appeal of that ruling to Headquarters is through the protest procedures set forth in Part 174 of the Customs Regulations (19 CFR Part 174). When a port or district receives a protest of a Region II ruling, it shall forward the protest and its recommendations to Headquarters for review. Upon completion of the review by Headquarters, which shall be coordinated with Region II, the protest and other documents shall be returned to the port or district together with instructions for the disposition of the protest. The Region II ruling will be modified or reversed, if appropriate.

C. Appeals After Liquidation Is Final. When the transaction to which the Region II ruling relates has been liquidated in accordance with that ruling, and that liquidation has become final, an appeal of that ruling must be considered moot. The review of a Region II ruling in those circumstances would serve no purpose in view of the

finality of the liquidation. However, if the appellant continues to qualify for a ruling because there will be further prospective transactions, the appeal will be handled in the same manner as an original request for a ruling. In the event that the claims made are sustained and a modification or reversal of the earlier ruling is obtained, the appellant will be advised that the new ruling will not be applicable to any liquidations which have become final, but will only apply to future importations.

6. Recordkeeping, Publication, and Monitoring

Region II will retain the files for all matters it handles. Complete records will be kept primarily to have the necessary records available for transfer to the U.S. Court of International Trade in the event a Region II ruling (or the failure of Region II to rule) becomes the subject of litigation. In this connection, procedures similar to those now in effect at Headquarters will be observed with respect to maintaining reports or memorandums of all telephone contacts or conferences preceding the issuance of a ruling (to the extent that such contacts or conferences provide *factual* information on which the ultimate ruling is based). In some instances, the complete Region II ruling file (including samples, exhibits, laboratory reports, and other pertinent materials) may be requested by Headquarters in connection with a formal or informal review of the ruling. See Section 5.A. and B., above.

Region II will assign to every inquiry it handles under Part 177 of the Customs Regulations and these guidelines a 6-digit control number beginning with 800000. Copies in triplicate of all Region II rulings will be forwarded to the Director, Classification and Value Division, at Headquarters, together with an "Office of Regulations and Rulings Publication Determination" form, within 30 days of issuance. Region II's recommendations as to publication will be set forth on the latter form and will be reviewed, together with the ruling, by Headquarters. A Keyword Precedent Report for each Region II ruling will be completed by Headquarters.

7. Effect on Other Procedures

The relationship between the Region II ruling program and the Headquarters appellate procedures, and the protest review and internal advice programs, is explained in Sections 4 and 5, above. See Sections 5 and 6 for further information concerning the relationship of the Region II ruling program to the litigation process.

Nothing in these guidelines should be construed as curtailing in any way the normal accessibility of Headquarters personnel for advice and counsel.

8. Expiration Date

This Manual Supplement will expire upon the incorporation of the guidelines contained herein in P&PM 2300.

[FR Doc. 81-12802 Filed 4-29-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Calendar of Significant Information Collections

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: In order to inform the public of the most important upcoming information collections, the Veterans Administration (VA) is publishing a calendar list of significant information collections for the next 12 months. The calendar has been developed in conformance with a memorandum request from the Office of Management and Budget dated January 12, 1981, under the provisions of E.O. 12174, "Paperwork". The calendar contains all significant information collections proposed to be introduced, those subject to revision and those not previously approved by the Office of Management and Budget. The VA considers an information collection request significant if it has the following qualities: Substantial program or policy importance, cost to the government, and burden on the public (e.g., requires 250,000 or more persons to report or maintain specific records, has an annual estimated burden of more than 100,000 hours, has an estimated burden of more than two hours per respondent per year).

FOR FURTHER INFORMATION CONTACT:

R. C. Whitt, Agency Clearance Officer, Management Services (62), 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202) 389-2386. Requests for copies of proposed forms, supporting documents, and comments and questions about the items on the calendar should be directed to the above address.

SUPPLEMENTARY INFORMATION: Each entry to the calendar contains the following information:

- The title of the form;
- OMB approval number (if any);
- Agency form number(s) (if any);
- The purpose of the information collection;
- Who will be required or asked to report;

The Standard Industrial Classification Codes (SIC) referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

An estimate of the number of responses;

An estimate of the total number of burden hours (per FY for a 3 year period);

How often the form will be filled out;

Whether the collection is voluntary, mandatory, or required to obtain a benefit;

An estimate of the cost to the Federal Government; and

An abstract describing the need for and uses of the information collection.

Approved: April 20, 1981.

Rufus H. Wilson,

Acting Administrator.

Calendar of Significant Information Collection Items

(1) Request for Determination of Eligibility and Available Loan Guaranty

OMB No. 2900-0086.

VA Form 26-1880.

Application for benefits.

Individuals.

SIC: Not applicable.

Not used for small businesses.

500,000 responses.

125,000 burden hours.

On occasion.

Required to obtain benefit.

\$3,655,000 Federal cost.

Serves as veteran's application for certificate of eligibility for home loan benefits authorized by 38 U.S.C., chapter 37. Provides military service periods and previous guaranteed loan information, if any, to facilitate determination on entitlement required by 38 U.S.C. 1802(a), (b), and (c) and 1818.

(2) Certification of Loan Disbursement:

OMB No. 2900-0030.

VA Form 26-1876.

Application for benefits.

Individuals and businesses.

SIC: 602, 604, 612, and 616.

Small businesses.

312,000 responses.

156,000 burden hours.

On occasion.

Required to obtain benefit.

\$1,301,000 Federal cost.

Lender's report of home loan closing required by 38 U.S.C. 1802(c). Provides data on terms and closing for loan examination determinations that 38 U.S.C. chapter 37 requirements have been met, terms of loan and conditions affecting the property are in compliance with VA regulations, and are

substantially those on which VA based its prior approval.

(3) 50 Percent Employment Survey:

OMB No. 2900-0235.

VA Forms 22-8722, 22-8723, 22-8724.

Regulatory or compliance.

Graduates of vocational courses,

schools and state approving agencies.

SIC: 824.

Not used by small businesses.

300,000 responses.

514,650 burden hours.

Biennially.

Voluntary for student; required of schools; mandatory for state approving agencies.

\$245,000 Federal cost.

Authorized by 38 U.S.C. 1673 and 1723, these reports obtain information from graduates, schools and state approving agencies. The information is used to determine effectiveness of the VA's educational benefits program.

(4) Pension Verification—Interview Worksheet:

OMB No. 2900-0271.

VA Forms 20-8848, 20-8849, 20-8849a,

20-8849b, 20-8849c.

Program evaluation.

VA pensioners.

SIC: Not applicable.

Not used by small businesses.

4,028 responses.

18,126 burden hours.

Recurring (annually).

Required to obtain or retain benefit.

\$500,000 Federal cost.

To continuously verify benefit entitlement and payment under the Veterans Administration pension program. The program will monitor both the self-reporting system of the pensioners and the VA's income questionnaire processing. The findings will be used to identify and correct any defects in the system.

(5) Solicitation of Identification Data:

OMB No. (new—not assigned).

VA Form 21-8332a.

Regulatory or compliance.

Individuals.

SIC: Not applicable.

Not used by small businesses.

700,000 responses.

116,667 burden hours.

Nonrecurring.

Mandatory.

\$210,000 Federal cost.

The identification data requested will include names, dates of birth and social security numbers for use in identifying veterans or persons claiming or receiving VA benefits and their records and may be used to verify Social Security benefit entitlement (including

amounts payable) with the Social Security Administration (38 CFR 1.575).

[FR Doc. 81-12970 Filed 4-29-81; 8:45 am]

BILLING CODE 8320-01-M

Members of the Performance Review Boards

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4), notice is hereby given of the names of the members of the Performance Review Boards in the Veterans Administration. This notice revises the entire list of members published in the *Federal Register*, 45 FR 35474, dated May 27, 1980.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel (05A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3423).

The Members of the VA's Performance Review Boards are:

VA Performance Review Board

Charles E. Clark, Assistant Administrator for

Personnel

Donald L. Custis, M.D., Chief Medical

Director

Dorothy L. Starbuck, Chief Benefits Director

William R. Martin, Assistant Administrator for Data Management and Telecommunications

Sydney J. Shuman, Chairman, Board of Veterans Appeals

Conrad Hoffman, Controller

Raymond S. Blunt, Assistant Administrator for Planning and Program Evaluation

H. David Burge, Director, Office of Manpower Programs

William A. Salmond, Assistant Administrator for Construction

Department of Medicine & Surgery, Performance Review Board

Turner Camp, M.D., Associate Deputy Chief Medical Director

Donald B. Thompson, Executive Assistant to Chief Medical Director

James A. Christian, Executive Assistant to Deputy Chief Medical Director

Murray Mitts, M.D., Deputy Associate Deputy Chief Medical Director for Operations

Philip T. White, M.D., Deputy Associate Deputy Chief Medical Director for Program

Management

Charles V. Yarbrough, Director, Management Support Staff

Carlton M. Smith, Director, Northeastern Region

Charles R. Paulk, Director, Mid-Atlantic Region

Dan G. Kadrovach, Director, Southeastern Region

James H. Caldwell, Jr., Director, Great Lakes Region

Thomas P. Mullon, Director, Mid-Western Region

John J. Peters, Jr., Director, Western Region

Department of Veterans Benefits, Performance Review Board

John W. Hagan, Jr., Deputy Chief Benefits Director

John P. Travers, Field Director, Western Region

David M. Walls, Field Director, Eastern Region

James J. Cox, Director, Veterans Assistance Service

Albert W. Glass, Director, Loan Guaranty Service

Dated: April 20, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-12971 Filed 4-29-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 83

Thursday, April 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

Copyright Royalty Tribunal.....	1
Federal Election Commission.....	2
Federal Energy Regulatory Commission.....	3
Federal Home Loan Bank Board.....	4, 5
Federal Reserve System.....	6
Securities and Exchange Commission.....	7

1

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-5]

TIME AND DATE: 10 a.m., June 2, 3, 4, 5, 1981.

PLACE: Room 414, 2100 K Street, N.W., Washington, D.C. 20036.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Distribution of 1979 Jukebox Royalty Fees.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

[S-682-81 Filed 4-28-81; 3:46 pm]

BILLING CODE 1410-07-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, May 5, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

DATE AND TIME: Thursday, May 7, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications

Advisory opinion 1981-18—Jerry W. Powell, Counsel, Central Bancshares of the South, Inc.

Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Lena L. Stafford,

Administrative Assistant.

[S-680-81 Filed 4-28-81; 3:04 pm]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following items are being added:

Item No., Docket No., and Company

CAG-20. RP72-6-031. RP72-6-032, CP77-289-025 and CP76-87, El Paso Natural Gas Co. M-6. RM80-42. Tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes.

RP-6. TA81-2-48-000, Michigan Wisconsin Gas Pipe Line Co.

CP-5. (a) CP80-430 and CP81-144-000, Columbia Gas Transmission Corp.; (b) CP81-20-000, Columbia Gas Transmission Corp. and Transcontinental Gas Pipe Line Corp.; (c) CP79-2-6-001, Columbia Gas Transmission Corp.

Lois D. Cashell,

Acting Secretary.

[S-678-81 Filed 4-28-81; 11:54 am]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: Wednesday, May 6, 1981.

PLACE: 1700 G Street, N.W., board room, six floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Bank Membership—The Binghamton Savings Bank, Binghamton, New York

Request for Extension of Time to Open a Branch Office—First Federal Savings & Loan Association of Sioux City, Sioux City, Iowa

Proposed Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Bishopville, South Carolina into Security Federal Savings & Loan Association, Columbia, South Carolina

Designation of Supervisory Agents

Branch Office Application—First Federal Savings & Loan Association, of Brainerd, Brainerd, Minnesota

Application for Bank Membership—The Dime Savings Bank of New York, Brooklyn, New York

Service Corporation Activity—First Federal Savings & Loan Association of Willoughby, Willoughby, Ohio

No. 480, April 28, 1981.

[S-677-81 Filed 4-28-81; 9:42 am]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, May 6, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting of Wednesday, May 6, 1981.

Proposed Merger; Maintenance of Branch office; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Bishopville, South Carolina into Security Federal Savings & Loan Association, Columbia, South Carolina.

No. 481, April 28, 1981.

[S-679-81 Filed 4-28-81; 1:46 pm]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM.

Board of Governors

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: 46 FR, 23040, Wednesday, April 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. Monday, April 27, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposals with respect to the Board's employment goals. (This matter was originally announced for a meeting on April 20, 1981)

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-661-81 Filed 4-28-81; 3:53 pm]

BILLING CODE 5210-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 4, 1981, in Room 825,

500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, May 6, 1981, at 10 a.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Acting Chairman Loomis and Commissioners Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, May 5, 1981, at 9:00 a.m., will be:

1. Consideration of whether to grant the Freedom of Information Act (FOIA) Waiver of Fees Appeal of Jay Gary Finkelstein, in connection with the FOIA request for

Commission files concerning Lifespring Corporation. For further information, please contact Gilles Attia at (202) 272-2448.

2. Consideration of whether to release to the public a study, entitled *A Monitoring Report on the Operation of the Cincinnati Stock Exchange National Securities Trading System*. For further information, please contact Terry M. Chuppe at (202) 523-5623.

The subject matter of the closed meeting scheduled for Tuesday, May 5, 1981, following the 9:00 a.m. open meeting, will be:

Opinions.

Freedom of Information Act appeals.

Institution of administrative proceeding of an enforcement nature.

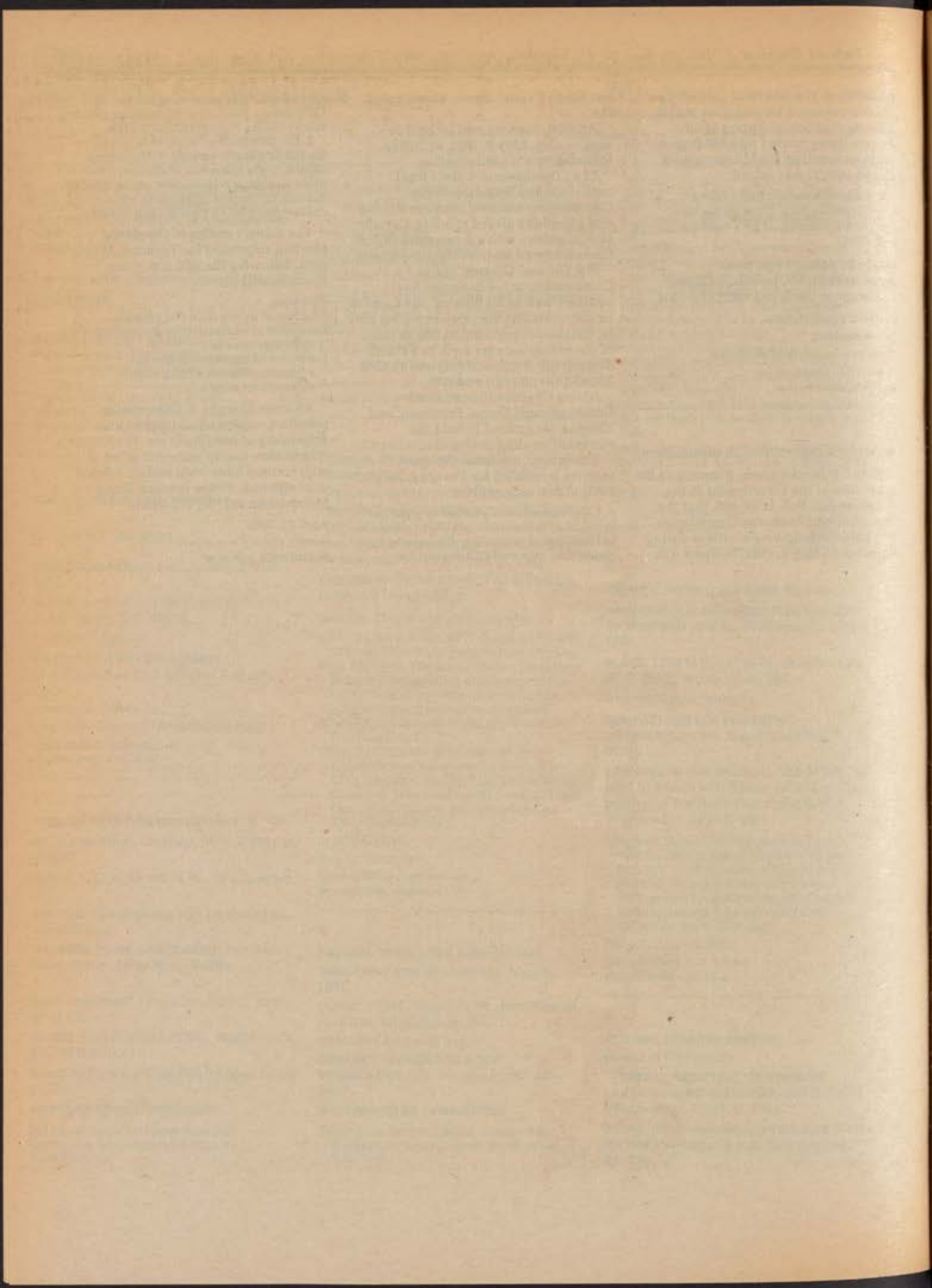
Institution of injunctive action and administrative proceeding of an enforcement nature.

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: Bruce Mendelsohn at (202) 272-2091.

April 27, 1981.

[S-676-81 Filed 4-27-81; 5:12 pm]

BILLING CODE 3010-01-M



federal register

**Thursday
April 30, 1981**

Part II

Department of Transportation

Federal Aviation Administration

**Airplanes; Certification and Operations;
Correction**

APR 30 1984

Part II

Department of Transportation

Federal Aviation Administration

Aircraft Certification and Operations
Division

Request Letter

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 125

[Docket No. 19779; Amdt. No. 125-2]

Airplanes; Certification and Operations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects errors made when the final Part 125 regulation was printed in the *Federal Register* (45 FR 67214; October 9, 1980). This amendment is required to ensure that ambiguity resulting from those errors is eliminated.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Jean Casciano, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: When Notice of Proposed Rulemaking No. 79-19 was published (44 FR 66324; November 19, 1979), proposed § 125.247(e) read "No person may operate any airplane unless the installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or a program approved by the Administrator . . ." (emphasis supplied). However, when the manuscript copy of the final rule was sent to the *Federal Register* for printing, the words "a program" were

inadvertently omitted and § 125.247(d)(1) (the subparagraphs were restructured), as submitted and as published, read "The installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or approved by the Administrator; and". The words "a program" are necessary to express the concept that a program approved by the Administrator is a satisfactory alternative to compliance with the overhaul periods recommended by the manufacturer.

In addition, when the final rule was sent to the *Federal Register* for printing, § 125.381(c)(2) stated "Is on final approach segment using a nonprecision approach procedure, or . . ." However, when the rule was printed, editorial marks were misread and the final rule was printed to read "Is on final approach using a segment/nonprecision approach procedure, or . . ." It is necessary to correct this ambiguity so the codification document provision is the same as the provision in the amendment signed by the Administrator.

Need for Immediate Adoption

Since this amendment corrects errors, eliminates ambiguity, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and contrary to the public interest and that good cause exists for making it effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 125 of the Federal Aviation Regulations (14 CFR Part 125) is amended as follows, effective April 30, 1981.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

1. By revising § 125.247(d)(1) to read as follows:

§ 125.247 Inspection programs and maintenance.

* * * * *

(d) * * *

(1) The installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or a program approved by the Administrator; and

* * * * *

(2) By revising § 125.381(c)(2) to read as follows:

§ 125.381 Takeoff and landing weather minimums: IFR.

* * * * *

(c) * * *

(2) Is on final approach segment using a nonprecision approach procedure, or

* * * * *

(Secs. 313, 601 through 610, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421-1430, and 1502); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that corrects an inadvertent omission and an editorial error and does not make a substantive change, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on April 6, 1981.

Charles E. Weithoner,
Acting Administrator.

[FR Doc. 81-12635 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

THE HISTORY OF THE
CITY OF BOSTON
FROM 1630 TO 1800
BY
JOHN H. COLEMAN
IN TWO VOLUMES
VOL. I
BOSTON
PUBLISHED BY
J. B. LEECH, 15 NASSAU ST.
1857

federal register

**Thursday
April 30, 1981**

Part III

Department of Education

Office of the Secretary

**Semiannual Regulations Agenda and
Review List**

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Chs. I-VII
41 CFR Ch. 34

Semiannual Regulations Agenda and Review List

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of regulations under development as required by Executive Order 12291 entitled "Federal Regulations" and the Regulatory Flexibility Act. This agenda provides a brief description of regulations being developed by the Department of Education. The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION:

Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations.

Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB-6, 400 Maryland

Avenue, S.W., Washington, D.C. 20202.
Telephone (202) 245-7091.

SUPPLEMENTARY INFORMATION:

Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act require the Department of Education to publish, in October and April of each year, an agenda of proposed regulations that the Department has issued or expects to issue. This is the first semiannual agenda published by the Department. It includes both proposed regulations currently being drafted and pending final regulations for which NPRMs have been published.

For each set of proposed or final regulations listed, the agenda provides a: (1) title; (2) summary; (3) contact person; and (4) decision date (expected month of publication of the final regulations (FR) or the notice of proposed rulemaking (NPRM)).

The summary of each set of regulations includes: (1) a brief description of the proposed or final regulations; (2) notice whether a regulatory impact analysis is required by Executive Order 12291; (3) notice whether a regulatory flexibility analysis is required by the Regulatory Flexibility Act; (4) a brief statement of the Department's objectives in issuing the regulations; (5) the legal basis for the regulations; and (6) the Code of Federal Regulations part number assigned to the regulations.

The Department is required by Executive Order 12291 to prepare a regulatory impact analysis for any set of regulations that is a "major rule" as defined by the Order, and that is not exempted from the requirements in the Order. This semiannual agenda specifies whether or not a regulatory impact analysis will be prepared for each set of regulations listed.

The Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, requires that Federal agencies take into account the impact of their regulations on "small entities," including small businesses, small governmental jurisdictions, and other small organizations. The Department must prepare an initial regulatory flexibility analysis for any proposed regulations for which a notice of proposed rulemaking is issued on or after January 1, 1981 if the proposed regulations will have a significant economic impact on a substantial number of small entities. A reference has therefore been included in this agenda to indicate whether a regulatory flexibility analysis is required.

This publication in the *Federal Register* does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

Dated: April 23, 1981.

T. H. Bell,
Secretary of Education.

Department of Education Semiannual Regulations Agenda and Review List

Title	Summary	Contact	Earliest expected decision date
Continuing Education Outreach-State-Administered Program.	A. <i>Description:</i> The regulations establish requirements for a program designed primarily to increase access to post-secondary education for underserved adults. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations describe options available to the States, establish administrative requirements for the conduct of the program, particularly those pertaining to reports and waivers, and reflect recent statutory changes. E. <i>Legal basis:</i> Section 111-115 of Title I-B of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1011-1015). F. <i>Citation:</i> 34 CFR Part 605.	J. E. Donahue, (202) 245-9868.	FR May 1981.
Continuing Education Outreach-Special Projects Program.	A. <i>Description:</i> The regulations establish requirements governing grants and contracts to institutions of higher education, public and private organizations, States, and businesses to meet postsecondary educational needs of adult learners. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations provide comprehensive program information for potential applicants and establish procedures for receipt and evaluation of application. E. <i>Legal basis:</i> Section 116 of Title I-B of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1016). F. <i>Citation:</i> 34 CFR Part 606.	J. E. Donahue (202) 245-9868.	FR May 1981.
Institutional Aid Programs.	A. <i>Description:</i> The regulations contain the general fiscal and administrative requirements for three programs under Title III of the Higher Education Act. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not determined. D. <i>Objective:</i> The regulations establish general provisions common to the operation of the three programs. E. <i>Legal basis:</i> Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1051-1069). F. <i>Citation:</i> 34 CFR Part 624.	Alfreda Lieberman (202) 245-2384.	NPRM June 1981.
Strengthening Institutions Program.	A. <i>Description:</i> The regulations implement a program of assistance to improve the academic quality, institutional management, and fiscal stability of eligible institutions. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not determined.	Alfreda Lieberman (202) 245-2384.	NPRM June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Aid to Institutions with Special Needs Program.	D. Objective: The regulations establish requirements of a program designed to assist certain institutions of higher education in solving problems, stabilizing their management and fiscal operations, and improving the overall quality of their operations. E. Legal basis: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1057-1059). F. Citation: 34 CFR Part 625. A. Description: The regulations implement a program that provides short-term Federal assistance to strengthen the planning, management, and fiscal capabilities of institutions with special needs. B. Regulatory impact analysis: Not determined. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations establish the requirements of a program that provides a maximum of five years, assistance to resolve the special needs of certain institutions of higher education. E. Legal basis: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1060-1063). F. Citation: 34 CFR Part 626.	Alfreda Liebermann (202) 245-2384.	NPRM June 1981.
Challenge Grant Program.	A. Description: The regulations implement a program under which certain institutions of higher education are eligible for matching assistance as an incentive to develop new sources of financial support. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not determined. D. Objective: The regulations establish the requirements of a program designed to assist institutions to develop new sources of income to overcome conditions that may threaten their survival. E. Legal basis: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1064-1065). F. Citation: 34 CFR Part 627.	Alfreda Liebermann (202) 245-2384.	NPRM June 1981.
College Library Resources Program.	A. Description: The regulations establish the requirements governing the award of grants to assist institutions of higher education and other eligible library institutions to improve the quality of their library holdings and networking capabilities. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations implement statutory changes and changes resulting from program experience. E. Legal basis: Part A of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. Citation: 34 CFR Part 773.	Frank Stevens, (202) 245-9530.	FR May 1981.
Library Research and Demonstration Program.	A. Description: The regulations establish the requirements governing the award of grants to assist in encouraging research and demonstration projects related to the improvement of libraries, training in librarianship, and improvement of information technology. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations implement statutory changes, and changes resulting from the administrative experience of the program and incorporate the general selection criteria of EDGAR. E. Legal basis: Part B of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021 et seq.). F. Citation: 34 CFR Part 777.	Frank Stevens, (202) 245-9530.	FR May 1981.
Library Career Training Program.	A. Description: The regulations to institutions of higher education and other eligible library institutions for training in librarianship and for the improvement of library and information science. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not determined. D. Objectives: The amended regulations clarify requirements governing applications for grants and simplify previous regulatory language. E. Legal basis: Part B of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. Citation: 34 CFR Part 778.	Frank Stevens, (202) 245-9530.	NPRM August 1981.
Strengthening Research Library Resources.	A. Description: The regulations amend existing regulations for a program that assist the Nation's major research libraries to maintain and strengthen their holdings and offer services to researchers and scholars. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not determined. D. Objectives: The amended regulations clarify requirements governing applications for grants and incorporate changes resulting from program experience. E. Legal basis: Part C of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. Citation: 34 CFR Part 778.	Frank Stevens, (202) 245-9530.	NPRM August 1981.
Teacher Corps Programs—General.	A. Description: The regulations establish common provisions governing the three types of Teacher Corps Projects: Teacher Corps Training Projects, Youth Advocacy Projects and Mathematics and Science Development Projects. The program is designed to improve teacher preparation, increase opportunities for children of low-income families, juvenile delinquents, and youth offenders; and develop curriculum offerings or instructional materials that improve instruction in mathematics and science. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations reflect recent statutory changes in the program and clarify the differences among the three types of projects. E. Legal basis: Title V-A of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1101 et seq.). F. Citation: 34 CFR Part 791.	Preston Royster, (202) 653-8320.	FR May 1981.
Teacher Corps—Training Projects.	A. Description: The regulations establish the requirements for a program of assistance to projects designed to develop methods and procedures for increasing learning opportunities for children from low-income families, develop and demonstrate new and improved approaches to train educational personnel, and install and disseminate improved practices of teacher education. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required.	Preston Royster, (202) 653-8320.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Teacher Corps—Youth Advocacy Projects.	D. <i>Objectives:</i> The regulations implement and clarify requirements governing applications for grants, the selection of grantees, and the conducting of activities authorized under this program. E. <i>Legal basis:</i> Title V-A of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1101 <i>et seq.</i>). F. <i>Citation:</i> 34 CFR Part 792. A. <i>Description:</i> The regulations establish the requirements for a program of assistance to projects designed to provide remedial, basic, and secondary education to juvenile delinquents and youth offenders. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement and clarify requirements governing applications for grants, the selection of grantees, and the conducting of projects under this program. E. <i>Legal basis:</i> Title V-A of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1101, <i>et seq.</i>). F. <i>Citation:</i> 34 CFR Part 793.	Preston Royster, (202) 653-8320.	FR May 1981.
Teacher Corps—Mathematics and Science Development Projects.	A. <i>Description:</i> The regulations establish the requirements for a program of assistance to projects designed to (1) develop, improve, or test curriculum offerings or instructional materials for training teachers in mathematics and science; and (2) provide training for teachers to increase their effectiveness in developing instructional materials and in teaching mathematics and science in schools that have a high concentration of children from low-income families. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations implement statutory changes authorizing activities interpreted as being consistent with the types of projects funded under the Teacher Corps Program. E. <i>Legal basis:</i> Title V-A of the Higher Education Act of 1965, as amended by Pub. L. 96-374, (20 U.S.C. 1101 <i>et seq.</i>). F. <i>Citation:</i> 34 CFR Part 794.	Preston Royster, (202) 653-8320.	FR May 1981.
Museum Services Program	A. <i>Description:</i> The regulations govern a grant program that assists museums carrying out institutional assessments to measure their programs and operations by generally accepted professional standards. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations expand the types of assistance offered under the program. E. <i>Legal basis:</i> Section 201-210 of the Museum Services Act of Title II of the Arts, Humanities, and Cultural Affairs Act of 1976 (20 U.S.C. 961-968); (5 U.S.C. 552b). F. <i>Citation:</i> 34 CFR Part 64.	Tom Litkowski, (202) 426-6577.	FR May 1981.
Experimental Program for Opportunities in Advanced Study and Research in Education.	A. <i>Description:</i> The regulations contain requirements governing the award of grants to experimental activities that demonstrate effective ways of increasing the participation of members of underrepresented groups in the field of educational research and development. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations implement administrative requirements that revise the language and format of current provisions and improve their quality. E. <i>Legal basis:</i> Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e). F. <i>Citation:</i> 34 CFR Part 703.	Frank Alejandro, (202) 245-8827.	FR May 1981.
Women's Educational Equity Act Program.	A. <i>Description:</i> The regulations—which add a subpart to existing regulations—govern a program of financial assistance (Tier II) that helps educational agencies and institutions implement projects of local significance to meet the requirements of Title IX of the Education Amendment of 1972. B. <i>Regulatory impact analysis:</i> Not determined. C. <i>Regulatory flexibility analysis:</i> Not determined. D. <i>Objective:</i> The regulations implement requirements of the grant program for funding Tier II projects. E. <i>Legal basis:</i> Part C of Title IX of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 3341-48), and Section 406 of the General Education Provisions Act (20 U.S.C. 1221e-3). F. <i>Citation:</i> 34 CFR Part 745.	Leslie Wolfe, (202) 245-2181.	NPRM May 1981.
Fund for the Improvement of Postsecondary Education.	A. <i>Description:</i> The regulations contain requirements for a program of grants to help postsecondary institutions and agencies improve postsecondary education. B. <i>Regulatory impact analysis:</i> Not determined. C. <i>Regulatory flexibility analysis:</i> Not determined. D. <i>Objectives:</i> The regulations alter the format and language of the current regulations to conform with the Education Department General Administrative Regulations, and implement changes with respect to annual priorities, selection criteria, and categories of competition. E. <i>Legal basis:</i> Title X of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1135). F. <i>Citation:</i> 34 CFR Part 730.	Russell Y. Garth, (202) 245-8091.	NPRM May 1981.
Restrictions on the Use of Former Federal Employees.	A. <i>Description:</i> The regulations establish constraints on the services of certain former employees of the Department of Education in conjunction with contractual proposals, negotiations, and awards. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations implement the provisions in the Ethics of Government Act of 1978 concerning the use of former employees by adding a new section to the General Policies subpart of the Department's procurement regulations. E. <i>Legal basis:</i> The Department of Education Organization Act, Pub. L. 96-88 (20 U.S.C. 3474). F. <i>Citation:</i> 41 CFR, Chapter 34, Subpart 34-1.351	Frederick H. Hundemer, (202) 245-7166.	NPRM July 1981.
Cost of Attendance	A. <i>Description:</i> The regulations—which amend existing regulations—establish provisions used by the Pell Grant Program in determining a student's cost of attendance at an institution of postsecondary education. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required.	William L. Moran, (202) 472-4300.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
State Student Incentive Grant Program.....	D. Objective: The regulations implement new provisions of the Higher Education Act of 1965 (Section 482(d)), as amended by the Education Amendments of 1980. E. Legal basis: Title IV, Part E, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070a). F. Citation: 34 CFR Part 690. A. Description: The regulations amend and simplify a program that provides grants to stimulate States to develop and expand grant assistance to eligible students at institutions of postsecondary education. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations implement changes contained in the Education Amendments of 1980 and simplify previous requirements. E. Legal basis: Sections 415A-415D of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070c-1070c-3). F. Citation: 34 CFR Part 692.	Lanora Smith, (202) 472-4265.	FR May 1981.
Upward Bound Program.....	A. Description: The regulations implement a grant program designed to help develop the skills and motivation of students who need academic support to complete successfully a program of education beyond high school. The program is intended for individuals who are of low income or who are potential, first-generation college students. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations state the requirements for conducting projects that assist academically promising students to discover their ability and to pursue preparation for postsecondary education. E. Legal basis: Sections 417A and 417C of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1a). F. Citation: 34 CFR Part 645.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Special Services for Disadvantaged Students.	A. Description: The regulations implement a grant program that assists institutions of higher education in providing a range of supportive services to help students to complete postsecondary education. The program is intended for individuals who are physically handicapped or are first-generation college students of low income. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations state the requirements for conducting projects designed to help certain students complete programs of postsecondary education. E. Legal basis: Section 417A and D of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1b). F. Citation: 34 CFR Part 646.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Talent Search Program.....	A. Description: The regulations implement a grant program that identifies and assists qualified youths to complete secondary education and to enter programs of postsecondary education. Projects also assist individuals who have not completed programs of secondary and postsecondary education to reenter educational programs. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations state the requirements for conducting projects that help low-income and potential, first generation college students to complete secondary school and enter or reenter postsecondary educational programs. E. Legal basis: Section 417A and 417B of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1). F. Citation: 34 CFR Part 643.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Educational Opportunity Centers Program.....	A. Description: The regulations implement a grant program that assist the development and operation of centers providing a range of educational information and services to individuals interested in pursuing postsecondary education. The program is intended to serve mainly persons of low-income who are first generation college students or potential, first-generation college students. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations state the requirements for establishing and operating a center designed to assist certain persons interested in pursuing programs of postsecondary education. E. Legal basis: Sections 417A and 417E, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1c). F. Citation: 34 CFR Part 644.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Training Program for Special Programs Staff and Leadership Personnel.	A. Description: The regulations implement a grant program that assists institutions and organizations in providing training for staff and leadership personnel involved in projects under the Special Programs for Students from Disadvantaged Backgrounds. The training is designed, also, to improve the operation of projects. B. Regulatory impact analysis: Not needed. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations state the requirements for conducting a project to train staff and leadership personnel. E. Legal basis: Sections 417A and 417F of Title IV of the Higher Education Act of 1965, as amended by Sec. 405, Pub. L. 96-374 (20 U.S.C. 1070d; 1070-1d). F. Citation: 34 CFR Part 642.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Performance Standards for Special Programs for Students from Disadvantaged Backgrounds.	A. Description: The regulations, which amend the regulations governing five programs, state additional criteria for evaluating certain applications. The amendment affects the following programs: Special Services for Disadvantaged Students, Staff Development, Talent Search, Upward Bound, and Educational Opportunity Centers. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not determined. D. Objectives: The regulations implement criteria the Secretary uses to evaluate past performance by applicants that have conducted special programs profits within the previous three years. E. Legal basis: Section 417A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d). F. Citation: 34 CFR Parts 642, 643, 644, 645, and 646.	Mary K. Smith, (202) 245-2511.	NPRM June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Veterans Cost of Instruction Payment Program.	A. <i>Description</i> : The regulations establish requirements for a program that assists eligible institutions in meeting the educational needs of enrolled Vietnam-era veterans through a full-time Office of Veterans Affairs. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objectives</i> : The regulations implement policy decisions, changes in the eligibility criteria, and the payment process of the program. E. <i>Legal basis</i> : Section 420 of Title IV, Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070e-1). F. <i>Citation</i> : 34 CFR Part 629.	Stanley Patterson, (202) 245-2806.	FR May 1981.
Parent Loans for Undergraduate Students Program.	A. <i>Description</i> : The regulations implement a new program of low-interest loans to parents of dependent students in undergraduate study at institutions of postsecondary education. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objective</i> : The regulations state the requirements for participation in this new program authorized by the Education Amendments of 1980. E. <i>Legal basis</i> : Title IV, Part B, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070e-1). F. <i>Citation</i> : 34 CFR Part 683.	Jane Bryson, (202) 245-2475.	FR May 1981.
College Housing Program.	A. <i>Description</i> : The regulations implement a program that provides long-term, low-interest loans to colleges and universities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objective</i> : The regulations establish the criteria and other requirements for loans to institutions of higher education for construction, acquisition, or modification of dormitories, faculty housing, and related facilities. E. <i>Legal basis</i> : Section 401 et seq. of the Housing Act of 1950, as amended (12 U.S.C. 1749); Section 306 of the Department of Education Organization Act (20 U.S.C. 3446). F. <i>Citation</i> : 34 CFR Part 614.	Thomas Carr, (202) 245-9514.	FR with invitation to comment, May 1981.
Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities—General.	A. <i>Description</i> : The regulations contain the general provisions common to four grant and loan programs that provide financial assistance for the improvement of higher education academic facilities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objective</i> : The regulations establish the general requirements governing these programs of grants and loans to institutions of higher education. E. <i>Legal basis</i> : Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. <i>Citation</i> : 34 CFR Part 617.	Lou Anderson, (202) 245-3253.	FR June 1981.
Financial Assistance for the Construction, Reconstruction, and Renovation of Undergraduate Academic Facilities.	A. <i>Description</i> : The regulations establish the selection criteria and other provisions governing grants to institutions of higher education for the construction, reconstruction, or renovation of undergraduate academic facilities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objectives</i> : The regulations implement provisions of the program related to the awarding of grants and reflect recent statutory changes. E. <i>Legal basis</i> : Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. <i>Citation</i> : 34 CFR Part 618.	Lou Anderson, (202) 245-3253.	FR June 1981.
Financial Assistance for the Construction, Reconstruction, and Renovation of Graduate Academic Facilities.	A. <i>Description</i> : The regulations establish the criteria and requirements for grants to institutions of the higher education for construction, reconstruction, or renovation of graduate academic facilities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objectives</i> : The regulations implement provisions of the program related to the awarding of grants and reflect recent statutory changes. E. <i>Legal basis</i> : Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. <i>Citation</i> : 34 CFR Part 619.	Lou Anderson, (202) 245-3253.	FR June 1981.
Loans for the Construction, Reconstruction, and Renovation of Academic Facilities.	A. <i>Description</i> : The regulations establish the selection criteria and other provisions governing loans to institutions of higher education for the construction, reconstruction, or renovation of academic facilities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objectives</i> : The regulations implement provisions of the program related to the awarding of loans and reflect recent statutory changes. E. <i>Legal basis</i> : Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. <i>Citation</i> : 34 CFR Part 620.	Lou Anderson, (202) 245-3253.	FR June 1981.
Annual Interest Grants for the Construction, Reconstruction, and Renovation of Academic Facilities.	A. <i>Description</i> : The regulations establish the selection criteria and other provisions governing annual interest grants to institutions of higher education to reduce the cost of borrowing funds for the construction, reconstruction, or renovation of academic facilities. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objectives</i> : The regulations implement the provisions of the program and reflect recent statutory changes. E. <i>Legal basis</i> : Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. <i>Citation</i> : 34 CFR Part 621.	Lou Anderson, (202) 245-3253.	FR June 1981.
Cooperative Education Program—General Provisions.	A. <i>Description</i> : The regulations establish the general provisions governing four components of a program designed to assist institutions of higher education in providing students the opportunity to gain career exposure in work experiences. B. <i>Regulatory impact analysis</i> : Not required. C. <i>Regulatory flexibility analysis</i> : Not required. D. <i>Objective</i> : The regulations implement general requirements common to the several components of the program. E. <i>Legal basis</i> : Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1133-1133b). F. <i>Citation</i> : 34 CFR Part 631.	Barbara Freeman, (202) 245-2146.	FR June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Cooperative Education Program—Administration.	A. <i>Description:</i> The regulations establish requirements governing grants to institutions of higher education for projects designed to provide students with educationally related work experiences. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement legislative changes, provide necessary information to potential applicants, and establish the selection criteria by which applications are evaluated. E. <i>Legal basis:</i> Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 94-374 (20 U.S.C. 1133-1133a). F. <i>Citation:</i> 34 CFR Part 632.	Barbara Freeman, (202) 245-2146.	FR June 1981.
Cooperative Education Program—Demonstration.	A. <i>Description:</i> The regulations establish requirements governing the award of demonstration grants to institutions of higher education to institutionalize cooperative education on a comprehensive, institution-wide basis for a diverse student population. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement legislative changes, provide necessary information to potential applicants, and establish criteria by which applications are evaluated. E. <i>Legal basis:</i> Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1133-1133b). F. <i>Citation:</i> 34 CFR Part 633.	Barbara Freeman, (202) 245-2146.	FR June 1981.
Cooperative Education Program—Research.	A. <i>Description:</i> The regulations establish requirements governing grants to institutions of higher education to conduct research in methods of improving cooperative education programs, promoting the use of cooperative education as an alternative approach, and developing cooperation between secondary schools and institutions of higher education. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement legislative changes, provide information to potential applicants, and establish requirements for the program. E. <i>Legal basis:</i> Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1133-1133b). F. <i>Citation:</i> 34 CFR Part 634.	Barbara Freeman, (202) 245-2146.	FR June 1981.
Cooperative Education Program—Training.	A. <i>Description:</i> The regulations establish the criteria and requirements governing training grants to develop and expand the capacity of institutions to carry out cooperative education programs. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement legislative changes, provide information to potential applicants, and establish requirements for evaluating applications. E. <i>Legal basis:</i> Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1133-1133b). F. <i>Citation:</i> 34 CFR Part 635.	Barbara Freeman, (202) 245-2146.	FR June 1981.
Law School Clinical Experience Program.	A. <i>Description:</i> The regulations establish requirements for a program that provides assistance to accredited law schools to establish or expand programs of clinical experience for students in the practice of law. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations implement the provisions of the program. E. <i>Legal basis:</i> Part E of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1134n-1134p). F. <i>Citation:</i> 34 CFR Part 639.	Alan Schiff, (202) 245-2347.	FR May 1981.
Assistance for Training in the Legal Profession.	A. <i>Description:</i> The regulations establish the criteria and requirements governing assistance to individuals from disadvantaged backgrounds to undertake training for the legal profession. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement provisions covering eligible activities and costs under the program. E. <i>Legal basis:</i> Part D of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1134). F. <i>Citation:</i> 34 CFR Part 651.	Heather Dillinger, (202) 245-2347.	FR May 1981.
National Graduate Fellows Program.	A. <i>Description:</i> The regulations establish eligibility and indicate how individuals apply for fellowships for doctoral studies in the arts, the humanities, and the social sciences. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement new provisions required by the Education Amendments of 1980. E. <i>Legal basis:</i> Part C of Title IX of the Higher Education Act, as amended by Pub. L. 96-374 (20 U.S.C. 1134b-1134k). F. <i>Citation:</i> 34 CFR Part 650.	Heather Dillinger, (202) 245-2347.	FR May 1981.
Institutional Grants for Graduate and Professional Study.	A. <i>Description:</i> The regulations establish the criteria and requirements for a program providing financial assistance to institutions of higher education to maintain and strengthen the quality of programs of graduate and professional study and to strengthen undergraduate programs. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations implement new provisions required by the Education Amendments of 1980. E. <i>Legal basis:</i> Part A of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1134-1134b). F. <i>Citation:</i> 34 CFR Part 648.		
Secretary's State-Administered and Discretionary Programs of Vocational Education.	A. <i>Description:</i> The regulations amend matching requirements of a program that provides assistance to States for national priority programs for handicapped and disadvantaged persons. The regulations also make minor, technical amendments to the discretionary portions of the program. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required.	Lee Cornelsen, (202) 472-3440.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Bilingual Education Amendments—Training Projects.	D. Objective: The regulations provide guidance in preparing State plans, amend the criteria for and make other regulatory changes in one of the discretionary programs, and provide for the awarding of grants—in addition to contracts—under another discretionary program. E. Legal basis: Vocational Act of 1963, as amended by Pub. L. 94-462, Pub. L. 95-40, and Pub. L. 96-46 (20 U.S.C. 2301-2461). F. Citation: 34 CFR Parts 400 and 408. A. Description: The regulations clarify statutory requirements concerning the formation of an advisory council to assist in the development of an application under this program and statutory requirements concerning the priority for assisting applications that propose to serve areas having the greatest need for training projects. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations clarify statutory requirements concerning advisory councils for applicants and explain how the Secretary will implement the statutory requirement giving priority to applicants that will serve areas having the greatest need. E. Legal basis: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3203, 3231, and 3233). F. Citation: 34 CFR Part 510.	Regina Robbins, (202)472-3520.	FR May 1981.
Bilingual Education—Desegregation Support Program.	A. Description: The regulations implement a program of Federal financial assistance to local education agencies implementing desegregation plans to meet the special educational needs of minority group children who are from an environment in which the dominant language is other than English and who, as a result of language barriers and cultural differences, do not have equal educational opportunity. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations implement application and grant requirements related to the provision of Federal financial assistance to desegregating local educational agencies for special educational programs for eligible minority groups children. E. Legal basis: Part D of Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3261). F. Citation: 34 CFR Part 520.	Alan Balkma, (202) 245-8412.	FR September 1981.
School Assistance in Federally Affected Areas (SAFA) (School Construction).	A. Description: The regulation implement statutory amendments concerning basis of eligibility, hearings, and payment; establish an order of funding priority, describe criteria for waivers, and describe special rules for federally operated schools. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations implement amendments to the law and clarify existing requirements. E. Legal basis: Pub. L. 81-815 (20 U.S.C. 631-647), as amended by Pub. L. 95-561. F. Citation: 34 CFR Part 221.	Robert Schneider, (202) 245-8412.	FR May 1981.
School Assistance in Federally Affected Areas—Disasters.	A. Description: The regulations establish requirements governing the provision of financial assistance to local educational agencies that have incurred disaster damage. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations reflect changes in the operation of the program as a result of a management review. E. Legal basis: Section 7 of Pub. L. 81-874 (20 U.S.C. 241-1) and Sec. 16 of Pub. L. 81-815, as amended by Pub. L. 95-561 (20 U.S.C. 646). F. Citation: 34 CFR Part 219.	John Ridgway, (202) 245-2222.	FR May 1981.
Migrant Education—High School Equivalency Program (HEP) and College Assistance Migrant Program (CAMP).	A. Description: The regulations implement programs of assistance to institutions of higher education for projects providing educational and supportive services to students whose families are engaged in migrant and seasonal farmwork. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations establish requirements for projects designed to assist eligible students in obtaining the equivalent of a high school diploma and in successfully adjusting to postsecondary school. E. Legal basis: Subpart 5, Part A, Section 418A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d-2). F. Citation: 34 CFR Part 206.	Carroll Dexter, (202) 472-4014.	FR May 1981.
School Assistance in Federally Affected Areas—Special Impact Aid Program for Refugees.	A. Description: The regulations implement a program of Federal financial assistance to local educational agencies that experience in any school year an enrollment increase of at least 20 students who have fled from Cambodia, Vietnam, Laos, or Haiti. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations establish requirements for receiving and using Federal financial assistance. E. Legal basis: Pub. L. 81-874, as amended by Pub. L. 96-374 (20 U.S.C. 239a). F. Citation: 34 CFR Part 222.	John Ridgway, (202) 245-2222.	NPRM June 1981.
Migrant Education—Interstate and Intra-state Coordination Program.	A. Description: The regulations implement a program of Federal financial assistance to improve interstate and intrastate coordination of migrant education activities among State education agencies (SEAs) and local educational agencies. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations establish requirements for interstate and intrastate coordination activities in migrant education. They also enable the Secretary to establish, in consultation with SEAs, priority areas for program funding and to establish appropriate criteria that will ensure the selection of Quality proposals in areas of national need. E. Legal basis: Subpart 1, Part B, Section 143 of Title I of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 2763). F. Citation: 34 CFR Part 205.		

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Titles I and IV, ESEA—By-Pass Procedures.	A. <i>Description:</i> The regulations establish procedures for the submission of written objections and for show-cause hearings when the Secretary proposes to implement a by-pass to provide equitable services for children enrolled in private schools. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations provide specific timelines and procedures to ensure that an expeditious and fair decision is made on whether the Secretary should implement a by-pass. E. <i>Legal basis:</i> Sec. 130 of Title I of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 2740); and Sec. 408 of Title IV of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3086). F. <i>Citation:</i> 34 CFR Parts 201 and 774.	Stephen Freid, (202) 426-6300.	FR May 1981.
Education Department General Administrative Regulations (EDGAR)—Amendments—Parts 75 and 76.	A. <i>Description:</i> The regulations consolidate fiscal and administrative requirements for direct grant and State-administered programs of the Department of Education (ED) by incorporating 34 CFR Part 74 (regulations for the Administration of Grants). B. <i>Regulatory impact analysis:</i> Not determined. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations assist eligible parties in applying for grants and in conducting or administering federally assisted projects by having all ED fiscal and administrative requirements incorporated into one document. E. <i>Legal basis:</i> Sec. 408(a)(1) of Pub. L. 90-247, as amended (20 U.S.C. 1221e-3(a)(1)). F. <i>Citation:</i> 34 CFR Parts 75 and 76.	Fred Hundemer, (202) 245-1766.	FR August 1981.
EDGAR Amendments—Parts 75 and 76.	A. <i>Description:</i> The regulations incorporate into the Education Department General Administrative Regulations the "Cost Principles" currently found in the appendices of 34 CFR Part 74. B. <i>Regulatory impact analysis:</i> Not determined. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations assist affected parties by incorporating into one document all fiscal and administrative requirements. E. <i>Legal basis:</i> Section 408(a)(1) of Pub. L. 90-247, as amended (20 U.S.C. 1221e-3(a)(1)). F. <i>Citation:</i> 34 CFR Parts 75 and 76.	Joseph Connor, (202) 245-1766.	FR August 1981.
EDGAR Amendments—Part 76.	A. <i>Description:</i> The regulations amend the Education Department General Administrative Regulations by adding requirements for participation in State-administered programs by children enrolled in private schools. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The amendment states requirements for participation by eligible children enrolled in private schools. E. <i>Legal basis:</i> Section 408(9)(1) of Pub. L. 90-247, as amended (20 U.S.C. 1221e-3(a)(1)). F. <i>Citation:</i> 34 CFR Part 76.	Phil Rosenfelt, (202) 427-6300.	FR August 1981.
International Education Programs—General.	A. <i>Description:</i> The regulations contain general regulatory requirements common to four programs. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations reflect statutory changes and implement new requirements for grants. E. <i>Legal basis:</i> Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1121-1127); the Elementary and Secondary Education Act of 1965, Pub. L. 89-10 (20 U.S.C. 3063-3065). F. <i>Citation:</i> 34 CFR Part 655.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
National Resource Centers and Fellowships Program for Language and Area or Language and International Studies.	A. <i>Description:</i> The regulations specify requirements governing the establishment and operation of National Resource Centers for the teaching of any modern foreign language. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations reflect statutory changes and implement new requirements for grants. E. <i>Legal basis:</i> Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1122). F. <i>Citation:</i> 34 CFR Part 656.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
Undergraduate International Studies and Foreign Language Program.	A. <i>Description:</i> The regulations establish requirements governing financial assistance to strengthen and improve undergraduate instruction in international studies and foreign languages in the U.S. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations reflect statutory changes and implement new requirements for grants. E. <i>Legal basis:</i> Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1124). F. <i>Citation:</i> 34 CFR Part 656.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
International Studies and Research Program.	A. <i>Description:</i> The regulations establish requirements governing financial assistance for research, studies, surveys, and the development of specialized materials. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations reflect statutory changes and implement new requirements for awards. E. <i>Legal basis:</i> Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1125). F. <i>Citation:</i> 34 CFR Part 660.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
International Understanding Program.	A. <i>Description:</i> The regulations establish requirements governing a new program of grants to stimulate in education at all levels understanding about cultures, actions, and interconnections of nations and people. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required.	Joseph Belmonte, (202) 245-9758.	FR June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

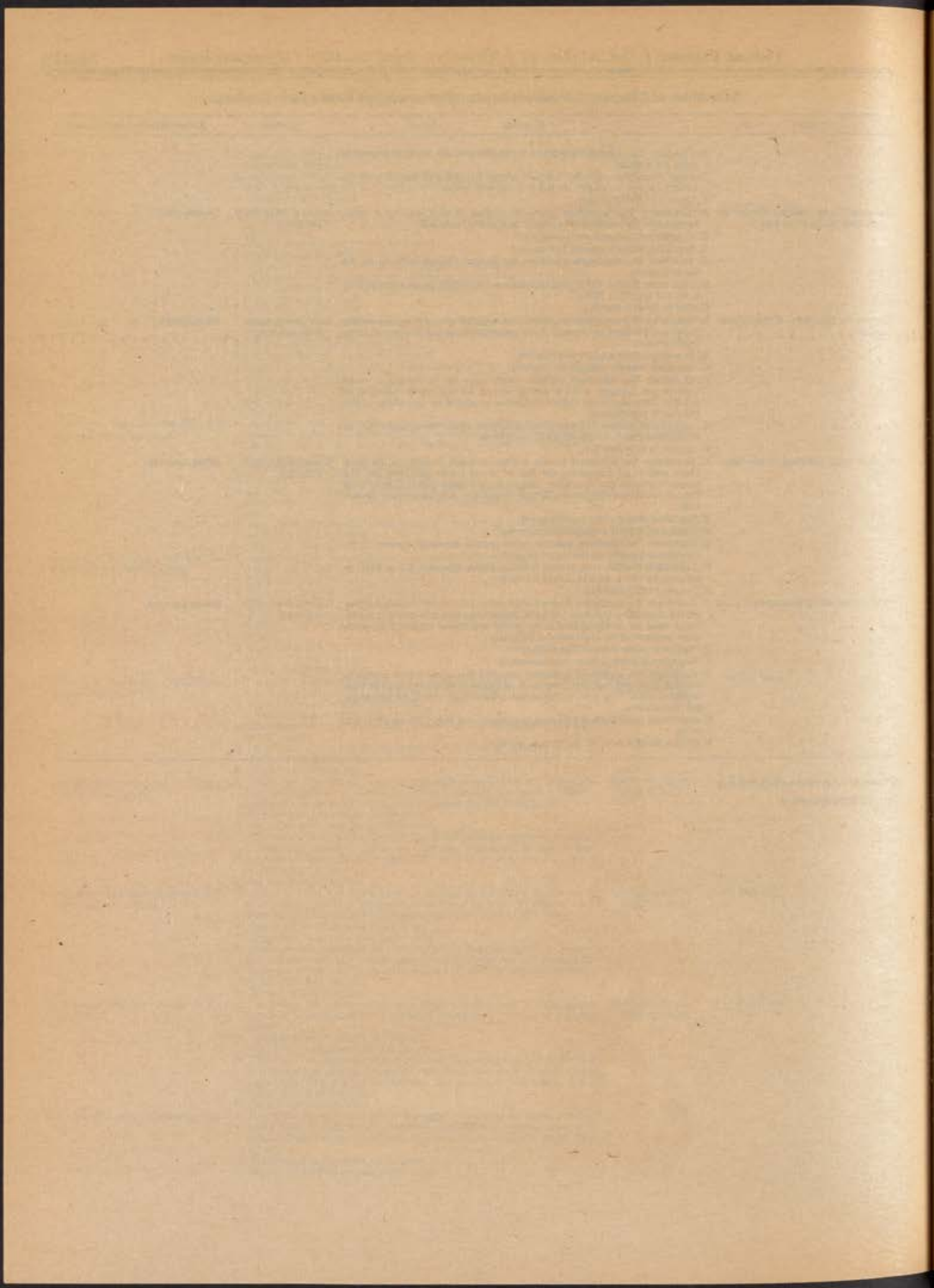
Title	Summary	Contact	Earliest expected decision date
Teacher Centers	D. Objectives: The regulations reflect new statutory provisions and implement requirements for grants. E. Legal basis: Part N of Title III of the Elementary and Secondary Education Act of 1965, as amended Pub. L. 96-374 (20 U.S.C. 3063-3065). F. Citation: 34 CFR Part 667. A. Description: The regulations govern awards of grants to local educational agencies and institutions of higher education to plan, establish, and operate teacher centers. B. Regulatory impact analysis: Not determined. C. Regulatory flexibility analysis: Not required. D. Objective: The regulations propose changes in the original interpretation and implementation of the statute with respect to administration of the program. E. Legal basis: Title V-B of the Higher Education Act of 1965, as amended Pub. L. 96-374 (20 U.S.C. 1119a). F. Citation: 34 CFR Part 240.	Bruce Gaarder, (202) 472-5502.	NPRM June 1981.
National Institute of Handicapped Research.	A. Description: The regulations establish general administrative requirements for programs under the National Institute of Handicapped Research. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations provide selection criteria and operating procedures common to the programs. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 240.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Research and Demonstration projects.	A. Description: The regulations govern a program of assistance to projects designed to improve vocational and other rehabilitation services to handicapped individuals through the planning and conducting of research, demonstration activities, and specialized research. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations described the types of projects authorized under the program and establish selection criteria and operating procedures of the program. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 350.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Rehabilitation Research and Training Centers.	A. Description: The regulations govern a program of assistance to centers that conduct coordinated and advanced programs of research in rehabilitation, disseminate research findings, and provide training for rehabilitation personnel. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations describe the types of activities supported by the Secretary and establish selection criteria and operating procedures for the program. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 351.	Nathan Ed Acree, (202) 472-5248.	
Handicapped Research: Rehabilitation Engineering Program.	A. Description: The regulations govern a program of assistance for the application of technology as a means of solving problems in rehabilitation. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations establish selection criteria and operating procedures for the program. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 352.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Model Research and Training Program.	A. Description: The regulations govern a program of assistance for the establishment and operation of centers that conduct research and training related to evaluating and developing the employment potential of the handicapped. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations describe the types of activities eligible for assistance and establish selection criteria and operating procedures for the program. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 353.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Knowledge Dissemination and Utilization.	A. Description: The regulations govern a program of assistance to promote the dissemination and use of knowledge and research generated by projects funded by the National Institute of Handicapped Research and other sources. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations describe the types of activities eligible for assistance and establish selection criteria and operating procedures for the program. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 354.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Research Fellowships.	A. Description: The regulations govern a program of assistance to highly qualified individuals to conduct research related to rehabilitation problems of the handicapped. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required. D. Objectives: The regulations describe eligibility requirements for fellows, the types of problems that may be researched, and the criteria used to select fellows. E. Legal basis: Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. Citation: 34 CFR Part 355.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Rehabilitation Technical Assistance Program.	A. Description: The regulations govern a program of technical assistance in matters related to the management of rehabilitation facilities or in matters related to the removal of architectural, transportation, or communication barriers to the handicapped. B. Regulatory impact analysis: Not required. C. Regulatory flexibility analysis: Not required.		

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. <i>Objective:</i> The regulations implement requirements for conducting projects under the program. E. <i>Legal basis:</i> Sections 12(a) and 506 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(a) and 794(b)). F. <i>Citation:</i> 34 CFR Part 393.		
The Helen Keller National Center for Deaf-Blind Youths and Adults.	A. <i>Description:</i> The regulations govern a program of assistance to a center designed for the vocational rehabilitation of deaf-blind individuals. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objective:</i> The regulations implement the revised statutory authority for the center program. E. <i>Legal basis:</i> Section 313 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777c). F. <i>Citation:</i> 34 CFR Part 394.	Harold F. Shay, (202) 245-0079.	FR May 1981.
Research in Education of the Handicapped.	A. <i>Description:</i> The regulations amend current regulations for a program providing grants and contracts for research in the education of the handicapped, including model projects. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not required. D. <i>Objectives:</i> The regulations establish priority areas for the funding of model projects and research projects and a method for the annual selection of priorities. They also revise current regulations to provide for contractual awards to for-profit organizations. E. <i>Legal basis:</i> Section 641-644 of the Education of the Handicapped Act, as amended by Pub. L. 95-49 (20 U.S.C. 1441-1444). F. <i>Citation:</i> 34 CFR Part 324.	Jane Case Williams, (202) 245-3387.	FR May 1981.
Needs Analysis: Common Form—1982-1983.	A. <i>Description:</i> The regulations provide a common needs analysis for the need-based student aid programs under Title IV of the Higher Education Act. The programs affected are: Pell Grant, National Direct Student Loans, Supplemental Educational Opportunity Grants, College Work-Study, and Guaranteed Student Loan. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not determined. D. <i>Objectives:</i> The regulations establish needs analysis provisions common to the operation of the affected student aid programs. E. <i>Legal basis:</i> Section 417A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1089). F. <i>Citation:</i> 34 CFR Part 690.	William Moran, (202) 472-4300.	NPRM June 1981.
Innovative Regulatory Techniques.	A. <i>Description:</i> The regulations amend the Education Department General Administrative Regulations (EDGAR) and some program regulations to provide administrative relief for certain applicants for grants and certain recipients of grants under programs of the Department of Education. B. <i>Regulatory impact analysis:</i> Not required. C. <i>Regulatory flexibility analysis:</i> Not determined. D. <i>Objectives:</i> The regulations implement provisions that permit certain entities to establish apply and their own compliance and administrative procedures to meet regulatory goals. They also exempt certain small entities from some administrative requirements. E. <i>Legal basis:</i> Department of Education Organization Act, Pub. L. 96-88 (20 U.S.C. 3474). F. <i>Citation:</i> 34 CFR Parts 75, 76, 77, 106, and 674.	Ruth Feldman, (202) 472-1058.	NPRM July 1981.

[FR Doc. 81-12749 Filed 4-29-81; 8:45 am]

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Register Federal

**Thursday
April 30, 1981**

Part IV

Department of Health and Human Services

Office of the Secretary

Semi-Annual Agenda of Regulations

DEPARTMENT OF HEALTH AND
HUMAN SERVICES

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-IV

45 CFR Subtitle A, Chs. II, III, and XIII

Semi-Annual Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of semi-annual agenda of regulations (Executive Order 12291 and the Regulatory Flexibility Act of 1980).

SUMMARY: The President's February 17, 1981, Executive Order on Regulations (Executive Order 12291) and the Regulatory Flexibility Act of 1980 require the Department to publish in

April and October an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their affect on small businesses.

This Agenda contains only those regulations that are: (1) specifically required by statute or court order; (2) implementing decisions made after January 20, 1981; or (3) the result of ongoing review of existing regulations initiated prior to January 20, 1981.

The Department is in the process of establishing new procedures intended to reduce significantly the number and scope of new regulations issued in the future. In addition, the Department is undertaking a systematic review of significant regulations already "on the books" to eliminate unnecessary and overly burdensome requirements.

Many regulations listed in the Department's last semi-annual agenda (published on December 19, 1980) are not included in this April list. The

Secretary is reviewing all regulatory actions initiated but not completed prior to January 20, 1981, and decisions to proceed will be made on a case-by-case basis. Therefore, exclusions from this agenda only signifies that decisions have not been made on particular regulatory actions in the December 1980 Agenda.

FOR FURTHER INFORMATION CONTACT:

For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Glenn Kamber, Deputy Executive Secretary (Regulations) Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, D.C. 20201, Telephone: (202) 245-3160.

Dated: April 23, 1981.

Richard S. Schweiker,
Secretary of Health and Human Services.

Department of Health and Human Services Semiannual Regulations Agenda and Review List

Office of the Secretary		
Title	Summary	Contact
OIG-1—Grants to States for State Medicaid Fraud Control Units.	A. Description: The OIG is reconsidering policy decisions made in existing regulations that govern State Medicaid Fraud Control Units and their relationship to State Medicaid agencies. These rules set forth eligibility for funding, mandatory and optional functions, staffing requirements, application and reporting procedures, and funding limitations. B. Why Significant: The proposed amendments would eliminate some unnecessary limitations on unit funding, but would increase minimum requirements for participation to strengthen unit performance. Some of these changes are in response to a GAO report, congressional enactment of permanent funding for these units and expressions of concern on unit activities, and OIG experience with the units. C. Regulatory Analysis: Not required. D. Need: To interpret P.L. 96-499 and to improve the productivity of the units. E. Legal Authority: P.L. 96-499; P.L. 95-142; Sections 1903(a)(6) and 1102 of the Social Security Act. F. Chronology: The regulations proposal is the first step in the development of the proposed amendments. G. Covered by the Regulatory Flexibility Act: No.	Joseph J. Piazza, Director, Division of State Fraud Control, Office of Inspector General, 330 Independence Ave. SW., Washington, D.C. 20201 202/472-3222.
OS-1—Requirements and Procedures Applicable to Appeals Before the Departmental Grant Appeals Board.	A. Description: This final rule would set out the requirements and procedures for appeals to Departmental Grant Appeals Board for certain disputes (listed therein) arising for HHS programs. B. Why Significant: This rule will revise earlier editions and is designed to provide a fair and impartial process as well as substantial revision to provide for a quick and flexible process. C. Regulatory Analysis: Not needed. D. Need: To keep impartiality of Board while at the same time providing a quicker more flexible process for grantees and agencies. To aid in shortening the time for final closeout or audit reports that are in dispute. E. Legal Basis: 5 USC 301; Reorganization Plan of 1953 (Sec. 1, 5, 6 and 7). F. Chronology: Revision of previous edition proposed rule published on January 6, 1981; Public Hearing held February 17; comment period ended March 9, 1981. G. Covered by the Regulatory Flexibility Act: No.	Norman D. (John) Settle, Chair, Departmental Grant Appeals Board, Room 2004, Switzer Building, 330 C Street SW., Washington, D.C. 20201.
OCR-1—Nondiscrimination on the Basis of Age in Federally Assisted Programs.	A. Description: The regulation will prohibit age discrimination in programs and activities that receive financial assistance from the Department. B. Why Significant: The regulation will set forth the specific responsibilities of recipients and will protect individuals from age discrimination in HHS-assisted programs and activities. C. Regulatory Analysis: Not required. D. Need: Pursuant to the Act the Secretary is required to promulgate agency-specific regulations setting forth the responsibilities of its recipients. E. Legal Basis: 42 U.S.C. 6101 et seq. F. Chronology: Government-wide final regulations to implement the Act were published by the Department in the FEDERAL REGISTER on June 12, 1979 (44 FR 33768). The Department's agency-specific NPRM was published September 24, 1979 (44 FR 55108). Comment period ended November 23, 1979. G. Covered by Regulatory Flexibility Act: No.	George Lyon, Office of the General Counsel, Civil Rights Division, (202) 245-6248, 330 Independence Ave. SW., Washington, D.C. 20201.
Cost Principles for Nonprofit Organizations.	A. Description: Amendment to HHS General grants administration regulation to implement OMB Circular A-122, Cost Principles for Nonprofit Organizations. B. Why Significant: Amendment would implement Government-wide cost principles and further the objective of having consistent rules for Federal grantees. C. Regulatory Analysis: Not required.	Gary Talesnik, Office of Grants and Contract Financial Management, Room 539-H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-8771.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of the Secretary

Title	Summary	Contact
Cost Allocation Plans for Public Assistance Programs.	D. <i>Need:</i> Required to comply with OMB directive. E. <i>Legal Basis:</i> 5 U.S.C. 301. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No. A. <i>Description:</i> Revision and Consolidation of current program regulations on submission and approval of cost allocation plans used by State agencies to claim administrative costs on public assistance programs (e.g., Medicaid, AFDC etc.). B. <i>Why Significant:</i> Regulation would provide comprehensive guidance on the submission and approval of cost allocation plans required to claim administrative costs on all HHS financed public assistance programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To clarify requirements, eliminate duplicative coverage in individual program regulations, provide more definitive guidance, and simplify appeals procedures related to "cross-cutting" cost disallowances. E. <i>Legal Basis:</i> Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Edward Tracy, Office of Grant and Contract Financial Management, Room 533-H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-755-7633.
Equipment Acquired Under Public Assistance Programs.	A. <i>Description:</i> Revision and consolidation of current program regulations on the allowability of equipment costs under public assistance programs (e.g., Medicaid, AFDC, etc.) and on the management and disposition of equipment under the programs. B. <i>Why Significant:</i> Regulation would substantially liberalize and simplify current regulations on this subject. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To establish a more realistic threshold for determining whether equipment costs can be claimed at the time of purchase or must be depreciated. Also needed to eliminate duplicative coverage in individual program regulations, and to simplify and clarify regulations. E. <i>Legal Basis:</i> Sec. 1102, 49 Stat. 647, 45 U.S.C. 1302. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Edward Tracy, Office of Grant and Contract Financial Management, Room 533-H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-755-7633.
Administration of Grants, 45 CFR Part 74.	A. <i>Description:</i> These amendments will transfer certain policies contained in the Department's Grants Administration Manual to the HHS grants administration regulation. Miscellaneous clarifications and refinements of current provisions of the regulations will also be made. B. <i>Why Significant:</i> This action will secure public participation in the making of grant administration rules which have previously been adopted without public comment. The change will also simplify administrative burdens on grantees who deal with more than one HHS granting agency. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> The regulation will reduce burdens on grantees, and eliminate the need for HHS granting agencies to publish implementation of many policies in the Grants Administration Manual. E. <i>Legal Basis:</i> Sec. U.S.C. 301. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Matthias Lasker, Director, Division of Grants Policy and Regulations Development, OGP, Room 513D, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7565.
HHS Procurement Regulation.	A. <i>Description:</i> Periodic amendments to HHS Procurement Regulation to implement OMB and GSA procurement policy directives and Federal Procurement Regulations. B. <i>Why Significant:</i> Amendments will implement government-wide policies and procedures which govern Federal contracts. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> Required to comply with OMB and GSA policy directives and regulations. E. <i>Legal Basis:</i> Chapter 3, Title 41 U.S.C. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Fred Lewis, Office of Procurement Policy, Room 530H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-8740.
Payments With Checks-Paid Letters of Credit and Delay-of-Drawdown Letters of Credit.	A. <i>Description:</i> The regulations will require that certain recipient organizations adopt the checks-paid letter of credit technique or the alternative delay-of-drawdown technique. B. <i>Why Significant:</i> Provides as a regulatory base that a uniform funding method be used in making funds available to DHHS recipient organizations. The funding method will insure that any recipient organization which draws an advance of Federal funds, using a letter of credit, will have their funds as they need them, but not far in advance of their need. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> While the statute does not mandate regulations, the magnitude of advance payments to recipient organizations requires that more sophisticated funding mechanisms be utilized. E. <i>Legal Basis:</i> 42 U.S.C. 4213. F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	David Dukes, Deputy Assistant Secretary for Finance, Room 705D Hubert Humphrey Building, 200 Independence Ave. SW., Washington, D.C. 20201, (202) 254-7084.
Due Process Principles.	A. <i>Description:</i> The regulation will prescribe the actions that will be taken by DHHS in resolving or attempting to resolve cash management deficiencies or abuses demonstrated by any recipient organization. B. <i>Why Significant:</i> Provides a regulation to ensure that DHHS recipient organizations know what will happen when they do not operate within the cash management requirements. In addition to knowing what will happen the recipient organizations will know the time frame in which the various actions will be taken. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> While the statute does not mandate regulations they are necessary in order to permit DHHS to carry out its cash management responsibilities under the letter of credit and non-letter of credit payment systems. E. <i>Legal Basis:</i> State of New York v. Patricia Harris, Civil Action No. 80-1265 (U.S.D.C. D.C. July 11, 1980). F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	David Dukes, Deputy Assistant Secretary for Finance, Room 705D Hubert Humphrey Building, 200 Independence Ave. SW., Washington, D.C. 20201, (202) 245-7084.

Department of Health and Human Services Semiannual Regulations Agenda and Review List

Public Health Service

Title	Summary	Contact
PHS—Confidentiality of Alcohol and Drug Abuse Patient Records, minimum requirements for protecting.	A. <i>Description:</i> These regulations apply to the records of the identity, diagnosis, prognosis, or treatment of alcohol, and drug abuse patients. They require that records be kept confidential and be disclosed only (1) with the written consent of the patient, (2) pursuant to an authorizing court order based upon a finding of good cause, or (3) without either a written consent or an authorizing court order in the following limited circumstances: for a medical emergency, for the conduct of scientific research, an audit, or program evaluation. B. <i>Why Significant:</i> This rule applies to alcohol and drug abuse patient records maintained in connection with any alcohol abuse or drug abuse program conducted, regulated, or directly or indirectly assisted by any department or agency of the United States. It implements statutory requirements which encourage alcohol and drug abusers to seek treatment by removing the fear that attempts to enroll in treatment programs would lead to disclosure to employers and other members of the public or lead to police harassment and/or arrest. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> These regulations are required by section 333(g) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, and by section 408(g) of the Drug Abuse Office and Treatment Act of 1972, as amended. Rewrite of these regulations will fulfill the Department's commitment to make regulations clearer and more concise and will take into consideration the Department's experience with the regulation over the past five years. E. <i>Legal Basis:</i> Section 408 of Pub. L. 92-255, the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) as amended by section 303 of Pub. L. 93-282 (88 Stat. 137); and section 333 of Pub. L. 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. (42 U.S.C. 4562), as amended by section 122(a) of Pub. L. 93-282 (88 Stat. 131). F. <i>Chronology:</i> Final Rule, published July 1 1975 (40 FR 27802), has been reviewed and a decision made to recodify. Notice of Decision to develop Regulations published January 2, 1980 (45 FR 53) with a 60-day comment period. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Judith T. Galloway, Legal Assistant, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-3200.
PHS—Foreign Quarantine Regulations: Requirements and Inspections.	A. <i>Description:</i> This NPRM would provide procedures on preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. B. <i>Why Significant:</i> The procedures affect all international traffic arriving in the U.S. by ship, aircraft, or land conveyances. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To update the regulations in accordance with current concepts of disease surveillance, investigation, and control. E. <i>Legal Basis:</i> Section 361 of the Public Health Service Act (42 U.S.C. 264). F. <i>Chronology:</i> Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37963). Comment period will end 60 days after publication of the NPRM. G. <i>Covered by Regulatory Flexibility Act:</i> Yes.	Mr. Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, (404) 329-3773, FTS: 236-3773.
PHS—Medical Examination of Aliens	A. <i>Description:</i> This NPRM would provide for the physical and mental examination of aliens within the United States or in other countries as required by the Immigration laws. B. <i>Why Significant:</i> The regulations provide the basis for the physical and mental examination of aliens to determine whether the aliens are afflicted with any of the excludable conditions as stated in the Immigration and Nationality Act. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement changes in accordance with current epidemiological concepts and medical diagnostic standards. E. <i>Legal Basis:</i> Section 325 of the Public Health Service Act (42 U.S.C. 264) and Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182). F. <i>Chronology:</i> Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37962). Comment period will end 60 days after publication of NPRM. G. <i>Covered by Regulatory Flexibility Act:</i> Yes.	Mr. Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, 404-329-3773, FTS: 236-3773.
PHS-NIOSH—Research and Demonstration Grants (42 CFR Part 87).	A. <i>Description:</i> The following grant regulations are being combined into a single regulation, and are being revised to conform them to 45 CFR Part 74 and to delete provisions that duplicate or conflict with 45 CFR Part 74: (1) Grants for research and demonstrations relating to occupational safety and health (42 CFR Part 87); and (2) grants for advancement of health in coal mining (42 CFR Part 55). B. <i>Why Significant:</i> These regulations provide the regulatory base for these grant programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To conform the regulations to 45 CFR Part 74, and to implement changes made by the Federal Mine Safety and Health Act 1977. E. <i>Legal Basis:</i> (1) Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)); and (2) Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.). F. <i>Chronology:</i> Notice of Proposed Rulemaking published on March 13, 1980 (45 FR 16209). G. <i>Covered by Regulatory Flexibility Act:</i> No.	Ms. Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-11, Rockville, Maryland 20857, (301) 443-4493, FTS: 443-4493.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Public Health Service

Title	Summary	Contact
PHS—Fees for Direct Training, Centers for Disease Control.	A. <i>Description:</i> Under Section 311(b) of the Public Health Service Act, the Center for Disease Control provides technical training to help ensure that health workers throughout the country possess the necessary skills and knowledge to achieve the objectives of disease control programs. The existing regulation sets forth a fee policy for this training and provides for a fee schedule. A waiver procedure to permit States time to include training costs in their budgets was included in the final need for a waiver of fees. Therefore, the proposed revision will delete this requirement in the regulation. B. <i>Why Significant:</i> The proposed revision will clarify the policy regarding tuition for training. It will specify who shall pay tuition for training, and the outdated waiver provision will be removed from the existing regulation. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To update the existing regulation to delete the procedure requiring written requests for waiver of fees. Section 311(b) of Public Health Service Act was amended by Public Law 94-317 (June 1976) to eliminate the need for waivers. E. <i>Legal Basis:</i> Section 311(b) of the Public Health Service Act (42 U.S.C. 243). F. <i>Chronology:</i> Notice of Decision to Develop Regulations published December 19, 1980 (45 FR 80579). G. <i>Covered by Regulatory Flexibility Act:</i> No.	Dr. Seth N. Leibler, Acting Director, Center for Professional Development and Training, Centers for Disease Control, 1600 Clifton Road NE, Atlanta, Georgia 30333, (404) 262-6671, FTS: 236-6671.
PHS—Indian Health Care Improvement Act Programs.	A. <i>Description:</i> This NPRM would amend 42 CFR 36, Subpart J—Indian Health Care Improvement Act Program (Pub. L. 94-437) to reflect conformance with the Department's new regulations on grant administration which should result in greater standardization and simplification for IHS grant administration and a greater reliance on the grantee's own management systems. B. <i>Why Significant:</i> The regulations will conform existing IHS grant administration regulations to the Department's regulations which establish uniform requirements for the administration of HHS grants and principles for determining costs applicable to activities assisted by HHS grants. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> IHS has been directed by the Department to revise 42 CFR 36, Subpart J, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Circular No. A-102, Revised (published September 12, 1977, 42 FR 45828), to conform to the Department's regulations on grant administration (45 CFR Part 74). E. <i>Legal Basis:</i> 5 U.S.C. 301; 42 FR 45828; 25 U.S.C. 1601. F. <i>Chronology:</i> Changes to subpart J are governed by Section 702(b) of P.L. 94-437. That section requires that any changes be published in the FEDERAL REGISTER with at least a 60-day comment period and that IHS will consult with appropriate national or regional Indian organizations to the extent practicable. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1116.
PHS—Grants for Development, Construction, and Operations of Facilities and Services.	A. <i>Description:</i> This NPRM would amend 42 CFR 36, Subpart H—Grants for Development, Construction, and Operations of Facilities and Services (Pub. L. 93-638) to reflect conformance with the Department's new regulations on grant administration which should result in greater standardization and simplification for IHS grant administration and a greater reliance on the grantee's own management system. B. <i>Why Significant:</i> The regulation will conform existing IHS grant administration regulations to the Department's regulations which established uniform requirements for the administration of HHS grants and principles for determining costs applicable to activities assisted by HHS grants. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> IHS has been directed by the Department to revise 42 CFR 36, Subpart H, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Circular No. A-102, Revised (published September 12, 1977, 42 FR 45828), to conform with the Department's regulations on grant administration (45 CFR Part 74). E. <i>Legal Basis:</i> 5 U.S.C. 301; 42 FR 45828; 25 U.S.C. 450. F. <i>Chronology:</i> Changes governed by procedures outlined in Section 107(c) of Pub. L. 93-638 requiring proposed changes to be submitted to the committees on Interior and Insular Affairs of the respective Houses of Congress and be published in the FEDERAL REGISTER with at least a 60-day comment period. IHS is also to consult with appropriate national or regional Indian organizations to the extent practicable. In addition, the current regulation requires that IHS consult with the tribes and that the final rule not go into effect until 30 days after publication in the FEDERAL REGISTER. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1116.
PHS—Indian Health.	A. <i>Description:</i> This final rule amends Subpart A, Scope and Definition, and Subpart B, Availability of Services, are revised as part of the Department's "Operation Common Sense" to make them clearer. Subpart D, Contagious and Infectious Diseases, is being rescinded because it is no longer necessary given present day treatment modalities. B. <i>Why Significant:</i> These are technical amendments. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> Part of the Department's continuing Review of existing Regulations. E. <i>Legal Basis:</i> 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act). F. <i>Chronology:</i> NOI published February 7, 1980; NPRM published November 19, 1980; comment period ended January 5, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1116.
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation.	A. <i>Description:</i> This final rule amends 42 CFR 36.22(a) to change the counties included in the CHSDA for the Penobscot Reservation. B. <i>Why significant:</i> This is a technical amendment affecting only the Penobscot Nation. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> The Penobscot Nation has requested a change in their reservation's CHSDA. E. <i>Legal Basis:</i> 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act).	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1116.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Title	Public Health Service	Contact
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Passamaquoddy Reservation.	F. <i>Chronology</i>: Since it is a technical amendment, a NOI was not required. An NPRM was published on January 6, 1981; the comment period closed February 5, 1981. G. <i>Covered by the Regulatory Flexibility Act</i>: No. A. <i>Description</i>: This NPRM would amend 42 CFR 36.22(a) to change the CHSDA for the Passamaquoddy Reservation. B. <i>Why Significant</i>: This is a technical amendment affecting only the Passamaquoddy Indian Tribe. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: The CHSDA for the Passamaquoddy Reservation needs to be amended to reflect the service area funded by Congress which is greater than that derived by a technical application of the current regulation. E. <i>Legal Basis</i>: 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act). F. <i>Chronology</i>: None. Since it is a technical amendment, a NOI is not required. G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Reservation of the Mississippi Band of Choctaw Indians.	A. <i>Description</i>: This NPRM would amend 42 CFR 36.22(a) to change the CHSDA for the Mississippi Choctaw Reservation. B. <i>Why Significant</i>: This is a technical amendment affecting only the Mississippi Band of Choctaw Indians. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: The CHSDA for the Mississippi Choctaw Reservation needs to be amended to add two counties which were inadvertently omitted when the regulations were initially published. E. <i>Legal Basis</i>: 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act). F. <i>Chronology</i>: None. Since it is a technical amendment, a NOI is not required. G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-1116).
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) to conform with Congressional Intent.	A. <i>Description</i>: This NPRM would amend 42 CFR 36.22(a) to include in regulation the CHSDA for the Siletz Tribe of Oregon and the Pascua Yaqui Indians of Arizona. B. <i>Why Significant</i>: This is a technical amendment affecting only the Siletz and Pascua Yaqui. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: Both tribes have recently been recognized by Acts of Congress in which Congress indicated the tribes' service area. E. <i>Legal Basis</i>: 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act); P.L. 95-125 (Siletz Restoration Act); and P.L. 95-375 (Extension of Federal Benefits to Pascua Yaqui Indians). F. <i>Chronology</i>: None. Since it is a technical amendment, a NOI is not required. G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Abortion.	A. <i>Description</i>: This NPRM proposes to add Subpart F, Abortion and Related Medical Services in Indian Health Services Facilities and Health Service Programs, to 42 CFR 36, to make the Indian Health Service policy on provision of abortion services consistent with that of other Department of Health and Human Services programs. B. <i>Why Significant</i>: This regulation would apply the "Hyde Amendment" restrictions to IHS. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: The Secretary has determined that the Department should adopt a consistent policy. E. <i>Legal Basis</i>: 25 U.S.C. 13 (Snyder Act) and U.S.C. 2001 and 2003 (Transfer Act). F. <i>Chronology</i>: None. G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Indian Self-Determination Contracts.	A. <i>Description</i>: This NPRM would amend 42 CFR 36, Subpart I, and 41 CFR 3-4, Subpart 3-4.60 both titled Contracts Under the Indian Self-Determination Act. B. <i>Why Significant</i>: The current regulations are over five years old. Experience has indicated the need for a number of clarifications and changes. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: Program experience shows a need for a thorough review. E. <i>Legal Basis</i>: 25 U.S.C. 450. F. <i>Chronology</i>: Changes governed by procedures outlined in Section 107(c), Pub. L. 93-638 requiring proposed changes to be submitted to the committees on Interior and Insular Affairs of the respective Houses of Congress and be published in the FEDERAL REGISTER with at least a 60-day comment period. IHS is also to consult with appropriate national or regional Indian organizations to the extent practicable. In addition, the current regulation requires that IHS consult with the tribes and that the final rule not go into effect until 60 days after publication in the FEDERAL REGISTER. G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—National Institutes of Health Center Grants.	A. <i>Description</i>: These regulations would cover grants by the National Institutes of Health for the support of research and demonstration centers. These regulations would replace existing regulations covering just centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH. B. <i>Why Significant</i>: Legislation has authorized research and demonstration centers for other diseases such as arthritis and diabetes. C. <i>Regulatory Analysis</i>: Not required. D. <i>Need</i>: To develop consistent regulations for research and demonstration centers funded by the National Institutes of Health. E. <i>Legal Authority</i>: Section 415(b) of the Public Health Service Act; Pub. L. 93-354; and Pub. L. 93-640. F. <i>Chronology</i>: Notice of Decision to Regulate was published July 17, 1978 (43 FR 31583). G. <i>Covered by the Regulatory Flexibility Act</i>: No.	Lowell D. Peart, NIH Regulations Officer, Division of Management Policy, National Institutes of Health, Bethesda, Md. 20205, (301) 496-4806.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Public Health Service

Title	Summary	Contact
PHS—National Library of Medicine Programs: Revision of General Rules for the National Library of Medicine, National Library of Medicine Grants, National Institutes of Health and National Library of Medicine Traineeships, and National Institutes of Health and National Library of Medicine Training Grants.	A. <i>Description:</i> There are 4 NLM regulations undergoing revision. The regulations at 42 CFR Part 4 relate to the access of facilities and library collections. Those at 42 CFR 59a deal with the NLM extramural programs. These rules provide guidance for applying for grants establishing, expanding and improving basic library resources and for establishing Regional Medical Libraries. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM. B. <i>Why Significant:</i> These proposed amendments will bring up to date the NLM regulations by (1) improving readability and (2) allowing for inclusion of updated nondiscrimination language. Part 59a is changed to remove the requirements that photocopies of biomedical materials be provided without charge to users. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program with authority is unfunded with no expectation of being refunded. Part 64 would be expanded to formally cover programs in ADAMHA. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> These revisions are necessary to comply with the Department's programs of recodification and "Operation Common Sense". E. <i>Legal Basis:</i> 42 U.S.C. 216, 42 U.S.C. 260b-2. F. <i>Chronology:</i> Notice of Decision to Regulate was published November 21, 1979 (44 FR 56852). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Kenneth Carney, Acting Executive Officer, National Library of Medicine, Bethesda, Md. 20206, (301) 496-6491.
PHS—Protections for Employees Adversely Affected by State Actions to Emphasize Out-patient Mental Health Care.	A. <i>Description:</i> This final rule imposes new requirements on States to protect the existing rights and benefits of State employees adversely affected by deinstitutionalization of mental patients and provides certain training and job placement benefits for those employees. B. <i>Why Significant:</i> A significant number of employees in the mental health field are adversely affected by deinstitutionalization of mental patients. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> The Secretary of Health and Human Services is required by statute to publish regulations with which the Secretary of Labor concurs. E. <i>Legal Authority:</i> Section 801, Mental Health Systems Act. F. <i>Chronology:</i> NPRM published January 22, 1981 (46 FR 7176). The comment period closed March 9, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Anne B. Drissel, Assistant to the Director for Program Policy and Planning, Division of Mental Health Service Programs, National Institute of Mental Health, Parklawn Building, Room 11C-22, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-4676.

Office of Child Support Enforcement

Title	Summary	Contact
OCSE-1—Office of Child Support Enforcement—Federal Financial Participation in the Costs of Cooperative Agreements with Courts, 45 CFR Part 304.	A. <i>Description:</i> These proposed regulations will expand the availability of Federal funding of the costs of courts under cooperative agreements with child support agencies to include costs associated with judicial determinations. The expanded funding will be available in costs that exceed calendar year 1978 costs. Federal funding of costs of the judicial decisionmaker, however, will continue to be prohibited. B. <i>Why Significant:</i> The expanded Federal funding should encourage more courts to enter into cooperative agreements with child support enforcement agencies. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement requirements of Section 404 of P.L. 96-265, the Social Security Disability Amendments of 1980, which apply to court costs incurred on or after July 1, 1980. E. <i>Legal Basis:</i> P.L. 96-265, 42 U.S.C. 655(c). F. <i>Chronology:</i> None. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Frank Lindh, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-2—Office of Child Support Enforcement—Withholding of Advance Funds for Not Reporting, 45 CFR Part 301.	A. <i>Description:</i> These proposed regulations would prohibit advance payment of the Federal share of State child support enforcement expenses for a calendar quarter unless the State submits expenditure and child support collection reports for all prior quarters except the two most recent quarters. B. <i>Why Significant:</i> These proposed regulations could result in the withholding of quarterly advances of Federal child support funds from a State which failed to meet certain Federal reporting requirements. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement the requirements of Section 407 of P.L. 96-265, the Social Security Disability Amendments of 1980, which took effect in the quarter beginning January 1, 1981. E. <i>Legal Basis:</i> P.L. 96-265, 42 U.S.C. 655(d). F. <i>Chronology:</i> A Notice of Proposed Rulemaking was published on January 6, 1981 (46 FR 1319). The comment period closed on March 9, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Eileen Brooks, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-3—Office of Child Support Enforcement—Requests for Collection by the Secretary of the Treasury, 45 CFR Parts 302 and 303.	A. <i>Description:</i> These proposed regulations would extend the availability of child support collection services by the Internal Revenue Service (IRS) to families not receiving Aid to Families with Dependent Children (AFDC). In addition, the proposed amendments remove the State plan requirement for IRS collections, and instead place this regulation under 45 CFR Part 303, Standards for Program Operations. Several additional minor changes are proposed to streamline the process of IRS collection. B. <i>Why Significant:</i> These regulations could be of significant benefit to non-AFDC families in the collection of child support because they permit the IRS to make collections on behalf of these families. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement the requirements of Section 402 of P.L. 96-265, the Social Security Disability Amendments of 1980, which took effect on July 1, 1980. E. <i>Legal Basis:</i> P.L. 96-265, 42 U.S.C. 652(b).	Eileen Brooks, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of Child Support Enforcement

Title	Summary	Contact
OCSE-4—Office of Child Support Enforcement—Computerized Child Support Enforcement Systems, 45 CFR Parts 302, 303, and 304.	F. <i>Chronology:</i> A Notice of Proposed Rulemaking was published on January 6, 1981 (46 FR 1321). The comment period closed on March 9, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No. A. <i>Description:</i> These regulations will specify conditions States must meet in order to receive 90 percent Federal matching in the costs of developing Child Support Enforcement computer systems. B. <i>Why Significant:</i> The higher rate of Federal matching provided for in these regulations will encourage States to develop better automatic data processing capability in their Child Support Enforcement programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement the requirements of Section 405 of P.L. 96-265, the Social Security Disability Amendments of 1980, which take effect on July 1, 1981. E. <i>Legal Basis:</i> P.L. 96-265, 42 U.S.C. 655(a), 42 U.S.C. 654(16), 42 U.S.C. 652 (d) and (e). F. <i>Chronology:</i> None. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Eileen Brooks, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-5—Office of Child Support Enforcement—Availability of Incentive Payments to States Which Enforce and Collect on Their Own Behalf, 45 CFR Part 302.	A. <i>Description:</i> These regulations will extend the availability of incentive payments on assigned child support collections to any State which makes these collections on its own behalf. B. <i>Why Significant:</i> The expanded availability of incentives to States will encourage States to improve their Child Support Enforcement programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement the requirements of Section 307 of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, which took effect on June 17, 1980. E. <i>Legal Basis:</i> P.L. 96-272, 42 U.S.C. 658. F. <i>Chronology:</i> None. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Pierre Mooney, Program Analyst, (301) 443-5350, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-6—Office of Child Support Enforcement—Use of Federal Parent Locator Service (FPLS) in Child Custody and Parental Kidnapping Cases, 45 CFR Parts 302, 304.	A. <i>Description:</i> These proposed regulations would permit the use of the FPLS to locate parents in cases involving child custody and parental kidnapping. B. <i>Why Significant:</i> These regulations would extend the use of FPLS services for the first time to cases other than child support cases. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Section 9 of P.L. 96-611, the parental Kidnapping Prevention Act of 1980, which takes effect on July 1, 1981. E. <i>Legal Basis:</i> P.L. 96-611, 42 U.S.C. 663. F. <i>Chronology:</i> None. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Pierre Mooney, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-7—Office of Child Support Enforcement—Recovery of Assigned Child Support Payments Received Directly and Retained by AFDC Recipients, 45 CFR Parts 302 and 303.	A. <i>Description:</i> These proposed regulations will establish procedures for the recovery by IV-D agencies of assigned support payments which are received directly and retained by AFDC recipients. B. <i>Why Significant:</i> These proposed regulations will establish Federal policy in the area of recovery of direct payments, and will permit States the flexibility to handle these situations through either their IV-A or IV-D agencies. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To clarify Federal policy in this matter in which the respective responsibilities of IV-A and IV-D agencies have been a source of some confusion among the States. E. <i>Legal Basis:</i> 42 U.S.C. 652(a), 42 U.S.C. 1302. F. <i>Chronology:</i> Interim instructions were provided by a joint action transmittal issued by OCSE and the Office of Family Assistance (SSA-AT-81-7 (OFA) and OCSE-AT-81-7, dated March 27, 1981). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Frank Lindh, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.

Social Security Administration

Title	Summary	Contact
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Determinations of Disability, 20 CFR Part 404, Subpart Q, and Part 416, Subpart J.	A. <i>Description:</i> The regulations will specify the responsibilities of the Secretary and the State agencies in administering the disability program. They prescribe standards for accuracy of performance and processing time that State agencies are expected to meet in making disability determinations, and provide the administrative requirements and procedures SSA and the State agencies will follow in carrying out the disability determination function. B. <i>Why Significant:</i> These regulations are intended to improve the quality of State agencies performance and improve the timeliness of disability determinations. These regulations will give the State agencies maximum practicable management flexibility in meeting objectives. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The Social Security Disability amendments of 1980 (section 304) require the Secretary to issue regulations to establish performance standards and other requirements for State agencies to insure effective and uniform administration of the SSA disability programs. E. <i>Legal Basis:</i> These regulations are issued under the authority contained in 42 U.S.C. 405, 421, 1302, 1382c and 1383. F. <i>Chronology:</i> A notice of Decision to Regulate was published on September 28, 1980. (45 FR 63869) A Notice of Proposed Rulemaking was published on January 16, 1981 (46 FR 4584). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	William Ziegler, Harry Short, (301) 594-7415, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Limitation for Holding Hearings, Issuing Hearing Decisions and Issuing Appeals Decisions; 20 CFR Part 404, Subpart J, and Part 416, Subpart N.	A. <i>Description:</i> These regulations will provide time frames for the holding of hearings, issuance of hearing decisions and Appeals Council reviews for all Title II and Title XVI disability cases. Good cause exceptions which generally benefit claimants are also described. B. <i>Why Significant:</i> This regulation provides regulatory assurance to claimants that appeals will be heard promptly and decisions issued promptly. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed because, over the last several years, Congress, the Courts, representatives of individuals in social security matters, and the general public have expressed concern over delays in holding hearings, issuing hearing decisions and the reviews of these decisions. In addition, the Court of Appeals in <i>Blankenship v. Califano</i> ordered the Secretary to prepare and submit regulations for the Court's approval to remedy the problem of unreasonable delays in conducting hearings for the OASDI and SSI programs. E. <i>Legal Basis:</i> 42 U.S.C. 405, 1302, 1320(c)(8), 1383, 1395f, and 1395g. F. <i>Chronology:</i> A Notice of Proposed Rulemaking was published on March 12, 1980 (45 FR 12637). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Phil Berge, (301) 594-7452, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Representative Payee; 20 CFR Part 404, Subpart Q, and Part 416, Subpart F.	A. <i>Description:</i> These regulations will recodify the rules used in determining when a beneficiary needs a representative payee, how a representative payee is selected, and how we assure that the representative payee uses payments in the best interest of the beneficiary. B. <i>Why Significant:</i> The guidelines for the use of representative payees are important for members of the public to know. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> 42 U.S.C. 304, 1302, 1383. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). A Notice of Proposed Rulemaking was published on December 1, 1980 (45 FR 79501). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Phil Berge, (301) 594-7452, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Eligibility; 20 CFR Part 416, Subpart B.	A. <i>Description:</i> These regulations will recodify the requirements for individuals to be eligible for SSI benefits. B. <i>Why Significant:</i> The basic rules on eligibility under the SSI program will be described in clear language. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> 42 U.S.C. 1302, 1381a, 1382c, 1383, and 1383b. F. <i>Chronology:</i> A Notice of Decision to Regulate was published March 27, 1979 (44 FR 18237). An NPRM was published on September 4, 1980 (45 FR 58503). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Resources; 20 CFR Part 416, Subpart L.	A. <i>Description:</i> These proposed regulations will describe what we count as resources in determining eligibility for supplemental security income. B. <i>Why Significant:</i> What is counted as resources in the SSI program is an essential ingredient in determining eligibility. The complex rules will be stated as simply as possible. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> 42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on March 27, 1979 (44 FR 18237). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Reductions, Suspensions, and Terminations; 20 CFR Part 416, Subpart M.	A. <i>Description:</i> These proposed regulations will recodify the rules for reducing, suspending and terminating an SSI recipient's benefits. B. <i>Why Significant:</i> The proposed rules will describe situations when a person may not receive all or part of his or her SSI benefits. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> 42 U.S.C. 1302, 1382, 1382c, 1382d, and 1383. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Charles Campbell, (301) 594-7453, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Interim Assistance Provisions; 20 CFR Part 416, Subpart S.	A. <i>Description:</i> These recodified regulations will revise and reorganize rules on interim assistance provisions under the Supplemental Security Income program. The rules permit the Social Security Administration to enter into an agreement with a State to repay the State for interim assistance it gives an individual while an application for SSI is pending. B. <i>Why Significant:</i> The rules permit SSA to withhold an individual's SSI benefit payment and send it to the State as repayment for interim assistance, upon the individual's written authorization. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> Secs. 1102 and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended; 86 Stat. 1475 as amended; 42 U.S.C. 1302 and 1363. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on July 11, 1979 (44 FR 40531). A notice of proposed rulemaking was published on April 21, 1980 (45 FR 26719). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Clara Powell, (301) 594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact
Supplemental Security Income Program; Medicaid Eligibility Determinations; 20 CFR Part 416, Subpart U.	A. <i>Description:</i> The proposed regulations will recodify the rules under which Social Security Administration agrees to make determinations of Medicaid eligibility for SSI beneficiaries on behalf of States and to give States other assistance in Medicaid program administration. B. <i>Why Significant:</i> The agreements avoid duplication of effort between State and Federal governments and simplify the Medicaid application process for applicants. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. <i>Legal Basis:</i> 42 U.S.C. 1302, 1383, 1383c, and 4222 F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Cliff Terry, (301) 584-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Social Security Administration; Availability of Information and Records to the Public; 20 CFR Parts 401 and 422.	A. <i>Description:</i> These proposed regulations will revise SSA's rules on the Freedom of Information Act to make them consistent with HHS's regulations in 45 CFR Part 5, transfer material concerning HCFA's Medicare program, and relocate certain rules to bring SSA's rules on disclosure and the availability of information together in one part. B. <i>Why Significant:</i> These are basically technical revisions to make SSA's rules consistent with those in 45 CFR Part 5. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> There is a need to review SSA's rules on the availability of information for consistency with HHS's, revise our rules to reflect creation of Health Care Financing Administration, and to transfer certain Medicare information which no longer applies to SSA activities to 42 CFR Part 5. E. <i>Legal Basis:</i> 42 U.S.C. 405 and 1302 F. <i>Chronology:</i> A Notice of Decision to Regulate was published on May 18, 1979 (44 FR 29102). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Armand Esposito, (301) 594-7455, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235
Old-Age, Survivors and Disability Insurance Programs; Limitation on Total Family Benefits in Disability Cases; 20 CFR Part 404, Subpart E.	A. <i>Description:</i> There is now a lower ceiling on the total amount of benefits payable to a disabled worker and his family. B. <i>Why Significant:</i> The lower benefits now payable are intended to provide an incentive for disabled individuals to continue working or return to work, and at the same time will provide an equitable level of benefits to the family of a worker who is unable to work. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> This regulation is needed to carry out section 101 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 94 Stat. 442, Pub. L. 96-265. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on September 15, 1980 (45 FR 80922) and a Notice of Proposed Rulemaking was published on December 22, 1980 (45 FR 84086). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance Program—Basic Computation of Benefits and Lump Sums; 20 CFR Part 404, Subpart C.	A. <i>Description:</i> These regulations will contain the rules on computations of primary insurance amounts (PIA) in the old-age, survivors, and disability insurance programs. They will also include, for the first time, the new rules on excluding years of low earnings when computing disability benefits, as provided by the Social Security Disability Amendments of 1980. B. <i>Why Significant:</i> These regulations will simplify the complex rules on computing benefits, and will introduce the new rules on computing disability benefits. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed so we can give the public clear rules and so we can add the provisions needed to implement section 102 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> Sec. 215 of the Social Security Act; 42 U.S.C. 415; Pub. L. 96-265, Sec. 102. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on March 6, 1979 (44 FR 12205). A Notice of Proposed Rulemaking was published on June 25, 1980 (45 FR 42647) to simplify existing rules. A Notice of Proposed Rulemaking was published on December 22, 1980 (45 FR 84086) for the new disability computations, and a Notice of Decision to Develop Regulations was published on January 8, 1981 (46 FR 2093) to modify the new disability computation. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Benefits for Severely Disabled Performing Substantial Gainful Activity; 20 CFR Part 416, Subpart B.	A. <i>Description:</i> These regulations will clarify how SSA will interpret and apply the unique eligibility factors which are necessary for status as a supplemental income recipient for purposes of Titles XIX and XX. They will also explain the eligibility factors which must be met to acquire and retain eligibility for special SSI payments while an individual is engaged in substantial gainful activity. B. <i>Why Significant:</i> This is a 3-year demonstration program which affects individuals who work despite disabling impairments. The demonstration provides Special SSI cash benefits to these people where certain requirements are met. Even when SSI cash benefits are no longer payable these people, if they meet certain eligibility factors, are considered as SSI recipients for purposes of Titles XIX and XX of the Social Security Act. C. <i>Regulatory Impact Analysis:</i> Not Required. D. <i>Need:</i> Required by the section 201 of the Social Security Amendments of 1980. E. <i>Legal Basis:</i> Section 201(a) and (b) of Pub. L. 96-265 F. <i>Chronology:</i> Interim regulations were published on January 22, 1981 (46 FR 6903). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Fred Miranda, (301) 594-7341, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Supplemental Security Income Program; Sheltered Workshops (1) and Earned Income Tax Credits (2); 20 CFR Part 416, Subpart K.	A. <i>Description:</i> (1) Sheltered workshop remuneration is earned income as of 10/1/80; (2) Earned income tax credits are earned income as of January 1, 1980. B. <i>Why Significant:</i> (1) Eliminates need to determine whether sheltered workshops services are employment or therapy—thus earned or unearned income. Earned income is advantageous to beneficiary as it provides greater exclusions and higher benefits; (2) Earned income tax credits did not affect benefit prior to 1980. These credits would have been unearned income as of 1980 and would have resulted in lower benefits, if this law would not have been enacted. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The regulations will provide the criteria to carry out section 202 of Social Security Disability Amendments of 1980 and the Technical Corrections Act of 1979. E. <i>Legal Basis:</i> (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382a. F. <i>Chronology:</i> A Notice of Proposed Rulemaking was published on January 19, 1981 (46 FR 4949). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Age 18 Deeming and Alien Deeming; 20 CFR Part 416, Subpart K.	A. <i>Description:</i> (1) Deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21; (2) A sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply after September 30, 1980. B. <i>Why Significant:</i> (1) Eliminates different treatment of children aged 18 to 21 depending on status as students; (2) Assumes that sponsors will support aliens and sets more rigid rules than apply to other deeming categories. C. <i>Regulatory Impact Analysis:</i> None Required. D. <i>Need:</i> (1) and (2) implement sections 203 and 504 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382c and 1382j. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Approved Vocational Rehabilitation Plans; 20 CFR Parts 404, Subpart P, and 416, Subpart L.	A. <i>Description:</i> These proposed regulations will provide for continued payment of cash benefits to persons whose disabilities have ended if they are participating in vocational rehabilitation programs. Participation in the program must have begun before the person's disability ends and the disability must not have been expected to end prior to the expected completion date of the program. B. <i>Why Significant:</i> These proposed regulations will affect those people who medically recover from their disabilities during the course of their vocational rehabilitation programs and who, because of the loss of their benefits, are forced to discontinue their participation in the program and seek substantial gainful work activity. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are required to implement Section 301 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 425, 1382c, and 1383. F. <i>Chronology:</i> A Notice of Decision To Develop Regulations was published on November 26, 1980 (45 FR 78726). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Deduction of Work Related Expenses; 20 CFR Parts 404, Subparts P, and 416, Subpart L.	A. <i>Description:</i> The proposed regulations will provide for the deduction from earnings of certain impairment related work expenses in determining: (1) Whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. B. <i>Why Significant:</i> The regulation will encourage disabled persons to work by enabling them to deduct certain work expenses. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The proposed regulations are needed to implement Section 302 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 405, 423, 1302, 1382c, and 1383. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	David Smith, (301) 594-7336, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Extension of Trial Work Period and Reinstatement of Benefits; 20 CFR Parts 404, Subpart P, and 416, Subpart L.	A. <i>Description:</i> These proposed regulations will provide persons to remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulations also extend the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. B. <i>Why Significant:</i> Persons who remain disabled and who have exhausted their trial work periods will be encouraged to continue their efforts to return to work. For the first time, the trial work period provisions are extended to widows, widowers, and surviving divorced wives. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed to implement Section 303 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 402, 416, 422, 423, 1382, 1382c, and 1383. F. <i>Chronology:</i> A Notice of Decision To Develop Regulations was published on November 14, 1980. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Personalized Notices to Be Provided Certain SSA Claimants; 20 CFR Parts 404, Subpart J, and 416, Subpart N.	A. <i>Description:</i> Any decision made by the Secretary which involves a determination of disability under title II or title XVI, unfavorable in whole or part to the disabled individual, shall contain a statement of the cause in understandable language setting forth a discussion of the evidence and stating the Secretary's determination and the reason or reasons upon which it is based. Where a written personalized notice has been provided, we will not repeat this information. B. <i>Why Significant:</i> The proposed regulations require that we furnish additional information to DI and SSI claimants for disability whose claims are being denied.	Phil Berge, (301) 594-7452, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Old Age, Survivors and Disability Insurance and Supplemental Security Income Program Limitation on Prospective Life of Applications and Closing of Record After Hearing Decision; 20 CFR Parts 404, Subparts G and J, and 416, Subparts C and N.	C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The proposed regulations implement Section 305 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 405 and 1302. F. <i>Chronology:</i> A Notice of Decision To Develop Regulations was published on September 10, 1980 (45 FR 59589). G. <i>Covered by the Regulatory Flexibility Act:</i> No. A. <i>Description:</i> Under these proposed regulations, if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision or dismissal (if there is one) is issued. Also, if the person asks the Appeals Council to review the hearing decision or dismissal, the Council will not consider new evidence unless it relates to the time before the hearing decision or dismissal and there was good cause for not submitting it earlier. B. <i>Why Significant:</i> These rules should promote final resolution of cases at the hearing stage and help to reserve Appeals Council review more nearly for cases of a genuinely appellate nature. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To conform our regulations to sec. 306 of the Social Security Disability Amendments of 1980 and to carry out the express intent of Congress in enacting it. E. <i>Legal Basis:</i> 42 U.S.C. 402(j)(2), 416(i)(2)(G), and 423(b) as amended by sect. 306 of Pub. L. 96-265. F. <i>Chronology:</i> A Notice of Decision To Develop Regulations was published on September 16, 1980 (45 FR 61315). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	CWN Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs; Payment for Medical Evidence of Record; 20 CFR Part 404, Subpart P.	A. <i>Description:</i> These regulations provide that any non-Federal hospital, clinic, laboratory, or other provider of medical services, or physician who is not employed by the Federal government, and who supplies medical evidence that we ask for and need for making determinations of disability shall be entitled to payment for the reasonable cost of providing the evidence. B. <i>Why Significant:</i> Until December 1, 1980, the claimant was primarily responsible for paying for existing medical evidence submitted to us for making a title II disability determination. We will now pay the reasonable cost for existing medical evidence which we ask for and need. The information needed for disability determinations will be obtained more expeditiously and the need for further medical consultative examinations at our expense will be reduced. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed to implement section 309 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 405, 423, and 1302. F. <i>Chronology:</i> Interim regulations were published October 30, 1980 (45 FR 71791). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	William Ziegler, (301) 594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Payment of Certain Travel Expense; 20 CFR Parts 404, Subparts I and P, and 416, Subpart N.	A. <i>Description:</i> These proposed regulations will provide for the payment of certain travel expenses to claimants who attend medical exams, and to claimants their representatives, and witnesses who attend reconsideration interviews and proceedings before administrative law judges. B. <i>Why Significant:</i> The proposed regulations are significant because they will explain when SSA will pay certain travel expenses. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed to implement Section 310 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 94 Stat. 459 and 460 Pub. L. 96-265. F. <i>Chronology:</i> A Notice of Decision To Develop Regulations was published on January 15, 1981 (46 FR 3547). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Clara Barrett Powell, (301) 594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Disclosure of Information for Audits; 45 CFR 205.50.	A. <i>Description:</i> This interim regulation will permit HHS to disclose information concerning applicants and recipients under title IV-A of the Social Security Act. Disclosure is permitted for purposes of program audits conducted by any governmental entity authorized by law to conduct such audits. B. <i>Why Significant:</i> Clarifies existing guidelines on disclosure, so that all States and the Federal Government are consistent. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To implement section 403 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 94 Stat. 462, Pub. L. 96-265. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Jack Schanberger, (301) 594-6785, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System; 45 CFR 205.	A. <i>Description:</i> These interim regulations will provide that 90 percent Federal matching funds will be available for the design, development, installation, and implementation of computerized AFDC Statewide mechanized claims processing and information retrieval systems. This increased matching will also include the cost of purchasing or renting computer equipment and software used for the operation of the system. B. <i>Why Significant:</i> The regulations will reduce cost to both the State and Federal governments in the operation of the AFDC program because of the systems implemented. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations will implement section 406 of the Social Security Disability Amendment of 1980. E. <i>Legal Basis:</i> 94 Stat. 465, 466, 467 Pub. L. 96-265. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Pat O'Herns, (202) 245-0043, Policy Specialist, Office of Family Assistance, 2110 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Deductions, Reductions and Nonpayment of Benefits; 20 CFR Part 404, Subpart E, and 416, Subpart K.	A. <i>Description:</i> These proposed regulations will provide that an individual's retroactive monthly social security will be reduced if the individual received SSI payments for the same period. B. <i>Why Significant:</i> These proposed regulations will preclude the windfall payment of SSI benefits that would not have been made if the monthly social security benefits had been paid when regularly due rather than retroactively. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> Implements section 501 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 94 Stat. 469, 470 Pub. L. 96-265. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on October 20, 1980 (45 FR 69248). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Larry Dudar, (301) 594-6629, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs; Time for Making of Social Security Contributions for Covered State and Local Employees; 20 CFR Part 404, Subpart M.	A. <i>Description:</i> These regulations change the rules governing the frequency with which States and interstate instrumentalities must deposit social security contributions on wages and salaries paid to covered employees. This new rule requires States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid. B. <i>Why Significant:</i> Regulations were scheduled to go into effect which would have required the States and interstate instrumentalities to deposit the social security contributions sooner than 30 days. Section 503 of the Social Security Disability Amendments of 1980 provided that 30 days would be the period within which these contributions must be deposited. These regulations reflect that amendment. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are required to implement section 503 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> Sections 205, 218, and 1102 of the Social Security Act. F. <i>Chronology:</i> Interim regulations were published on October 31, 1980 (45 FR 72110). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Armand Esposito, (301) 594-7455, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Experiments and Demonstration Projects Under Disability Insurance and SSI Programs; 20 CFR Parts 404, Subparts D and P, and 416, Subparts B and L.	A. <i>Description:</i> Amendments of 1980 authorize the Secretary to conduct experiments and demonstration projects under the OASDI and SSI programs. The proposed regulations will alter the requirements for disability benefits and the requirements for SSI benefits when a person has been selected to participate in an experiment or demonstration project under these amendments. B. <i>Why Significant:</i> Current regulations provide that in order to be eligible for title II and title XVI benefits, certain requirements must be met. The Social Security Disability Amendments of 1980 authorize the Secretary to waive compliance with benefit requirements for title II and title XVIII and waive any of the conditions, requirements, or limitations of title XVI. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed to implement section 505 of the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> 42 U.S.C. 1310. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on January 8, 1981 (46 FR 2093). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children Program; Incentive for AFDC Recipients to Report Earned Income; 45 CFR 206 and 233.	A. <i>Description:</i> The proposed regulations will provide that the earned income disregard will not be applied to any earned income which the recipient failed without good cause to report timely to the State agency. B. <i>Why Significant:</i> The proposed regulations will require agencies in States that do not have monthly reporting systems to confirm reported changes to assure that recipients are not penalized due to agency failure to take action on the reported changes. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> New rulemaking is necessary to implement section 302 of the Adoption Assistance Child Welfare Act of 1980 in order to assure uniform interpretation by States. E. <i>Legal Basis:</i> 94 Stat. 526, Pub. L. 96-272. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82681). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Connie Katz, (202) 245-2021, Program Specialist, Office of Family Assistance, Room B-416, Transpoint Building, 2100 Second St. S.W., Washington, D.C. 20024.
Aid to Families With Dependent Children Program; Proration of Shelter Utilities and Similar Expenses for AFDC Children Living With Ineligible Relatives; 45 CFR Part 233.	A. <i>Description:</i> These regulations will provide that a State may prorate the shelter, utilities, and similar needs of specified assistance units living with closely related family members who are ineligible for AFDC. Status may prorate if the total income of assistance unit members and closely related family members equals or exceeds the States AFDC need standard for an FDC assistance unit of comparable size. B. <i>Why Significant:</i> The regulation will provide that if a State chooses to prorate, it must follow a formula specified in the regulation. Under prior law, States had complete flexibility in determining need and payment standards. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To implement section 303 of the Adoption Assistance and Child Welfare Act of 1980. The statute is extremely complex and regulations are needed to insure that all States interpret the statute in the same way. E. <i>Legal Basis:</i> 94 Stat. 526 and 529, Pub. L. 96-272. F. <i>Chronology:</i> A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82681). G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Connie Katz, (202) 245-2021, Policy Specialist, Office of Family Assistance, Room B-416, Transpoint Building, 2100 Second St. S.W., Washington, D.C. 20024.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Supplemental Security Income Program; Disposing of Resources for Less Than Fair Market Value; 20 CFR Part 416, Subpart L.	A. <i>Description:</i> These proposed regulations provide that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have those disposed of resources counted toward the resource limit for 24 months from the date of disposal. The disposal of a resource at less than fair market value is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the disposal was exclusively for some other purpose. B. <i>Why Significant:</i> These proposed regulations will affect an individual's eligibility for SSI benefits when the individual disposes of a resource for less than fair market value. C. <i>Regulatory Impact Analysis:</i> None required. D. <i>Need:</i> To implement section 0005 of Pub. L. 96-611. E. <i>Legal Basis:</i> 42 U.S.C. 1382b, 94 Stat. 3567. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance Program; Benefits for Certain Prisoners; 20 CFR Part 404.	A. <i>Description:</i> The proposed regulations place certain restrictions on the payment of disability benefits to persons who have been convicted of a felony and are imprisoned. B. <i>Why Significant:</i> The proposed regulations are significant because they specify the conditions under which disability benefits will not be paid to an imprisoned felon and how a finding of disability may be affected. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> Required by Section 5 of the Amendments to the Social Security Program (P.L. 96-473). E. <i>Legal Basis:</i> Pub. L. 96-473. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	William Ziegler, (301) 594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Child Support Reporting and Matching Procedures; 45 CFR Chapter II.	A. <i>Description:</i> This proposed regulation will require the Department to reduce a State's quarterly grant under title IV-A when the State has child support collections which are unreported or not reported in accordance with Federal regulations. B. <i>Why Significant:</i> Why Significant: Makes explicit the reduction of Federal Financial Participation by the amount of the Federal share of child support collections made by a State under title IV-D of the Social Security Act. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To implement section 407(c) of Pub. L. 96-265, the Social Security Disability Amendments of 1980. E. <i>Legal Basis:</i> Pub. L. 96-265, section 407(c). F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	John McDonald, (202) 245-2056, Financial Management Specialist, Office of Family Assistance, 2100 2nd Street, S.W., Washington, D.C. 20024.
Old-Age, Survivors, and Disability Insurance Program; Changes to the Retirement Test; 20 CFR Part 404, Subpart E.	A. <i>Description:</i> These regulations will contain the rules that will eliminate some of the harsh and unintended effects of the Social Security Amendments of 1977. They are retroactively effective as of January 1978. B. <i>Why Significant:</i> The provisions of the regulations (1) permit the use of the monthly earnings test to certain beneficiaries in the year that entitlement terminates for a reason other than death, (2) exclude for the purposes of the annual earnings test, self-employment income received in a year after the initial year of entitlement not attributable to services performed after the month of entitlement; and (3) provide all beneficiaries the use of the monthly earnings test in at least 1 year after 1977. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> These regulations are needed so we can give the public clear rules and make them aware of the changes that are required by sections 1, 3, and 4 of the 1981 Amendments to the Social Security Program. E. <i>Legal Basis:</i> Secs. 1, 3, and 4 of Public Law 96-473, 94 Stat. 2263. F. <i>Chronology:</i> G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Clara Barrott Powell, (301) 594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance Program; Decreased Retroactivity of Benefit Applications; 20 CFR Part 404, Subpart G.	A. <i>Description:</i> This proposed regulation would reduce from 12 months to 6 months the maximum retroactivity of all social security insurance benefits that are not based on the worker's disability or the disability of a widow or widower. B. <i>Why Significant:</i> This change would mean that people who wait until some time after they become eligible for these benefits to apply for them will receive them for no more than 6 months before the month they apply, even if they have been eligible for more than 6 months. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> Required by Section 1011 of the Omnibus Reconciliation Act. E. <i>Legal Basis:</i> Sec. 202(j)(1) of the Social Security Act as amended by section 1011 Pub. L. 96-499 (the Omnibus Reconciliation Act of 1980). F. <i>Chronology:</i> Pub. L. 96-499 enacted 12/5/80. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Chf Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Health Care Financing Administration

Title	Description	Contact
Health Care Institution Certifications and Surveys.	A. <i>Description:</i> Hospitals, nursing homes and other institutional health care providers are subject to frequent surveys and reviews. Many of these reviews are a result of the Federal Government's role in insuring the health and safety of patients. Given an expanding role and improved performance of some State and local governments and voluntary organizations in this area, a reassessment of the appropriate Federal role is warranted. B. <i>Why Significant:</i> Survey and certification requirements affect thousands of health care providers and are critical to ensuring health and safety of patients. Effective monitoring may be accomplished with greater flexibility to States without loss of quality of health services. C. <i>Regulatory Impact Analysis:</i> Yes.	Paul Wilfing, M.D., Deputy Administration, Health Care Financing Admin., 200 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-6726.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Health Care Financing Administration

Title	Description	Contact
Medicaid Regulations Affecting States	D. <i>Need:</i> To promote State flexibility, reduce costs, and maintain quality standards. E. <i>Legal Basis:</i> Titles XVIII and XIX of the Social Security Act. F. <i>Chronology:</i> Review announced by Vice President on March 25, 1981. One of three HHS regulations slated for review by the President's Task Force on Regulatory Relief. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes. A. <i>Description:</i> At present a variety of regulations impose significant administrative requirements on States. States contend that these regulations hamper their ability to provide services to needy people at reasonable funding levels. In addition, the President has promised States that regulatory relief will accompany his proposal to limit Federal Medicaid expenditures. For these reasons, a thorough review is needed. B. <i>Why Significant:</i> The regulations would provide greater flexibility to States in meeting the medical needs of Medicaid patients at reduced cost. C. <i>Regulatory Impact Analysis:</i> Yes. D. <i>Need:</i> To reduce regulatory burdens on States and promote program efficiency. E. <i>Legal Basis:</i> Title XIX of the Social Security Act. F. <i>Chronology:</i> Review announced by Vice President on March 25, 1981. One of three HHS regulations slated for review by the President's Task Force on Regulatory Relief. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Paul Willging, Deputy Administrator, Health Care Financing Admin., 200 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-6726.
HCFA—Medicare/Medicaid Program: Differential Reimbursement/Swing Beds	A. <i>Description:</i> This regulation will authorize reimbursement at the State Medicaid intermediate care facility or skilled nursing facility rate where the patient requires a lower level of care, but is inappropriately placed in a hospital; and will provide reimbursement for small, rural hospitals which have been granted a certificate-of-need for provision of long-term care services. This regulation will also set forth conditions of participation for discharge planning and social services for hospitals that provide "swing bed" services. B. <i>Why Significant:</i> This regulation will refine institutional reimbursement policies to assure more efficient delivery of needed health care. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 902 (a) and (b), and 904 (a) and (b) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1158, 1161, 1861(v)(1)(G), 1883, 1902 and 1913 of the Social Security Act. Secs. 902 and 904 of P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Bill Goolker, ORP, DSR, RPB, Branch Chief, Room 1-D-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1802.
HCFA—Medicaid Program: Withholding of Federal Share of Payments to Medicaid Providers to Recover Medicare Overpayments.	A. <i>Description:</i> This regulation would allow HCFA to withhold the Federal share of Medicaid payments from providers and physicians in order to recover Medicare overpayments that cannot be recovered through the Medicare program either because the provider is participating in Medicare at a minimum level or the physician no longer accepts assignment for Medicare claims. B. <i>Why Significant:</i> This regulation would improve financial management, efficiency and accountability for certain Medicare provider overpayment. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 905 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1914 of the Social Security Act. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Samuel Guida, Director, DRRRE, OSPE, BPO, Room 1445, Meadows East Bldg., 6300 Security Boulevard, Baltimore, MD 21207, 301-594-8500.
HCFA—Reporting Financial Interest	A. <i>Description:</i> This regulation would require an entity to report only individual interests in mortgages, deeds of trust, notes, or other obligations if the interest equals the lesser of \$25,000 or 5 percent of the value of the total property and assets. B. <i>Why Significant:</i> This regulation would improve the financial management, efficiency and accountability for certain Medicare providers. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 912 (a) and (b) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1124(a)(3)(A)(i) and 1902(a)(35) of the Social Security Act. P.L. 95-142 and P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	James F. Patton, Director, DVPS, OPV, BQC, Rm. 2-E-5 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8213.
HCFA—Medicare/Medicaid Programs: Exclusion of Health Care Professionals.	A. <i>Description:</i> This regulation will amend the current rule that excludes physicians and practitioners convicted of crimes from participation in the Medicare and Medicaid programs. This regulation will broaden this rule so that the provisions would also apply to other categories of health professionals, such as administrators of health care institutions. B. <i>Why Significant:</i> This regulation will clarify HCFA's authority to bar certain professionals from participation in the Medicare and Medicaid programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 913 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1128, 1862(e), 1902(a)(39), and 2003(d)(1) of the Social Security Act. P.L. 95-142 and P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	James F. Patton, Director, DVPS, OPV, BQC, Rm. 2-E-5 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8213.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Health Care Financing Administration

Title	Description	Contact
HCFA—Medicaid Program Common Audit Requirements for Medicare, Medicaid and Maternal Child Health Providers.	A. <i>Description:</i> This regulation would require coordinated audits under the Medicare, Medicaid, and Maternal and Child Health programs. These audits must be coordinated through common procedures with audits performed for Medicare program purposes. If a State declines to participate, payment would be reduced to an amount estimated to be due the State if it had participated in a common audit. B. <i>Why Significant:</i> This regulation would eliminate duplicate audits of the same provider under Medicare, Medicaid and the Maternal and Child Health programs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 914 (a), (b) and (c) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 505(a)(16), 1128, 1129 and 1902(a)(42) of the Social Security Act. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Dave Landis, Director, DPE, OSPE, BPO, Rm. 1445, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8770.
HCFA—Medicare/Medicaid Program: Life Safety Code (Technical Amendment).	A. <i>Description:</i> This regulation will delete reference to the 1967 and 1973 editions of the Life Safety Code and require participating health facilities, hospitals, skilled nursing facilities and intermediate care facilities to comply with the edition of the Life Safety Code designated by the Secretary. A "grandfather" provision will be included to permit facilities which are in compliance with the 1967 or 1973 editions to be certified under these editions so long as they remain in compliance. B. <i>Why Significant:</i> This regulation will minimize regulatory burdens on facilities consistent with the protection of health and safety of patients and assure orderly adjustments to changing technology. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 915 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1861(j)(13) of the Social Security Act. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Mayer Zimmerman, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 20207, 301-594-3318.
HCFA—Medicaid/Medicare Program: Alternatives to Decertification of Long Term Care Facilities.	A. <i>Description:</i> This regulation will set forth provisions under Medicare and Medicaid for alternatives to the decertification of long term care facilities (skilled nursing facilities and intermediate care facilities) that are out of compliance with the conditions of participation. The regulation will also authorize HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. B. <i>Why Significant:</i> This regulation will make penalties for non-compliance more reasonable. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 916 (a), (b) and (c) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1866, 1902, and 1910 of the Social Security Act. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Robert Javec, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3314.

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Programs: Clinical Laboratory Reimbursement.	A. <i>Description:</i> This regulation will limit recognition of mark-up of Clinical Laboratory Reimbursement bills from a physician, for services performed by an independent laboratory, to the lesser of the reasonable charge of the laboratory or the amount charged by the physician, plus a nominal handling fee. B. <i>Why Significant:</i> This regulation will eliminate unnecessary expenditures for independent laboratory services ordered by a physician. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 918 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1833, 1842, and 1902 of the Social Security Act and Sec. 918 of P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Paul Rieser, Branch Chief, PPRB, BPP, Rm. 1-A-3 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1843.
HCFA—Medicare/Medicaid Programs: Professional Standards Review Organizations (PSRO) Membership Requirements; Advisory Groups to PSROs; and Statewide Professional Standards Review Council Advisory Group Membership.	A. <i>Description:</i> This regulation will revise PSRO membership requirements, delete requirements for formal advisory groups to PSROs and revise requirements for membership to the advisory groups of each Statewide PSRO council. B. <i>Why Significant:</i> This regulation will provide more effective PSRO performance. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Secs. 921, 922(a), 923 and 927 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1152, 1155, and 1162 of the Social Security Act. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Donna Federman, Program Analyst, HSQB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-4272.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Program: Professional Standards Review Organizations (PSRO) Hospital Review—Routine Services; Preadmission Review; Preoperative Stays.	A. <i>Description:</i> This regulation would require PSROs that are able to do so to give priority to preadmission reviews of areas of relatively frequent over-utilization to assure that payment made under Medicare and Medicaid are medically appropriate. These areas include routine tests, unusually long preoperative stays and weekend admissions. B. <i>Why Significant:</i> This regulation would improve cost effectiveness by enabling PSROs to determine the appropriate setting for surgical procedures. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Secs. 924 and 926 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1154 and 1155 of the Social Security Act. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Sharman Stephens, Program Analyst, HSQB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3103.
HCFA—Medicare Program: Home Health Agency Bonding.	A. <i>Description:</i> This regulation will set forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet in order to minimize financial risk. B. <i>Why Significant:</i> This regulation will assure that home health agencies are financially viable enough to participate in the program. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 930(n) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1861 of the Social Security Act and Sec. 930 of P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Bill Goeller, Branch Chief, RPB, BPP, Room 1-D-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1802.
HCFA—Medicare/Medicaid Program: Conditions of Participation for Home Health Agencies.	A. <i>Description:</i> This regulation would eliminate the present requirement that proprietary home health agencies can participate in Medicare only in those States that license home health agencies and set forth requirements for a formal training program for home health aides. B. <i>Why Significant:</i> This regulation would provide equity between proprietary and non-profit agencies and improve program administration. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 930(n)(2) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1861(o) of the Social Security Act. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Stefan Miller, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Avenue, Baltimore, MD 21207, 301-594-9741.
HCFA—Medicare Program: Preadmission Diagnostic Testing, Same Hospital.	A. <i>Description:</i> This regulation will provide full coverage under Medicare for diagnostic services provided in a hospital's outpatient department which the beneficiary then enters as an inpatient. B. <i>Why Significant:</i> This regulation would provide incentives for delivering services in lower cost settings. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 932 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1833 of the Social Security Act and Sec. 932 of P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Henry Hehir, Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8561.
HCFA—Medicare Program: Preadmission Diagnostic Testing, Different Hospital, Physician's Office.	A. <i>Description:</i> This regulation would cover diagnostic testing in the outpatient department of another hospital or in a physician's office within 7 days prior to the patient's admission as an outpatient. B. <i>Why Significant:</i> This regulation would provide incentives for delivering services in lower cost settings. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 932 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1833 of the Social Security Act and Sec. 932 of Pub. L. 96-499. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Henry Hehir, Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8561.
HCFA—Medicare Program: Outpatient Surgery	A. <i>Description:</i> This regulation will provide for 100 percent reimbursement for surgical services performed in free-standing ambulatory surgical centers and in physicians' offices subject to certain restrictions. It will also set forth health and safety standards for ambulatory surgical centers participating in the Medicare program. B. <i>Why Significant:</i> This regulation would provide incentives for delivering services in lower cost settings. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Secs. 934 (a) and (b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1832, 1833, 1863 and 1864 of the Social Security Act and Sec. 934 of Pub. L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Robert Streimer, Chief, DARS, BPP, Room 1-A-1 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1337.
HCFA—Medicare/Medicaid Program: Outpatient Surgery (Physician's Office).	A. <i>Description:</i> This regulation would set forth a reimbursement methodology for determining overhead amounts, and all-inclusive rates per procedures in each outpatient surgery setting. B. <i>Why Significant:</i> This regulation would provide incentives for delivering services in lower cost settings. C. <i>Regulatory Analysis:</i> Not required.	Robert Streimer, Chief, DARS, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1337.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Program: Professional Standards Review Organizations (PSRO) Hospital Review—Outpatient Surgery.	D. <i>Need:</i> To implement Sec. 934(b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1832, 1833, 1863 and 1864 of the Social Security Act and Sec. 934 of Pub. L. 96-499. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes. A. <i>Description:</i> This regulation would amend existing regulations on PSRO hospital review and PSRO assumption of review responsibilities for inpatient ancillary services, inpatient physician services, and quality review. This regulation would also provide for PSRO review of selected surgical procedures performed in physicians' offices. B. <i>Why Significant:</i> This regulation would reduce unnecessary costs. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 934(a) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1832 and 1833 of the Social Security Act. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Sharon Stephens, Program Analyst, HSOB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3101.
HCFA—Medicare Program: Optometrists' Services.	A. <i>Description:</i> This regulation would provide coverage for previously uncovered services furnished by optometrists related to the condition of aphakia (absence of the natural lens of the eye). B. <i>Why Significant:</i> This regulation would extend coverage to a previously uncovered service. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 937 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1861(r)(4) of the Social Security Act and Sec. 937 of Pub. L. 96-499. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Henry Hohr, Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-8561.
HCFA—Medicare Program: Payment Service Date.	A. <i>Description:</i> This regulation will provide that the determination of Medicare reasonable charges for physician services be based on the date the medical service was furnished rather than the date on which the claim was processed. B. <i>Why Significant:</i> This regulation will adjust payment levels to those in effect when services were furnished. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 946 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1842 of the Social Security Act and Sec. 946 of Pub. L. 96-499. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Paul Fiesel, Branch Chief, PPRB, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1843.
HCFA—Medicare/Medicaid Program: Reimbursement of Physician's Services in Teaching Hospitals.	A. <i>Description:</i> This regulation would permit reasonable charge reimbursement to physicians in teaching hospitals under certain circumstances, and would allow cost reimbursement to hospitals where all physicians elect it. It would also provide for computation of reasonable charges for purposes of Medicare reimbursement. B. <i>Why Significant:</i> This regulation would clarify and refine physician charge reimbursement policies. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 948 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1832, 1842, and 1861 of the Social Security Act and Sec. 948 of P.L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Bill Birnie, Chief, PPRS, PPRB, BPP, Room 1-E-5 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-5431.
HCFA—Medicare/Medicaid Program: Conditions of Participation for Hospitals—Revised Conditions for Participation.	A. <i>Description:</i> This regulation will provide for flexibility in the application of health and safety requirements to small and rural hospitals under 50 beds and for midwives to provide medical services in hospitals. B. <i>Why Significant:</i> This regulation will eliminate unnecessary procedural requirements for complying with conditions and reduce burden on small providers. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Secs. 949 and 955 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1102, 1861(e), (f), and (g), 1864, and 1891 of the Social Security Act (42 U.S.C. 1302, 1395 et seq.); Sec. 102 of P.L. 94-182. F. <i>Chronology:</i> The final is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Susan Anderson, Standards and Certification Analyst, HSOB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9714.
HCFA—Medicare/Medicaid Program: Hospital Utilization Review.	A. <i>Description:</i> This regulation will provide for the treatment of podiatrists as physicians under certain circumstances for purposes of utilization. B. <i>Why Significant:</i> This regulation will permit enforcement of hospital utilization review requirements designed to reduce medically unnecessary care. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 951 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Secs. 1861(f), 1861(r)(3), 1902(a)(30), 1903(g)(1)(c), and 1903(i)(4) of the Social Security Act. F. <i>Chronology:</i> The final is current under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Beverly Christon, Program Analyst, HSOB 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3980.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare Program: Access to Books and Records to Subcontractors.	A. Description: This regulation would prohibit Medicare reimbursement to providers for services furnished under contracts (whose cost or value over 12 months is \$10,000 or more) to subcontractors unless the Secretary has access to books and records necessary to verify costs. B. Why Significant: This regulation would strengthen HCFA's capacity to effectively preclude or detect fraud and abuse and conform Medicare practice to that of other Federal agencies which buy services. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 952 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1861(v)(1)(i) of the Social Security Act; P.L. 96-499. F. Chronology: The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: Yes.	James F. Patton, Director, DVPS, OPV, BOC, Rm. 2-E-5 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-584-8213.
HCFA—Medicare Program: Provider Reimbursement Review Board (PRRB): Expedited Judicial.	A. Description: This regulation will require the PRRB to determine within 30 days whether it has jurisdiction over an issue brought before it by a provider and authorize judicial reviews without further administrative review where the Board decides it lacks jurisdiction. B. Why Significant: This regulation will expedite the administrative appeals process. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 955 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1878 of the Social Security Act and Sec. 955 of P.L. 96-499. F. Chronology: The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: No.	Stanley Katz, Chief, DTPL, BPP, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.
HCFA—Medicare Program: Beneficiary Not at Fault.	A. Description: This regulation would require that payment be made for inpatient services under Part A where a beneficiary requiring a higher level of care is erroneously placed in a distinct part of an institution that provides a lower level of care. B. Why Significant: This regulation would reimburse at the appropriate level when a beneficiary received covered care but was in an erroneous placement through no fault of his own. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 956 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1879 of the Social Security Act and Sec. 956 of P.L. 96-499. F. Chronology: The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: No.	Stanley Katz, Chief, DTPL, BPP, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.
HCFA—Medicare/Medicaid Program: Technical ESRD Amendments (Technical Amendment).	A. Description: This regulation will authorize HCFA to enter into agreements with approved nonprofit entities to provide dialysis equipment to individuals who dialyze at home. B. Why Significant: This regulation will provide equipment economically and efficiently. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 957 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1861(e) of the Social Security Act. F. Chronology: The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: No.	Joe Jackson, Program Analyst, OSP, 1st Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-3151.
HCFA—Medicaid Program: Disputed Medicaid Claims; Interest Charge on Final Determination.	A. Description: This regulation would set forth the requirement for interest payments on disputed Medicaid funds after a final determination of allowability. B. Why Significant: This regulation would establish the payment of interest as an equitable solution to the use of funds pending a final determination of allowability. It would also expedite the processing of State appeals from notices of disallowances. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 961 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1903(d) of the Social Security Act. F. Chronology: The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: No.	David McNally, Director, DFO, OPA, BPO, Rm. 350, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1397.
HCFA—Medicaid Program: Skilled Nursing Facilities/Intermediate Care Facilities (SNFs/ICFs)—Medicaid Reimbursement.	A. Description: This regulation would require States to reimburse SNFs and ICFs at rates that are reasonable and adequate to meet the costs incurred by facilities in order to provide care. This regulation would implement certain provisions of the "Omnibus Reconciliation Act of 1980" affecting repeal of Sec. 249 of Pub. L. 92-603 that required most States to pay SNFs and ICFs on a reasonable cost-related basis. B. Why Significant: This regulation would provide States with more flexibility in developing methodologies to reimburse nursing homes. C. Regulatory Analysis: Not required. D. Need: To implement Sec. 962 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. Legal Basis: Sec. 1902(a)(13)(E) of the Social Security Act and Sec. 962 of Pub. L. 96-499. F. Chronology: The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: Yes.	Alan Spielman, Acting Chief, SIS, SPB, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1804.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Program: Nurse-Midwife Services.	A. <i>Description:</i> This regulation will specify Federal requirements under Medicaid (title XIX of the Social Security Act) for the provision of nurse-midwife services. This regulation will define nurse-midwife services and specify how States are to provide for these services. B. <i>Why Significant:</i> Revised requirements will improve access to a cost-effective source of maternity care. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 965 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. <i>Legal Basis:</i> Sec. 1905 of the Social Security Act and Sec. 965 of Pub. L. 96-499. F. <i>Chronology:</i> The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Marinos Svalos, Deputy Director, DMSCP, BPP, Room 499 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-6719.
HCFA—Medicare Program: Conditions of Participation for Hospitals; Conditions for Coverage of Services of Independent Laboratories; Immunohematological Testing, Transfusion Services and Bloodbanking.	A. <i>Description:</i> This regulation clarifies standards and responsibilities governing the survey and certification of laboratory transfusion and bloodbanking services. B. <i>Why Significant:</i> This regulation will reduce unnecessary Departmental and industry expenditures caused by duplicate HCFA and FDA surveys and provide uniformity in standards for transfusion and bloodbanking requirements. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement a memorandum of understanding between HCFA and FDA published by the Department on March 25, 1980. E. <i>Legal Basis:</i> Secs. 1102, 1861(e)(9), 1861(a)(11), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(e)(9), 1395(a)(11), and 1395hh). F. <i>Chronology:</i> Memorandum of Understanding was published March 25, 1980 (45 FR 19316). A Notice of Decision to Develop Regulations was published December 18, 1980 (45 FR 83579). The proposed rule has been waived. The final regulation is currently under review. When the review is completed, it will be forwarded to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Stanley Edinger, Ph.D., Program Analyst, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7331.
HCFA—Medicaid Program: Expanded Phase Out Provisions of Intermediate Care Facilities for the Mentally Retarded (ICF/MR); Correction Plans.	A. <i>Description:</i> This regulation would allow States to negotiate new corrective action plans for publicly-owned ICFs/MR that do not comply with current standards. The regulation would permit States to negotiate extended plans to phase out beds but require compliance by July 1982 with standards for beds not scheduled for phase out. B. <i>Why Significant:</i> This regulation would allow States more flexibility in securing the most appropriate living arrangements for ICF/MR residents. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To provide incentives for deinstitutionalization of residents in ICFs/MR and ensure that the health and safety of residents remaining in ICFs/MR is protected. E. <i>Legal Basis:</i> Secs. 1102, 1905(c) and (d) of the Social Security Act (42 U.S.C. 1302, 1396d(c) and (d)). F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Wayne Smith, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7651.
HCFA—Medicare Program: Determination of Payment Amount for Services Furnished by Independent Rural Health Clinics.	A. <i>Description:</i> This regulation revises payment procedures with respect to situations in which a beneficiary has not met the Medicare Part B deductible. This regulation also clarifies the relationship between the amount paid to a clinic on an interim basis and the total amount due the clinic at final cost settlement. B. <i>Why Significant:</i> This regulation would resolve confusion caused by inaccuracies in current rules. Final cost settlements that have been postponed pending resolution of the issue of interim payments could be settled once that issue is resolved. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To correct and clarify regulations implementing P.L. 95-210, the Rural Health Clinic Services Act of 1977. E. <i>Legal Basis:</i> Secs. 1102, 1833, 1861(aa), and 1871 of the Social Security Act. F. <i>Chronology:</i> The final rule is currently under review in the Department. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Bernadette Schumaker, Chief, ARSB, BPP, Room 1-C-1 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1048.
HCFA—Transfer of Assets.	A. <i>Description:</i> This regulation will impose a new eligibility requirement on aged, blind, and disabled applicants for Medicaid. It will allow States to deny Medicaid to individuals who dispose of assets for less than fair market value. B. <i>Why Significant:</i> This regulation will ensure that available income and assets are applied to medical needs before Medicaid is granted. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> To implement Sec. 5 of P.L. 96-611. E. <i>Legal Basis:</i> Sec. 1613 of the Social Security Act (42 U.S.C. 1382b) and Sec. 5 of P.L. 96-611. F. <i>Chronology:</i> The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Richard Cody, Director, DMEP, BPP, Room 440 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9050.
HCFA—Conditions of Coverage of Suppliers: End Stage Renal Disease (ESRD).	A. <i>Description:</i> This regulation revises the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services. B. <i>Why Significant:</i> This regulation will recognize recent developments in medical practices. C. <i>Regulatory Analysis:</i> Not required. D. <i>Need:</i> Clarify and expand the types of dialysis service facilities that will be approved to furnish and facilitate program administration. E. <i>Legal Basis:</i> Secs. 226A, 1102, 1871, 1881 of the Social Security Act (42 U.S.C. 426-1, 1302, 1395hh, 1395m). F. <i>Chronology:</i> The proposed rule was published on January 15, 1981 (46 FR 3794). The comment period closed on March 16, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> Yes.	Bob Moore, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9735.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Certification of Long Term Care Facilities with Repeat Deficiencies.	A. Description: This regulation eliminates the provision that prohibits the renewal of long term care provider agreements if the same deficiency, regardless of how minor, appears in successive certification surveys. B. Why Significant: This regulation will improve program administration as long as there is no jeopardy or adverse affect to the health and safety of patients. C. Regulatory Analysis: Not required. D. Need: To make the rules for skilled nursing facilities and intermediate care facilities consistent with the rules governing other providers and reduce burden. E. Legal Basis: Secs. 1102, 1814, 1861, 1865, 1866, and 1910 of the Social Security Act (42 U.S.C. 1302, 1395f, 1395x, 1395bb, 1395cc, 1395hh and 1396). F. Chronology: The proposed rule was published on March 18, 1980 (45 FR 16505). The comment period closed on May 13, 1980. The final rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. Covered by the Regulatory Flexibility Act: No.	Terrence Skelly, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7942.
HCFA—Medicare Program: Recordkeeping and Cost Reporting Requirements for Dialysis and Training.	A. Description: This regulation sets forth recordkeeping and cost reporting requirements for renal dialysis facilities furnishing maintenance renal dialysis and self-care dialysis training. These requirements apply to all ESRD services furnished in or under the supervision of Medicare-certified dialysis facilities, whether hospital-based or independent. B. Why Significant: This regulation implements portions of the ESRD Program Amendments of 1978 (P.L. 95-292) that require us to prescribe in regulations, methods and procedures to determine costs incurred by renal dialysis facilities in furnishing ESRD services. C. Regulatory Analysis: Not required. D. Need: To implement certain provisions of the ESRD Program Amendments of 1978 (P.L. 95-292). E. Legal Basis: Secs. 1861(b)(1)(B)(i) of Social Security Act, P.L. 95-292. F. Chronology: The proposed rule was published on September 26, 1980 (45 FR 64006) as Incentive Reimbursement for Outpatient Dialysis and Self-Care Dialysis Training (HCFA-31). The comment period closed on November 25, 1980. G. Covered by the Regulatory Flexibility Act: No.	Bernadette Schumaker, Chief, ARSB, BPP, Room 1-C-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1048.
HCFA—Medicare Program: Methodology and Rates for Reimbursing End Stage Renal Disease Facilities.	A. Description: This notice would set forth a proposed methodology and rates for reimbursing ESRD facilities for furnishing outpatient dialysis services. B. Why Significant: This regulation implements portions of the ESRD Program Amendments of 1978 (P.L. 95-292) to develop and establish a method of incentive reimbursement for renal dialysis facilities furnishing outpatient or home dialysis ESRD services. C. Regulatory Analysis: Yes, being conducted. D. Need: To implement certain provisions of the ESRD Program Amendments of 1978 (P.L. 95-292). E. Legal Basis: Secs. 1861(b)(1)(B)(i) of the Social Security Act, P.L. 95-292. F. Chronology: The proposed rule was published on September 26, 1980 (45 FR 64006). The comment period closed November 25, 1980. G. Covered by the Regulatory Flexibility Act: Yes.	Bernadette Schumaker, Chief, Alter, Reim. Systems Branch, Rm. 1-C-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1048.

Office of Human Development Services, HHS

Title	Summary	Contact
HDS-6—Native American Program: General Rules.	A. Description: This proposed regulation would simplify and clarify existing regulations in line with "Operation Common Sense" and implement significant changes in policies and operation to reflect program experience. B. Why Significant: The Native American Grants provide valuable resources to Native Americans in their efforts to achieve economic and self-sufficiency. C. Regulatory Analysis: Not required. D. Need: Regulations are needed to make administrative improvements which include a simplified appeals process; improved management control and paperwork reduction; and the removal of unnecessary provisions. E. Legal Basis: 42 U.S.C. 2991. F. Chronology: None. G. Covered by the Regulatory Flexibility Act: Yes.	David Litton, Acting Director, Policy Planning and Budget Division, Administration for Native Americans, Rm. 5300, HHS North Bldg., 330 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-7776.
HDS-23—Work Incentive Program: Amendments to Implement Statutory Changes.	A. Description: This regulation will amend the regulations to the Work Incentive Program for AFDC recipients in order to make them conform with legislative amendments. Changes would include employment search authority and related social services, establishing a fixed sanction period, and other minor changes required by the statute. B. Why Significant: These regulations would implement legislative changes affecting some aspects of Work Incentive Program operations. C. Regulatory Analysis: Not required. D. Need: These regulations are needed to implement legislative changes mandated by Pub. L. 96-265. E. Legal Basis: 42 U.S.C. 630 et seq. F. Chronology: None. G. Covered by Regulatory Flexibility Act: No.	Nancy Snyder, Acting Executive Director, National Coordination Committee Work Incentive Program, Rm. 5102, Patrick Henry Building, 601 D St., N.W., Washington, D.C. 20201, (202) 387-6694.
HDS-24—Work Incentive Program: Period within which State Claims must be filed.	A. Description: This regulation would establish a 2-year time limit for the payment of claims by the state grantees under the Work Incentive Program in accordance with new legislation. B. Why Significant: These regulations are intended to improve the financial management programs under the Social Security Act. C. Regulatory Analysis: Not required. D. Need: The regulation is required by new legislation.	Nancy Snyder, Acting Executive Director, National Coordination Committee Work Incentive Program, Rm. 5102, Patrick Henry Building, 601 D St., N.W., Washington, D.C. 20201, (202) 387-6694.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of Human Development Services, HHS

Title	Summary	Contact
	E. <i>Legal Basis:</i> Section 1132 of the Social Security Act as amended by Pub. L. 96-272.	
	F. <i>Chronology:</i> None.	
	G. <i>Covered by the Regulatory Flexibility Act:</i> No.	

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
Revise Inspection Frequency: Licensed Blood Banks.	A. <i>Description:</i> This proposed regulation would reduce the frequency of inspections for licensed blood banks from once every year to at least once every two years. B. <i>Why Significant:</i> The regulation would reduce the frequency of inspections for licensed blood banks from once every year to once every two years. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To reduce the inspection burden on licensed blood banks. E. <i>Legal Basis:</i> Sections 201, 510, 701, 704, 52 Stat. 1055-1056 (21 U.S.C. 321, 360, 371, 374) and Section 351, 58 Stat. 702 (42 U.S.C. 262). F. <i>Chronology:</i> A proposed regulation is expected to publish by October 31, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> Yes.	Rada, Proehl, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Procedures for Reclassifying Category IIIA Biologicals.	A. <i>Description:</i> This final regulation would reclassify Category IIIA biological products as either safe, effective, and not misbranded (Category I), or unsafe, ineffective, or misbranded (Category II). The regulation would permit interim marketing pending completion of clinical studies for any biological product reclassified into Category II for which there is a compelling medical need and no suitable alternative therapeutic, prophylactic, or diagnostic agent. B. <i>Why Significant:</i> The regulation would establish Agency procedures to reclassify Category IIIA biological products into either Category I or Category II. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The document responds to a petition for action filed by the Health Research Group. E. <i>Legal Basis:</i> Sections 201, 502, 505, 701, 52 Stat. 1041-1042, 1050-1051, 1055-1056 (21 U.S.C. 321, 352, 355, 371); Section 351, 58 Stat. 702 (42 U.S.C. 262); Sections 4 and 10, 60 Stat. 238 and 243 (5 U.S.C. 553, 702, 703, 704). F. <i>Chronology:</i> The proposed regulation was published January 16, 1981 (46 FR 4634). Comment period extended from March 17, 1981 to May 18, 1981 (46 FR 17063). A final regulation is expected to publish by October 31, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Albert Rothschild, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Panel on Review of Blood and Blood Products—Product Effectiveness.	A. <i>Description:</i> This proposed regulation would place the subject products in categories designated as (1) safe and effective and not misbranded, and (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products. B. <i>Why Significant:</i> The regulation would establish the safety and effectiveness of currently marketed products. It would assure the public of receiving only those products found to be safe and effective. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To bring products into conformance with current standards of safety and effectiveness. E. <i>Legal Basis:</i> Section 351, 58 Stat. 702 (42 U.S.C. 252). F. <i>Chronology:</i> The proposed regulation is expected to publish by October 31, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> FDA will consider the need for an initial regulatory flexibility analysis.	Steven Falter, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Panel on Review of Bacterial Toxoids and Bacterial Vaccines with U.S. Standards of Potency—Product Effectiveness.	A. <i>Description:</i> This proposed regulation would place the subject products in categories designated as (1) safe and effective and not misbranded and (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products. B. <i>Why Significant:</i> The regulation would establish the safety and effectiveness of currently marketed products. It would assure the public of receiving only those products found to be safe and effective. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To bring products into conformance with current standards of safety and effectiveness. E. <i>Legal Basis:</i> Section 351, 58 Stat. 702 (42 U.S.C. 262). F. <i>Chronology:</i> The proposed regulation is expected to publish by October 31, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> FDA will consider the need for an initial regulatory flexibility analysis.	Steven Falter, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Bioresearch Monitoring: Obligations of Sponsors and Monitors of Clinical Investigations.	A. <i>Description:</i> These regulations would establish procedures to be followed by a sponsor and a monitor before initiating, and during the course of, a clinical investigation involving the use of a drug, medical device, food or color additive, or electronic product. B. <i>Why Significant:</i> The regulations will provide greater protection of the rights and safety of subjects in clinical investigations and help assure the quality and integrity of the research data used to support the marketing of products regulated by FDA by specifically defining the responsibilities of sponsors and monitors in clinical investigations. C. <i>Regulatory Impact Analysis:</i> Not required.	Marlyn Watson (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
Abbreviated New Drug Applications for Post-1962 Drugs.	D. <i>Need:</i> There has been an identifiable need to set forth procedures that would raise the level of the quality of clinical research by more thorough and supervisory contact between the sponsor and investigators. These regulations will define specifically the responsibilities of sponsors and monitors in assuring protection of the rights and safety of subjects involved in clinical investigations and assuring the quality and integrity of the research data used to support the marketing of products regulated by FDA. E. <i>Legal Basis:</i> 21 U.S.C. 340, 348, 352, 353, 355, 356, 357, 360, 360b-360f, 360h-360j, 361, 371(a), 378, 381, 42 U.S.C. 216, 262, 263b-263n. F. <i>Chronology:</i> The proposed regulations were published on September 27, 1977 (42 FR 48612). The final regulations are expected to publish by October 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Jean Mansur, Deputy Assistant Director for Regulatory Drug Affairs (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.
New Drug Evaluation; Revision of NDA Regulations.	A. <i>Description:</i> This proposed regulation would permit applicants to file abbreviated new drug applications (ANDAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in a full NDA to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. At present, ANDAs are permitted only for pre-1962 drugs that FDA has found are suitable for that kind of submission. B. <i>Why Significant:</i> This would reduce duplicative human testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market. By increasing competition among drug manufacturers, it may reduce drug costs to the consumer. C. <i>Regulatory Impact Analysis:</i> Yes. D. <i>Need:</i> This action has the potential to increase competition among drug sources when patents have expired and lower costs of drug products. E. <i>Legal Basis:</i> 21 U.S.C. 355, 371(a). F. <i>Chronology:</i> The proposed regulation is expected to publish by October 31, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> FDA will consider the need for an initial regulatory flexibility analyses.	Michael McGrane, General Regulations Branch (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5200.
Over-the-Counter (OTC) Category III Policy.	A. <i>Description:</i> This final regulation would revise the OTC procedural regulations to delete the provision that authorized the marketing of a Category III ingredient or labeling claim in an OTC drug product after a final monograph is established. Any testing necessary to resolve the safety or effectiveness issues for Category III ingredients and claims would have to be completed and the data submitted to FDA within a limited time period during the OTC drug rulemaking process, and before the establishment of a final monograph, for a drug product containing these ingredients or claims to be legally marketed. B. <i>Why Significant:</i> This revision would revise a regulation found unlawful by a court. The revision also is expected to expedite the OTC drug review process. C. <i>Regulatory Impact Analysis:</i> Threshold assessment underway. D. <i>Need:</i> This action is necessary to conform to the holding and order of the United States District Court for the District of Columbia in <i>Cutler v. Kennedy</i>, 475 F. Supp. 838 (D.D.C. 1979). E. <i>Legal Basis:</i> 21 U.S.C. 321, 352, 355, 371(a). F. <i>Chronology:</i> The proposed regulation was published on May 13, 1980 (45 FR 31422). The comment period closed on July 14, 1980. The regulation is expected to be published during the 3rd quarter (April-June, 1981). G. <i>Covered by Regulatory Flexibility Act:</i> No.	Marilyn Watson (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.
Over-the-Counter (OTC) Drug Review.	A. <i>Description:</i> These regulations provide for monographs that specify which OTC drug ingredients and labeling claims are generally recognized as safe and effective. B. <i>Why Significant:</i> These regulations will assure consumers that OTC drug products on the market have their claimed effect and bear adequate labeling for safe and effective use. C. <i>Regulatory Impact Analysis:</i> Threshold assessment planned for each monograph. D. <i>Need:</i> To review all OTC drug ingredients and labeling claims to determine which of these can be considered generally recognized as safe and effective. E. <i>Legal Basis:</i> 21 U.S.C. 321, 352, 355, 371.	William E. Gilbertson, Division of OTC Drug Evaluation (HFD-510), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	F. <i>Chronology:</i> Significant proposed and tentative monographs published or expected to be published: OTC Cold, Cough, Allergy, Bronchodilator and Antitussive Products (CCABA) proposed monograph, September 9, 1976 (41 FR 38312); (CCABA) Anticholinergic/Expectorant segment tentative final monograph expected to be published May 1981; (CCABA) Bronchodilator segment tentative final monograph expected to publish October 1981; OTC Topical Antimicrobial proposed monograph, September 13, 1974 (39 FR 33103); tentative final monograph, January 6, 1978 (43 FR 1210); External Analgesic Drug Products for OTC Use proposed monograph, December 4, 1979 (44 FR 69788); OTC Internal Analgesic, Antipyretic and Antirheumatic Drug Products proposed monograph, July 8, 1977 (42 FR 35346); OTC nighttime Sleepaid and Stimulant Products proposed monograph, December 8, 1975 (40 FR 57292); tentative final monograph, June 13, 1978 (43 FR 25544); Anorectal Drug Products for OTC Use proposed monograph, May 27, 1980 (45 FR 35576); Vaginal Contraceptive Drug Products for OTC Human Use proposed monograph, December 12, 1980 (45 FR 82014); Relief of Oral Discomfort Drug Products proposed monograph expected to publish June 1981; OTC Oral Cavity Drug Products proposed monograph expected to publish September 1981; OTC Weight Control Drug Products proposed monograph expected to publish May 1981; OTC Antiperspirant Drug Products proposed monograph, October 10, 1978 (43 FR 46604); tentative final monograph expected to publish September 1981; OTC Topical Antibiotic Drug Products proposed monograph, April 1, 1977 (42 FR 17642); tentative final monograph expected to publish September 1981; OTC Topical Antifungal Drug Products proposed monograph expected to publish September 1981. G. <i>Covered by Regulatory Flexibility Act:</i> FDA will consider the need for an initial regulatory flexibility analysis for each monograph.	
Use of Food Preservatives	A. <i>Description:</i> This final regulation would establish an interim food additive regulation for BHT. B. <i>Why Significant:</i> BHT is a widely used preservative heretofore considered GRAS and about which substantial safety questions have been raised rendering it subject to the food additive law. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To determine if the food preservative BHT can continue to be deemed safe for use in foods. E. <i>Legal Basis:</i> Sections 201(s), 409, 701(a), 52 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 348, 371(a)) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulation published on May 31, 1977 (42 FR 27803). The comment period closed July 26, 1977. The final regulation is expected to publish July, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Linda Taylor, GRAS Review Branch (HFF-335), Bureau of Foods, Food and Drug Administration, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202-472-4750
Prior Sanction of Nitrites in Meat and Poultry Products	A. <i>Description:</i> This final regulation would resolve the issue regarding whether there is a prior sanction for nitrites in meat and poultry products. B. <i>Why Significant:</i> There is substantial interest and controversy in the legal status of nitrites. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To protect the public health. E. <i>Legal Basis:</i> Sections 201(s), 201(n)(1), 402(a), 701(a), 706, 72 Stat. 1784; 74 Stat. 397; 52 Stat. 1046, 1055-1056; as amended (21 U.S.C. 321(s), 321(n)(1), 342(a), 371(a), 376) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulation was published on December 21, 1979 (44 FR 75662). The comment period closed on June 16, 1980. The final regulation is expected to publish August, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	John Herman, Division of Food and Color Additives (HFF-300), Bureau of Foods, Food and Drug Administration, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202-472-5676
National Shellfish Safety Program	A. <i>Description:</i> A notice to withdraw the proposed National Shellfish Safety Program regulation and a proposal to continue the voluntary National Shellfish Sanitation Program. B. <i>Why Significant:</i> An improved voluntary National Shellfish Sanitation Program would help ensure the safety and wholesomeness of shellfish harvested in waters of participating states. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To improve the voluntary National Shellfish Program. E. <i>Legal Basis:</i> Sections 402, 403, 701(a), Pub. L. 717; 52 Stat. 1046-1048, 1055, as amended (21 U.S.C. 342, 343, 371(a)) of the Federal Food, Drug, and Cosmetic Act; Sections 301, 308, 311, 361, Pub. L. 410, 58 Stat. 601, 693, 703; 74 Stat. 364, as amended (42 U.S.C. 241, 242m, 243, 264) of the Public Health Service Act. F. <i>Chronology:</i> The proposed regulation published on June 19, 1975 (40 FR 25916). The comment period closed November 13, 1975. The notice is expected to publish September, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	David Clem, Shellfish Sanitation Branch (HFF-417), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1557
Infant Formulas: Quality Control Regulation	A. <i>Description:</i> This final regulation would establish specified quality control requirements for infant formula manufacturers. B. <i>Why Significant:</i> The nutritional adequacy of infant formulas is a public health issue on which there is substantial public interest. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To assure that the required levels of nutrients are present. E. <i>Legal Basis:</i> Sections 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321 (n), 343(a), 371(a)) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulation was published on December 30, 1980 (45 FR 86362). The comment period was extended to May 1, 1981 (46 FR 17790). The final regulation is expected to publish October, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Ed Scarbrough, Regulatory Affairs Staff (HFF-204), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-3117
Infant Formula: Recall Process	A. <i>Description:</i> This proposed regulation would establish recall procedures for removing adulterated infant formula from the marketplace.	

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	B. <i>Why Significant:</i> There is considerable public interest in infant formulas due to medical problems in infants resulting from inadequate amounts of essential nutrients. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To protect the public health, regulations are required by state. E. <i>Legal Basis:</i> Sec. 1 et. seq., Pub. L. 717, 52 Stat. 1040-1059, as amended (21 U.S.C. 301 et seq.) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulation is expected to publish July, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> FDA will consider the need for an initial regulatory flexibility analysis.	Howard Pippin, Guidelines and Compliance Research Branch (HFF-312), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-3092.
Cinnamyl Anthranilate	A. <i>Description:</i> These proposed regulations would prohibit cinnamyl anthranilate in human food and ingestible cosmetics because it may pose a risk of cancer. B. <i>Why Significant:</i> There is substantial FDA interest due to public health concerns expressed above. C. <i>Regulatory Impact Analysis:</i> Not required.	Adele Dennis, GRAS Review Branch (HFF-335), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-4750.
Umbrella GMP	D. <i>Need:</i> To protect the public health. E. <i>Legal Basis:</i> Sections 201(s), 402, 409, 701, 52 Stat. 1046-1047, as amended 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 342, 348, 371) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulations are expected to publish October, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> Yes. A. <i>Description:</i> This revised regulation will establish new, updated or more current good manufacturing practices for the food industry.	F. Leo Kauffman, Plant & Protein Technology (HFF-214), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1164.
Lead in Infant Foods and in Evaporated Milk	B. <i>Why Significant:</i> Provides industry with requirements designed to prevent or avoid offering a product for sale which might be defective (Violative) in a significant respect. C. <i>Regulatory Impact Analysis:</i> Required. D. <i>Need:</i> To ensure a safe and sanitary food supply. E. <i>Legal Basis:</i> Sections 302, 303, 304, 402(a), 701(a) 52 Stat. 1043-1046 as amended, 1055 (21 U.S.C. 332, 333, 334, 342(a), 371(a)) of the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act Section 361, 58 Stat. 703 (21 U.S.C. 264). F. <i>Chronology:</i> The proposed regulation to revise the umbrella GMP was published June 8, 1979 (44 FR 33228). The comment period closed December 31, 1979. The final regulation is expected to publish October, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No. A. <i>Description:</i> These action guidelines would announce to the public FDA's action levels on lead and withdraw the 1974 proposed tolerance for lead in evaporated milk and evaporated skim milk. B. <i>Why Significant:</i> There is a significant public health interest. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To lower infant exposure to toxic levels of lead. E. <i>Legal Basis:</i> Sections 406, 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-1790 (21 U.S.C. 346, 348, 371(a)) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed tolerance for lead in evaporated milk and evaporated skim milk published on December 6, 1974 (39 FR 42740). An Advance Notice of Proposed Rulemaking published August 31, 1979 (45 FR 51233). The action guidelines are expected to publish June, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Carl Giannetta, Petitions Control Branch (HFF-334), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-5690.
Labeling of Sodium Content of Foods	A. <i>Description:</i> This proposed regulation would define terms such as low sodium and reduced sodium and provide for including sodium content in nutrition labeling. B. <i>Why Significant:</i> There is a substantial public health need for and public interest in consumers being able to regulate intake of sodium. C. <i>Regulatory Impact Analysis:</i> Threshold assessment underway. D. <i>Need:</i> To give consumers an opportunity to regulate their own intake of sodium. E. <i>Legal Basis:</i> Sections 201 (n) and (s), 402(a)(2)(C), 403(a), 409(c)(1)(A), and 701(a) (21 U.S.C. 321 (n) and (s), 342(a)(2)(C), 343(a), 348(c)(1)(A), and 371(a)) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The proposed regulation is expected to publish July, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> Yes.	Allen Forbes, Associate Director for Nutrition and Food Sciences (HFF-200), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1561.
New Animal Drugs and Feed Additives Derived from a New Drug Fermentation; Human Food Safety Evaluation Criteria	A. <i>Description:</i> This notice announces the availability of a guidelines that describes testing and evaluation criteria for the approval of complex products derived from a drug fermentation synthesis and proposed for use in food-producing animal. B. <i>Why Significant:</i> The guidelines provides a feasible alternative means of demonstrating safety for approval for these complex products that are not amenable to the standard criteria. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To allow these types of products, which have many potential benefits, to be used in food-producing animals. E. <i>Legal Basis:</i> Section 512 (21 U.S.C. 360b) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology:</i> The notice of availability is expected to publish October, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Marylyn Cordle, Food Animal Additive Staff, (HFF-350), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-755-1120.
Carcinogenic Constituents in Food and Color Additives	A. <i>Description:</i> This proposed policy statement would describe a policy for assessing the safety of food and color additives that contain carcinogenic constituents. B. <i>Why Significant:</i> There is public interest in the use of risk assessment for evaluating carcinogenic constituents in these additives. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To clarify agency policy on carcinogenic constituents in food and color additives.	Tert Troxell, Petitions Control Branch (HFF-334), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-5690.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	E. <i>Legal Basis</i>: Sections 201(s), 201(i), 402, 409, 701, 706, 52 Stat. 1046-1047, as amended; 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 321(i), 342, 348, 371, 376) of the Federal Food, Drug, and Cosmetic Act. F. <i>Chronology</i>: The proposed policy statement is expected to publish during the 3rd quarter (April-June, 1981). G. <i>Covered by Regulatory Flexibility Act</i>: Yes.	
Prosthetic Fiber for Implantation into the Human Scalp; Banning.	A. <i>Description</i>: This proposed regulation would ban all prosthetic fibers intended for implantation into the human scalp to conceal baldness. B. <i>Why Significant</i>: There is public health danger resulting from the side effects associated with the prosthetic fibers. C. <i>Regulatory Impact Analysis</i>: Threshold assessment underway. D. <i>Need</i>: To protect the public from dangerous side effects following implantation of prosthetic fibers. E. <i>Legal Basis</i>: 21 U.S.C. 352(j), 360f, 360h, 360i, 371(a). F. <i>Chronology</i>: The proposed regulation is expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act</i>: FDA will consider the need for an initial regulatory flexibility analysis.	Pamela Woytowicz (HFK-114), Bureau of Medical Devices, Food and Drug Administration, 8758 Georgia Avenue, Silver Spring, MD 20910, 301-427-7218.
User Labeling of Menstrual Tampons.	A. <i>Description</i>: This final regulation would establish labeling requirements for menstrual tampons about the dangers of toxic shock syndrome (TSS), a rare, but sometimes fatal, disease that affects menstruating women. B. <i>Why Significant</i>: The regulation would provide women with information on the risks of TSS. C. <i>Regulatory Impact Analysis</i>: Threshold assessment planned. D. <i>Need</i>: To inform consumers of the risk of TSS, a serious and sometimes fatal disease. E. <i>Legal Basis</i>: 21 U.S.C. 321(n), 352 371(a). F. <i>Chronology</i>: The proposed regulation was published October 21, 1980 (45 FR 69640). The comment period closed November 20, 1980. The final regulation is expected to publish October, 1981. G. <i>Covered by Regulatory Flexibility Act</i>: No.	Joseph Sheehan (HFK-70), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7114.
Premarket Approval Procedural Regulation.	A. <i>Description</i>: The final regulation would set out procedures for submission of premarket approval applications (PMAs), including safety and effectiveness requirements for all Class III medical devices. B. <i>Why Significant</i>: The regulation would inform the public of the requirements to obtain FDA approval of Class III devices. It will shorten FDA review time if manufacturers know in advance what must be included in a PMA. C. <i>Regulatory Impact Analysis</i>: Threshold assessment underway. D. <i>Need</i>: To implement section 515 of the Medical Device Amendments of 1976. E. <i>Legal Basis</i>: 21 U.S.C. 351, 352, 353, 360, 360c-360i, 371(a), 373, 374, 375, 379, 381. F. <i>Chronology</i>: The proposed regulation was published December 12, 1980 (45 FR 84769). The comment period closes April 13, 1981. The final regulation is expected to publish August, 1981. G. <i>Covered by Regulatory Flexibility Act</i>: No.	Henry Goldstein (HFK-402), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7445.
Classification of Preenactment Devices.	A. <i>Description</i>: These regulations classify all medical devices marketed prior to May 28, 1976 into three regulatory control categories. The classifications are based on the recommendations of eight expert advisory panels. B. <i>Why Significant</i>: The classification regulations determine the regulatory controls to ensure the safety and effectiveness of medical devices. The classification regulations advise manufacturers whether their devices are subject to general controls, performance standards, or premarket approval. C. <i>Regulatory Impact Analysis</i>: Not required. D. <i>Need</i>: To implement sections 513 (c) and (d) of the Medical Device Amendments of 1976. E. <i>Legal Basis</i>: 21 U.S.C. 360c and 371(a). F. <i>Chronology</i>: Final regulations published: Neurological Devices, September 4, 1979 (44 FR 51726); Cardiovascular, February 5, 1980 (45 FR 7904); OB/GYN, February 26, 1980 (45 FR 12682); Hematology/Pathology, September 12, 1980 (45 FR 60576); General Hospital, October 21, 1980 (45 FR 69678). Proposed regulations published: Physical Medicine, August 28, 1979 (44 FR 50458), comment period closed October 29, 1979; Anesthesiology, November 2, 1979 (44 FR 63292), comment period closed January 2, 1980; Microbiology/Immunology, April 22, 1980 (45 FR 27204), comment period closed June 23, 1980; Dental, December 30, 1980 (45 FR 85962), comment period closed April 1, 1981; Gastroenterology/Urology, January 23, 1981 (46 FR 7582), comment period closed March 24, 1981. Expected publication dates of final regulations are: Physical Medicine, May 1981; Anesthesiology, May 1981; Microbiology/Immunology, August 1981; Gastroenterology/Urology, October 1981; Dental, October 1981. Proposals not yet published and expected publication dates: Clinical Chemistry/Toxicology, May 1981; Ear, Nose, and Throat, May 1981; Ophthalmic, May 1981; Radiology, June 1981; General and Plastic Surgery, July 1981; Orthopedic, September 1981. G. <i>Covered by Regulatory Flexibility Act</i>: No.	Robert S. Kennedy (HFK-400), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7230.
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds.	A. <i>Description</i>: These recommendations would consist of Protective Action Guides (PAGs), defined as the projected radiological dose equivalent or dose commitment to individuals in the general population that warrants protective action following a release of radioactive material. The Department of Health and Human Services was assigned agency responsibility for this task in the FEDERAL REGISTER of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration. Within HHS, this function has been delegated to the Commissioner of Food and Drugs. B. <i>Why Significant</i>: Provides guidance following radiological incidents, including nuclear power plant accidents. C. <i>Regulatory Impact Analysis</i>: Not required. D. <i>Need</i>: To develop necessary guidance under responsibility assigned by Federal Preparedness Agency. E. <i>Legal Basis</i>: Federal Preparedness Agency Notice in 40 FR 59494 and Public Health Service Act, 42 U.S.C. 241, 242b, 243.	Gail Schmidt, Immediate Office of the Bureau Director (HFK-1), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2850.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
Recommendations for National Standards for Medical Radiation Technologists.	F. <i>Chronology:</i> Proposed recommendations were published December 15, 1978 (43 FR 58790). Comment period closed on February 13, 1979. The final recommendations are expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No. A. <i>Description:</i> These proposed recommendations would establish recommended qualifications for medical radiation technologists. The Notice of Intent solicited professional and public input about existing practices of credentialing, the need for uniform national standards, and possible approaches for ensuring that all medical radiation technologists demonstrate a certain level of competence in conducting medical radiation examinations. B. <i>Why Significant:</i> The issue concerns a matter on which there is substantial public interest as evidenced by the more than 600 comment letters received on the Notice of Intent. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> Medical radiation technologists exercise considerable influence over patient exposure during radiological procedures, and their qualifications are essential for producing quality diagnostic images and therapeutic applications. E. <i>Legal Basis:</i> Public Health Service Act, 42 U.S.C. 241, 263d. F. <i>Chronology:</i> Notice of Intent published on March 13, 1979 (44 FR 14637). The comment period closed on July 11, 1979. The proposed recommendations are expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Charles Froom, Standards and Regulations Branch (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.
Notice of Availability of Draft Recommendations on the Use of Potassium Iodide as a Thyroid Blocking Agent in a Radiation Emergency.	A. <i>Description:</i> This notice announces the availability of, and solicits comments on, draft proposed recommendations on the use of potassium iodide (KI) as a thyroid blocking agent in a radiation emergency. In December 1978, FDA solicited new drug applications (NDA's) from pharmaceutical manufacturers for producing KI in oral dosage forms. As a result, this thyroid-blocking agent is presently available for commercial distribution in both tablet and solution form. The proposed guidance, accomplishes the following: (1) identifies levels of radiation exposure from a radiation accident that would warrant the use of KI; (2) reiterates specific dosage levels for adults and children and the period of administration contained in the NDA; (3) recommends that State and local authorities establish a system for dissemination of public information on the proper use of KI and the reporting of side effects from the drug; and (4) recommends that the public be advised on how to obtain medical assistance in the event of an adverse reaction to the drug. B. <i>Why Significant:</i> The proposed recommendations serve as provisional Federal guidance for State and local health officials and the nuclear industry to use should a serious nuclear accident occur. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To develop guidance under responsibility assigned by the Federal Emergency Management Agency. E. <i>Legal Basis:</i> The Department of Health and Human Services responsibilities under the terms of the "National Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents," issued by the Federal Emergency Management Agency on October 22, 1980 (45 FR 69904). F. <i>Chronology:</i> The notice of availability is expected to publish May, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Bernard Shlein, Office of Health Affairs, Bureau of Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6220.
Notice of Availability of Draft Report on Referral Criteria for Chest X-Ray Examinations.	A. <i>Description:</i> This notice announces the availability of, and solicits comments on, a draft report developed by a panel of physicians on the utility of selected chest x-ray screening procedures. The draft report was developed under procedures which follow recommendations of the National Conference on Referral Criteria for X-ray Examinations (1978). FDA, under this program, acts as a facilitator by providing logistical support to small panels of clinical and scientific experts, convened by outside contractors. The panels assess the literature and, if possible, formulate draft referral criteria. These drafts then undergo extensive review and, if necessary, clinical trials prior to widespread determination of final criteria. The notice describes this development process. B. <i>Why Significant:</i> This notice describes the process whereby FDA acts as a facilitator in the development of radiologic referral criteria. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> To allow public review of the draft report and the process by which it was developed. E. <i>Legal Basis:</i> Public Health Service Act, 42 U.S.C. 241, 242, 243. F. <i>Chronology:</i> The notice of availability is expected to publish May, 1981. G. <i>Covered by the Regulatory Flexibility Act:</i> No.	Robert Phillips, Standards and Regulations Branch (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.
Medicated Feed Task Force Implementation.	A. <i>Description:</i> This final regulation would revise the existing regulations to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds. B. <i>Why Significant:</i> This regulation would materially change the current requirements for approval for the use of drugs in the manufacture of medicated feeds. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The regulation would establish sound and consistent criteria for approval of medicated feed applications. E. <i>Legal Basis:</i> Secs. 512, 701(a), 52 Stat. 1055, 62 Stat. 343-351 (21 U.S.C. 360b, 371(a)). F. <i>Chronology:</i> The proposed regulation was published on January 9, 1981 (46 FR 2456). Although FDA does not expect to publish a final regulation by October 31, 1981, the Agency is including this regulation in this agenda because it represents a review of existing regulations under section 5(a)(3) of E.O. 12291. G. <i>Covered by Regulatory Flexibility Act:</i> No.	George Graber, Division of Animal Feeds (HFV-220), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4438.
Animal Drugs for Minor Species.	A. <i>Description:</i> This final regulation would define the safety and effectiveness data collection requirements for approval of new animal drug applications for use of a drug in a minor species or for the use of a drug in a major species for treatment of a rare or frequently occurring disease. B. <i>Why Significant:</i> To assure the availability of new animal drugs for use in minor species or a minor use in a major species. C. <i>Regulatory Impact Analysis:</i> Not required.	Thomas V. Raines (HFV-109), Division of Drugs for Avian Species, Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
Approval of Supplemental New Animal Drug Applications.	D. <i>Need:</i> Because of little economic incentive to drug manufacturers, under current criteria few drugs have been approved for use in minor species. E. <i>Legal Basis:</i> Sections 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)). F. <i>Chronology:</i> The proposed regulation was published on July 20, 1979 (44 FR 42714). The comment period closed on October 19, 1979. The final regulation is expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No. A. <i>Description:</i> This final regulation would set forth conditions under which a new animal drug application may be approved without complete reevaluation of all safety and effectiveness data in the parent application. B. <i>Why Significant:</i> The regulation would constitute a change in agency policy regarding such approval. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The regulation will speed up approval of certain supplemental applications, including those improving safety and effectiveness of the drug. E. <i>Legal Basis:</i> Sections 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)). F. <i>Chronology:</i> Notice of intent was published on November 12, 1976 (41 FR 50003) and the proposed regulation was published on December 23, 1977 (42 FR 64367). The comment period closed on March 23, 1978. The final regulation is expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	John R. Markus, Chief Chemist, Scientific Evaluation (HFV-104), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.
Chemical Compounds in Food-Producing Animals; Availability of New Threshold Assessment Criteria for Guideline.	A. <i>Description:</i> This guideline describes the criteria the agency will use to assess the carcinogenic potential of animal drug residues in human food. B. <i>Why Significant:</i> The guideline replaces a previously published threshold assessment guideline which would have required virtually all candidate animal drugs to be tested for carcinogenic potential. The new guideline would refine the screening procedures and would reduce the number of candidate drugs requiring such testing. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> The guideline will provide a written standard for making an important human food safety decision that arises with each animal drug. It will help petition reviewers make consistent decisions and will inform the regulated industry as to how these decisions are made. E. <i>Legal Basis:</i> Sections 512, 701(a), 52 Stat. 343-351 (21 U.S.C. 360b, 371(a)). F. <i>Chronology:</i> An original threshold assessment procedure was published in the preamble of the March 20, 1979 Proposal entitled "Chemical Compounds in Food-Producing Animals." (44 FR 17070) (commonly referred to as "Sensitivity of Method" (SOM)). The guideline is expected to publish May, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	Joseph A. Setteperi, Acting Associate Director for Human Food Safety (HFV-300), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.
National Environmental Policy Act, Policies and Procedures.	A. <i>Description:</i> This final regulation would amend agency requirements for compliance with the National Environmental Policy Act to comply with the Council on Environmental Quality's regulations (40 CFR 1500-1508). B. <i>Why Significant:</i> The regulation would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency. C. <i>Regulatory Impact Analysis:</i> Not required. D. <i>Need:</i> Council on Environmental Quality regulations require consistent implementation of NEPA among all Federal agencies. E. <i>Legal Basis:</i> Section 701, 52 Stat. 1055-1056 (21 U.S.C. 371); Section 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332); 40 CFR 1500-1508; E.O. 11514, 11991 and 12114. F. <i>Chronology:</i> The proposed regulation was published on December 11, 1979 (44 FR 717452). The comment period closed March 12, 1980. The final regulation is expected to publish September, 1981. G. <i>Covered by Regulatory Flexibility Act:</i> No.	John Matheson, Acting Chief, Environmental Impact Staff, (HFV-300), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.

Register Federal

Thursday,
April 30, 1981

Part V

Interagency Committee on Metric Policy

Federal Metric Policy and Guidelines;
Notification of "Metric Conversion Policy
for Federal Agencies" and "Federal
Agency Guidelines for Implementation of
Metric Conversion Policy"

INTERAGENCY COMMITTEE ON METRIC POLICY

Federal Metric Policy and Guidelines; Notification of "Metric Conversion Policy for Federal Agencies" and "Federal Agency Guidelines for Implementation of Metric Conversion Policy"

SUMMARY: The Federal Interagency Committee on Metric Policy (ICMP) is today publishing this Notice to alert interested parties to the existence of the final version of the Metric Conversion Policy for Federal Agencies, and the accompanying Federal Agency Guidelines for Implementation of Metric Conversion Policy. The Metric Conversion Act of 1975 established a policy of coordinating and planning the increasing use of the metric system in the United States on a voluntary basis. These two documents have been adopted voluntarily by the members of the ICMP to provide guidance for voluntary activity by Federal agencies.

FOR FURTHER INFORMATION CONTACT: Mr. Howard B. Ellsworth, OUSD (R&E) SS, Department of Defense, Room 2A318, The Pentagon, Washington, D.C. 20310, (202) 695-7915.

SUPPLEMENTAL INFORMATION

I. Background

On January 8, 1980, the ICMP published in the *Federal Register* versions of the Policy, dated June 11, 1979, and the Guidelines, dated October 25, 1979. Even though it was not explicitly published for comment, it was stated that comments were welcomed. As a consequence, a number of comments were received. At the June 4, 1980 meeting of the ICMP's Metrication Operating Committee (MOC), the MOC Chairman announced that no comments had been received during the previous week; therefore, he set a closing date for comments of June 15, 1980. After the closing date, the MOC Executive Board resolved the comments, and the two documents were revised. The MOC approved the revisions by mail ballot and the ICMP then reviewed and approved the revisions of the two documents.

II. Discussion of Comments

The final documents contain revisions based on the ICMP's consideration of the written comments and other available information. The following discussion summarizes substantive comments and the ICMP responses. Those comments which (1) were not considered substantive, (2) dealt with typographical or grammatical errors, (3) were purely laudatory or derogatory,

and (4) were of a general nature not specifying any changes to the documents, are not included in this discussion (however, see Section III, below).

Comments on "Metrication Conversion Policy for Federal Agencies"

a. Purpose: a.1. Two comments suggested substantive modifications to the first sentence in the Purpose statement.

a.1.a. A comment suggested that "consistent with voluntary conversion in the private sector" be added at the end of the sentence. The ICMP adopted "with consideration of" instead of "consistent with" but otherwise accepted the wording. The ICMP felt that "consistent with" could serve to limit initiatives toward metrication even when they appear to be in the national interest. On the other hand, the ICMP agrees that there needs to be assurances that when an agency sees a need to promote a metric change, it is doing so with good justification and with due consideration of the affected private sector. The ICMP also added "the state and local governments and" before "the private sector." It was recognized that the phrase "private sector" is inadequate.

a.1.b. A comment also suggested that "coordinating" be inserted before "the increasing use of the metric system." The ICMP instead adopted "dealing with" since it was felt that "coordinating" is a limiting term.

a.2. A comment suggested that the last phrase in the paragraph referring to the SI interpretation or modification role of the Secretary of Commerce be deleted. As the present wording accurately reflects the facts and law, the ICMP has retained the wording. However, it added a sentence: "This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978."

a.3. A comment suggested that a note be added as to where the Secretary of Commerce's interpretation and modification of the SI may be obtained. Accordingly, the ICMP added a second sentence at the end of the "Purpose" paragraph as follows: "(National Bureau of Standards publication NBS LC 1078, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234)."

b. Background: b.1. A comment suggested that the citations in the first two sentences are incorrect and that the citations should be (1) "An Act to Authorize the Use of the Metric System of Weights and Measures," and (2)

"Convention-Weights and Measures." As laws passed by the Congress in the 19th Century usually had no official popular name assigned, this comment, as it relates to the Act of July 28, 1866, has merit. Also, there was no popular name officially assigned to the treaty referred to as the Treaty of the Meter; however, it has been regularly referred to by that name in the past, apparently as a translation of the French popular name, "Convention du Metre."

The ICMP has changed the first sentence to read: "When the Act of July 28, 1866 (14 Stat. 339; 15 U.S.C 204-5) was adopted, the use of the metric system was legalized throughout the United States."

No change to the treaty citation was made. The comment also correctly suggested that, although the treaty was signed by the United States on May 20, 1875, it did not then have official effect. The treaty was ratified by the Senate on May 28, 1878, and proclaimed by the President on September 27, 1878. Accordingly, the second sentence was changed to read "On May 28, 1878, the United States ratified the Treaty of the Meter. . ."

b.2. A comment was suggested that use of the word "uniform" in the third sentence is incorrect as SI has not become "the uniform internationally accepted system for weights and measures. . . ." As it appears that SI is not uniformly used at present, the ICMP has deleted the word "uniform."

c. Policy Statement: c.1. A comment suggested that the third sentence in the Policy Statement be changed to read: "Federal agencies shall be in a position to respond to private voluntary conversion activities."

However, some agencies, such as the Department of Defense, may well make a metrication decision in the national defense interest with no private sector motivation. In order to reflect the ICMP's desire to include both the Federal role of accommodating the private sector when it wants to convert to metric as well as the role of taking mission-related initiatives with due consideration of impact on the private sector when there is a national requirement to do so, the ICMP has changed the third sentence to read: "Federal agencies shall encourage and support an environment which can accommodate metrication and when taking initiatives will act with consideration for metrication in the state and local governments and the private sector."

(As was the case in Item a.1.a. above, "state and local governments" were included along with "private sector.")

c.2 A comment suggested that Subparagraph 1 be changed by substituting "of voluntary" in place of "for", and the insertion of "activities" after "metric conversion" in order that it would read as follows: "Actively undertake coordination and planning of voluntary metric conversion activities, taking into account the interest, views, and conversion plans of other Federal agencies, states and affected parties in the private sector."

The ICMP believes the suggested changes would result in a policy that is too restrictive for some agencies and agreed to retain the original wording. The ICMP did substitute "state and local governments" in place of "States" for the same reason as stated in Item a.1.a. above.

c.3. A comment suggested deletion of Subparagraph 2 and the substitution of the following: "The agency may take a metrication initiative only when it fairly reflects the needs of the United States, when it does not restrict competition and when its authority is validly based on previously existing law."

In order to avoid the perception of mandating conversion activity by agencies, the ICMP adopted some of the modifications proposed above. The word "unduly" should be placed before "restrict competition" above so that agencies may take the proper actions in the Nation's behalf notwithstanding minimal effects on competition. Also, as it is assumed in the law that all officials will act within the law, the last phrase in the suggested change was deleted as unnecessary. The Subparagraph 2 was changed to read: "Identify the areas where metrication is dependent upon the agency's initiative and take action which reflects the needs of the United States and which does not unduly restrict competition."

c.4. A comment suggested that Subparagraph 3 regarding agency metric initiatives be modified to include a definition of the words "appropriate action." The ICMP is inserting "internal" between "appropriate" and "action" and believes that this language guarantees that all internal activities in which individual agencies engage are included. More specificity may have the effect of being restrictive in that it may exclude, in an unintended manner, some internal actions within the existing authority of a Federal Agency.

c.5. A comment suggested that in Subparagraph 5, "Increase the" be substituted for "Facilitate" at the beginning of the sentence. The ICMP accepts this suggestion since it is a

proper reflection of the policy in the Metric Conversion Act that public understanding of metric terms and activities be enhanced.

c.6. A comment suggested that the last subparagraph of the Policy Statement together with Subparagraph 6 of the Guidelines seem to mandate conversion if a company wants to do business with the Government. The ICMP believes that the changes to Subparagraph 6 of the Guidelines eliminate this perceived problem. Hence no change was made to this subparagraph.

Note.—A few other technical comments on metric practices were marginally substantive but did not apply to these documents. These comments were referred to, and answered by, the National Bureau of Standards.

Comments on Federal Agency Guidelines For Implementation of Metric Conversion Policy

1. In the first sentence, a comment suggested substitution of "a metric coordinating" in place of "the metric conversion." The ICMP believes that an agency which determines that metrication of any of its operations is necessary, is not assuming a coordinating role. That role would more likely belong to the USMB or ICMP. Accordingly, this change would be inconsistent with agency needs and existing statutory authority when contemplating a needed conversion. The ICMP, therefore, retained the original wording.

2. A comment suggested that the last phrase in the opening paragraph referring to the SI interpretation or modification role of the Secretary of Commerce be deleted. As the present wording accurately reflects the facts and law, the ICMP has retained the wording. However, it added a sentence: "This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978." (An identical comment appears in paragraph a.2. of the Metric Conversion Policy for Federal Agencies.)

3. A comment suggested that a note be added as to where the Secretary of Commerce's interpretation and modification of the SI may be obtained. Accordingly, the ICMP added a second sentence at the end of the opening paragraph: "(National Bureau of Standards Publication NBS LC 1078, revised November, 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234)." (An identical comment appears in paragraph a.3. of the Metric Conversion Policy for Federal Agencies.)

4. A comment suggested the substitution in Subparagraph 1 of the words "coordinating activities including" in lieu of "conversion initiatives including the associated timeframes for their initiation and completion. This shall include . . ." For the same reasons as stated in Item 1 above, the ICMP has retained the original wording.

5. A comment suggested in Subparagraph 2 the substitution of the words "coordination shall be recorded by separate budget line items" for the words "implementation should be accepted as part of the ongoing activities of the agency." The ICMP is retaining the original wording as being reflective of more appropriate budget practices and of each agency's prerogatives already provided them by the Congress and the President.

6. For Subparagraph 3, a comment suggested the substitution of "consider establishing" for "immediately establish" and suggested the deletion of the words "the change to." The ICMP is retaining the original wording except that everything after "understanding of" be replaced with, "agency metric policy and practices." The resultant wording more accurately reflects the appropriate agency policy regarding training of their employees. The wording of Subparagraph 3 is now: "Each agency shall immediately establish practices that raise its employees' awareness and understanding of agency metric policy and practices."

7. Several comments were received on Subparagraph 5. One suggested rewording of the paragraph to read in its entirety as follows: "Each agency may adopt metric units and practices when there are substantial reasons for such actions."

A second comment said that Subparagraph 5 was contrary to the voluntary progressive conversion to metrication. "It is particularly troublesome since there is no definition as to what constitutes a 'substantial' reason. This statement could be interpreted to mandate metrication." Therefore it was suggested that wording from the existing Department of Defense policy be used: "Each agency shall consider adoption of metric units whenever they offer an economical, operational, or other advantage or in areas where no disadvantage is incurred."

A third comment on Subparagraph 5 suggested substituting "consistent with operational, economical, technical and safety requirements," in place of "unless there are substantial reasons against such actions" in the first sentence.

The ICMP recognizes that it is easy for the wording to be interpreted as mandating conversion unless there is a reason not to. The ICMP does feel that there eventually will be a desire for substantial movement to increased metric usage by the private sector and that Federal agencies will serve as a substantial barrier to metrication unless they start taking steps now to prepare for metrication. However, it takes substantial time for Federal agencies to adjust to changing circumstances on a strictly reactive basis. Having to show "substantial" reasons for not adopting metric units and practices forces agencies to think about opportunities for metrication. The ICMP recognizes that justification for such initiatives is necessary. In order to serve as a notification that initiatives are necessary, but that the statement will not be interpreted as mandating conversion unless there is a reason not to adopt metric, the ICMP is rewording Subparagraph 5 to read:

"Each agency shall adopt metric units and practices when in the public interest."

This wording is applicable whether the Federal role is one of accommodating the private sector when it wants to convert or taking the initiative with due consideration of impact on the private sector when it is in the public interest to do so. Sometimes, in the latter case, it may be necessary for agencies to devote additional resources over the short term.

Another comment suggested that the last word in Subparagraph 5, "periodically," regarding agency reasons for not metricating, be defined. In view of the above change, no further comment on this suggestion seems necessary.

8. Several comments suggested changes to Subparagraph 6. One suggested the following changes to the first sentence:

a. Insertion of the words "United States Domestic" before "private sector."

b. Insertion of the word "generally" after "private sector."

c. Substitution of "competitive" in place of "reasonable."

d. Substitution of "consider" in place of "give priority to."

Another comment suggested inserting "technically adequate" between "provide" and "metric" and replacing "reasonable" with "equal or lower life cycle."

Another comment suggested that the paragraph is not consistent with the voluntary conversion concept.

In light of these comments, the ICMP reworded the paragraph by:

a. Inserting "or competitive" between "reasonable" and "cost"

b. Substituting "consider" in place of "give priority to."

This paragraph now reads: "When the private sector has a capability to provide metric products or services at reasonable or competitive cost, the agency will, at the earliest possible time, consider the acquisition and use of such metric products or services to the maximum extent permitted by existing law and policy. Small business capability will be considered in development of agency policies and procedures as required by Federal law."

The ICMP believes that there will be times when the cost of metric products and services may be reasonable and justifiable, but not necessarily competitive. Also, as "private sector," as used in this document, refers to the United States domestic private sector, addition of "United States Domestic" may confuse more than clarify. It was felt that "generally" does not clarify, and that "equal or lower life cycle" cost can be too limiting and sometimes it is hard to reach an agreed-upon definition. The ICMP believes that "technically adequate" does not have to be specified because the current procurement process always includes a determination as to whether the product or service is technically adequate. Finally, with the two changes, the ICMP believes the paragraph is consistent with the voluntary conversion concept.

9. A comment suggested that Subparagraph 8a be changed to read: "Information on voluntary conversion activities" rather than "Information on upcoming metrication."

The ICMP has adopted the following wording for Subparagraph 8a: "Information on conversion activities." There will be conversion activities which are initiated by Federal agencies, so that insertion of "voluntary" would not cover all conversion activities.

10. A comment suggested the addition of a new Subparagraph 12 as follows: "Each agency will ensure that unions with national recognition are consulted regarding the impact of metric conversion on the employees they represent."

It is unclear if this suggestion is meant to include unions in the private sector as well as those representing Federal employees. As agencies would deal with employers, but not directly with unions, in the private sector, the ICMP thinks this a good idea if it is applied solely to unions of Federal employees and their employing agencies. Consequently, the ICMP has inserted after "statutory" in Subparagraph 7 the parenthetical

expression: "(such as Federal-Labor-Management policy)."

11. A comment suggested the addition of these two paragraphs to the Guidelines: "When an agency decides upon a software and/or hardware conversion to the metric system, such conversion processes shall be suitably placed in a single discernable contract clause so that the private sector can recognize and price this clause in a reasonable manner. Each agency then shall have means for conducting a cost benefit analysis and determining the return on investment for particular situations. Conversions to the metric system shall not be embedded into other program activities or contract line items. The private sector shall not be required involuntarily to take on the burden of changeover to metrics as a result of these Federal agency guidelines."

"Federal agencies shall develop and implement government-funded contractor or joint contractor/government programs for software and/or hardware conversion to the metric system which takes into account the procurement of "mixed" manufacturing/production materials from the private sector and takes into account "mixed" inventory within the national supply system."

Another comment suggested that the Federal Government should select certain contracts to be specified as a metric design and bid on that basis and that each year a higher percentage of contracts would specify metric.

These three comments appear to be matters within the purview of the Office of Federal Procurement Policy (OFPP) rather than the ICMP. Accordingly, the ICMP did not adopt these suggestions. However, the ICMP will forward them to OFPP for consideration and so notify the commentor.

12. A comment suggested that the Guidelines should recognize and urge Federal participation in the preparation and conversion of standards as without this activity, there will be substantial reason for not adopting metric measures. OMB Circular A-119, dated January 17, 1980, sets Federal agency policy on participation in standards activities. As that Circular treats the subject in considerable detail, no further policy statements are perceived by the ICMP to be appropriate at this time.

III. Discussion of Specific Comments Not Related to Wording of the Documents

Several comments were received which related to the documents themselves, but not to the wording of the documents:

1. Please cite your statutory authority for issuing this **Federal Register** document published on January 8, 1980.

The Federal Metric Policy and Guidelines were formulated by the Interagency Committee on Metric Policy (ICMP) which is composed of authorized representatives of a large number of Federal agencies. Each such agency has authority to conduct its affairs in concert with other agencies. Accordingly, in addition to general authority in the Metric Conversion Act of 1975, the statutory authority for publication of the documents is each agency's authority to exist and conduct business and to publish in the **Federal Register** if it so desires.

2. Also cite statutory authority for item 10 in the Federal Agency Guidelines for Implementation of Metric Conversion Policy.

3. Are you aware that 16 duly appointed members of the U.S. Metric Board have no voice or vote in the affairs of the ICMP or the MOC. Could it be possible that the ICMP and the MOC may lack legal status and may be in conflict with 89 Stat. 1007? Also, *Public Law 96-68 of Sept. 24, 1979*? This 1979 law, *Public Law 96-68*, has as legislative history House Report 96-247 and the Congressional Record of July 12, 1979.

In answer to both items 2 and 3, the ICMP was chartered by the U.S. Metric Board and the Metrication Operation Committee is an authorized activity of the ICMP. Since this was done with the agreement of the ICMP membership, the ICMP has legal status and its existence does not conflict with other United States laws.

4. Would Executive Order 12044 have any application to this documentation and the actions implied?

Executive Order 12044 does not apply to the documents in question.

5. Why are you using a U.S. Metric Board billing code for this **Federal Register** publication? I believe Billing Code 6820-94-M is for the use of the 17-member U.S. Metric Board, an independent instrumentality created under *Public Law 94-168*.

The billing code assigned to the U.S. Metric Board was used since the Board paid for the publication of these documents in the **Federal Register**.

IV. The Final Version of the Policy and Guidelines Was Approved by the ICMP on February 3, 1981 and by the United States Metric Board on February 5, 1981

The text of the two final documents follows:

Metric Conversion Policy for Federal Agencies

Purpose

The purpose is to state for Federal agencies a policy for dealing with the increasing use of the metric system within the Federal Government, with consideration of voluntary conversion in the state and local governments, and the private sector. The metric system, for the purpose of this document, means the International System of Units as established by the General Conference on Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce.

This authority of the Secretary of Commerce is derived from the *Metric Conversion Act of 1975* and the *Metric Education Act of 1978*. (National Bureau of Standards publication NBS LC 1078, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234.)

Background

When the Act of July 28, 1866 (14 Stat. 339; 15 U.S.C. 204-5) was adopted, the use of the metric system was legalized throughout the United States. On May 28, 1878, the United States ratified the *Treaty of the Meter* (20 Stat. 709), which provided for an International Bureau for Weights and Measures, an International Committee for Weights and Measures, and a General Conference on Weights and Measures. In recognition of the fact that the International System (SI), as defined by the General Conferences on Weights and Measures since 1960, has now become the internationally accepted system for weights and measures, many sectors of the United States have already started metrication. On December 23, 1975, the President signed the *Metric Conversion Act of 1975* (Public Law 94-168; 15 U.S.C. 205a, which (1) declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States, and (2) established the U.S. Metric Board to coordinate the voluntary conversion to the metric system.

Policy Statement

Federal agencies shall conduct their metrication activities in a coordinated manner consistent with the objectives of the Metric Conversion Act and compatible with metric conversion trends in the Nation. (Section 3 of the Act declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.) Federal

agencies shall encourage and support an environment which can accommodate metrication and when taking initiatives, will act with consideration for metrication in the state and local governments and the private sector. Each Federal agency shall develop plans, allocate sufficient resources, and take actions to:

1. Actively undertake coordination and planning for metric conversion, taking into account the interests, views, and conversion plans of other Federal agencies, state and local governments, and affected parties in the private sector.

2. Identify the areas where metrication is dependent upon the agency's initiative and take action which reflects the needs of the United States and which does not unduly restrict competition.

3. Identify the areas where metrication is dependent upon initiatives outside the agency which impact the agency and take appropriate internal action.

4. Maximize benefits and minimize costs in areas impacted by the agency's program.

5. Increase the public understanding of, and participation in, metrication activities in agency programs.

6. Identify problems associated with metrication activities in areas impacted by the agency's programs, and appropriately assist in the resolution of these problems.

Each agency shall:

1. Establish the necessary guidelines and structure to adequately carry out the policy.

2. Designate a key executive with the authority to establish intra-agency policies for metrication and to represent and speak for the agency in interagency forums.

3. Identify, on a continuing basis, measurement-sensitive policies and procedures for which it is responsible, and prepare new or revised regulations, standards, specifications, procurement policies, and, if appropriate, legislative proposals, to remove barriers to metric conversion.

Federal Agency Guidelines For Implementation of Metric Conversion Policy

These guidelines are to be used to support and implement the metric conversion policy for agencies of the Federal Government. The intent is to clarify the basic Federal policy and assist in the development and coordination of cost-effective metrication activities and programs. The metric system, for the purpose of this

document, means the International System of Units as established by the General Conference on Weights and Measures in 1960, and as interpreted or modified for the United States by the Secretary of Commerce. This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978. (National Bureau of Standards publication NBS LC 1078, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234.)

1. Each agency shall develop a capability to identify and to implement metric conversion initiatives including the associated timeframes for their initiation and completion. This shall include the capability for coordination with other agencies.

2. The allocation of agency resources for metric implementation should be accepted as part of the ongoing activities of the agency.

3. Each agency shall immediately establish practices that raise its employees' awareness and understanding of agency metric policy and practices.

4. Each agency shall develop education and training plans, as applicable, in metric usage.

5. Each agency shall adopt metric units and practices when in the public interest.

6. When the private sector has a capability to provide metric products or services at reasonable or competitive cost, the agency will, at the earliest possible time, consider the acquisition and use of such metric products or services to the maximum extent permitted by existing law and policy. Small business capability will be considered in development of agency policies and procedures, as required by Federal law.

7. Each agency's use of the metric system in its activities and products shall be consistent with statutory (such as, Federal labor-management policy), operational, economic, technical, and safety considerations. Each agency shall include such considerations as an integral part of its metrication activities.

8. Each agency, recognizing the long-term nature of the public acceptance process, shall immediately begin to develop and implement plans for involving, informing, and educating the various publics affected by the specific metrication activities under way in the agency's programs. Included shall be:

- a. Information on conversion activities.
- b. The schedule of such conversions.
- c. The justification of the conversions.

d. Provision for a mechanism to assure public participation and comment.

e. Explanation of the applicable metric units and practices.

f. The progress of conversion.

9. Each agency shall provide representatives, advisors, and/or participants to metrication groups in the private sector, as appropriate, in order to monitor and/or coordinate agency activities with private sector planning.

10. Each agency shall recognize the Interagency Committee on Metric Policy (ICMP) as the policy-coordinating group for the Federal Government, and that the ICMP representatives are expected to be able to speak for their respective agencies on metric policy matters.

11. Each agency shall designate an Agency Metric Coordinator, who shall serve as a member of the Metrication Operating Committee (MOC). The agency shall also appoint, as appropriate, agency individuals to actively participate in the activities of the various MOC subcommittees.

Dated: April 27, 1981.

Howard B. Ellsworth,
Chairman, Metrication Operating Committee
of the ICMP.

[FR Doc. 81-12800 Filed 4-29-81; 8:45 am]

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federal register

Thursday
April 30, 1981

Part VI

Department of the Interior

Office of the Secretary

**Semiannual Agenda of Rules Scheduled
for Review or Development**

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1981 and the status of rules previously scheduled. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESSES: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of proposed rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for Departmental review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published semiannually identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

Because this is the first agenda to be published under Executive Order 12291, certain rules which were published as final rules in the Federal Register and became effective prior to the regulatory freeze contain language from and references to Executive Order 12044, which was revoked by Executive Order 12291.

Determinations which were approved under Executive Order 12044 for rules subsequently proposed but not yet final will be evaluated to ensure compliance with Executive Order 12291, as will determinations for final rules published before the freeze, but whose effective dates were deferred by the freeze.

The Department has divided the agenda into two parts, the first of which

contains a general listing of rules scheduled for review or development. This list is arranged by bureau and office and structured so that: previously scheduled rules on which final action has been completed and which have become effective are listed first; followed by final rules not yet effective and pending evaluation under Executive Order 12291; proposed rules which must be evaluated under Executive Order 12291; rules for which determinations have been made under Executive Order 12291; rules for which determinations have yet to be made; and rules scheduled for sunset review. It should be noted that determinations of effects may, in some cases, be subject to change as the rules are developed; any such changes will be reflected when the agenda is updated semiannually.

The second part of the agenda identifies 61 rules which have been specifically targeted for review to eliminate excessive, burdensome or counterproductive rules. These rules were identified in public and intra-Departmental comments submitted in response to Secretary Watt's January 28, 1981, request for identification of excessive, burdensome or counterproductive rules. The rules in question will be revised or revoked as necessary. The status of these reviews will be provided in the October 1981 agenda.

Dated: April 24, 1981.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

Part I—Semiannual Agenda of Rules Scheduled for Review or Development

Office of the Assistant Secretary—Policy, Budget and Administration

Subject	Summary	Contact	Action
43 CFR Part 14—Rulemaking	An Interim rule with request for comments was published in the FEDERAL REGISTER on December 24, 1980, which incorporated the provisions of the Regulatory Flexibility Act into the Department's rulemaking procedures. The provisions of the Act require Federal agencies to take into consideration and analyze the effects of their regulations on small businesses, small organizations and small governmental jurisdictions. These procedures must again be revised to implement Executive Order 12291 (Government Regulation) which revoked Executive Order 12044 (Rulemaking) on February 17, 1981. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 96-534; E.O. 12291. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Jim Douglas, 202-343-8501	An Interim rule with request for comments was published December 24, 1981.
43 CFR Part 20—Employee Responsibilities and Conduct	This rule is being revised to conform with the Ethics in Government Act of 1978 and to set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Pub. L. 95-521. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Gabriels J. Paone, 202-343-3932	Appendices C, D, E, F and G were published on February 20, 1980. The proposed rule was published on October 6, 1980. A Notice announcing the availability of Appendices C, D, E, F and G was published on March 16, 1981.
41 CFR 14-3.6—Small Purchases	A new rule is being added to Subpart 14-3.6 to increase the dollar limitations prescribed by the Federal Procurement Regulations for purchases made from imprest funds. Section 14-3.604-5 will be added to prescribe the new limitations which will facilitate small purchasing procedures and provide prompt payment to vendors. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	William Opylke, 202-343-5914	

Part I—Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of the Assistant Secretary—Policy, Budget and Administration

Subject	Summary	Contact	Action
41 CFR 14-1.0—Regulation System.	Section 14-1.008 will be revised to establish new review procedures to control the issuance of procurement policies, procedures, directives, and regulations. This procurement review is required by the Office of Federal Procurement Policy Letter 80-5. <i>Originally Scheduled:</i> April. <i>Authority:</i> 5 U.S.C. 301. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdyke, 202-343-5914	
41 CFR 14-3.1—Use of Negotiation.	A new rule is being added to Subpart 14-3.1 to prescribe procedures regarding disclosure of information contained in proposals submitted by offerors. Section 14-3.153 will be added to inform offerors of the Department's responsibilities under the Freedom of Information Act and permit the Department to properly exercise these responsibilities. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdyke, 202-343-5914	
41 CFR 14-3.8—Price Negotiation Policies and Techniques.	Section 14.3.808 is being added to Subpart 14-3.8 to establish Departmental policy for determining profit or fees under contracts. This rule is required by the Office of Federal Procurement Policy Letter 80-7. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdyke, 202-343-5914	

Office of the Solicitor

Subject	Summary	Contact	Action
43 CFR Part 1—Practice Before the Department.	This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR part 20) and the Ethics in Government Act. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1464. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Deborah Ryan, 202-343-5216	
43 CFR Part 2—Records and Testimony.	This rule is being revised to: (1) reflect recent organization title changes; (2) include various technical amendments; and, (3) update the uniform fee schedule in Appendix A for making records available to the public. The last update of the fee schedule was April 26, 1976, and does not reflect the current costs of labor, materials, etc. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; 43 U.S.C. 1460. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert E. Walter, 202-343-5216	
43 CFR Part 5—Patent Regulations.	This rule, which is scheduled for sunset review, provides the procedures by which employees of the Department are to report inventions and obtain patents. It also provides the procedures under which the public may obtain licenses to use patents and inventions in which the Secretary has transferable interests and which are available for licensing. In addition to a review, the Department will also have to revise this part to implement Pub. L. 96-517. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 5 U.S.C. 301; Executive Orders 10096 and 10930; Sec. 2, Reorganization Plan No. 3 of 1950; Pub. L. 96-517. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Don Gardiner, 202-343-4471	
43 CFR—Implementation of the Equal Access to Justice Act.	These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorneys fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 96-481 (5 U.S.C. 504). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Deborah Ryan, 202-343-5216	

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
43 CFR Part 4, Subpart D—Rules Applicable in Indian Affairs Hearings and Appeals.	1. Revision of 43 CFR 4.354 to conform Interior Board of Indian Appeals notice time limitations to time limits set by Bureau of Indian Affairs regulation appearing at 25 CFR 2.19. 2. Revision to provide procedural rules in proceedings before Interior Board of Indian Appeals based upon rules currently within 43 CFR Part 4, Subpart B. 3. Proposal to provide rules governing intervention in appeals pending before Interior Board of Indian Appeals. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 25 U.S.C. Secs. 2, 8, 372, 374, 373a, 373b. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Franklin Arness (703) 557-1400	Proposed rules were published September 16, 1980 (45 FR 61322-61326). Final rules were published January 23, 1981 (46 FR 7334-7338).

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
43 CFR Part 4, Subpart D— Rules Applicable in Indian Affairs Hearings and Appeals.	Revision of regulations to improve procedures in administration of Tribal Purchase of Interests Under Special Statutes (43 CFR §§ 4.300–4.317), and to simplify and reduce language in the regulations. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Pub. L. 91-627; Pub. L. 91-377; Pub. L. 92-443; E.O. 12044. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Pat Sheehy, (703) 557-9209	Proposed rules were published October 9, 1979 (44 FR 57948). Comment period was extended to January 24, 1980 (43 FR 68870, November 30, 1979). Final rules were published July 29, 1980 (45 FR 50329–50333).
43 CFR Part 4, Subpart L— Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Proposed rules are being developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979). <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Bruce Harris, (703) 577-8040	Proposed rules were published January 14, 1981 (46 FR 3243–3250).
43 CFR Part 4, Subpart K— Special Procedural Rules Applicable to Content Proceedings to Disenroll Alaska Natives.	Deletion of regulations because the deadline for disenrollment contest review (October 1, 1978) has passed (See 25 CFR 43h.15(h)). <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 5 U.S.C. § 301; E.O. 12044. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Bruce Harris, (703) 577-9040	Proposed deletion was published May 27, 1980 (45 FR 35351). Final deletion will be published when disenrollment cases currently pending in federal courts are concluded.
43 CFR Part 4, Subpart J— Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals.	Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14(c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and (4) procedure for hearings on questions of fact. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 <i>et seq.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Judith M. Brady, Chairman, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99501; (907) 265-5358.	Proposed rules were published February 8, 1979 (44 FR 7983–7986) and March 2, 1979 (44 FR 11803). Final rules should be published in July 1981.
43 CFR Part 4, Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally-Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964.	Revision of regulations to comply with Executive Order 12044 which mandates the review, revision, and deletion where necessary, of existing and future regulations. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 5 U.S.C. § 301; E.O. 12044. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-9037	Proposed rules were published May 27, 1980 (45 FR 35351). Final rules should be published in July 1981.
43 CFR Part 4, Subpart H— Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder.	Deletion of regulations to comply with Executive Order 12086 which transferred all functions under Executive Order 11375, to the Department of Labor. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 5 U.S.C. § 301; E.O. 12044. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Bruce Harris, (703) 557-8040	Proposed deletion was published May 27, 1980 (45 FR 35351). Final deletion should be published in July 1981.
43 CFR Part 4, Subpart G— Special Rules Applicable to Other Hearings and Appeals.	Existing rules are being clarified, simplified, and up-dated for appeals not within the appellate review jurisdiction of established appeals boards of the Office. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 5 U.S.C. § 301. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-9037	Proposed revisions were published December 9, 1980 (45 FR 81074–81078).
43 CFR Part 4, Subpart A— General, Office of Hearings and Appeals.	Revision of regulations to comply with E.O. 12044 (43 FR 12661, March 24, 1978) which mandates the review, revision, and deletion where necessary, of existing and future regulations. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 5 U.S.C. § 301; E.O. 12044. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	James Kleier, (703) 557-8040	Proposed rules were published May 27, 1980 (45 FR 35351). Final rules should be published in July 1981.
43 CFR Part 4, Subpart B— General Rules Relating to Procedures and Practice.	The general rules now existing in this subpart are proposed for inclusion, where needed, in the several subparts of 43 CFR Part 4 so that each subpart can stand alone. When this has been done, Subpart B will be deleted. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 5 U.S.C. § 301; E.O. 12044. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-9037	Proposed rulemaking was published May 27, 1980 (45 FR 35351). Final rulemaking should be published when Subpart B is incorporated into other subparts of 43 CFR Part 4 in July 1981.
43 CFR Part 4, Subpart C— Special Rules Applicable to Contract Appeals.	Proposed rules are being developed to update the procedural provisions regarding proceedings before the Board of Contract Appeals in conformance with the Contract Disputes Act of 1978 and generally to conform with the recommended guidelines of OFPP for Boards of Contract Appeals in the Federal Government. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> The Contract Disputes Act of 1978, Pub. L. 95-563, 41 U.S.C. § 601 <i>et seq.</i>	David Doane, (703) 557-1450	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
43 CFR Part 4, Subpart E—Special Rules Applicable to Public Land Hearings and Appeals.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to include relevant general regulations presently appearing in Subpart B; add limitations to the filing of petitions for reconsideration; amend existing regulations to permit the Board to consider certain proprietary information which has served as the basis for the decision below; require service on parties of recommended decisions of administrative law judges under existing regulation 4.439; provide for intervention in appeals; revise regulation relating to the filing of protests; and coordinate, to the maximum extent feasible, the various hearing procedures as they presently exist. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 43 U.S.C. §§ 1201, 1701. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	James Kleier, (703) 557-9040	
43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Existing rules governing hearings and appeals under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201-1328 (Supp. I 1977), are being reviewed to determine the necessity for clarification and improvement. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Executive Order 12044; Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Kathryn Lynn, (703) 557-9037		

Office for Equal Opportunity

Subject	Summary	Contact	Action
43 CFR Part 17, Subpart B—Nondiscrimination on the Basis of Handicap.	This rule will set forth guidelines for non-discrimination on the basis of handicap in programs or activities receiving federal financial assistance from the Department. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Sec. 504, Pub. L. 95-602, 29 U.S.C. 794. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Alfred J. Poole, 202-343-4331	The Advance Notice of Proposed rulemaking was published on April 13, 1979. The proposed rule was published on April 18, 1980.
43 CFR Part 17, Subpart C—Nondiscrimination on the Basis of Age.	This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving federal financial assistance from the Department. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 42 U.S.C. 6101; 45 CFR 90. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Alfred J. Poole, 202-343-4331	The proposed rule was published on January 3, 1980.

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
43 CFR Part 35—Involvement of Minority and Female-Owned Business Enterprises in Outer Continental Shelf Leasing Activities.	This rule will establish a program for the active participation of business enterprises owned and controlled by minorities and women in all activities related to leasing of the Outer Continental Shelf. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Section 604, Pub. L. 95-372, 43 U.S.C. 1863. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Gerald Rhodes, (703) 860-6461	Proposed rule was published on May 9, 1980. Final rule was published on December 3, 1980. A Notice suspending the reporting and recordkeeping requirements contained in the rule was published on February 26, 1981. These requirements will remain suspended pending review and clearance by OMB. Further action on this document will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 221—Coal Mining Regulations.	This part is being revised to delineate the functions and responsibilities of the Survey for coal mining operations on Federal lands and to govern coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and maximum economic recovery on Federal lands under the Mineral Leasing Act of 1920, as amended. The revisions will also recodify the regulations relating to the initial Federal Lands Program under the Surface Mining Control and Reclamation Act of 1977. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> 30 U.S.C. 161, 30 U.S.C. 1201. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Wright Sheldon, 703-860-7136	Proposed rule was published May 19, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
30 CFR Parts 211, 221, 231 and 270—Royalty Collections.	These parts are being amended to implement the policy of imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian lands. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Treasury Circular No. 1064. <i>Determination of Effects:</i> The Department of the Interior has determined that this interim document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The effects of the final document will be considered under the provisions of E.O. 12291, which revoked E.O. 12244 on February 17, 1981, before it is published as a final rule.	Gerald Daniels, 703-860-7535	Interim rule was published in December 23, 1980. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981.
30 CFR Part 221—Oil and Gas Operating Regulations.	This part is being revised to expand the scope of current operating regulations to include operations in the National Petroleum Reserve in Alaska. This change will eliminate the need for separate operating regulations to cover oil and gas leases issued in this area. In addition, the revision will indicate the transfer of jurisdiction for the remaining Naval Petroleum Reserves from the Secretary of the Navy to the Secretary of Energy. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 96-514, 94 Stat. 2964, 42 U.S.C. 7101, 7156. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Gary W. Horton, 703-860-7515	
30 CFR Parts 250 and 251—Petitions for Reconsideration.	These parts are being revised to limit the right of petitions for reconsideration to a single request which must be made within a specified time limit of the order to be reconsidered. (§ 250.81 and § 251.10). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Eva Datz, 703-860-7395	
30 CFR Part 250—Lease Stipulations.	This part is being revised to include OCS lease stipulations. Stipulations, as now written, are becoming routine and may therefore be codified. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—Authority and Requirements for Unitization.	This part is being revised to eliminate the requirement that the portion of the lease not unitized be segregated into a separate lease. (§ 250.50). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—Royalty on Unprocessed Gas.	This part is being amended to delete, from the provision that royalty is not due on gas reinjected, the reference to reinjecting outside the same lease or unit. (§ 250.66). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—OCS Well Completion or Recompletion Logs.	This part is being amended to eliminate the necessity for OCS lessees to submit to the Survey operation logs such as cement bond logs, perforating logs, and other. This amendment is intended to alleviate the paperwork burdens on the operator. (§ 250.95). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Doug McIntosh, U.S. Geological Survey, P.O. Box 7944, Metairie, LA 70010, 504-837-9251.	
30 CFR Parts 250 and 251—Reimbursement to Lessees and Permittees of Reproduction Costs and Costs of Processing Geophysical Data and Information.	These parts are being amended to provide for the reimbursement of OCS lessees and permittees for the costs of reproducing geological and geophysical information and data submitted to, and retained by, the Director. A permittee would also be reimbursed at the lowest rate available for the cost of processing geophysical data in the form and manner of processing normally used in the conduct of the permittee's business. A lessee or permittee would also be reimbursed for the reasonable cost of processing geophysical data when the Secretary dictates the form and manner of processing. These amendments are necessitated by an opinion of the Solicitor, dated November 17, 1980, M-36924. (§ 250.12(d), 34-1(k), 34-2(n), 39, 40, 95; § 251.13). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334 and 1352. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Schuenke, 703-860-7395	
30 CFR Part 251—Inspection, Selection, and Submission of Geological and Geophysical Data and Information.	This part will be amended to eliminate the requirement that lessees immediately report to the Survey the processing, reprocessing, or interpretation of geological and geophysical data. (§ 251.11(a) and 12(a)). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Dan Palubniak, 703-860-6461	
30 CFR Part 251—Duration of Exploration Activities.	This part is being revised to allow a permittee to submit data and information from a deep stratigraphic test well 60 days prior to the sale date. (§ 251.6-5). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ron Michelson, 703-860-7564	
30 CFR Part 290—Appeals Procedures.	This part is being amended to revise the procedures relevant to issuing a stay of an order, that is appealed to the Director, to specify that the Director may require a bond and that late payment charges will be required on any payments deferred under the stay if the appellant's appeal is denied. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334 and 1335; 25 U.S.C. 29; 30 U.S.C. 189, 285, 359 and 1023.	Eva Datz, 703-860-7395	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
30 CFR Part 290—Proprietary Data in Appeals Briefs.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This part is being amended to require an appellant to file a second sanitized copy of all appeal briefs deleting all data the appellant claims is not subject to disclosure under a Freedom of Information Act request. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1334 and 1335; 30 U.S.C. 189, 285, 359, and 1023; 20 U.S.C. 2 and 9. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		

Bureau of Mines, 2401 E Street NW., Washington, D.C. 20241

Subject	Summary	Contact	Action
30 CFR 602—Helium Distribution Contracts.	This proposed rule establishes new regulations associated with the purchase of helium by Federal agencies. The proposed regulations reflect changes required to conform them to Federal court decisions which invalidated current regulations. <i>Originally scheduled:</i> January 1981. <i>Authority:</i> 50 U.S.C. 167. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	M. H. Williamson, Office of Planning & Analysis, Division of Helium Operations, Bureau of Mines, Box H 4372 Herring Plaza, Amarillo, TX 79101. A/C 806-376-2614.	Proposed rule was published December 16, 1980. Final rule should be published in summer 1981.

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR Part 716—Special Performance Standards.	This part provides for interim program variance from approximate original contour requirements in steep slope mining areas. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Harriet Marple, 202-343-5384	Proposed rule was published October 23, 1980. Final rule was published December 17, 1980.
30 CFR Part 722—Enforcement Procedures.	This part was revised to clarify OSM's authority to cite operators for any violations of the Act. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Neil Stoloff, 202-343-4110	Final rule was published October 20, 1980.
30 CFR Parts 723 and 845—Failure to Abate Penalties.	These parts were revised to modify the amounts of penalties assessed for cases of non-abatement of violations and provide for enforcement of appropriate action in such abatement cases. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Harriet Marple, 202-343-5384	Final rule was published September 4, 1980.
30 CFR Part 850—Blaster Training and Certification Program (Part I).	This part provides blasting programs for blasters and members of blasting crews and certification programs for blasters. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jean McIntyre, 703-756-6967	Final rule was published December 12, 1980.
30 CFR Part 890—Change in Period of Mineral Institute Adjudication.	This part was revised to change the grant period from an October 1–September 30 schedule to a July 1–June 30 schedule in order to coincide with the school year. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Chase, 703-756-6961	Final rule was published November 10, 1980.
30 CFR Part 926—State-Federal Cooperative Agreement—Montana.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Montana. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Len Richeson, 703-756-6971	Proposed rule was published November 12, 1980. Final rule was published April 9, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR Part 948—Reclamation Plan—West Virginia.	This part contains the abandoned mine reclamation plan for West Virginia. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Marshall Cutsforth, 703-756-6955.	Final rule was published January 23, 1981. A Notice was published February 4, 1981 which extended the effective date of this rule to March 30, 1981.
30 CFR Part 950—State-Federal Cooperative Agreement—Wyoming.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Wyoming. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Len Richeson, 703-756-6971.	Proposed rule was published October 1, 1980. Final rule was published January 28, 1981. A Notice was published February 4, 1981 which extended the effective date of this rule to March 30, 1981. Another Notice was published on March 18, 1981 which advanced the effective date of this rule to March 18, 1981. Advancing the effective date of this rule was approved by the Office of Management and Budget.
30 CFR Part 700—Two Acre Exemption—Extraction of Coal.	This part is being revised to address abuses that have been documented regarding the extraction of coal where a surface mining operation affects two acres or less. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Danny Ellis, 202-343-5361.	Final rule was published January 23, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.
30 CFR Part 700—Permanent Regulatory Program.	This part will be amended to clarify OSM's authority to regulate coal processing facilities (§ 700.5). <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Murray Newton, 202-343-8061.	Proposed rule was published June 24, 1980.
30 CFR Parts 701, 761, and 786—Permanent Program Regulations.	Certain sections of these parts are being revised in response to suits. The topics range from existing structures definitions to treatment of acid and toxic forming materials (§ 701.11(e) (1) & (2); 761.5; 786.5). <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aufmuth, 202-343-4022.	Proposed rule was published February 6, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Parts 706—Conflict of Interest.	This part is being revised to clarify the definition of "Employee" as it relates to restricting conflicts of interest for members of the Advisory Committee on Mining and Mineral Research. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ruby Cooper, 202-343-5447.	
30 CFR Parts 715, 716, 816, 817, and 826—Multiple Seam Mining Steep Slopes.	These parts are being revised to clarify the multiple seam mining requirements. (§ 715.15; 716.2; 816.71; 817.71; 826.16). <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aufmuth, 202-343-4022.	Proposed rule was published May 16, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Parts 715, 816 and 817—Gravity Transport of Excess Spoil.	These parts are being revised to allow gravity transport (end-dumping) of excess spoil material under limited circumstances. (§ 715.15; 816.71; 817.71). <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aufmuth, 202-343-4022.	Proposed rule was published August 15, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR Part 716—Prime Farmland—Initial Regulatory Program.	This part is being amended to address historical uses of prime farmland. (§ 716.7). <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Don Smith, 703-756-6964.....	Final rule was published January 22, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.
30 CFR Parts 716 and 795—Prime Farmland—Interim and Permanent Regulatory Program.	These parts are being amended to revise the grandfather exemption to the prime farmland provisions of the Act. All pre-August 3, 1977, permits and all revisions or renewals of those permits will be exempted from special performance standards. Pre-existing mining operations will also be allowed to continue where the lands to be grandfathered are an extension of a mining pit or pits permitted and in existence on August 3, 1977. All such prime farmland exemptions will terminate on August 3, 1982. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Arlow Dalrymple 703-756-6964.....	Final rule was published January 23, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 3, 1981 which suspended the effective date of this rule until May 5, 1981 and requested comments on the suspension. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 731—Resubmission of State Programs.	This part will authorize the resubmission of a State Program after disapproval and before implementation of a Federal program. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Mary Crouter, 202-343-5361.....	Proposed rule was published January 22, 1981. Public comment period ended February 23, 1981. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR 731 and 732—State Program Approvals.	These parts will contain approvals of State programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> Those documents which already been published as proposed rules were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. They will be reconsidered under the provisions of E.O. 12291 before they are published as final rules. The determinations as to whether the unpublished documents are major rules under E.O. 12291 have not been made at this time.	Bruce Carroll, 202-343-5351.....	Alabama—Disapproval—10/16/80. Resubmission delayed. Arkansas—Conditional Approval—11/21/80. Colorado—Conditional Approval—12/15/80. Illinois—Partial Approval—10/31/80. Resubmission delayed. Indiana—Partial Approval 11/25/80. Resubmission delayed. Iowa—Partial Approval—10/16/80. Conditional Approval—1/21/81. Kansas—Partial Approval 9/4/80. Conditional Approval—1/21/81. Kentucky—Partial Approval—10/22/80. Resubmission delayed. Louisiana—Partial Approval—9/4/80. Approval—10/10/80. Maryland—Conditional Approval—12/1/80. Mississippi—Partial Approval—3/25/80. Approval—9/4/80. Missouri—Conditional Approval—11/21/80. Montana—Conditional Approval—4/1/80. New Mexico—Conditional Approval—12/31/80. North Dakota—Conditional Approval—12/15/80. Ohio—Disapproval—10/1/80. Resubmission delayed. Oklahoma—Partial Approval—10/10/80. Conditional Approval 1/19/80. Pennsylvania—Disapproval 10/22/80. Resubmission delayed. Tennessee—Partial Approval—10/10/80. Resubmission delayed. Texas—Conditional Approval—2/27/80. Approval—6/18/80. Utah—Partial Approval 10/24/80. Conditional Approval—1/21/81.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
			Virginia—Partial. Approval—10/22/80. Resubmission delayed. West Virginia—Partial. Approval—10/20/80. Conditional Approval—1/21/81. Wyoming—Partial. Approval—3/31/80. Conditional Approval—11/26/80. Proposed rule was published October 1, 1980. Further action on this revision will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 732—Deadlines for Enactment of Laws and Regulations for State Program Resubmissions.	This part is being revised to modify the existing rule for resubmission of State Programs. <i>Originally Scheduled:</i> January 1981 <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Arthur Abbas, 202-343-5361	
30 CFR Part 910—Georgia Federal Program.	This part will provide for a Federal program in Georgia. <i>Originally Scheduled:</i> January 1981 <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Jim Fulton, 202-343-5361	Proposed rule was published September 15, 1980.
30 CFR Parts 722 and 843—90 Day Abatement of Violations.	These parts are being amended to provide OSM authority in certain limited cases to extend beyond 90 days the total time, as originally fixed and subsequently extended, for abatement of violations. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Murray Newton, 202-343-8061	
30 CFR Part 701—Non-Slope AOC Alternatives.	30 CFR § 701.5, which contains the regulations regarding alternatives to return to approximate original contours on non-slope areas, will be revised. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ray Aufmuth, 202-343-4022	
30 CFR Part 705—Definition of Employee.	The definition of "Employee" will be revised as it relates to restrictions on financial interests of State employees. (§ 705.5) <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Arthur Abbas, 202-343-5361	
30 CFR Part 715—Blasting Limitations.	This rule will revise peak particle velocity and distance limitations on blasting. (§ 715.19 (e)(1)). <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Russ Price, 202-343-4022	
30 CFR Part 750—Permanent Federal Program for Indian Lands.	This rule will apply the permanent program requirements to Indian lands. (§ 750.59) <i>Originally Scheduled:</i> January 1981 <i>Authority:</i> Pub. L. 95-87 <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	H. B. Simpson, 703-756-6971	
30 CFR Part 850—Blasters Training and Certification Program (Part II).	This part will provide blaster training programs for blasters and members of blaster crews and certification programs for blasters. <i>Originally Scheduled:</i> January 1980 <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jean McIntyre, 703-756-6967	
30 CFR Parts 900, 904, 906, 915, 916, 918, 920, 924, 925, 926, 931, 934, 936, 943, 944, 948, and 950—State Programs.	This rule will provide an introduction to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs. <i>Originally Scheduled:</i> January 1981 <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	George Stone, 202-343-5361	
30 CFR Parts 901, 906, 913, 914, 915, 916, 917, 919, 925, 931, 934, 935, 936, 942, 946, 950, 944, and 938—State Programs.	These parts have been set aside for the abandoned mine reclamation plans for various States. <i>Originally Scheduled:</i> April 1981 <i>Authority:</i> Pub. L. 95-87 <i>Determination of Effects:</i> The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.	Charles Beasley, 202-343-4012	OSM anticipates receiving/approving reclamation plans during the period April-October 1981 from the following States: Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Wyoming, and Utah.
30 CFR Part 906—State-Federal Cooperative Agreement—Colorado.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Colorado. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6979	

Semiannual Agenda of Rules Scheduled for Review or Development —Continued

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR parts 921, 922, 937 and 939—Federal Programs for Coal Exploration—Massachusetts, Michigan, Oregon and Rhode Island.	This rule will provide for Federal programs which cover coal exploration activities in four (4) States. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim Fulton, 202-343-5361.	
30 CFR Part 931—State-Federal Cooperative Agreement—New Mexico.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in New Mexico. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6970.	
30 CFR Part 934—State-Federal Cooperative Agreement—North Dakota.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in North Dakota. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6970.	
30 CFR Part 944—State-Federal Cooperative Agreement—Utah.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Utah. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6971.	
30 CFR Part 947—Federal Program—Washington.	This part will provide for a Federal program in the State of Washington. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-87. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim Fulton, 202-343-5361.	

1 503(d) Injunction in Force.

2 Primacy effective on April 10, 1981—the effective date of Iowa's regulations.

3 Conditional approval effective upon lifting on 503(d) injunction prohibiting enforcement of the program.

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR Part 1207—Secretary's Standards for Historic Preservation Projects.	The Service has amended the general standards for historic preservation projects (36 CFR Part 1207.3) in order to encourage consideration of energy conservation needs as well as the economic and technical feasibility of each project. <i>Carrollena Key, 202-343-5712</i> <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Power Plant and Fuel Use Act of 1978, Sec. 402(b), and Executive Order 12185, Energy Conservation of Petroleum and Natural Gas. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Proposed rule published on May 7, 1980. The final rule was published on August 29, 1980.	
36 CFR Part 1212, National Natural Landmarks Program.	This rule sets forth the process used to study, designate, register, and monitor National Natural Landmarks including criteria for listing areas on the National Registry of Natural Landmarks. These regulations will make available to other Federal agencies, State and local governments, private organizations and individuals information on the National Natural Landmarks Program, and formalize the Secretary of the Interior's procedures and criteria for designating National Natural Landmarks. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 461. <i>Statement of Significance:</i> The Department of Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Wayne Strum, 202-343-4243; James Orr, 202-343-4243.	Interim rule published on November 20, 1979. Final Procedures were published on December 9, 1980 (45 FR 81183).
36 CFR Part 1228—Subparts A, C and D—Urban Park and Recreation Recovery Program: Grants Procedures.	This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-625, 16 U.S.C. 2501. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sam L. Hall, (202) 343-5971.	Interim rule published on September 3, 1980.
30 CFR Part 1228, Subparts A, C & D—Urban Park and Recreation Recovery Program: Grants Procedures.	This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-625; 16 U.S.C. 2501; E.O. 12185. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sam L. Hall, (202) 343-5971.	Proposed rule published September 3, 1980. Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR Part 1230—World Heritage Convention.	The rules will set forth the policies and procedures that the Department of the Interior, through the Heritage Conservation and Recreation Service (HCERS), will use to direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, in accordance with Title IV of the National Historic Preservation Act Amendments of 1980. The rules will serve as the single source of definitive guidance for World Heritage policy and procedure to ensure effective implementation of the Convention and participation by interested agencies, organizations, and individuals. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 96-515; 16 U.S.C. 470a-1, a-2; 94 Stat. 3000. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under the provisions of E.O. 12291.	James Orr, 202-343-4243	A Notice of Intent was published with the Department's Interpretive Guidelines and Request for Public Comment on January 13, 1981.
36 CFR Part 1213—Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties.	These regulations implement the Department's responsibilities for the identification, protection, preservation and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, EO 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, "Protection of Historic and Cultural Properties" (36 CFR 800). <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> These regulations were issued pursuant to the directive of the President's Memorandum on Environmental Quality and Water Resources Management and section 800.10 of the Advisory Council regulations (36 CFR 800). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Roy Reaves, 202-343-7105	Proposed rule was published on August 2, 1979. The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1) and therefore a final rule will not be published. This Part 1213 will instead contain the implemented regulations that are specific to the Service.
36 CFR Part 1215—Protection and Conservation of Archaeological Resources: Uniform Regulations.	This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal Government and to further advise of the Federal Government's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories, and possessions. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Archaeological Resources Protection Act of 1979 (Pub. L. 96-95; 16 U.S.C. 470 <i>et seq.</i>). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Charles M. McKinney, 202-343-5264	Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 19, 1980. Proposed rule was published on January 19, 1981. The final rule should be published in July 1981. Further action on this document will occur in the context of the review of rules identified in Part II of this Agenda.
36 CFR Part 1229—Land and Water Conservation Fund State Assistance Program.	This rule will set forth the regulation for administration of the Stateside of the Land and Water Conservation Fund Program, including the preparation and implementation of Statewide Comprehensive Outdoor Recreation Plans, and the criteria and guidelines for acquisition and development grants from both the general fund and the Secretary's Contingency Reserve. (This rule was previously scheduled as 36 CFR Part 1230). <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578, 78 Stat. 897) as amended by Pub. L. 95-42, 90 Stat. 1313. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Cathy-Martin Urbanek, 202-343-7801	
36 CFR 1204—Determination of Eligibility for inclusion in the National Register of Historic Places.	These rules incorporate certain revisions responding to the National Historic Preservation Act Amendments of 1980, Pub. L. 96-515. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> The National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 <i>et seq.</i> <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-6401	Proposed rule published on May 23, 1980. Due to Pub. L. 96-515 becoming law on December 12, 1980, rules must be again revised.
36 CFR Part 1214—Preservation of American Antiquities: Definition of an Object of Antiquity.	This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to Federal court ruling on vagueness of the term "object of antiquity" and failure of the federal Government to inform the public in lay terms. (This rule will be redesignated from 43 CFR Part 3). <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> American Antiquities Act of 1906 (Pub. L. 59-209, 16 U.S.C. 431-433). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Charles M. McKinney, 202-343-7105	Proposed rule was published on April 10, 1978, under 43 CFR Part 3. To be reissued as proposed rulemaking in fall, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR 1231—National Wild and Scenic Rivers System—Guidelines for Eligibility, Classification and Management of River Areas.	The regulation will provide consistent interpretation of the Wild and Scenic Rivers Act and uniform guidance to agencies of the Departments of Agriculture and the Interior in the conduct of studies under Section 5(a) of Act and in the management of eligible river areas included in the National Wild and Scenic Rivers System. The regulations are a revision of the 1970 guidelines published in-house by the two Departments. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 1271, et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jack Hauptman, 202/343-4793...	Draft revised guidelines published as a notice in the FEDERAL REGISTER for 45 days, public comment on January 28, 1981.
36 CFR, Part 1232—Wild and Scenic Rivers System—Procedures for Determining Adverse Effects of Proposed Water Resource Projects.	The regulations will provide for consistent interpretation of Section 7 by the Departments of Agriculture and the Interior and for uniform procedures to be followed by affected Federal agencies in obtaining the concurrence of the Secretaries when planning projects which could have direct and adverse effects on existing and potential wild and scenic rivers. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 1278. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jack Hauptman, 202/343-4793	
36 CFR Part 1202—Nominations to the National Register of Historic Places.	This rule is being amended to revised: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470, et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, (202) 343-6401	
36 CFR 1208—Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978.	Rule must be revised to incorporate new requirements of Pub. L. 96-541 in order to provide for the creation of historic easements. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> The Tax Reform Act of 1976, as amended, and the Revenue Act of 1978. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-6401	Final rule published December 19, 1980. Due to Pub. L. 96-541 becoming law in December 1980, rule will again be revised.
36 CFR Part 1227—Federal Recreation Fees.	This rule is being amended to: allow certain categories of disabled persons to enter U.S. Government operated parks, monuments and recreation areas free of charge and to entitle such persons to 50% discount on use fees; and revise the definition of "single-visit" admission period which will allow payment of a single admission fee which shall authorize exits from and re-entries to a single designated area for a period of from one to fifteen days. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 96-344 (September 8, 1980) as it amends the Land and Water Conservation Fund Act of 1966. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Brian Romanek, (202) 343-7665.	
36 CFR Part 1201—Criteria for Comprehensive Statewide Historic Surveys and Plans.	Extensive revision of this rule is anticipated because Pub. L. 96-515, the National Historic Preservation Act Amendments of 1980, requires the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the National Historic Preservation Act, as amended; such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund (HPF) grant via transfer from the State. It is expected that 36 CFR Part 1201 will be retitled <i>Criteria for State and Local Historic Preservation Programs</i> . <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> National Historic Preservation Act, as amended; 16 USC 470 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Lawrence E. Aten, 202-343-4941.	Interim rule with request for comments published May 9, 1980. Proposed amendment to rule published September 10, 1980.
36 CFR 1205—National Historic Landmark Program.	This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980, Pub. L. 96-515. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department of the Interior. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. 461 et seq. and the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-6401	An interim rule with request for comments was published on December 18, 1979. Due to Pub. L. 96-515 becoming law on December 12, 1980, rules must be again revised.
36 CFR Part 1210—Recovery of Scientific, Prehistoric, Historic and Archeological Data: Procedures for Notification, Reporting and Data Recovery.	This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act. (This rule will be redesignated from 36 CFR Part 66). <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Section 5(c) of the Archeological and Historic Preservation Act of 1974. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Roy Reaves, 202-343-7105.	

Semiannual Agenda of Rules Scheduled for Review or Development

National Park Service				
Subject	Summary	Contact	Action	
36 CFR Part 7—Fire Island National Seashore—Seaplanes.	This rule will regulate the use of seaplanes within the National Seashore. <i>Originally scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published July 25, 1980.	
36 CFR Part 7—Yellowstone National Park—Alcoholic Beverages.	This rule is being revised to delete the subsection dealing with Alcoholic Liquors and to conform to applicable State statutes through provisions in 36 CFR Part 2.16 (§ 7.13). <i>Originally Scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under E.O. 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published August 25, 1980.	
36 CFR Part 7—Lake Mead National Recreation Area—Alcoholic Beverages.	This rule is being revised to rescind the regulations pertaining to the sale or gift of alcoholic beverages in Lake Mead National Recreation Area, Arizona and Nevada (§ 7.48). <i>Originally Scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under E.O. 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published August 22, 1980.	
36 CFR Part 7—Glacier Bay National Monument—Humpback Whale.	This rule protects the declining populations of the humpback whale within the Monument. <i>Originally Scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Maureen Finnerty, 202/343-4874.	Interim rule and request for comments was published on May 15, 1980. Proposed rule was published on December 29, 1980. Final rule was published on January 29, 1981. A Notice was published on February 17, 1981 which extended the effective date of this rule to March 30, 1980. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.	
36 CFR Part 28—Fire Island National Seashore—Zoning.	This rule will revise existing zoning standards within Fire Island National Seashore in order to achieve consistency with the general management plan. <i>Originally Scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Proposed rule was published on September 18, 1978. A final rule with request for comments was published on January 17, 1980. The final rule was published on September 10, 1980.	
36 CFR Part 7—Blue Ridge Parkway—Snowmobiles.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department. (§ 7.34). <i>Originally scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published September 25, 1980.	
36 CFR Part 7—Delaware Water Gap National Recreation Area—Snowmobiles.	To develop regulations to provide for the use of snowmobiles within the recreation area. <i>Originally scheduled: January 1981.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published January 6, 1981.	
36 CFR Part 7—Gulf Islands National Seashore—Off-Road Vehicles.	This rule will control the use of off-road vehicles within the seashore. <i>Originally scheduled: January 1981.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published December 15, 1980.	
36 CFR Part 7—Olympic National Park—Hunter Access Routes.	Hunter access routes and special hunting camps will be eliminated within the Queets Corridor of Olympic National Park, Washington. (§ 7.28). <i>Originally scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Roger Contor, Superintendent, Olympic National Park, Port Angeles, Washington 98362 206/452-4501.	Proposed rule published July 2, 1980.	
36 CFR Part 7—Valley Forge National Historic Park—Alcoholic Beverages.	This rule will prohibit the use of alcoholic beverages within the park. <i>Originally scheduled: January 1981.</i> <i>Authority: 16 U.S.C. 3.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rules published November 5, 1980.	
36 CFR Part 7—Yosemite National Park Fish Management Waters.	This rule is being revised to rescind the regulations relating to experimental fish management waters in Yosemite National Park, California (§ 7.16). <i>Originally Scheduled: July 1980.</i> <i>Authority: 16 U.S.C. 3.</i>	Maureen Finnerty, 202/343-4874.	Proposed rule published August 4, 1980.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

National Park Service

Subject	Summary	Contact	Action
	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.		
36 CFR Part 13—Alaska National Interest Lands.	This rule provides the regulations for public use and recreation, subsistence and other special provisions for the Alaska National Monuments. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 16 U.S.C. 1.1c, 3.9a, 4.32, 4.62; Pub. L. 96-487.	Maureen Finnerly, 202/343-4874.	Proposed rules published January 19, 1981. Further action on this document will occur in the context of the review of rules identified in Part II of this Agenda.
36 CFR Part 14—Rights-of-Way	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Current regulations governing rights-of-way found in 43 CFR Part 2800 are being revoked by the Bureau of Land Management. As a result, the Service has determined that it is necessary to develop regulations specifically tailored to the needs of the Service. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 5 and 78; 23 U.S.C. 317.	Maureen Finnerly, 202/343-4874.	An interim rule with request for comments was published July 11, 1980. Notice of intent to propose Rulemaking was published August 18, 1980.
36 CFR Part 50—Sale and Distribution of Printed Matter.	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings. (§ 50.19). <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 16 U.S.C. 3.	Rick Robbins, 202/343-4338.	Interim rule published on October 3, 1979.
36 CFR Part 50—Demonstrations and Special Events.	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. This rule will permit demonstrations in one-fourth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House Sidewalk for the exclusive use of the Inaugural Committee on January 20, 1981. <i>Authority:</i> 16 U.S.C. 3.	Rick Robbins, 202/343-4338.	Interim rule published December 24, 1980.
36 CFR Part 50—Demonstrations and Special Events.	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. This rule will clarify and simplify the procedures for obtaining demonstration and special event permits in Washington, D.C. and its environs (§ 50.19). <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> July 1979.	Rick Robbins, 202/343-4338.	Proposed rule published May 6, 1980.
43 CFR Group 3100, 43 CFR Group 3500—Mineral Leasing.	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. These rules will amend those sections which pertain to mineral leasing in 5 units of the National Park system. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	Proposed rules published December 22, 1980.
36 CFR Part 3—Boating	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules. <i>Originally Scheduled:</i> January 1978. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	
36 CFR Part 6—Foreign Currency.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. The Service is developing a comprehensive policy concerning the acceptance of foreign currency in LWCFA fee transactions Servicewide. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	
36 CFR Part 7—Everglades National Park—Use of Airboats.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Rules are being developed to provide for the use of airboats along the stairstep Airboat Trails within the Park. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	
36 CFR Part 7—Everglades National Park—Commercial Fishing.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule, which pertains to prohibiting commercial fishing within the Park, will be reviewed and revised. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	
36 CFR Part 7—Big Cypress National Preserve—Camp Structures.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Amendments will be made to this rule which pertains to camp structures on land not owned by claimants to these structures within the Preserve. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerly, 202/343-4874.	
36 CFR Part 7—Big Cypress National Preserve—Off-Road Vehicles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule is being revised to better define those sections which limit use of off-road vehicles in the Preserve. <i>Originally Scheduled:</i> April 1981.	Maureen Finnerly, 202/343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

National Park Service				
Subject	Summary	Contact	Action	
	Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.			
36 CFR Part 7—Big Cypress National Park—Indian Use and Occupancy.	This rule will define the statutory rights of the Miccosukee and Seminole Indians within the reserve. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Colorado National Monument—Commercial Trucking.	This rule will implement legislation requiring NPS to provide escorts to trucks through the National Monument. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Yosemite National Park—Hazardous Conditions.	This rule will concern the creation of hazardous conditions and reimbursement to National Park Service to rescue. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Yosemite National Park—Residential Leases.	This rule will pertain to residential leasing in El Portal. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Yosemite National Park—Zoning.	This rule will pertain to zoning for the private lands within Yosemite National Park. Originally scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Cuyahoga Valley National Recreation Area—Ground Park Use.	This rule will pertain to general park use, i.e. firearms and alcoholic beverages. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Grant Canyon National Park—Fishing and Fish Waste Disposal.	This rule will provide for the disposal of fish entrails into the Colorado River and to regulate the use of bait in Grand Canyon National Park Arizona. (§ 7.4). Originally scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Olympic National Park—Fishing.	This rule pertains to open water fishing in the park. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Isle Royale National Park—Scuba Diving.	This rule pertains to scuba diving in the national park. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, (202) 343-4874.		
36 CFR Part 7—Isle Royale National Park—Winter Closing.	This rule will close park areas during the winter because of wolf and moose studies. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Glacier National Park—Fishing.	This rule provides Superintendent of the Park with the authority to require a permit of all anglers fishing the waters of the Park (§ 7.3). Originally scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Kennesaw Mountain National Battlefield Park—Alcoholic Beverages.	This rule will control the use and possession of alcoholic beverages within the park. Originally scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Lake Mead National Recreation Area—Airstrip.	This rule will reopen an airstrip within the recreation area. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Fire Island National Park—Seaplanes.	This rule will pertain to seaplane use at Fire Island National Seashore. Originally scheduled: April 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Lake Mead National Recreation Area—Motorboat Noise.	This rule will set limits on motorboat noise and emissions within the recreation area. Originally scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.		
36 CFR Part 7—Yosemite National Park—Water and Sewage.	This rule will pertain to land use, water and sewage and fire preservation within El Portal. Originally scheduled: January 1981.	Maureen Finnerty, 202/343-4874.		

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

National Park Service

Subject	Summary	Contact	Action
36 CFR Part 7—Lake Mead National Recreation Area—Floation Devices.	Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will require floation devices below Hoover Dam. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Grand Teton National Park—Snowmobiles.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (§ 7.22). Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	Advance notice of proposed rulemaking published May 14, 1980.
36 CFR Part 7—Grand Portage National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Dinosaur National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Cuyahoga Valley National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Catawba National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Crater Lake National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Cedar Breaks National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Bighorn Canyon National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Black Canyon of the Gunnison National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Bryce Canyon National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Apostle Islands National Lakeshore—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Acadia National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: January 1981. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Zion National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Theodore Roosevelt National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. Originally Scheduled: July 1980. Authority: 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

National Park Service			
Subject	Summary	Contact	Action
36 CFR Part 7—St. Croix National Scenic Riverway—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Rocky Mountain National Park—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Pictured Rocks National Lakeshore—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Pony's Victory and International Peace Memorial—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Olympic National Park—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Sleeping Bear Dunes National Lakeshore—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Herbert Hoover National Historic Site—Snowmobiles.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule will provide for the use of snowmobiles within the recreation area. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 1—Miscellaneous Provisions.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This Part, which is scheduled for sunset review, contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1-7 of Title 36. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 2—Public Use and Recreation.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This Part, which is scheduled for sunset review, contains the general provisions that are applicable to public use of all units within the National Park System. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development

U.S. Fish and Wildlife Service			
Subject	Summary	Contact	Action
50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife.	Provisions of the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Lacey Act, the Black Bass Act, and other statutes administered by the Service were implemented by amending certain regulations governing the importation, exportation, and transportation of wildlife. The temporary permission to do business granted in the FEDERAL REGISTER on March 5, 1974 (39 FR 8357), to all persons engaged in business as importers or exporters of wildlife was replaced by a licensing system which regulates all persons who import or export wildlife for gain or profit. The licensing system should improve the Service's ability to monitor wildlife traffic, protect wildlife resources, and communicate with persons most affected by subsequent Service rulemakings. Controls on the exportation of wildlife, including declaration requirements, were added to complement those in effect for the importation of wildlife. These controls, which implement obligations regarding certain wildlife exports placed on the Service by the Endangered Species Act of 1973 and the Convention, should provide the Service with previously lacking information on export volume, in total and by species, and further the Service's ability to protect wildlife resources. The definition of "fish or wildlife," the cornerstone of the regulatory scheme, was broadened to include species not currently covered, but still excludes domestic varieties of animals. Some ports through which certain wildlife may enter or leave the United States were changed to coincide with actual wildlife traffic patterns, or to accommodate importers of personally owned pet birds or certain antique articles who must comply with the port of entry requirements of other Federal agencies. Finally, the container marking requirements derived from the Black Bass and Lacey Acts was simplified. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 18 U.S.C. 42-44; 16 U.S.C. 1538(d)-(f), 1540(f); 16 U.S.C. 1382; 16 U.S.C. 704, 712; 31 U.S.C. 483a; 16 U.S.C. 652c. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-9242...	Proposed rule published March 27, 1978. Final rule published August 25, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart D—Threatened Wildlife.	The Service revised the special rule on the American alligator, 50 CFR 17.42(a), promulgated under authority of the Endangered Species Act of 1973. Fabricators, who are engaged in the business of manufacturing products from American alligator leather, are no longer required to obtain a permit issued under the special rule. To insure that fabricators receive only lawfully taken American alligator hides, buyers and tanners engaged in trade in American alligators remain highly regulated. The sale of meat and other parts except hides from lawfully taken American alligators is no longer restricted to the State where the taking occurs. These items may be sold nationwide if such sale is in accordance with the laws and regulations of: (1) the State in which the taking occurs, and (2) the State in which the sale occurs. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1531-1543. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Clark R. Bavin, (202) 343-9242	Proposed rule, August 8, 1980. Final rule, November 15, 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart B—Definitions.	The Service amended the definition of "migratory game bird" under 50 CFR 20.11 by deleting the term "wild" wherever found in that definition. Similarly, the Service amended the description of "migratory waterfowl" under 50 CFR 20.91 by deleting the term "wild". <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 703-712. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-9242	Proposed rule, February 29, 1980. Final rule, October 23, 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart C—Taking.	The Service amended the methods of taking migratory game birds found in the basic hunting regulations, 50 CFR 20.21, to provide paraplegics and persons missing one or both legs and opportunity to take migratory game birds from a stationary motor vehicle or a stationary motor-driven land conveyance. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 703-712. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-9242	Proposed rule, February 15, 1979. Final rule, October 23, 1980.
50 CFR Part 23—Endangered Species Convention Subpart D—Public Participation in Development of Negotiating Positions for Meetings of the Parties.	Adds new subpart D to Part 23 and provides procedures for public participation and agency consultation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species on Wild Fauna and Flora. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; 16 U.S.C. 1531-43. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Richard M. Parsons, (703) 235-1937.	Proposed rule published on May 20, 1980. Final rule published on December 18, 1980.
50 CFR Part 20—Subpart K—Annual Seasons, Limits and Shooting Hours Schedules.	This rule will describe the areas where steel shot will be required. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 703-711. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert I. Smith, 202-254-3207	
50 CFR Part 20—Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules.	The Service proposes to publish a series of documents establishing migratory bird hunting regulations for the 1981-82 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 703-711. <i>Statement of Significance:</i> The Department of the Interior has determined that these documents are significant rules but do not require a regulatory analysis under former Executive Order 12044 and 43 CFR Part 14. These rules are significant because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The Service believes that these rules are major rules under new E.O. 12291, and thus subject to the rulemaking procedures of the Executive Order. <i>Effects on Small Entities:</i> The Department of the Interior has determined that these rules will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96-354 and 43 CFR Part 14. Small entities likely affected by the annual migratory bird hunting rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and mail order houses selling hunting equipment and supplies.	John P. Rogers, (202) 254-3207.	Notice of intent and proposed frameworks published March 25, 1981. Final frameworks (3) scheduled for June, July and August 1981. Final rules (2) scheduled for August and September 1981. Any final environmental assessments and environmental impact statements will be published as expeditiously as possible. The summary of the small entity flexibility analysis and the preliminary regulatory impact analysis were contained in the first proposed rulemaking document published on March 25, 1981. Final regulatory analysis scheduled for late June.
50 CFR Part 12—Seizure and Forfeiture Procedures, Subpart C—Forfeiture Proceedings.	The Service would revise 50 CFR 12.23 to raise the monetary value of seized property which may be the subject of notice by posting from \$250 to \$1,000. In addition, present regulations requiring posting in both the Service's enforcement office and the United States District Court would be revised to allow posting in either location as well as in the United States Customhouse. The revisions reflect the increase in value of seized property, the availability of alternative forms of publications, and in some instances the impracticability of posting in United States District Courts. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 5 U.S.C. 301; 16 U.S.C. 701-11; 16 U.S.C. 1540; 18 U.S.C. 43-44; 19 U.S.C. 1602-24. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-9242	Proposed rule published December 31, 1980. Final rule scheduled April 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife, Subpart B—Importation and Exportation at Designated Ports.	Designated port status under 50 CFR 14.12 would be conferred on Dallas/Ft. Worth, Texas. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1538(f). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-9242	Proposed rule, July 14, 1980. Final rule, April 1981.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants.	Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 1531-43. <i>Determination of Effects:</i> Those documents which have already been published as proposed rules were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. They will be reconsidered under the provisions of E.O. 12291 before they are published as final rules. The determinations as to whether the unpublished documents are major rules under E.O. 12291 have not been made at this time.	John L. Spinks, (703) 235-2771	Pine Barrens treefrog. Proposed rule to delist scheduled May 1981. Short-tailed albatross (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled June 1981. Thick-billed parrot (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled June 1981. Four Yaqui River fishes. Proposed rule scheduled May 1981. Borax Lake chub. Proposed rule published October 16, 1980. Final rule scheduled June 1981. Chihuahua chub. Proposed rule published December 15, 1980. Final rule scheduled June 1981. Maryland darter. (Critical Habitat). Proposed rule published August 28, 1980. Final rule scheduled June 1981. Unarmored threespine stickleback (Critical Habitat). Proposed rule published November 17, 1980. Final rule scheduled June 1981. El Segundo blue butterfly (Critical Habitat). Proposed rule scheduled May 1981. Uncompahgre fritillary butterfly. Proposed rule scheduled May 1981. Jaguar (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Margay (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Ocelot (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Key Largo woodrat and Key Largo cotton mouse. Proposed rule scheduled May 1981. Agave arizonica. Proposed rule scheduled June 1981. Cercus eriphorus fragrans. Proposed rule scheduled June 1981. Cercus robini var. robini. Proposed rule scheduled June 1981. Jatropha costaricensis. Proposed rule scheduled June 1981. Blue Ridge goldenrod. Proposed rule scheduled June 1981. Ewa Plains Akoko. Proposed rule published September 12, 1980. Final rule scheduled May 1981. Dodder. Proposed rule scheduled June 1981. Ashy dogweed. Proposed rule scheduled June 1981. Johnston frankenia. Proposed rule scheduled June 1981. Florida gooseberry. Proposed rule scheduled June 1981. Nebraska ladies'-tresses. Proposed rule published June 18, 1980. Final rule scheduled August 1981. Heliotrope milk-vetch. Proposed rule published January 13, 1981. Final rule scheduled August 1981. Osgood Mountains milk-vetch.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Proposed rule scheduled April 1981. Blue Mountain onion.
			Proposed rule scheduled April 1981. McKittrick pennyroyal.
			Proposed rule published August 15, 1980.
			Final rule scheduled May 1981. <i>Phacelia formosula</i> .
			Proposed rule published September 2, 1980.
			Final rule scheduled May 1981. Aboriginal prickly-apple.
			Proposed rule scheduled June 1981. Malheur wire-lettuce.
			Proposed rule published October 31, 1980.
			Final rule scheduled May 1981. American alligator (in Louisiana).
			Proposed rule scheduled June 1981. Monito gecko.
			Proposed rule published October 22, 1980.
			Final rule scheduled May 1981. 18 foreign reptiles.
			Proposed rule scheduled June 1981. Hawksbill sea turtle (Critical Habitat).
			Proposed rule published October 22, 1980.
			Final rule scheduled May 1981. Two California snails.
			Proposed rule scheduled June 1981. California freshwater shrimp.
			Proposed rule scheduled June 1981. Madison Cave isopod.
			Proposed rule published October 6, 1980.
			Final rule scheduled June 1981. Hay's spring amphipod.
			Proposed rule published July 25, 1980.
			Final rule scheduled June 1981. Utah prairie dog downlisting.
			Proposed rule scheduled May 1981. Puerto Rican parrot (Critical Habitat).
			Proposed rule scheduled May 1981. Florida torreya.
			Proposed rule scheduled June 1981. Florida yew.
			Proposed rule scheduled June 1981. Higgin's eye pearly mussel (Critical Habitat).
			Proposed rule scheduled May 1981. Five pearly mussels.
			Proposed rule scheduled May 1981. San Benito evening-primrose.
			Proposed rule scheduled April 1981. Kauai hau kuahiwi.
			Proposed rule scheduled April 1981. Eight foreign mammals.
			Proposed rule scheduled April 1981. Leopard downlisting to Threatened.
			Proposed rule published June 16, 1980.
			Final rule scheduled May 1981. Kangaroo import ban lifting.
			Proposed rule published June 16, 1980.
			Final rule scheduled May 1981. 12 Pacific islands birds and mammals.
			Proposed rule scheduled May 1981. Least Bell's vireo.
			Proposed rule scheduled June 1981. Green sea turtle Critical Habitat.
			Proposed rule scheduled August 1981.
			Kusche's fleabane and Blumer's dock.
			Proposed rule scheduled September 1981.
			Small whorled pogonia.
			Proposed rule published September 11, 1980.
			Final rule scheduled June 1981. Silverling.
			Proposed rule published October 27, 1980.
			Final rule scheduled June 1981. Rigid white-topped astor.
			Proposed rule scheduled April 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Bradshaw's lomatium. Proposed rule scheduled April 1981. Pumice grape fern. Proposed rule scheduled April 1981. Amargosa vole. Proposed rule scheduled June 1981. Maguire fleabane. Proposed rule scheduled August 1981. Sonoran pronghorn (critical habitat). Proposed rule scheduled June 1981. Proposed rule, July 11, 1979. Final rule, September 1981.
50 CFR Part 20—Migratory Bird Hunting, Subpart M—Wildlife Development Areas.	Procedures found at 50 CFR 20.141-143 for the establishment of wildlife development areas on lands outside the National Wildlife Refuge System would be deleted. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 703-712. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-9242...	
50 CFR Part 20, Subpart N—Special Procedures.	This rule will establish special procedures for issuance of annual migratory bird hunting regulations. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 703 <i>et seq.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	John P. Rogers, (202) 254-3207.	Proposed rule published December 17, 1980. Final rule scheduled for publication April 1981.
50 CFR Part 21—Migratory Bird Permits, Subpart B—General Requirements and Exceptions.	Under 50 CFR 21.12 certain hybrid "barney" waterfowl and certain breeds of domesticated mallards would be excepted from the general permit requirements. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 703-712. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-9242...	Proposed rule, November 12, 1976. Final rule, September 1981.
50 CFR Part 22—Eagle Permits, Subpart C—Eagle Permits.	Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668-668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Eagle Protection Act to allow the Secretary of the Interior to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C of 50 CFR Part 22 to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> 16 U.S.C. 668a. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-9242...	Proposed rule, January 3, 1980. Final rule, June 1981.
50 CFR Part 29—Land Use Management, Subpart C—Mineral Operations.	Regulations will be proposed to develop new rules to govern mining on areas within the National Wildlife Refuge System. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 460k; 16 U.S.C. 668dd <i>et seq.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ronald L. Fowler, (202) 343-4305.	Proposed rule published December 31, 1980. Final rule scheduled mid-1981.
50 CFR Part 32—Hunting, Subpart B—Migratory Bird Hunting, Subpart C—Resident Game Hunting.	Regulations will be proposed which would add Rachel Carson National Wildlife Refuge (Maine) to the list of areas open for migratory bird and big game hunting, and would add Holla Bend National Wildlife Refuge (Arkansas) to the list of areas open for upland game hunting. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 460k; 16 U.S.C. 668dd <i>et seq.</i> <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ronald L. Fowler, (202) 343-4305.	Proposed rule published December 9, 1980. Final rule scheduled for publication in mid-1981.
50 CFR Part 36—Alaska National Wildlife Refuge.	Regulations will be proposed which would implement the Alaska National Interest Lands Act. These regulations would relieve certain restrictions imposed by the National Wildlife Refuge System regulations which are inappropriate in Alaska, such as restrictions on carrying firearms. These regulations would also clarify and implement on an interim basis certain provisions of the Act of immediate importance to Alaskans, such as those relating to subsistence and cabins. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 3101; 16 U.S.C. 742(a); 16 U.S.C. 460k. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	William C. Reffalt, (202) 343-4305.	Proposed rule published December 19, 1981. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.
50 CFR Part 80—Restoration of Game Birds, Fish and Mammal.	Will revise current rules applicable to State fish and wildlife agencies for participation in these grants-in-aid programs. The revised rules are intended to simplify language and to make certain technical changes. No new requirements are imposed. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 669 <i>et seq.</i> and 16 U.S.C. 777 <i>et seq.</i>	Charles K. Phenice, (703) 235-1526.	Proposal published August 28, 1980. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 410—Fish and Wildlife Coordination Act.	<i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procedures and interagency relationships in the analysis of the impacts of Federal, or federally-approved, water-related projects upon wildlife resources. They related closely to the procedures established for compliance with the National Environmental Policy Act (NEPA). <i>Originally Scheduled:</i> January 1978. <i>Authority:</i> 16 U.S.C. 661 et seq.; 42 U.S.C. 4332(2)(A) and (B); President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978. (See also, Weekly Comp. of Pres. Doc. 105, June 6, 1978). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Richard K. Robinson, (202) 343-6197. Thomas J. Bond, (202) 343-7292.	Notice of Intent to propose rules was published September 29, 1979. Proposed rule and availability of a draft EIS published December 12, 1980. A Notice re-opening the comment period to March 25, 1981, was published on March 4, 1981. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.
50 CFR Part 33—Sport Fishing.	Regulations will be proposed which would add the following National Wildlife Refuges to the list of refuges open for sport fishing: Bogue Chitto NWR, LA Upper Ouachita NWR, LA Mathews Brake NWR, MS Morgan Brake NWR, MS Panther Swamp NWR, MS Lower Hatchie NWR, TN Tennessee NWR, TN Seedsdakee NWR, WY <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 460d; 16 U.S.C. 668dd. <i>Determination of Effects:</i> The determinations as to whether this document is a major rule under E.O. 12291 have not been made at this time.	Ronald L. Fowler, (202) 343-4305.	
50 CFR Parts 96-106—Alaska National Wildlife Monuments.	These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k-3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101 superseded the withdrawal proclamation. <i>Determination of Effects:</i> The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.	William C. Reffalt, (202) 343-4791.	Notice of Intent published on February 28, 1979. Proposed rules published on June 26, 1979. Proposed rules will be withdrawn in mid-1981.
50 CFR Part 107—Alaska National Wildlife Monuments, Minerals Management.	This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq.; Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101 superseded the withdrawal proclamation. <i>Determination of Effects:</i> The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.	William C. Reffalt, (202) 343-4791.	Notice of Intent published February 28, 1979. Proposed rule published January 11, 1980. Proposed rule will be withdrawn in mid-1981.
50 CFR Part 10—General Provisions, Subpart B—Definitions.	The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment concluded November 10, 1976. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 704, 712. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 12—Seizure and Forfeiture Procedures, Subpart D—Disposal of Forfeited or Transferred Property.	Property (including wildlife, equipment, cargo, vessels, or aircraft) forfeited or transferred to the United States under the provisions of 50 CFR Part 12 would be subject to disposal at the discretion of the Director by any of the following means: (1) utilization by the Service for official purposes; (2) transfer to another government agency for official use; (3) conditional loan; (4) sale (except wildlife listed as "endangered" in 50 CFR 17.11, listed as "Appendix I" in 50 CFR 23.23, protected under the Migratory Bird Treaty Act, or protected under the Eagle Protection Act); (5) destruction; (6) return to the wild in the case of live wildlife. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 7421. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 16—Injurious Wildlife.	The Fish and Wildlife Service will issue a final rulemaking which restructures regulations governing importation and shipment of wildlife prescribed by the Secretary as injurious. This action is taken to clarify and simplify the injurious wildlife regulations, to outline an amendment procedure and to structure the regulations to conform with other regulations administered by the Service. On the basis of current biological data available to the Service and evidence submitted by government agencies and private interests during the comment period, the previously proposed additions to the list of species prescribed as injurious are scientifically unsupportable at this time. The Service will defer further consideration of the proposed rules until after the sunset review. Originally Scheduled: July 1980. Authority: 18 U.S.C. 42. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	John L. Bardwell, Jr., (202) 632-2202.	Proposed rulemaking published March 7, 1977.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants.	Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat. Originally Scheduled: April 1981. Authority: 16 U.S.C. 1531-43. Determination of Effects: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.	John L. Spinks, Jr., (703) 235-2771.	<i>Bidens cuneata</i>. Proposed rule scheduled May 1981. <i>Schiedea adamantis</i>. Proposed rule scheduled May 1981. Large-flowered fiddleneck. Proposed rule scheduled May 1981. Columbia tiger beetle. Proposed rule scheduled April 1981. Bay checkerspot butterfly. Proposed rule scheduled April 1981. Bengal cat. Proposed rule scheduled April 1981. Eight foreign birds. Proposed rule scheduled May 1981. 17 foreign birds to be reclassified. Proposed rule scheduled May 1981. Monte Neva Indian paintbrush. Proposed rule scheduled September 1981. Spreading globeflower. Proposed rule scheduled July 1981. Columbia River milk-vetch. Proposed rule scheduled July 1981. Fresno kangaroo rat. Proposed rule scheduled May 1981. American Alligator dolling (in Texas). Proposed rule scheduled September 1981. Lakela's mint. Proposed rule scheduled July 1981. <i>Styrax texana</i>. Proposed rule scheduled September 1981. <i>Cowania subintegra</i>. Proposed rule scheduled September 1981. <i>Hedoma diffusum</i>. Proposed rule scheduled June 1981. <i>Senecio franciscanus</i>. Proposed rule scheduled September 1981. <i>Phlox rivalis texanus</i>. Proposed rule scheduled September 1981. Little Colorado River Spinedace. Proposed rule scheduled August 1981. Warner sucker. Proposed rule scheduled July 1981. Hutton Spring tui chub. Proposed rule scheduled August 1981. Foskett Springs speckled dace. Proposed rule scheduled August 1981. Desert pupfish. Proposed rule scheduled August 1981. Desert dace. Proposed rule scheduled September 1981. Amargosa speckled dace. Proposed rule scheduled September 1981. Maui remys. Proposed rule scheduled September 1981. Inyo brown towhee. Proposed rule scheduled September 1981. Jones' cycladenia. Proposed rule scheduled September 1981. Sodaville milk-vetch. Proposed rule scheduled August 1981. Laramie false sagebrush. Proposed rule scheduled September 1981. Wyoming toad. Proposed rule scheduled September 1981. Bonneville cutthroat. Proposed rule scheduled September 1981. Greenman's lomatium. Proposed rule scheduled July 1981. Dakota skipper butterfly. Proposed rule scheduled July 1981. Ruth's telegraph plant. Proposed rule scheduled August 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Tecopa pupfish to be reclassified. Proposed rule scheduled July 1981. 12 U.S. birds to be reclassified. Proposed rule scheduled July 1981.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Provisions.	The Service would amend 50 CFR 17.4 to give pre-Act exempt status to wildlife which otherwise qualifies only if it was not held in the course of a commercial activity on or after December 28, 1973. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 1531-1543. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Provisions.	This rule will revise the definition of pre-Act wildlife. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1531-43. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard M. Parsons, (703) 235-1937.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart C—Endangered Wildlife and Subpart D—Threatened Wildlife.	Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife respectively would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1540 (a), (b). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 18—Marine Mammals.	The Fish and Wildlife Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1382(a). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim F. Gillett, (202) 632-7463.	
50 CFR Part 20—Migratory Bird Hunting, Subpart C—Taking.	The Service would amend the hunting methods for taking migratory game birds to permit the use of crossbows. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 703-712. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 20—Subpart K—Annual Seasons, Limits and Shooting Hours Schedules.	This rule will describe the areas where steel shot will be required. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 703-711. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert I. Smith, 202-254-3207.	
50 CFR Part 23—Endangered Species Convention.	Revision of the regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora to clarify them and to incorporate certain recommendations of the Parties. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; 16 U.S.C. 1531-43. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard M. Parsons, (703) 235-1937.	
50 CFR 23, Subpart E—Scientific Authority procedures.	This subpart is intended to include policies on findings of nondetriment for trade in protected species, and guidelines for other Scientific Authority decisions. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 1531-43, Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.	Richard L. Jachowski, (202) 653-5948.	Notice of potential rulemaking published July 10, 1980.
	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		Proposed publication scheduled for early 1981.
50 CFR Part 23—Subpart C—Appendices.	This rule would amend the list of species contained in 50 CFR 23 to bring it into conformity with the Appendices of the Endangered Species Convention (CITES), as amended by party nations in 1981. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 1531-43; TIAS 8249. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard L. Jachowski, (202) 653-5948.	
50 CFR 23, Subpart F—Export of certain species.	This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 16 U.S.C. 1531-43, Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard L. Jachowski, (202) 653-5948.	Proposed findings for the 1981-82 harvest season will be published in June 1981.
50 CFR Part 24—Importation, Exportation, and Transportation of Plants (New Part).	The Service would establish designated ports for the importation, exportation, and reexportation of plants. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 1531-1543. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin (202) 343-9242.	
50 CFR Subchapter C—The National Wildlife Refuge System.	Administrative correction and changes are necessary to reflect actions which have resulted from previously issued Executive Orders, public land orders and other administrative documents. No substantive changes are contemplated.	Ronald L. Fowler (202) 343-4305.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
	Originally Scheduled: April 1981. Authority: 16 U.S.C. 668dd. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
50 CFR Parts 26, 32, and 33—Public Entry and Use, Hunting, and Fishing	Regulations will be proposed which will codify and/or consolidate special regulations relating to public access and use, hunting and fishing on units of the National Wildlife Refuge System. Originally Scheduled: April 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
50 CFR Part 26 Subpart C—National Wildlife Refuges	Rescinds the emergency management rules for the twelve areas in Alaska which were withdrawn and reserved as National Wildlife Refuges. Originally Scheduled: July 1980. Authority: 16 U.S.C. 668dd et seq.; Section 204(c) Withdrawal Proclamation of February 11, 1980, 45 FR 9562. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William C. Reftalt (202) 343-4781.	Emergency rule published March 4, 1980. Rule to be rescinded mid-1981.
50 CFR Part 27—Prohibited Acts	Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR subchapter C. Originally Scheduled: April 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 29—Land Use Management, Subpart A—General Rules	Regulations will be proposed to develop new rules that govern non-Federal activities affecting waterfowl production area easements. Originally Scheduled: January 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 32—Hunting, Subpart A—General Provisions	Regulations will be proposed which would rescind a closure of Malheur National Wildlife Refuge (Oregon), previously closed to migratory bird hunting. Originally Scheduled: January 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 32—Hunting, Subpart B—Migratory Game Bird Hunting, Subpart C—Resident Game Hunting	Regulations will be proposed which would add the following National Wildlife Refuges to the list of open areas (migratory game birds): Overflow Creek NWR, AR, Bogue Chitto NWR, LA, Mathews Brake NWR, MS, Lamester NWR, MT, Cedar Island NWR, NC, Lower Hatchie NWR, TN, Trempealeau NWR, WI. Proposed additions to the list of open areas (upland game) are as follows: Overflow Creek NWR, AR, Lower Suwannee NWR, FL, Bogue Chitto NWR, LA, Mathews Brake NWR, MS, Lamester NWR, MT, Lower Hatchie NWR, TN, Trempealeau NWR, WI. Proposed additions to the list of open areas (big game) are as follows: Overflow Creek NWR, AR, Lower Suwannee NWR, FL, Bogue Chitto NWR, FL, Mathews Brake NWR, MS, Lamester NWR, MT, Mackay Island NWR, NC, Lake Zahn NWR, ND, Lower Hatchie NWR, TN, Trempealeau NWR, WI. Originally Scheduled: April 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 33—Sport Fishing	Regulations will be proposed which would add McFaddin National Wildlife Refuge (Texas) to the list of refuges open for sport fishing. Originally Scheduled: January 1981. Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR 83—Fish and Wildlife Conservation Act of 1980	New rules are to be published for the Fish and Wildlife Conservation Act of 1980 which was enacted September 29, 1980, to be implemented October 1, 1981. This rule delineates requirements for participation in the Act by the 50 States, 6 territories, and the District of Columbia. Originally Scheduled: April 1981. Authority: 16 U.S.C. 2901. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Charles K. Phenicie (703) 235-1526.	
50 CFR 92—Exotic Organisms	The Fish and Wildlife Service will propose rules that would implement Executive Order 11987 dealing with exotic organisms. It would implement the Order by clarifying certain of its terms and by establishing procedures for findings of no adverse effect called for by Section 2(d) of the Order. Section 3 of the order directs the Secretary of the Interior to issue implementing regulations in consultation with the Secretary of Agriculture and other appropriate agencies. Originally Scheduled: July 1980. Authority: Executive Order 11987, Exotic Organisms. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim F. Gilett (202) 632-7463.	
50 CFR Part 402—Endangered Species—Interagency Cooperation	The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the Amendments and incorporating other procedural changes designed to improve interagency cooperation. Originally Scheduled: July 1979. Authority: 16 U.S.C. 1531-43. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	John L. Spinks, Jr. (703) 235-2771.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 26—Public Entry and Use, Subpart C—Public Use and Recreation.	Temporary and special regulations will be issued governing public access for use and recreation on certain individual national wildlife refuges. These regulations are published periodically in the FEDERAL REGISTER. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 460k; 16 U.S.C. 668dd. <i>Determination of Effects:</i> The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.		To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 26.34 in the L.S.A. For reference to specific refuges consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 32—Hunting on National Wildlife Refuges.	Temporary and special regulations will be issued governing hunting of migratory birds, upland game, and big game on certain individual national wildlife refuges previously listed as open to such hunting. See 50 CFR 32.11, 32.21, and 32.31 for lists of refuges open to hunting of migratory birds, upland game, and big game, respectively, and which may be subjects of special regulations. These regulations are published periodically in the FEDERAL REGISTER. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 460k; 16 U.S.C. 668dd. <i>Determination of Effects:</i> The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.	William C. Reffalt (202) 343-4305.	To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 32.12 (migratory birds), 32.22 (upland game), and 32.32 (big game) in the L.S.A. For reference to specific refuges, consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 33—Sport Fishing on National Wildlife Refuges.	Temporary and special regulations will be issued governing sport fishing on certain individual national wildlife refuges previously listed as open to such sport fishing. See 50 CFR 33.4 for the list of refuges open to sport fishing, and which may be subjects of special regulations. These regulations are published periodically in the FEDERAL REGISTER. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 460k; 16 U.S.C. 668dd. <i>Determination of Effects:</i> The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.	William C. Reffalt (202) 343-4305.	To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 33.5. For reference to specific refuges, consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 1—Definitions, 50 CFR Part 2—Field Organization.	These parts, which are scheduled for sunset review, provide general definitions and locations of regional and area offices. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 5 U.S.C. 301.	Arthur J. Ferguson (202) 343-8914.	
50 CFR Part 3—Nondiscrimination—Contracts, Permits and Facilities.	This part, which is scheduled for sunset review, prohibits discrimination in contracts, permits, and use of facilities of the Service. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 5 U.S.C. 301, 42 U.S.C. 2000d-1, E.O. 10925, E.O. 11114.	Samuel Lyons (202) 343-5486.	
50 CFR Part 10—General Provisions.	This part, which is scheduled for sunset review, provides further definitions, the list of migratory birds, and law enforcement district locations and jurisdictions. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 703-711; 16 U.S.C. 742a-1; 16 U.S.C. 1531-43; 18 U.S.C. 42-44.	Clark R. Bavin (202) 343-9242.	
50 CFR Part 16—Injurious Wildlife.	This part, which is scheduled for sunset review, implements that portion of the Lacey Act which relates to injurious wildlife. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 18 U.S.C. 42.	Jim F. Gillett (202) 632-7463.	

Semiannual Agenda of Rules Scheduled for Review or Development

Water and Power Resources Service

Subject	Summary	Contact	Action
43 CFR Part 428—Sale of Replacement Farms.	This rule will provide for the sale of economic farm units to qualifying farmers whose land is economically infeasible to reclaim from damage resulting from the Teton flood and restore the economic and agricultural base of the flood damaged region. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 42 U.S.C. 2011; Pub. L. 95-238, Section 210. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Terry G. Cooper, 202-343-5204.	Proposed rule published March 18, 1980. Final rule published December 18, 1980.
43 CFR Part 426—Acreage Limitation Rules and Regulations.	This rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation law. The rule will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> The Reclamation Act of 1902, as amended and supplemented; 43 U.S.C. 371, et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Vernon S. Cooper, 202-343-2148.	Proposed rule published August 25, 1977. A second proposed rule and Notice of Availability of the Draft EIS were published January 14, 1981. On February 19, 1981, notices were published which suspended the comment periods on the proposed rule and the draft EIS for an indefinite period of time. Further action on this document will occur in the context of the review of rules which are identified in Part II of this Agenda.
43 CFR Part 429—Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Water and Power Resources Service.	This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all Service ROW documents. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 43 U.S.C. 387; 64 Stat. 463; 43 U.S.C. 389; Assistant Attorney Opinion 34 L.D. 460 (1906); 346 DM 1. <i>Determination of Effects:</i> The effect of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Terry G. Cooper, 202-343-5204.	Proposed rule was published September 10, 1979. A second proposed rule should be published in May 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Water and Power Resources Service

Subject	Summary	Contact	Action
43 CFR Part 427—Public Use of Project Lands Administered for Outdoor Recreation.	This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property, and natural resources. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Section 10 of the Reclamation Act of 1982; 32 Stat. 390; 43 U.S.C. 373. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Kathy Brocato, 202-343-5204.	
43 CFR Part 21—Cabin Sites.....	This rule will establish standards for the use of conservation and recreation areas under private cabin permits. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 32 Stat. 390; 43 U.S.C. 373; 52 Stat. 609, as amended, 43 U.S.C. 682; 43 U.S.C. 1201; 44 Stat. 471, as amended, 43 U.S.C. 660; 76 Stat. 653, 16 U.S.C. 460; 48 Stat. 402, as amended, 16 U.S.C. 690; 43 Stat. 651, 16 U.S.C. 725; 48 Stat. 1270, 43 U.S.C. 315; 39 Stat. 535, 16 U.S.C. 3. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	L. David Williamson, 202-343-5206.	
43 CFR Part 421—Rules of Conduct at Hoover Dam.	This rule, which is scheduled for sunset review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, and advertising; and distribution of handbills; photography and motion pictures, weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination. <i>Originally Scheduled:</i> January 1961. <i>Authority:</i> 62 Stat. 281, as amended; 40 U.S.C. 318.	Tom Kane, 202-343-2143.	
43 CFR Part 420—Off-Road Vehicle Use.	This rule, which is scheduled for sunset review, provides the regulations for off-road vehicle use on lands of the Water and Power Resources Service. The rule: protects the land resources; promotes the safety of all users; minimizes conflicts among the various; and, ensures that any permitted use will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 32 Stat. 388; 43 U.S.C. 391 et seq.	Terry G. Cooper, 202-343-5204.	

Semiannual Agenda of Rules Scheduled for Review or Development

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Subpart 1861—Payments in lieu of Taxes.	Amend existing payment in lieu of taxes regulations to incorporate changes made by legislative amendments, plus other procedural changes. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 31 U.S.C. 1601-1607. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Edward P. Greenberg, (202) 343-3607. George Hollis, (202) 343-8735.	Final Rulemaking published July 15, 1980, effective August 14, 1980.
43 CFR Part 2650—Alaska Native Selections.	Amend the Alaska Native Selections regulations to include procedure for the determination of a "Federal Installation." <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 43 U.S.C. 1601 et seq. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sue Wolf, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	Final Rulemaking published October 22, 1980, effective November 21, 1980.
43 CFR Part 2600—Rights-of-Way; Principles and Procedures.	Provide the procedure under which applications for rights-of-way, other than oil and gas, across, under or through the public lands are filed and processed. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 43 U.S.C. 1761-1771. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Molohan, (202) 343-5337. Robert C. Bruce, (202) 343-8735.	Final Rulemaking published July 1, 1980, effective July 31, 1980.
43 CFR Subpart 3809—Surface Management.	Provide the rules and procedures for preventing undue or unnecessary degradation of the surface resources of the public lands from operation authorized by the United States Mining Laws. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 30 U.S.C. 22 et seq.; 43 U.S.C. 1701 et seq. <i>Statement of Significance:</i> The changes made in the second proposed rulemaking made it a major Federal action significantly affecting the quality of the human environment and an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) was prepared. This and other facts led to the decision to prepare a regulatory impact analysis as required by Executive Order 12044 and 43 CFR Part 14. A copy of the analysis is available from the Bureau.	Robert Anderson, (202) 343-8537. Robert C. Bruce, (202) 343-8735.	Proposed rule published February 26, 1979. A second proposed rule was published March 3, 1980.
43 CFR Part 4100—Grazing Administration and Trespass.	Amendments to the grazing administration regulations that update the policy for making grazing use adjustments. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 315, 315a-315r. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	David Little, (202) 343-5678. Cecil Feeney, (202) 343-8735.	Final rule published November 8, November 26, 1980, effective January 1, 1981. Proposed Rulemaking published October 15, 1980, comment period ended January 9, 1981. Final Rulemaking published January 19, 1981, effective January 19, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 8360—Off-Road Vehicles.	Amendment to the off-road vehicle regulations to clarify question of authority to require licensing of drivers of off-road vehicles. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 43 U.S.C. 1701 et seq.; 315a; 16 U.S.C. 1281c et al. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, (202) 343-9353 Cecil Feeney, (202) 343-8735	Final Rulemaking published July 17, 1980, effective August 18, 1980.
43 CFR Part 8350—Management Areas.	Provide procedures for the enforcement of Management decisions in Wild and Scenic Rivers areas under the jurisdiction of the Bureau of Land Management. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 16 U.S.C. 1281 et seq. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, (202) 343-9353 Cecil Feeney, (202) 343-8735	Final Rulemaking published August 4, 1980, effective September 3, 1980.
43 CFR Part 2200—Exchanges—General Procedures.	Provide procedure under which exchanges of public lands will be processed. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 43 U.S.C. 1716. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	David Hemstreet, (202) 343-8731. Robert C. Bruce, (202) 33-8735.	Final rule was published on December 6, 1980. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981.
43 CFR Part 2300—Land Withdrawals.	Provide the procedure for the filing and processing of applications for withdrawal of the public lands from the effects of the public land laws. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 43 U.S.C. 1714. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Keith Corrigan, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	Final rule was published on January 19, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981.
43 CFR Group 2900—Use, Leases and Permits.	Provide the procedure under which non-Federal uses of the public lands will be permitted. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> 43 U.S.C. 1732. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Ralph Conrad, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	Final rule was published on January 19, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981.
43 CFR Subpart 1601—Planning.	Make minor amendments to the existing planning regulations. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1712. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Robert Jones, (202) 343-5682 Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published December 16, 1980, comment period closed February 17, 1981.
43 CFR Subpart 2561—Native Allotments.	Amend the existing regulations on Native Allotments to carry out a commitment made by the Secretary to change the regulations. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1201, 711-713. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published August 6, 1980, comment period closed October 6, 1980.
43 CFR Part 2650—Alaska Native Selections.	Amend certain sections of the Alaska Native Selections regulations to make changes needed to clarify and speed the selection process. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 43 U.S.C. 1601 et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sue Wolf, (202) 343-8511 Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published May 8, 1980. Comment period closed July 7, 1980.
43 CFR Subpart 3211—Bureau Motion, Land Previously Leased for Geothermal Resources.	Amend existing geothermal leasing regulations to expedite leasing of lands with geothermal potential. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 30 U.S.C. 1001-1025. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Karl Duscher, (202) 343-7722 Cecil Feeney, (202) 343-8735	Proposed Rulemaking published November 26, 1979, comment period closed January 25, 1980.
43 CFR Part 3500—Leasing of Minerals Other than Oil and Gas, General.	Amend the existing regulations to define the term "chiefly valuable." <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 30 U.S.C. 181 et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	David Carty, (202) 343-8537 George Hollis, (202) 343-8735	Proposed Rulemaking published March 3, 1980, comment period ended May 4, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 5400—Sales of Forest Products, General.	Amends existing timber sales program regulations to amend the definition of the term "unprocessed timber" and extends the export limitation provisions to affiliates of purchasers of Federal timber. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 50 U.S.C. 2401 et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	David Estola, (202) 343-4009 George Hollis, (202) 343-8735	Proposed Rulemaking published December 22, 1980, comment period ended February 2, 1981.
43 CFR Subpart 9212—Wildfire Protection.	Provide procedure for the prevention of fire on public lands. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 43 U.S.C. 1701 et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Fred McBride, (202) 343-7864 Cecil Feeney, (202) 343-8735	Proposed Rulemaking published July 17, 1980, comment period closed September 15, 1980.
43 CFR Subpart 9239—Kinds of Trespass.	Amend the existing regulations on mineral trespass to clarify the authority of the Secretary of the Interior in instances of mineral trespass. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 30 U.S.C. 181 et seq. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Dave Carty (202) 343-8537 Robert C. Bruce (202) 343-8735.	Proposed Rulemaking published March 11, 1980, comment period closed May 12, 1980.
43 CFR Part 1860—Conveyancing Documents.	Provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1745, 1746. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Faithful, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2090—Special Laws and Rules.	Provide procedures for the management of easements reserved under the Alaska Native Claims Settlement Act. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1616(b). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2091—Segregation of Lands.	Amend existing regulations to provide an additional requirement for the processing of applications for entry on lands covered by a withdrawal or withdrawal application. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1201. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Keith Corrigan, (202) 343-8993 Robert C. Bruce (202) 343-8735.	
43 CFR Part 2360—National Petroleum Reserve in Alaska.	Revise existing regulations to provide procedures for exploration and surface protection within the National Petroleum Reserve in Alaska. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 42 U.S.C. 6501 et seq.; 94 Stat. 2957, 2964. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Marcia Rohn, (202) 343-7753. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2627—Alaska ...	Provide procedure for the recently enacted amendments to the Alaska Statehood Act. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 94 Stat. 2437. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2640—FAA Airport Grants.	Amend existing regulations that provide the procedure for processing applications for the conveyance of public lands for airport and airway development to include changes made by the Airport and Airway Development Act. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 49 U.S.C. 1723. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Hemstreet, (202) 343-8731. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2650—Alaska Native Selections.	Revise existing regulations to provide procedures for the recently enacted amendments to the Alaska Native Claims Settlement Act. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 94 Stat. 2491-2549. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Sue Wolf, (202) 343-8511 Robert C. Bruce, (202) 343-6511, (202) 343-8735.	
43 CFR Part 2720—Conveyance of Federally-Owned Mineral Interests.	Make minor amendments to the existing regulations on conveyancing of Federally-owned mineral interests. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1719(b). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Faithful, (202) 343-8731. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2730—Designated Sales Areas in Clark County, Nevada.	Provide procedures for carrying out the provisions of the Act of December 23, 1980 (P.L. 96-586), regarding sales of certain lands in Nevada. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Act of December 23, 1980 (P.L. 96-586). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Roger Jarrell, Nevada State Office, (702) 784-5703. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2820—Roads and Highways.	Amend existing regulations to incorporate standardized procedures and granting documents for appropriating public lands for highways and material sites under the provisions of the Federal Highway Act. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 23 U.S.C. 107-317. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Mollohan, (202) 343-5537. Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking being prepared, should be published in Spring 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 3040—Environment and Safety.	Provide procedures for the management of oil gas geophysical operations on the public lands. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 30 U.S.C. 161 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher, (202) 343-7722 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3100—Oil and Gas Leasing.	Revise existing regulations to provide procedures for oil and gas leasing of the National Petroleum Reserve—Alaska. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 30 U.S.C. 161 et seq.; 94 Stat. 2957, 2964. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Marcia Rohn, (202) 343-7753 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3200—Geothermal Resource Leasing; General.	Revise existing regulations to provide authority to lease fractional interests present and full or fractional future interests in geothermal resources. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 30 U.S.C. 1001-1025. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher (202) 343-7722 George Hollis (202) 343-8735.	
43 CFR Part 3200—Geothermal Resource Leasing; General.	Revise existing regulations to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and would eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be issued. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 30 U.S.C. 1001-1025. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher (202) 343-8735 George Hollis, (202) 343-8735.	
43 CFR Part 3300—Outer Continental Shelf Minerals and Rights-of-Way Management, General.	Amend existing regulations on Outer Continental Shelf Mineral Leasing to conform them with Department of Energy regulations concerning work commitment and variable profit share bidding systems. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 43 U.S.C. 1331 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Homer Benton (202) 343-5121 Robert C. Bruce (202) 343-8735.	
43 CFR Part 3600—Mineral Materials Disposal, General.	Revision of the regulations that provide the procedure for disposal of mineral materials on the public lands. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 30 U.S.C. 601, 602; 43 U.S.C. 1732. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Anderson (202) 343-8537. George Hollis (202) 343-8735.	
43 CFR Subpart 3909—Surface Management.	Amend this subpart to correct problems which were identified during a review of the regulation after it was published as a final rule on November 26, 1980. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 30 U.S.C. 22 et seq.; 612; 43 U.S.C. 1701 et seq. and 16 U.S.C. 1260. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Eugene Cariat (202) 343-8537 Robert C. Bruce (202) 343-8735.	
43 CFR Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites.	Revise recordation regulations to incorporate needed changes identified during operation of recordation program after the issuance of final regulations. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1744. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	George Schmidt (202) 343-8537. Robert C. Bruce (202) 343-8735.	
43 CFR Part 4700—Wild Free-Roaming Horse and Burro Protection, Management and Control.	Revise existing regulations to make needed changes identified during operations conducted under the regulations. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 1331-1340. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Chris Erb, (202) 343-4773 George Hollis, (202) 343-8735.	
43 CFR Part 5400—Sales of Forest Products, General.	Amend existing timber sales program regulations to amend the definition of the term "unprocessed timber" to conform to recently enacted legislation. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 50 U.S.C. 2401 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Estola, (202) 343-4009 George Hollis, (202) 343-8735.	
43 CFR Part 5610—Free Use of Timber.	Revise the existing regulations that provides the procedures for the free use disposal of timber and other vegetative resources on O. & C. and public lands. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 16 U.S.C. 604-606; 607; 612; 30 U.S.C. 189; and 43 U.S.C. 1701 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Estola, (202) 343-4009. George Hollis, (202) 343-8735.	
43 CFR Part 6840—Threatened or Endangered Plants and Animals.	Provide the procedure for protection of endangered plants and their habitats on the public lands. <i>Originally Scheduled:</i> January 1979.	F. Michael Heller, (202) 343-6188. George Hollis, (202) 343-8735.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
<i>Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1531 et seq.</i>			
43 CFR Part 7630—Paleontology.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Provide the procedure for the management of paleontological specimens located on the public lands. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 43 U.S.C. 1701 et seq. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Sulinski, (202) 343-8537. Cecil Feeney, (202) 343-8735.	
43 CFR Part 8370—Use Authorizations.	Rewrite regulations covering fees for use of recreation areas under the jurisdiction of the Bureau of Land Management. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 4601-6a. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Larry Young, (202) 343-9353. Cecil Feeney, (202) 343-8735.	
43 CFR Part 8370—Use Authorizations.	Provide procedure for the allocation of river use for those river areas under the jurisdiction of the Bureau of Land Management. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 16 U.S.C. 460.	Larry Young, (202) 343-9353. Cecil Feeney, (202) 343-8735.	
43 CFR Part 9230—Unauthorized Use.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. Amend existing trespass regulations to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1701 et seq.	Lee Rosenkrance, (202) 343-8735. George Hollis, (202) 343-8735.	
43 CFR Part 2400—Land Classification.	<i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This rule, which provides the procedures for determining if designated public lands are suitable for a given purpose, is being reviewed to determine if it is still needed and if it needs revising. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> 43 U.S.C. 315, 682, 689, 1171, 1181, 1412-1418; 48 U.S.C. 384.	Keith Corrigan, (202) 343-8731. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2812—Over O. & C. and Coos Bay Revested Lands.	This rule, which provides the process for granting rights-of-way across the O. & C. and Coos Bay Revested Lands, is being reviewed to determine if it is still needed and if it needs revising. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 665, 956, 958.	Robert Molchan, (202) 343-5537. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3500—Leasing of Minerals Other than Oil and Gas, General.	This rule, which provides the procedure for leasing of minerals other than oil and gas or coal, is being reviewed to determine if it is still needed and if it needs revising. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 30 U.S.C. 181 et seq.	Dave Carty, (202) 343-8537. Cecil Feeney, (202) 343-8735.	
43 CFR Part 8360—Operations...	This rule, which provides the procedure for the operations of recreation areas, is being reviewed to determine if it is still needed and if it needs revising. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1181(a-e); 1201; and 1701 et seq.	Larry Young, (202) 343-9353. George Hollis, (202) 343-8735.	

Semiannual Agenda of Rules Scheduled for Review or Development

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 55b Referendum to permit Yurok voters to determine whether they wish to consider a formal organization through the creation of an interim Yurok governing committee.	This rule was proposed as the next step in implementing the plan for the eventual establishment of a reservation-wide body to manage the resources of the Hoopa Valley Reservation as set forth in the message of Nov. 20, 1978 from the Assistant Secretary—Indian Affairs. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 14457, 25 U.S.C. 2 and 9 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Fanning, 202-343-2511.	Proposed rule published on May 7, 1980. Final rule published on July 23, 1980.
25 CFR 120a Land Acquisitions...	Those new regulations govern the acquisition of land by the United States for individual Indians and Indian tribes. They cite the statutory authorities and set forth the policies and procedures which are to be followed in such acquisitions. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Wayne Nordwall, (202) 343-7738.	The final rule was published on September 18, 1980.
25 CFR Part 161 Rights of way over Indian lands.	The Bureau made minor revisions to this part which deals with the granting of rights-of-way over and across tribal land, individually owned Indian land and Government-owned land under the jurisdiction of the Bureau of Indian Affairs. Inasmuch as the rights-of-way regulations underwent major revisions in 1968 and subsequently there has been no major legislation attracting rights-of-way over and across Indian lands, the revisions contained herein are considered necessary as they will clarify certain policies and procedures concerning the granting of rights-of-way. <i>Originally Scheduled:</i> May 1978.	Richard S. McDermott, Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, CA 92262 (714) 325-2163.	Proposed rule published on July 7, 1978. Final rule published July 8, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
	<i>Authority:</i> 5 U.S.C. 301, 62 Stat. 17 (25 U.S.C. 323-328) and other acts cited in the text. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. On October 16, 1979, the BIA published a proposed rule for relieving the Navajo Tribal members of the requirements of 25 CFR 252. The rule is based on the fact that members of the Tribe are subject to the Tribe's jurisdiction and since most live on the reservation or in adjacent communities they can be regulated by the Navajo Tribe. This rule relieves Navajo tribal members of the Trader's regulations. The rule promotes the Congressional intent of P.L. 93-638. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> Pub. L. 93-638. <i>Statement of Significance:</i> The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.		
25 CFR Part 252 Business Practices on the Navajo, Hopi and Zuni Reservations.		E. F. Suarez, Sr., 202/343-5766.	The final rule was published in the FEDERAL REGISTER on October 1, 1980.
43 CFR Part 115, Payment of Sioux Benefits.	This rule will add a new Part 115 to Subchapter J, Chapter 1, title 25, CFR, to prescribe the eligibility criteria and application procedures governing payment of Sioux benefits under the 1889 Sioux Allotment Act, as amended, the 1928 Sioux Benefits Act, and section 14 of the 1934 Indian Reorganization Act (25 U.S.C. 474). Revision of the Bureau's regulations is required as a result of a suit brought against the Bureau which challenged the constitutionality of the Bureau's eligibility requirements governing Sioux benefits on the grounds that they were discriminatory on the basis of sex and the race or tribal affiliation of the applicant's spouse. These regulations will resolve the litigation by establishing non-discriminatory criteria for determining "head of family" eligibility for Sioux benefits. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Section 17 of the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 895; Act of June 10, 1896, c. 398, 29 Stat. 321, 334; Act of May 21, 1928, c. 662, 45 Stat. 964; Section 14 of Act of June 18, 1934, c. 576, § 14, 48 Stat. 967, 25 U.S.C. 474; 25 U.S.C. 2, 9. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Sandy Etheridge, 202-343-9405.	Proposed rule was published January 9, 1981.
25 CFR Part 23, Indian Child Welfare Act; Grants.	The Bureau is revising the portions of this part dealing with procedural requirements for Grants to Indian Tribes and Organizations for Indian Child and Family Programs, Grant Revision, Cancellation or Assumption, and Hearings and Appeals. 25 CFR §§ 23.21-23.68. These regulations are intended to complement the related procedures in 25 CFR Part 23—Indian Child Welfare Act Implementation. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 25 U.S.C. 1952; 5 U.S.C. 301; sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9) and 209 DM 8. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Raymond V. Butler, 703-235-2756.	Proposed rule was published December 12, 1980.
25 CFR Part 31i, Indian Rights and Responsibilities.	This rule will propose a new Part 31i and revoke 25 CFR part 35, which was reviewed and found to be no longer necessary. Part 31i sets forth policies, requirements and procedures to insure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Title XI, subsection 1137, P.L. 95-561; 25 U.S.C. Subsection 2017. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Carmen Taylor, 202/343-4493.	Proposed rule was published May 22, 1979.
25 CFR Part 31k, Special Education.	This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 94-142. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Charles Cordova, 202/343-4071.	Proposed rule was published September 29, 1980.
25 CFR Part 72 Attorney Contracts with Indian Tribes.	Two amendments are being developed to: (1) clarify the circumstances under which the Bureau of Indian Affairs may provide funds to an Indian tribe for the payment of a private attorney's legal services; and (2) to establish the current policy of tribal self-determination, to minimize the Federal Government's involvement in tribal self-government and to simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations. <i>Originally Scheduled:</i> July 1980. <i>Authority:</i> 5 U.S.C. 301, 25 U.S.C. 13, 450 et seq.; 25 U.S.C. 2, 9, 81, 82a and 476 and 5 U.S.C. 301. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Evelyn W. Pickett (2), 202-343-4045. Hans Walker (1), 202-343-9401.	Proposed rules were published on July 17 and December 16, 1980.
25 CFR Part 103a Indian Moneys, Proceeds of Labor (IMPL).	The purpose of these proposed regulations is to set forth the conditions governing the receipt, deposit, investment, and use of Miscellaneous revenues derived from BIA agencies and schools under the Act of March 3, 1883, as amended (25 U.S.C. 155). These regulations apply only to income belonging to the federal government and not to tribal funds or moneys belonging to individual Indians. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 25 U.S.C. 2, 25 U.S.C. 9, 25 U.S.C. 155. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Thomas A. Stangl, 202-343-4807.	Proposed rules were published on November 3, 1981. Final rules are expected to be published by May 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 103b Special Deposits.	The purpose of these proposed regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits. <i>Authority:</i> 25 U.S.C. 2, 25 U.S.C. 9. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. This document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Thomas A. Stangl, 202-343-4807.	Proposed rules were published on November 3, 1980. Final rules are expected to be published by May 1981. <i>Originally Scheduled:</i> April 1981.
25 CFR 120 Land Records and Title Documents.	As a result of sunset review, this part will be revised to replace the regulations relating to land record and title documents affecting Indian lands. The proposed regulation defined the role of the Land Titles and Records Offices (formerly called title plants) in the Bureau of Indian Affairs as the offices of record for all title documents to Indian lands. It explains procedures to owners and administrators of Indian Affairs, and other persons authorized by law or regulation to have access to information about the current status and ownership of Indian lands. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Act of June 30, 1834 (4 Stat. 739; 25 U.S.C. 9); Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 5); Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262); (Act of April 28, 1906 [34 Stat. 137]; Act of May 27, 1908 [35 Stat. 312]; Act of August 1, 1914 [38 Stat. 562, 508]). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Elva DeCelles, Bureau of Indian Affairs, P.O. Box 888, Albuquerque, N.M. 87103, (505) 474-2800.	Proposed Rule was published October 23, 1980.
25 CFR Part 131 Leasing and Permitting.	This rule proposes to reorganize Part 131 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. <i>Authority:</i> 25 U.S.C. 380, 393, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, and 635. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Robert Jones, Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. 7007, Phoenix, AZ 85011 (802) 261-2275.	Proposed rule published on Oct. 27, 1978. <i>Originally Scheduled:</i> July 1979.
25 CFR 171 Contracts for Prospecting and Mining on Indian Mineral Lands.	The regulations in this part govern contracts for the prospecting for and mining of Indian-owned minerals, other than oil, gas and coal. The new rules would revise existing Part 171 by combining rules for the review and approval of mineral development contracts on both tribal and allotted lands in one part. <i>Authority:</i> Sec. 4, Act of May 11, 1938 (52 Stat. 848, 25 U.S.C. 396d); Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415); Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 415); Act of June 18, 1934 (48 Stat. 967, 25 U.S.C. 476 and 477). <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	The proposed rule was published August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda. <i>Originally Scheduled:</i> May 1978.
25 CFR Part 172 Leasing of Allotted Lands for Mining.	As a result of sunset review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new part 182. <i>Authority:</i> 35 Stat. 783, as amended, 25 U.S.C. 396. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	Proposed revocation was published in the FEDERAL REGISTER on August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda. <i>Originally Scheduled:</i> April 1981.
25 CFR Part 173 Leasing of Lands of the Crow Indian Reservation, Montana for Mining.	This part, which was scheduled for sunset review, gives authority to the Director of U.S. Geological Survey to supervise and direct operations under oil and gas or other mining leases on the Crow reservation. The regulations would be revoked in acknowledgement of the fact that the Crow Tribe is now effectively subject to the same statutory authorities affecting Indian mineral development as a result of the Act of May 17, 1908 (62 Stat. 124). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 6, 41 Stat. 753, sec. 1, 44 Stat. 859. <i>Determination of Effects:</i> The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	The proposed rule was published in the FEDERAL REGISTER on August 11, 1980. Final rule is scheduled in July 1981.
25 CFR Part 177 Operation, Reclamation and Conservation on Mineral Lands.	These regulations provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d); Act of March 3, 1909 as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415); Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477); sec. 102, Act of January 1, 1970 (83 Stat. 653); 42 U.S.C. 4332).	Tom Riggs or Ken Core, (202) 343-3722.	Proposed rules were published in the FEDERAL REGISTER on August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 182 Oil and Gas Contracts.	Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. The new regulations in this part govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 172. Originally Scheduled: May 1978. Authority: Sec. 4, Act of May 11, 1938 (52 Stat. 348, 35 U.S.C. 396d); Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 967, 25 U.S.C. 476 and 477); sec. 102, Act of January 1, 1970 (83 Stat. 853; 42 U.S.C. 4332). Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core, (202) 343-3722.	Proposed rules were published in the Federal Register on August 11, 1980. Final rules are scheduled for publication during July 1981.
25 CFR Part 251 Licensed Indian Traders.	On April 25, 1980, the Bureau of Indian Affairs (BIA) published a notice of proposed rulemaking that would have amended the regulations governing Indian traders on most Indian reservations (45 F.R. 27952). That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the BIA is now proposing to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. Originally Scheduled: April 1981. Authority: 25 U.S.C. 261, 262. Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Effects on Small Entities: The Department of the Interior has determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96-354 and 43 CFR Part 14. This proposed rule would have a significant effect on all small businesses operating on Indian reservations (other than the Navajo, Hopi or Zuni reservations) except those businesses operated by the tribe or its members. The affected businesses would be required to comply with state consumer protection laws. Those businesses operating on reservations not listed in 251.28 of the proposed rule would also be required to post bond, be subject to monitoring by the BIA, and keep records of sales to customers.	E. F. Suarez, Sr., 202/343-5786.	The proposed rule was published in the Federal Register on January 6, 1981.
25 CFR Part 260 Use of water on Indian Reservations.	This rule states the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes to regulate the use of reserved waters on Indian reservations. Originally Scheduled: April 1981. Authority: 25 U.S.C. 1a, 2, 9, 381 and 415 and in recognition of the inherent sovereign authority of Indian tribes within their reservations. Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Daniel M. Rosenfelt, (202) 343-6967.	Proposed rule was published on January 5, 1981.
25 CFR Part 261 Heritage Preservation.	This is a new rule which establishes procedures for implementing the requirements of Federal legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to BIA actions which may affect properties which are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. Originally Scheduled: April 1981. Authority: 16 U.S.C. 470f (National Historic Preservation Act, as amended); 16 U.S.C. 470aa (Archaeological Resources Protection Act); 16 U.S.C. 469 (Archaeological and Historic Preservation Act); 42 U.S.C. 1996 (American Indian Religious Freedom Act). Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Dean Suagee, 202-343-4004.	Subpart A was published as a proposed rule on September 15, 1980. Final rule is now scheduled for publication in July 1981.
25 CFR Part 11 Law and Order on Indian Reservations.	This part is being revised to add a new § 11.22 to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe. Originally Scheduled: January 1981. Authority: 25 U.S.C. 25. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert S. Thompson, 202-343-5134.	
25 CFR Part 17 Action on Wills of Osage Indians.	This rule is being revised to permit the Field Solicitor to (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying at the hearing; and (4) to send appeals from decisions to the Regional Solicitor. Originally Scheduled: January 1981. Authority: Public Law 95-496, 92 Stat. 1660. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Cecil O. Wood, Jr., Bureau of Indian Affairs, Osage Agency, Grandview Avenue, Pawhuska, OK 74056, (918) 267-2431.	Schedule for publication of Subpart B will be determined following publication of final uniform rules (36 CFR Part 1215).

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 31c—Procedures and Practices.	This new rule will provide the Office of Indian Education Programs a set of education policies, procedures, and practices for all education-related activities. Coordination of education policies will facilitate the streamlining of education services of the areas and agencies, establish limits for Bureau interference in tribal education programs, and aid Congress in conducting more thorough oversight. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-561; 25 USC 2013. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31d—School Boards.	This proposed new rule defines School Boards and their powers and duties in relation to the education programs under the Office of Indian Affairs at the local, Agency, and Area levels and with respect to tribally contracted schools. This rule is needed to provide Indian school boards the legal authority to carry out their duties and facilitate local Indian control of Indian Affairs in all matters relating to education. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-561. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31e—Educational Standards.	This rule is mandated by 25 U.S.C. Subsection 2001 and will prescribe minimum academic standards for the basic education of Indian children in Bureau schools. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-561, Title XI, Subsection 1121; 25 U.S.C. Subsection 2001. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-8657.	
25 CFR Part 31f—Dormitory Standards.	This rule is mandated by 25 U.S.C. Subsection 2002 and will provide the national criteria for use in the operation of dormitories by the Bureau. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-561, Title VI, Subsection 1122; 25 U.S.C. Subsection 2002. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carmen Taylor, 202/343-4493.	
25 CFR Part 31h Indian School Equalization Program.	This rule will revise and expand the Indian School Equalization Formula by incorporating additional weighted factors and set up administrative procedures for school closures and termination of education programs. The rule also provides staff cost adjustment, establishes a permanent formula implementation set-aside fund, authorizes new schools, and expands Bureau funded school programs to serve students not previously served. This rule will revise Subparts A, B, C, and F and add eleven (11) new sections. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Pub. L. 95-561. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31j Provision of Educational Services By Bureau of Indian Affairs Under Section 1101(d) of Public Law 95-561.	This new rule governs the provision of educational services to Indian children by the Bureau under Section 1101(d) of Public Law 95-561 as a result of a local education agency's failure to comply with the requirements of P.L. 81-674 regarding the education of Indian children as determined by the Assistant Secretary for Elementary and Secondary Education, Department of Education. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 95-561, Sec. 1101 (d). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-8657.	
25 CFR Part 32 Administration of the Higher Education Program.	This rule will revise established policies and provide uniform procedures to govern the Higher Education Program administered under the authority of the Act of November 2, 1921 (42 Stat. 205, 25 U.S.C. 13). This rule applies only to educational grants; Bureau educational loans are governed by Part 91 of this Title—Loans to Indians from the Revolving Loan Fund. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 67-85. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Failing, 202/343-7387.	
25 CFR Part 32a Adult Education.	This will establish procedures for the conduct of Adult Education programs operated by or under the authority of the Bureau. <i>Originally Scheduled:</i> January 1978. <i>Authority:</i> Pub. L. 93-638. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Failing, 202/343-7387.	
25 CFR Part 32c Bureau Operated Institutions of Higher and Post Secondary Education.	This new rule will revise the policies governing the Bureau's three postsecondary schools and reflect the national policies of Indian tribal self-determination and Pub. L. 95-471. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 95-471. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Failing, 202/343-7387.	
25 CFR Part 34 Vocational Training for Adult Indians.	This rule will describe eligibility criteria required for participation in the Bureau's program of Vocational Training for Adult Indians and explain application procedures. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> Pub. L. 84-959; Pub. L. 88-230. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Bob Delaware, 703-235-8355.	
25 CFR Part 42 Enrollment Appeals.	This rule provides procedures governing enrollment appeals. As a result of sunset review, revision was determined necessary in order to eliminate sexbased criteria and gender-specific terminology. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 25 U.S.C. 2 and 9. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 43d Preparation of a membership roll of the Pribilof Islands Aleut Communities of St. Paul and St. George.	This rule will add a new Part to provide procedures to govern the preparation of a membership roll to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. This judgment plan, which became effective on June 22, 1980, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). The substantive requirements for enrollment will be in accordance with the Communities' membership provisions. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 93-134. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR Part 43e Preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes.	This rule will add a new Part to provide procedures to govern the preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective April 12, 1976, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 93-134. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR Part 43h Preparation of a roll of Alaska Natives.	This rule is being amended to provide procedures for the redetermination of Permanent Residence of Alaska Natives enrolled pursuant to Pub. L. 92-203 in accordance with section 1(c) of Pub. L. 94-204. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Pub. L. 94-204 and Pub. L. 92-203. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR 43k Revision of the final roll of the Menominee Tribe of Wisconsin.	As a result of sunset review, it has been determined that this rule has served the purpose for which issued and will be deleted. The membership roll of the Menominee Tribe has been completed and the tribe has assumed maintenance of its membership roll. Only Sec. 43k.14 remains, the rest of the part having been previously revoked. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Section 7, 87 Stat. 773. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	The Proposed rule revoking this Part will be published by July 1981.
25 CFR Part 52 Conduct of elections to adopt or amend tribal constitutions and corporate charters.	This rule will extend to tribes in Oklahoma and Alaskan Native entities published procedures for reorganizing under Federal Statutes previously available only to reservation based tribes under the Indian Reorganization Act. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 25 U.S.C. 473a, 476, 477, and 503. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule was published January 7, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.
25 CFR Part 53 Procedures for petitioning to request the Secretary of the Interior or the Commissioner to take certain actions.	This rule will clarify confusing language and amend existing procedures to cover petitioning the Secretary to issue a charter to a reorganized tribe and any other action a tribal constitution or charter may authorize the Secretary to take upon receipt of a petition. <i>Originally Scheduled:</i> July 1979. <i>Authority:</i> 5 U.S.C. 301 and 25 U.S.C. 2, 9, 473a, 476, and 503. <i>Determination of Effects:</i> The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule was published January 7, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.
25 CFR Part 60 Use and Distribution of Indian Judgment Funds.	This rule is being revised to reflect anticipated amendments to Indian Judgment Funds Act of Oct. 19, 1973. Principal Amendments would affect the time period for submittal of Secretarial plans to Congress. <i>Originally Scheduled:</i> January 1980. <i>Authority:</i> Pub. L. 93-134. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Steve Feraca, 202-343-4623.	
25 CFR Part 90 Reindeer in Alaska.	This rule is scheduled for sunset review. The rule designates the General Reindeer Supervisor at Nome, Alaska, as the duly authorized agent of the Secretary of the Interior, with whom all declarations of reindeer ownership required by the act of September 1, 1937, must be filed within the time limits specified in the act, and in the form stipulated. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 12, 50 Stat. 902; 48 U.S.C. 250k. Interpret or apply sec. 3, 50 Stat. 900; 48 U.S.C. 250b.	Ulyses S. St. Arnold, (202) 343-6574.	
25 CFR Part 121 Issuance of Patents in Fee, Certificate of Competency, Removal of Restrictions and Sale of Certain Indian lands.	This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes. <i>Originally Scheduled:</i> January 1979. <i>Authority:</i> 25 U.S.C. 378, 379, 404, 405, 372, 373, 463, 355, and 209 DM8. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Wifford G. Bowler, Area Realty Officer, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, (503) 231-6714.	
25 CFR Part 162 Roads of the Bureau of Indian Affairs.	This part is being amended to reflect the current Bureau responsibility for the roads systems on Indian reservations. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 36 Stat. 861, 45 Stat. 760, 25 U.S.C. 47, 42 U.S.C. 2000e(b), 23 U.S.C. 101(a), 208, 308. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	James T. Ball, (202) 343-6041.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 221 Operations and Maintenance Charges.	The Bureau of Indian Affairs is proposing to amend the provision of Section 69d of Part 221 which establishes the criteria for determining operation and maintenance charges of the Joint works. A review of the operating policies of the San Carlos irrigation project has been completed and it has been determined that operation and maintenance charges of the Joint Works should include the cost of the electrical energy required for the operation of Project irrigation pumps. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385, 43 Stat. 476, 45 Stat. 476; 45 Stat. 210, 25 U.S.C. 387. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Walter Parks, San Carlos Irrigation Project, P.O. Box 458, Coolidge, Arizona 85228, (602) 723-5439.	
25 CFR Part 256 Off-reservation Treaty Fishing.	This rule will govern off-reservation treaty fishing in the waters of the Great Lakes ceded under Treaty of March 29, 1836, 7 Stat. 491. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 25 U.S.C. Sections 2, 9, 43 U.S.C. Sec. 1457, Reorganization Plan No. 3 of 1950 (64 Stat. 1262), Treaty of March 29, 1836 (7 Stat. 491), and 25 CFR 256 Subpart A. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robin A. Friedman, (202) 343-8526.	
25 CFR Part 258 Indian Fishing—Hoopa Valley Indian Reservation.	This Part is revised annually to take into account changed fishery conditions and to make improvements based on experience with the existing rules. Changes being considered in 1981 include the following: (1) Provide that judgments are stayed only upon order of the trial court or the appellate court. (2) Require that only one ID number at a time be on any net that is being fished. (3) Provide that the BIA superintendent will be responsible for the sale of seized fish. (4) Prohibit gill net fishing on Mondays. (5) Make it an offense to leave fish in a net until they have rotted. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 43 U.S.C. 1457, 25 U.S.C. 2 and 9. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Joe Weller, Hoopa Agency, BIA, P.O. Box 367, Hoopa, Ca. 95548, (916) 625-4285.	
25 CFR 273 Education Contracts under Johnson-O'Malley Act.	This rule will revise and provide consistency with the requirements for tribes under 25 CFR 271, clarify the relationship between tribes and Indian education committees, and organize the subparts for easier use. <i>Originally Scheduled:</i> May 1978. <i>Authority:</i> Pub. L. 95-561. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-8657.	
25 CFR Part 274—School Construction Contracts or Services for Tribally Operated Previously Private Schools.	The proposed revisions are necessary to include the Office of Indian Education Programs in the application and approved procedures for the award of contracts under P.L. 93-638 and in accordance with the mandate of Section 1126, P.L. 95-561 as amended by P.L. 96-46. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sections 204 and 208, P.L. 93-638, 88 Stat. 2203 (25 U.S.C. 458 and 458d). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jay T. Suagee, (202) 343-2706 Harvey Jacobs, (202) 343-4493	
25 CFR Part 275—Staffing	This Part is scheduled for Sunset Review and outlines methods available to tribes for utilizing the services of Bureau employees, and in addition, the part is being revised to include the Office of Indian Education Programs in the application and approval procedures for the award of contracts under P.L. 93-638 and in accordance with the mandate of Section 1126, P.L. 95-561 as amended by P.L. 96-46. <i>Authority:</i> Section 502, P.L. 91-648, 84 Stat. 1909, 1925 (42 U.S.C. 4762); Sec. 105, P.L. 93-638, 88 Stat. 2203, 2208-2210 (25 U.S.C. 4501); 26 U.S.C. 48. <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Patty Fulham, (202) 343-8306. Harvey Jacobs, (202) 343-4493. <i>Originally Scheduled:</i> January 1981.	
25 CFR Part 280—Guidance on the Application of the National Environmental Policy Act (NEPA) to Bureau Decisions.	This is a new rule which will provide guidance to tribal governments and other persons and entities that propose that the BIA take an action which must be preceded by the preparation of either an environmental impact statement (EIS) or an environmental assessment (EA). <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 42 U.S.C. 4321-4347 (NEPA). <i>Determination of Effects:</i> The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Dean Suagee, (202) 343-4004.	
25 CFR 431—Preparation of a roll to serve as the basis for the distribution of judgment funds awarded certain Warm Springs Indians.	This rule is scheduled for sunset review. The rule establishes regulations to govern the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975, which roll shall be used for distribution of the judgment awarded the Warm Springs Tribes by the Indian Claims Commission in Docket 198. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 87 Stat. 466.	Mitchell I. Bush, Jr., 703-235-8323.	
25 CFR Part 88—Indian Fishing in Alaska.	This rule, which is scheduled for sunset review, regulates all fishing in Alaska within the Annette Island Reserve and to regulate Indian and other native commercial fishing in the Karluk Indian Reservation. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 25 U.S.C. 2, 9; 43 U.S.C. 1457; sec. 15, 26 Stat. 1101, 48 U.S.C. 358; Presidential Proclamation, Apr. 28, 1916, 39 Stat. 1777; sec. 2, 49 Stat. 1250, 48 U.S.C. 358a; sec. 4, 72 Stat. 339, as amended 73 Stat. 141.	Ulyses S. St. Arnold, (202) 343-6574.	
25 CFR Part 89—Commercial Fishing on Red Lake Reservation.	This rule, which is scheduled for sunset review, grants authority to the Red Lake Fisheries Association and its members to engage in commercial fishing in accordance with stated regulations. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 25 U.S.C. 2, 5 U.S.C. 301.	Ulyses S. St. Arnold, 202/343-6574.	
25 CFR Part 101—Annuity and other Per Capita Payments.	This rule is scheduled for Sunset Review. This rule establishes procedural requirements for paying annuity and other per capita payments. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301.	Barbara Davis, (202)-343-2963	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 102—Regulations for Pro Rata Shares of Tribal Funds.	This rule is scheduled for Sunset Review. This rule establishes eligibility criteria and procedural requirements for applying for a Pro Rata Share of tribal funds. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 2, 34 Stat. 1221, as amended; 25 U.S.C. 121.	Barbara Davis, (202) 343-2963...	
25 CFR Part 110—Distribution of Judgment Awarded the Cherokee Nation or Tribe of Indians.	This rule is scheduled for Sunset Review. This regulation governs the disposition of judgment funds of the Cherokee Nation or tribes of Indians of Oklahoma. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 8, 76 Stat. 776, 25 U.S.C. 998.	Patrick Hayes, (202) 343-6858...	
25 CFR Part 111—Reimbursement of the Ute Tribe of the Uintah and Ouray Reservation, Utah.	This rule is scheduled for Sunset Review. This rule governs payment made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of Mixed-Blood Indians that was prepared pursuant to Section 8 of the Act of August 27, 1954, 68 Stat. 868 or to their heirs or legatees. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 3, 84 Stat. 843.	Barton Wright, Financial Mgmt. Officer, Bureau of Indian Affairs, P.O. Box 127, Albuquerque, New Mexico 87103, (505) 474-3496.	
25 CFR Part 114—Procedures for depositing funds to the credit of 14X6140—Deposits of proceeds of lands withdrawn for Native Selection, BIA.	This rule is scheduled for sunset review. The purpose is to describe the procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 89 Stat. 1145.	Bart Wright, Bureau of Indian Affairs, Chief, Div. of Acctg. Mgmt., P.O. Box 127, Albuquerque, N.M. 87103, (505) 776-3496.	
25 CFR 123—Osage Roll, Certificate of Competency.	This rule is scheduled for sunset review and establishes a determination and preparation of Osage Roll issuance of Certificates of Competency to less than half blood Osages. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 62 Stat. 18, 25 U.S.C. 331.	Wayne Nordwall, (202) 343-7738.	
25 CFR 130—Allotment of lands on the Torres-Martinez Indian Reservation, California.	This rule is scheduled for Sunset Review. The rule governs the preparation of allotment schedules containing the names and allotment selection of the unallotted members of the Torres-Martinez Band of Mission Indians of the Torres-Martinez Indian Reservation. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 10, 64 Stat. 472.	Wayne Nordwall, (202) 343-7738.	
25 CFR Part 151—General Grazing Regulations.	This rule, which is scheduled for sunset review, protects grazing land from abuse and also authorizes a permitting system. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301; 25 U.S.C. 2, 9, 466, 66, 179, 397, 402, 403, 394, 393, 413, 476, 477, 68a, 67a, 415, 415a-d.	Bobby Eason, 202-343-4004.	
25 CFR Part 178—Management of Tribal Assets of the Ute Indian Tribe, Uintah & Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp.	This rule, which is scheduled for sunset review, establishes the procedures for exercising joint management of Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Secs. 27 and 28 of the Act of August 27, 1954, 68 Stat. 868 (25 U.S.C. 677-677aa).	Charles Spilman, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, (602) 241-2285.	
25 CFR Part 213—Fl. Hall Indian Irrigation project, Idaho.	This rule, which is scheduled for sun-review, establishes a construction repayment schedule that will be in effect until 1995 for the Fort Hall Unit of the Fort Hall Indian Irrigation project. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 9, 46 Stat. 1063.	Charles P. Corke, (202) 343-4004.	
25 CFR Part 215—Reimbursement of construction costs, San Carlos Indian irrigation project Arizona.	This rule, which is scheduled for sunset review, establishes a payment Construction schedule for the San Carlos Indian irrigation project. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 5, 43 Stat. 476.	Charles P. Corke, (202) 343-4004.	
25 CFR Part 232—Flathead Indian irrigation project, Montana.	This rule, which is scheduled for sunset review, contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> Sec. 7, 62 Stat. 273; 5 U.S.C. 301.	Charles P. Corke, (202) 343-4004.	
25 CFR Part 254—Operation of U.S.M.S. "North Star" between Seattle, Washington, and Station of Bureau of Indian Affairs and other Government Agencies, Alaska.	This Part is scheduled for Sunset Review and outlines passenger and freight services offered by the U.S.M.S. North Star. <i>Originally Scheduled:</i> April 1981. <i>Authority:</i> 5 U.S.C. 301.	Gerald W. Taylor, Director Seattle Liaison Office, 816 United Pacific Building, Seattle, WA 98104, (206) 442-5516.	
25 CFR 259—Preference in Employment.	This Part is scheduled for Sunset Review and outlines the Bureau's policy of extending preference to Indians in making appointment to vacancies in all positions. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> 4 Stat. 737, 25 U.S.C. 43; 22 Stat. 88, 25 U.S.C. 46; 28 Stat. 313, 25 U.S.C. 44; 24 Stat. 389, 25 U.S.C. 348; and 48 Stat. 986, 25 U.S.C. 472 and 479.	P. Fulgham, (202) 343-9306.	
25 CFR 276—Uniform Administrative Requirements for Grants.	This rule is scheduled for Sunset Review. The rule establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub. L. 93-638. <i>Originally Scheduled:</i> January 1981. <i>Authority:</i> Public Law 93-638.	Don Asbra, 703-235-8061.	

Part II—Department of The Interior
Semi-annual Agenda

CFR, Subject, Title and Contact (Name, Phone, Bureau)

25 CFR 105, Deposit of Indian Funds in Banks—Rescind for Activities

Terminated by BIA—Dave Etheridge, 343-8526, BIA

25 CFR 171, 172, 177, Indian Mineral Development—Modernize Rules Governing Mining on Reservations—Tim Vollmann, 343-9331, BIA

25 CFR 173, Mineral Leasing on Crow Indian Reservation—Rescind—Tim Vollmann, 343-9331, BIA

25 CFR 242, Distribution of Assets of California Rancherias and Reservations—Rescind—Dave Etheridge, 343-8526, BIA

- 25 CFR 5, Reservation Acceleration Program—Rescind Rules for Terminated Program—Dave Etheridge, 343-8526, BIA
- 30 CFR 221, On-Shore Operating Rules—All Except Royalty Provisions—C. Sours, 860-7535, GS
- 30 CFR 221, Oil and Gas Operations—C. Sours, 860-7535, GS
- 30 CFR 222, Connolly "Hot Oil" Act—Rescind Obsolete Rules—C. Sours, 860-7535, GS
- 30 CFR 226, Unit or Cooperative Agreements—Streamline Procedures—C. Sours, 860-7535, GS
- 30 CFR 229, Federal Assistance/Exploration. For Mineral Reserves—Rescind Rules for Defunct Program—C. Sours, 860-7535, GS
- 30 CFR 250, OCS Oil and Gas Operations—D. Schuenke, P. Legette, 860-7571, GS
- 30 CFR 250.34, OCS Exploration, Development, Production—D. Schuenke, P. Smyth, 860-7571, GS
- 30 CFR 601, Sales of Helium—Reduce Paper Work Burden—Armond Sonnek, John Trezise 634-4734, 343-5216, BOM
- 30 CFR 700.11, 716.7, 785.17, Prime Farmlands and Two-Acre Exemptions—Ext. of Effective Dates, Comment on Poss. Suspend—Dean Hunt, 343-4264, OSM
- 30 CFR 701.5, 710.5, Definition of "Approximate Original Contour"—Provide Possible Variances—Dean Hunt, 343-4264, OSM
- 30 CFR 715.13(D)(9), 716.2(E) Financial Commitments for Post-Mining Land Use Variances—Relieve Operator's Obligation—Dean Hunt, 434-4264, OSM
- 30 CFR 715.14(B)(1), Second-Cut Highwall Elimination—Relieve Requirement to Restore—Dean Hunt, 343-4264, OSM
- 30 CFR 715.15(A), Gravity Transport of Excess Spoil Perf. STd.—S. Griles B. Hemmes, 343-8311, OSM
- 30 CFR 715.15(A), 716.2(A), Multiple Seam Mining Performance Standard—S. Griles B. Hemmes, 343-8311, OSM
- 30 CFR 715.15(D), Construction of Durable Rock Fills—Clarify Design Criteria—Dean Hunt, 343-4262, OSM
- 30 CFR 722, 843, Provide for Extension of Period for Correcting Violations of 90 Day Abatement Period—Steve Griles, 343-8311, OSM
- 30 CFR 730, State Programs—Suspend Federal Rules in States With Primacy—Carl Close, 343-4225, OSM
- 30 CFR 730-745, State/Federal Programs—Increase State Ability To Shape Program—Carl Close, 343-4225, OSM
- 30 CFR 732-13, Definition of "Consistent With"—Flexibility for State Regulation Variations—Carl Close 343-4225, OSM
- 30 CFR 760-769, Lands Unsuitable for Mining—Increase Balancing of Factors, More Procedural Flexibility—Carl Close 343-4225, OSM
- 30 CFR 770-788, Permit Requirements—Clarify, Reduce Paperwork Burden, Dean Hunt, 343-4262, OSM
- 30 CFR 795, Small Operator Assistance Program—Increase Appeal/more State Decisions, Carl Close, 343-4225, OSM
- 30 CFR 800-809, Bonding—Make Bonds and Self-Bonding More Available—Dean Hunt, 343-4264, OSM
- 30 CFR 810-828, Performance Standards—More Flexible Standards for Mine Operations—Andy Bailey, 343-4006, OSM
- 30 CFR 840-845, Inspection and Enforcement—Simplify Procedures for Both States and OSM—Steve Griles, 343-8311, OSM
- 30 CFR 870-889, Abandoned Mine Reclamation—Streamline Procedures—Chuck Beasley, 343-4012, OSM
- 36 CFR 1215, Archaeological Resources Protection Act 1979—New Rule To Implement Act—Levin/McKinney, 343-7957/5264, NPS
- 36 CFR 13, Alaska Parks—New Rules To Implement Alaska Lands Act—Lundquist, Ross, Finnerty, Horn, 343-7957, NPS
- 41 CFR 14-1 et seq., Procurement by Formal Advertising—Elim. Unnecessary Rule Inc. Protests of Awards—R. Piasecki, 343-8668, PAM
- 41 CFR 14H, 14R, Procurement Regulations—Elimination of Unnecessary Rule—J. Patterson, 343-9201, PAM
- 43 CFR Part 17, Nondiscrimination in Federally Assisted Programs—Minimize Procedures—Crista Martin, Jim Poole 343-4331, OEO
- 43 CFR 1601, Planning Programming and Budgeting—Bob Jones 343-5682, BLM
- 43 CFR 2090, Special Laws and Rules—Keith Corrigan, 343-8693, BLM
- 43 CFR 230.71-230.84, Reclamation of Arid Lands—Rescind—R. Boyd, M. HacSkaylo, 343-5471/9391, WPRS
- 43 CFR 2600, State Indemnity Selection—Keith Corrigan, 343-8693, BLM
- 43 CFR 2800, Rights-of-Way—Reduce Reporting Requirements, Clarify and Expedite Granting Process—John Hafterson, 343-5537, BLM
- 43 CFR 2880, Oil and Gas Pipelines—Revise To Clarify, Expedite Process and Reduce Requirements—John Hafterson, 343-5537, BLM
- 43 CFR 3100, Oil and Gas Leasing—Update Rules, Inc. Automated Simultaneous Leasing System—Koivula, Weller, 343-7753, BLM
- 43 CFR 3200, Geothermal—Revise Definitions To?—K. Duscher, 343-7722, BLM
- 43 CFR 3400—Coal Management—Walt Schultz, 343-4537 BLM
- 43 CFR 3436, 3437, Lease Exchange/Alluvial Valley Floors and Coal Lands—Walt Schultz, 343-4537, BLM
- 43 CFR 35, OCS Nondiscrimination Against Minority and Women Owned Businesses—Rescind Rule—D. Schuenke, J. Kelly, 860-7571, GS
- 43 CFR 3802, Mining Claims on Wilderness Study Areas—Revise To Conform With Possible Sol Opinion—Gene Carlat, 343-5335, BLM
- 43 CFR 3809, Surface Management of Mining Claims—More Procedural Flexibility for Special Areas—Gene Carlat, 343-8537, BLM
- 43 CFR 4.1350-1414, Hearings and Appeals Procedures for OSM Permanent Program—Estab. Operator Appeals—Will Irwin 557-9037, OHA
- 43 CFR 4100, Grazing—Streamline Procedures Reduct Paperwork Burden—Paul Leonard, 343-5841, BLM
- 43 CFR 426, (Proposed) Acreage Limitations Withdraw, Repropose Pursuant To 1976 Court Order—V. Cooper, Michael HacsKaylo, 343-2148, 9391, WPRS
- 43 CFR 8342, Off-Road Vehicle Areas and Trails—Eliminate Needless Designations—R. Conquergood, 343-9353, BLM
- 50 CFR 13-18, 21-23, Wildlife Permits—Standardize Information Requirements—Herter, Parsons, 343-2172, 235-1937, FWS
- 50 CFR 17.11, 17.40, Reclassification of Leopard—Correct Status, Allow Trophy Imports—Swift, Spinks, 343-2172, 235-2771, FWS
- 50 CFR 17.3—Definition of "Harm" Under Endangered Species Act—Cannon, Spinks, 343-2172, 235-2771, FWS
- 50 CFR 17.40(A), Kangaroo Import Ban—Lift Ban—Cannon, Spinks, 343-2172, 235-2771, FWS
- 50 CFR 17.40(E), African Elephant—Ease Restrictions on Domestic Activities/Adjust to Int'l Treaty—Parsons, Herter, 235-1937, 343-2172, FWS
- 50 CFR 17.42(A), Reclassification of American Alligator—Change Status, Return Management to State—Bancert, Spinks 343-2172, 235-2771, FWS
- 50 CFR 21.21, Migratory Bird Permits—Eliminate Requirement for Export Permits—Fisher, Bavin, 343-2172, FWS
- 50 CFR 36, Alaska National Wildlife Refuges—New Rule To Implement Alaska Lands Act—Kaiser, 343-21172, FWS

federal register

Thursday
April 30, 1981

Part VII

Department of Energy

Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1981 Regulatory Agenda.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of proposed regulations that DOE has issued or expects to issue in the next six months. As required under Executive Order 12291 (46 FR 13193, February 19, 1981), the Agenda includes each major rule being considered. In addition, the Agenda includes each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," as required by the Regulatory Flexibility Act (Public Law 96-354, 5 U.S.C. 602). Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has proposed to Congress to prohibit DOE from expending any funds to carry out these programs. The Agenda also includes a list of existing rules to be reviewed for possible modification under Executive Order 12291.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda in general, contact: Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A-127, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6754.

Specific

For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), subsequently extended by Executive Order 12221 (45 FR 44249, July 1, 1980), required every Federal agency to publish semiannually an agenda of its significant regulations under development or review.

On February 17, 1981, the President issued Executive Order 12291, "Federal Regulation" (46 FR 13193, February 19, 1981), revoking Executive Order 12044, and modifying the requirement that each Federal agency publish a regulatory agenda. Under Executive Order 12291 each Federal agency is required to publish, in October and April of each year, an agenda of proposed regulations

that the agency has issued or expects to issue, and currently effective rules that are under agency review. At a minimum, the agenda must include: (1) a summary of the nature of each major rule¹ being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking; (2) the name and telephone number of a knowledgeable agency official for each item on the agenda; and (3) a list of existing regulations to be reviewed under the terms of Executive Order 12291, and a brief discussion of each such regulation.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Public Law 96-354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) a brief description of the subject area of and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable concerning each such rule.

Appended to this Notice is DOE's April 1981 Regulatory Agenda, reflecting the status of rules listed as of April 1, 1981. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has proposed to Congress to prohibit DOE from expending any funds to carry out these programs. Rules of this type are hereinafter denoted with the symbol (+). DOE will, of course, in promulgating these rules comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act.

The rules listed in the Agenda are

¹Executive Order 12291 defines "major rule" as any regulation that is likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

divided into four categories. The first three categories list those proposed rules DOE expects to issue in the next six months as well as currently pending proposed rules that have already been issued. These three categories are: (1) Major rules likely to have a significant economic impact on a substantial number of small entities; (2) Non-major rules likely to have a significant economic impact on a substantial number of small entities; and (3) Major rules not likely to have a significant economic impact on a substantial number of small entities.

Proposed rules that are *not* major rules and *not* likely to have a significant economic impact on a substantial number of small entities are not included. The fourth category lists those currently effective rules that DOE will be reviewing for possible modification as directed by the Presidential Task Force on Regulatory Relief under section 3(i) of Executive Order 12291.

On April 8, 1981, a draft of this Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration (SBA) for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b). In addition to publication of this Agenda in the Federal Register, DOE has endeavored to give notice of this Agenda to small entities by forwarding copies to a number of trade associations that represent small entities. Small entities are invited to submit comments on any item in the Agenda. Comments should be submitted to: Thomas C. Newkirk, Deputy General Counsel for Regulation, Department of Energy, Room 6A-099, Forrestal Building 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6732.

DOE's next Regulatory Agenda will be published in October 1981.

Issued in Washington, D.C. this April 27, 1981.

Eric J. Fygi,

Acting General Counsel.

DOE's April 1981 Regulatory Agenda is as follows:

²The rules listed in categories (1) and (2)—those rules likely to have a significant economic impact on a substantial number of small entities—include some rules for which a notice of proposed rulemaking (NPR) was issued prior to January 1, 1981. Although these rules are listed in the Agenda, under section 4 of the Regulatory Flexibility Act the regulatory flexibility analyses specified in 5 U.S.C. 603-604 are *not* required, and such analyses will not be completed in regard to these rules. These rules, where an NPR was issued prior to January 1, 1981, are hereinafter denoted with an asterisk (*).

I. Major Rules Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Conservation and Renewable Energy

1. Building Energy Performance Standards * +
2. Energy Efficiency Standards for Nine Types of Consumer Products * +
3. Energy Efficiency Standards for Five Types of Consumer Products +
4. Commercial and Apartment Conservation Service Program +
5. Federal Standby Residential Conservation Service Plan * +
6. Residential Conservation Service Program—Urea Formaldehyde Foam Insulation Standards +

B. Economic Regulatory Administration

1. Rescission of Tertiary Incentive Crude Oil Program With Respect to Expenses Incurred and Paid After March 18, 1981

II. Non-Major Rules Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Conservation and Renewable Energy

1. Wind Energy Technology Application Financial Assistance program for Wind Energy Systems +
2. Energy Security Act Amendments to Residential Conservation Service Program Rule * +

B. Economic Regulatory Administration

1. Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency*

III. Major Rules Not Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Economic Regulatory Administration

1. Entitlements Adjustment Mechanism
2. Petroleum Substitutes Entitlements Provisions
3. Fuel Use Act—Regulations Revision
4. Fuel Use Act—Cogeneration Exemption
5. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines

B. Fossil Energy

1. Variable Work Commitment Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases
2. Variable Net Profit Share Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

IV. Existing Rules Undergoing Review Under Executive Order 12291

A. Conservation and Renewable Energy

1. Residential Conservation Service Program Regulations

B. Economic Regulatory Administration

1. Coal Conversion Regulations

I. MAJOR RULES LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Conservation and Renewable Energy

1. Building Energy Performance Standards * +

The Energy Conservation Performance Standards for New Buildings Act of 1976 (Title III of Public Law 94-385), as amended by Public Laws 95-91 and 96-399 (42 U.S.C. 6831-6840), requires DOE to promulgate "interim" building energy performance standards by August 1, 1981. The interim standards are to apply only to construction of new Federal buildings and two demonstration projects. Final standards are required to be promulgated by April 1, 1983. The purpose of the rule is to establish energy goals without specifying methods, materials or processes for achieving those goals. The standards would require a higher degree of energy efficiency in the construction of new residential and commercial buildings than is now common practice.

A reduction in the 1981 fiscal year's budget has been requested for this project, and no funds for the 1982 fiscal year have been requested.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* on November 28, 1979 (44 FR 68120). DOE is required to issue the interim energy performance standards by August 1, 1981.

Contact: Richard Menge (202) 252-9197.

2. Energy Efficiency Standards for Nine Types of Consumer Products * +

Section 325 of the Energy Policy and Conservation Act ("EPCA," Public Law 94-163), as amended by section 422 of the National Energy Conservation Policy Act (Public Law 95-619), required that DOE prescribe by rule by January 2, 1981, minimum energy efficiency standards for one or more of nine types of consumer products. DOE may, under section 325(b)(2) of EPCA, determine by rule that the establishment of a standard is not technologically feasible or economically justified, or that such a standard would not result in significant conservation, and thereby prescribe no standard. The affected product types are: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, kitchen ranges and ovens, furnaces, central air conditioners, home heating equipment (not including furnaces), and clothes dryers.

A reduction in the 1981 fiscal year's budget for this program has been requested. In addition, DOE's budget

request for fiscal year 1982 includes no funding for this program.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* June 30, 1980 (45 FR 43976). The data and analysis behind the proposed standards is currently under review.

Contact: James A. Smith (202) 252-9127.

3. Energy Efficiency Standards for Five Types of Consumer Products *

Section 325 of the Energy Policy and Conservation Act ("EPCA," Public Law 94-163), as amended by section 422 of the National Energy Conservation Policy Act (Public Law 95-619), requires that DOE prescribe by rule by December 13, 1981, minimum energy efficiency standards for five consumer product types: humidifiers/dehumidifiers, clothes washers, television sets, dishwashers, and heat pumps. DOE may, under section 325(b)(2) of EPCA, determine by rule that the establishment of a standard is not technologically feasible or economically justified, or that such a standard would not result in significant conservation, and thereby prescribe no standard.

A reduction in the 1981 fiscal year's budget for this program has been requested. In addition, DOE's budget request for fiscal year 1982 includes no funding for this program.

Schedule: An advance notice of proposed rulemaking for four products was published in the *Federal Register* on December 13, 1979 (44 FR 72276). An advance notice of proposed rulemaking for heat pumps (the fifth product) was published in the *Federal Register* on January 23, 1980 (45 FR 5602). DOE intends to issue a notice of proposed rulemaking as soon as practicable.

Contact: James A. Smith (202) 252-9127.

4. Commercial and Apartment Conservation Service Program *

Title VII of the National Energy Conservation Policy Act ("NECPA," Public Law 95-619), as amended by Subtitle D of Title V of the Energy Security Act ("ESA," Public Law 96-294) required the DOE to issue a proposed rule by October 28, 1980, to establish a utility audit program for multi-family dwellings with a central heating or cooling system and for small commercial buildings. In addition, Title II of NECPA as amended by Subtitle B of Title V of ESA requires DOE to extend coverage of the Residential Conservation Service Program to include individually heated and cooled residential buildings of more than four dwelling units. (The existing program is limited to single family

homes and residential buildings with up to four units.) The program requires that energy audits and certain other services be provided to these additional customers of large public utilities and participating heating oil suppliers.

A reduction in the 1981 fiscal year's budget has been requested for these programs, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* on January 16, 1981 (46 FR 4482). A final rule is expected to be published in the summer of 1981.

Contact: James Tanck (202) 252-9161.

5. Federal Standby Residential Conservation Service Plan *

Section 219 of the National Energy Conservation Policy Act ("NECPA," Public Law 95-619) requires DOE to promulgate a Residential Conservation Service (RCS) Plan to be implemented by covered regulated utilities upon order of DOE in any State that does not have an approved State RCS Plan, or in which the State plan has been found to be inadequately implemented. This rule would provide such a standby plan, compliance with which could then be ordered by DOE pursuant to section 219 of NECPA.

A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* on January 9, 1981 (46 FR 2522). Issuance of a final rule is expected in the summer of 1981.

Contact: James Tanck (202) 252-9161.

6. Residential Conservation Service Program—Urea-Formaldehyde Foam Insulation Standards *

Part I of Title II of the National Energy Conservation Policy Act (Public Law 95-619) requires that DOE include in its Residential Conservation Service (RCS) Program rules those standards that are determined necessary for the general safety and effectiveness of the program. To fulfill this requirement, DOE issued interim final standards for urea-formaldehyde foam insulation on September 25, 1980 (45 FR 63786), which became effective on March 30, 1981 (46 FR 11943, February 12, 1981). DOE has proposed either to make certain changes to the standards for urea-formaldehyde foam insulation used in the RCS Program, or to preclude the use of such insulation in the RCS Program.

A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* on January 27, 1981 (46 FR 8996).

Issuance of a final rule is expected in the summer of 1981.

Contact: James Tanck, (202) 252-9161.

B. Economic Regulatory Administration

1. Rescission of Tertiary Incentive Crude Oil Program With Respect to Expenses Incurred and Paid After March 18, 1981

On March 17, 1981, ERA announced its intent to issue a proposal to rescind the Tertiary Incentive Crude Oil Program with respect to allowed expenses that were not incurred and paid prior to March 19, 1981. ERA is considering this action due to the phenomenal increase in the amount of allowed expenses incurred and paid after the issuance of the President's decontrol Executive Order on January 28, 1981. Authority for this rule is found in the Emergency Petroleum Allocation Act of 1973 (Public Law 93-159), and in Executive Order 12287 (46 FR 9909, January 30, 1981).

Schedule: An advance notice of proposed rulemaking was issued on March 17, 1981 (46 FR 17566, March 19, 1981.) A notice of proposed rulemaking will be issued in April 1981.

Contact: Eugene Glass, (202) 653-3453.

II. NON-MAJOR RULES LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Conservation and Renewable Energy

1. Wind Energy Technology Application Financial Assistance Program for Wind Energy Systems *

Section 6 of the Wind Energy Systems Act of 1980 (Public Law 96-345) required DOE to establish, by March 8, 1981, procedures for providing financial assistance in the form of grants, cooperative agreements, and loans for the purchase and installation of wind energy systems. DOE is now developing these procedures.

The Act does not contemplate funding for this program in fiscal years 1981 and 1982.

Schedule: DOE will issue a notice of proposed rulemaking as soon as possible.

Contact: Daniel Ancona, (202) 376-4960.

2. Energy Security Act Amendments to the Residential Conservation Service Program Rule *

Section 549(b) of the Energy Security Act ("ESA," Public Law 96-294) required

the DOE to issue a final rule by October 28, 1980, to make certain amendments to the Residential Conservation Service Program (RCS) regulations (10 CFR Part 456). These amendments would incorporate changes made by the ESA to prohibitions in the National Energy Conservation Policy Act regarding utility supply, installation and financing of energy measures in residential buildings. They would also incorporate the ESA changes to the utility cost and accounting requirements under the RCS program and to the warranties required of manufacturers, suppliers, and installers participating in the RCS program. A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published on October 8, 1980 (45 FR 66960). A final rule will be issued as soon as possible.

Contact: James Tanck, (202) 252-9161.

B. Economic Regulatory Administration

1. Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency *

DOE has proposed a rule providing standby procedures for the authorization of emergency natural gas purchases and for emergency natural gas allocations under sections 302 and 303 of the Natural Gas Policy Act of 1978 ("NGPA," Public Law 95-621), and standby procedures for emergency prohibitions on the burning of natural gas by electric powerplants and major fuel-burning installations under section 607 of the Public Utility Regulatory Policies Act of 1978 ("PURPA," Public Law 95-617). The rule would be activated by a declaration by the President of a natural gas supply emergency under section 301 of the NGPA. The adoption of standby procedures is intended to enable the Government to take action as soon as possible to reduce the impact of the emergency, and to promote a greater degree of coordination between DOE and the natural gas industry.

It has not yet been determined whether this rule is likely to have a significant economic impact on a substantial number of small entities. In any case, a regulatory flexibility analysis is not required since the notice of proposed rulemaking was issued before January 1, 1981.

Schedule: A notice of proposed rulemaking was published in the *Federal Register* on December 8, 1980 (45 FR 81012). Issuance of a final rule is presently planned for summer 1981.

Contact: Gary Barch (202) 653-3286.

III. MAJOR RULES NOT LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Economic Regulatory Administration

1. Entitlements Adjustment Mechanism

Prior to the exemption of all crude oil and refined petroleum products by Executive Order 12287 effective at 12:01 a.m. on January 28, 1981, firms participating in the Entitlements Program could adjust prior reports to correct reporting errors and certain changes to tier classifications. Adjustments for prior periods granted by administrative or court orders were also accommodated by the administrative process. In terminating controls, the President gave the Secretary of Energy authority to establish a mechanism for entitlements adjustments for the periods before January 28, 1981. This rule would establish the regulations for these adjustments. Statutory authority for this rule is found in section 4(a) of the Emergency Petroleum Allocation Act of 1973, as amended (Public Law 93-159).

Schedule: A notice of proposed rulemaking was issued on February 27, 1981 (46 FR 15112, March 3, 1981). A public hearing was held March 17-18, 1981 in Washington, D.C. A final rule is expected to be issued in April or May 1981.

Contact: Daniel J. Thomas (202) 653-4288 or Mary McDonald (202) 653-3254

2. Petroleum Substitutes Entitlements Provisions

10 CFR section 211.67(a)(5) provides for the inclusion of petroleum substitutes in the domestic crude oil allocation (entitlements) program. Ethyl alcohol derived from biomass and mixed with gasoline, solid municipal waste and its solid derivatives, shale oil, and methane from sewage and landfills are automatically included. Producers of such fuels are eligible to report the volumes used as fuel, and receive entitlements in a manner similar to that of refiners of crude oil.

Other fuels derived from solid wastes and liquid fuels from biomass, coal and tar sands are eligible for inclusion in the entitlements program on a case-by-case basis. Applications for inclusion must meet the criteria of established guidelines (44 FR 6895, February 5, 1979). ERA has the authority to accept or deny each application and to establish the effective date for program participation by each accepted application.

Few applications have been fully processed, and over 160 are in

processing. In light of decontrol, ERA has proposed, on March 26, 1981, to amend section 211.67(a)(5) to provide that no entitlements shall be issuable to any firm with respect to a petroleum substitute for periods prior to January 28, 1981, unless prior to that date the firm satisfied all filing requirements for automatic inclusion in the entitlements program under section 211.67(a)(5) or had been designated by the ERA as an eligible recipient of entitlements benefits in an order issued pursuant to section 205.95 of 10 CFR Part 205. Statutory authority for this rule is found in section 4(a) of the Emergency Petroleum Allocation Act of 1973, as amended (Public Law 93-159).

Schedule: A notice of proposed rulemaking was issued on March 26, 1981 (46 FR 19450, March 30, 1981). A final rule is expected to be issued in May 1981, effective March 26, 1981.

Contact: Daniel J. Thomas (202) 653-4288

3. Fuel Use Act—Regulations Revision

The Powerplant and Industrial Fuel Use Act of 1978 ("FUA," 42 U.S.C. 8301 *et seq.*) prohibits the use of oil or natural gas in certain new and existing electric powerplants and major fuel burning installations and provides the Secretary of Energy authority to prohibit use of petroleum and natural gas in certain other existing electric powerplants and major fuel burning installations. This rule would revise certain procedures and exemption criteria in accordance with the Administration's policy to streamline the regulatory process to the maximum extent possible. Among the alternatives to be considered is the use of a process of self-certification to establish eligibility for exemptions.

Schedule: A notice of proposed rulemaking is planned for issuance in May 1981.

Contact: Stephen Stern (202) 653-3217

4. Fuel Use Act—Cogeneration Exemption

The powerplant and Industrial Fuel Use Act of 1978 ("FUA," 42 U.S.C. 8301 *et seq.*) provides the Secretary authority to grant a permanent exemption from the prohibitions of FUA permitting eligible cogeneration facilities to use oil or natural gas as fuel. This rule would implement the Secretary's authority to grant a permanent exemption to a new powerplant or industrial facility which has "demonstrated that economic or other benefits of cogeneration are unobtainable unless petroleum or natural gas, or both, are used in such facility."

Schedule: A notice of proposed rulemaking was published in the Federal

Register on August 11, 1980 (45 FR 53368). DOE is reviewing this notice to determine whether a final rule should be issued.

Contact: Stephen Stern (202) 653-3217.

5. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines

The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses. Statutory authority for this rule is found in sections 301(b) and 402(a)(1)(E) of the Department of Energy Organization Act (Public Law 95-91) and sections 401, 402 and 403 of the Natural Gas Policy Act of 1978 (Public Law 95-621).

Schedule: A schedule of proposed rulemaking was issued on June 23, 1980 (45 FR 45098, July 2, 1980). The Federal Energy Regulatory Administration (FERC) is currently reviewing the proposed rule pursuant to section 404 of the DOE Organization Act. Issuance of a final rule is planned for six weeks after FERC concurrence is received.

Contact: Albert F. Bass (202) 653-3286.

B. Fossil Energy

1. Variable Work Commitment Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

This regulation would establish a bidding system for Outer Continental Shelf (OCS) leases that utilizes a work commitment as a bid variable with a fixed cash bonus, and a fixed royalty. This regulation responds to the opinion of the U.S. Court of Appeals in *Energy Action Educational Foundation v. Andrus* (No. 80-2127, D.C. Cir., October 30, 1980). By order of the U.S. District Court on December 19, 1980, this notice of proposed rulemaking was required to be issued by March 30, 1981, and a final rule by June 30, 1981. The authority for this rule is found in section 8(a)(1)(G) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(G)) and section 302(b)(2) of the DOE Organization Act (Public Law 95-91, 43 U.S.C. 1337(a)(1)(G)).

Schedule: A notice of proposed rulemaking was issued on March 30, 1981 (46 FR 20522, April 3, 1981). The final rule will be issued no later than June 30, 1981.

Contact: Charles Smith (202) 633-9373.

2. Variable Net Profit Share Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

This regulation would establish a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The proposed bidding system uses a percentage of net profits as the bid variable and requires payment of a fixed cash bonus for each tract. This regulation is being developed in response to the opinion of the U.S. Court of Appeals in *Energy Action Educational Foundation v. Andrus* (No. 80-2127, D.C. Cir., October 30, 1980). By order of the U.S. District Court dated December 19, 1980, a proposed regulation to establish a variable net profit share bidding system was required to be issued by February 28, 1981 and a final rule by May 25, 1981. Statutory authority for this rule is found in section 302(b)(2) of the DOE Organization Act (Public Law 95-91, 42 U.S.C. 7152(b)(2)) and section 8(a)(1)(E) of the OCS Lands Act (43 U.S.C. 1337 (a)(1)(E)).

Schedule: The notice of proposed rulemaking was issued February 27, 1981 (46 FR 15484, March 5, 1981). The final rule will be issued not later than May 25, 1981.

Contact: Ed Mulholland (202) 633-9373.

IV. EXISTING RULES UNDERGOING REVIEW UNDER EXECUTIVE ORDER 12291

A. Conservation and Renewable Energy

1. Residential Conservation Service Program Regulations

The National Energy Conservation Policy Act (Public Law 95-619) required DOE to adopt regulations to implement the Residential Conservation Service (RCS) Program, 10 CFR Part 456. These regulations require large utilities to offer to perform "energy audits" of homes or apartments of their customers, pointing out ways to conserve energy.

On March 25, 1981, the Presidential Task Force on Regulatory Relief directed DOE to review these regulations, stating that "the requirements for these inspections are complex and expensive."

In addition to and apart from the proposed revisions to the RCS Program regulations listed above, DOE will also review the RCS program for possible modification in an effort to reduce regulatory burdens. Finally, DOE will undertake a regulatory impact analysis of the program as a whole.

B. Economic Regulatory Administration

1. Coal Conversion Regulations

The Powerplant and Industrial Fuel Use Act of 1978 ("FUA", 42 U.S.C. 8301 *et seq.*) prohibits the use of petroleum and natural gas in certain new and existing electric powerplants and major fuel burning installations, in favor of converting to coal or some alternative fuel. FUA authorizes DOE to prohibit such use in certain other existing powerplants and installations. DOE has implemented FUA by regulations appearing in 10 CFR Parts 500, 501, 503-506, 508, and 515.

On March 25, 1981, the Presidential Task Force on Regulatory Relief, in directing DOE to review the FUA coal conversion regulations, stated that "these requirements may be unnecessary with decontrol and counterproductive given increased availability of natural gas since the Fuel Use Act was passed."

Apart from the proposed revisions to these regulations as listed above, which will attempt to reduce the burdens of the program to the extent allowable under FUA, DOE will review the entire coal conversion program to perform a cost-benefit analysis.

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Thursday
April 30, 1981

Part VIII

General Services Administration

Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Agenda of Proposed Regulatory Activity

AGENCY: General Services
Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the 6-month period from May 1981 to October 1981. This agenda was developed under the guidelines in Executive Order 12291, Federal Regulation (46 FR 13193, Feb. 19, 1981). GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the early stages of the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Stanley W. Bowers, Chief, Directives Management Branch (202-566-0666).

SUPPLEMENTARY INFORMATION: GSA publishes a semiannual agenda of proposed regulatory activity during April and October of each year. The agenda lists, for each of GSA's services and staff offices, final rules expected to be issued, proposed rules, and regulations to be reviewed.

Dated: April 28, 1981.

Ray Kline,

Acting Administrator of General Services.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

1. Final rules expected to be issued.

a. Billings, payments, and adjustments (41 CFR 101-2.1).

(1) *Description.* These regulations explain the procedures used by GSA in billing for supplies and services furnished Government agencies, and the procedures for payment of these billings. The regulations will be changed to include the Simplified Intra-government Billing and Collection System (SIBAC) billings for self-service stores, GSA printing services, communication services, and work or services provided above the standard level user charge.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Jerry Cochran (202-566-0524).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

None.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

1. Final rules expected to be issued.

a. ADP and telecommunications security (41 CFR 101-35.3).

(1) *Description.* This amendment to the Federal Property Management Regulations (FPMR) Part 101-35, ADP and Telecommunications Management Policy, clarifies the application of Executive Order 12065 and other national security directives that apply to ADP and telecommunication security.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert R. Johnson (202-566-0194).

(4) *Major rule.* No.

b. Minimize guidelines for Federal Telecommunications System (FTS) (41 CFR 101-37.7).

(1) *Description.* This Federal Property Management Regulation (FPMR) amendment pertains to FPMR Subpart 101-37.7, Minimize Guidelines, establishing procedures for administrative control of input telephone traffic to the Advanced Record System (ARS) during emergency conditions. The directive updates GSA instructions to the Federal agencies concerning the submission of Standard Form 145, Telephone Services Request.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert R. Johnson (202-566-0194).

(4) *Major rule.* No.

c. Implementation of Federal Information Processing Standards Publications (FIPS PUBS) and Federal Telecommunication Standards (FED-STD) into Solicitation Documents for automatic data processing (ADP) and telecommunication acquisitions (41 CFR 101-36.13).

(1) *Description.* Subpart 101-36.13 of the FPMR will be amended to recognize FIPS PUBS 68, 69, 70, 79, 81, 84, and 85 and FED-STDs 1007, 1008, 1020A, 1030A and 1031.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* David Mullins and William Loy (202-566-0194).

(4) *Major rule.* No.

d. Procurement and Contracting Government-wide for Automatic Data Processing Services and ADP-related Services (41 CFR 1-4.12).

(1) *Description.* This amendment to the Federal Procurement Regulations (FPR) adds a new Subpart 1-4.12 to the FPR that sets forth policies and procedures governing the procurement of ADP services and ADP-related services by Federal agencies.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Phillip Patton (202-566-9194).

(4) *Major rule.* No.

e. Procurement and Contracting for Telecommunications (41 CFR 1-4.13).

(1) *Description.* This directive adds procurement and contracting policies and procedures to the FPR. The directive will replace FPR Temporary Regulation 51 and FPMR Subpart 101-37.4.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202-566-0194).

(4) *Major rule.* No.

f. Data Telecommunication Service Requests (41 CFR 101-37.2).

(1) *Description.* This directive changes the provisions of FPMR Subpart 101-37.2 to allow agencies to obtain certain intercity data, facsimile, and record telecommunications services without General Services Administration (GSA) approval.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202-566-0194).

(4) *Major rule.* No.

2. Proposed rules. No proposed rules will be issued during the period May-October 1981.

3. Regulations to be reviewed.

a. Automatic Data Processing (ADP) Resources Utilization and Reutilization of ADP equipment and supplies.

(1) *Description.* Provisions of Federal Property Management Regulations Subparts 101-36.2 and 36.3 regarding the utilization of automatic data processing resources through the sharing capability program and the reutilization of excess ADP equipment will be reviewed toward updating and revising the procedures in order to reduce paperwork burdens and to encourage agencies to update their capabilities.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Betty Van Gelderen (202-566-0194).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, OFFICE OF REAL PROPERTY

1. Final rules expected to be issued.

a. Definition of Related Personal Property (41 CFR 101-43 and 101-47).

(1) *Description.* These regulations redefine the term "related personal property" more precisely and provide examples of common use items that

have been mistakenly reported as related personal property. The revised definition will aid the correct reporting of real and related personal property on a Standard Form 118 and the reporting of personal property items on a Standard Form 120. This increased efficiency will reduce unnecessary expenditures of personnel and other resources within the GSA Offices of Real Property and Personal Property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (703-557-2510).

(4) *Major rule.* No.

2. Proposed rules.

a. Identification of unneeded Federal real property (41 CFR 101-47.8).

(1) *Description.* These regulations will be updated to reflect the provisions of Executive Order 12030 of December 15, 1977, and Executive Order 11954 of December 7, 1977, which supersede Executive Order 11724 of June 25, 1973, currently referenced. Executive Order 11724 established the role of the Federal Property Council which is terminated under Executive Order 12030.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (703-557-2510).

(4) *Major rule.* No.

3. Regulations to be reviewed.

a. Delegation of mineral rights disposal authority to the Department of the Interior (41 CFR 101-47.603).

(1) *Description.* These regulations are being reviewed for a possible delegation of authority to the Department of the Interior to dispose of (a) mineral rights on excess and surplus Federal real property and (b) mineral rights reserved by the Government on formerly owned Federal real property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James Kearns (703-557-3095).

(4) *Major rule.* To be determined.

b. Requirement that the Department of the Interior use Standard Form 118 and appropriate schedules to notify GSA of reversions of title (41 CFR 101-47.308-3 and 101-47.308-7).

(1) *Description.* The FPMR currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 340; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (703-557-2510).

(4) Major rule. No.

FEDERAL PROPERTY RESOURCES SERVICE, SALES DIVISION

1. Final rules expected to be issued.

a. Contract Disputes Act of 1978 and Mistakes in Bid Disclosed After Award (41 CFR 101-45.8).

(1) *Description.* This Policy directive sets forth an amendment to be made to the FPMR which implements the Contracts Disputes Act of 1978 and which revises the Mistakes in Bid procedures in 101-45.804 as it relates to the sale of surplus personal property.

(2) *Legal basis.* Public Law 95-563, 41 U.S.C. 601-613.

(3) *Contact point.* Milton Herman (703-557-0681).

(4) *Major rule.* No.

2. Proposed rules.

a. Revise Standard Form 114C, General Sale Terms and Conditions (41 CFR 101-45.3).

(1) *Description.* This revision to the SF 114C incorporates changes to the General Sale Terms and conditions to reflect current sales operating procedures.

(2) *Legal basis.* Sec. 205(c), 40 U.S.C. 486(c).

(3) *Contact point.* James Pope (703-557-1845).

(4) *Major rule.* No.

b. Bulletin concerning the reporting of personal property for disposal and testing a more equitable guaranteed descriptive provision (41 CFR 101-45.1).

(1) *Description.* This bulletin has a dual purpose: a. First, to remind agencies of the importance of providing complete and accurate descriptions when reporting personal property for disposal; b. Second, to announce a program commencing May 1, 1981, whereby the General Services Administration (GSA) will test a more equitable guaranteed description provision when personal property is offered for sale by the GSA San Francisco, California, regional office (Region 9).

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Dona Gamble (703-557-3486).

(4) *Major rule.* No.

c. Exemptions from the provisions of sales authority provided in FPMR 101-45 (41 CFR 101-45.105.3).

(1) *Description.* To add paragraph (c) to reflect the change in the current Delegations of Authority dated October 20, 1980.

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Rebecca Worley (703-557-3486).

(4) Major rule. No.

3. Regulations to be reviewed.

a. Review FPMR 101-45 Sale, Abandonment, or Destruction of Personal Property.

(1) *Description.* Identify areas in subject chapter needing revision.

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Dona Gamble (703-557-3486).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, UTILIZATION DIVISION

1. Final rules expected to be issued.

a. Miscellaneous changes (Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the policies and procedures governing the utilization and disposal of personal property. The regulations will be changed to revise exhibits and provide current references to organizational units necessitated by the establishment of the Federal Property Resources Service (GSA order ADM 5440.123, July 18, 1978).

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

(4) *Major rule.* No.

b. Excess personal property reporting criteria (41 CFR 101-43.4001).

(1) *Description.* These regulations establish criteria to ensure that excess personal property having reasonable utilization potential is reported to GSA for disposition. The regulations will be changed to reflect revised reporting criteria which more accurately reflect excess personal property having reasonable utilization potential.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

(4) *Major rule.* No.

2. Proposed rules.

a. Utilization, donation, sale, abandonment or destruction of hazardous materials (Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the rules for the utilization, donation, sale, abandonment or destruction of hazardous personal property. The regulations will be changed to consolidate existing rules and establish new rules in a separate

FPMR Part 101-45a, entitled "Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials."

(1) *Description.*

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

(4) *Major rule.* No.

b. Acquisition and use of excess personal property (41 CFR Part 101-43 and 101-48).

(1) *Description.* These regulations prescribe the procedures for the acquisition and use of excess personal property by Federal agencies and other authorized recipients. A number of miscellaneous changes will be made to the regulations to clarify these procedures.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

(4) *Major rule.* No.

3. Regulations to be reviewed.

a. Utilization and disposal of personal property pursuant to exchange/sale authority (41 CFR 101-46).

(1) *Description.* These regulations prescribe policies and methods governing the use by executive agencies of the exchange/sale authority of section 201(c) of the Federal Property and Administrative Services Act of 1949, 68 Stat. 384, as amended (40 U.S.C. 481(c)). They are applicable to U.S. Government-owned property located within and outside of the United States.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703-557-0714).

(4) *Major rule.* To be determined.

FEDERAL PROPERTY RESOURCES SERVICE, DONATION DIVISION

1. Final rules expected to be issued.

a. Donations to Public agencies and Eligible, Nonprofit, Tax-exempt activities (41 CFR 101-44.2).

(1) *Description.* An FPMR amendment to correct legal citations and captions.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703-557-0466).

(4) *Major rule.* No.

b. Donations to Service Educational Activities (41 CFR 101-44.3).

(1) *Description.* An FPMR amendment to donate surplus personal property under control of the Department of Defense to service educational activities

(SEA) through State Agencies for Surplus Property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703-557-0466).

(4) *Major rule.* No.

c. Standard Form 123, Transfer Order Surplus Personal Property (41 CFR 101-4901-123).

(1) *Description.* An FPMR amendment to revise the SF 123 and preparation instructions to include required special processing data and nondiscrimination certifications and agreements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703-557-0466).

(4) *Major rule.* No.

d. GSA Form 3040, State Agency Monthly Donation Report of Federal Surplus Personal Property (41 CFR 101-44.4902-3040).

(1) *Description.* An FPMR amendment to revise GSA Form 3040 and preparation instructions to include necessary data for GSA reporting requirements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703-557-0466).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, OFFICE OF STOCKPILE TRANSACTIONS

1. Final rules expected to be issued.

a. Regulations for disposal of excess materials from the National Defense Stockpile (41 CFR 101-14).

(1) *Description.* These rules implement the Strategic and Critical materials Stock Piling Act of 1979 covering substantive law rules and procedural rules of contracting to promote competition for the sale of excess stockpile materials authorized for disposal by Congress.

(2) *Legal Bases.* Strategic and Critical Materials Stock Piling Act of 1979 (58 U.S.C. 98 et seq.) and Executive Order 12155, dated September 10, 1979).

(3) *Contact Point.* John Babey (703-557-0982).

(4) *Major Rule.* No.

(5) *Expected issue date.* Late 1981.

2. No proposed rules.

3. No regulations to be reviewed.

NATIONAL ARCHIVES AND RECORDS SERVICE

1. Final Rules Expected to be Issued.

a. Transfer of Records to the National Archives—Authority (41 CFR 101-11.411-2(a)(2)).

(1) *Description.* This regulation permits the Administrator of GSA to direct and effect the transfer to the National Archives of records over 30 years old that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant continued preservation.

(2) *Legal basis:* Sec. 2103(2), 82 Stat. 1287 (44 U.S.C. 2101-2114, Chapter 21).

(3) *Contact point:* Mary Ann Wallace (202-523-3081).

(4) *Major rule:* No.

b. Procedures Governing the Disposition of Federal Records (41 CFR 101-11.4).

(1) *Description:* This regulation contains procedures for requesting authority to destroy, donate, or transfer Federal records; instructions for developing records schedules; and information on general records schedules.

(2) *Legal basis:* 44 U.S.C. chapters 29, 31, and 33.

(3) *Contact point:* Raymond Mosley (202-724-1625).

(4) *Major rule:* No.

c. Records Management—Micrographics (41 CFR 101-11.5).

(1) *Description:* This regulation changes the requirement for agencies to inspect master films of records microfilmed to dispose of the original record if the scheduled life of the record is ten years or less.

(2) *Legal basis:* 44 U.S.C. chapters 29 and 33.

(3) *Contact point:* John Hughes (202-376-8823).

(4) *Major rule:* No.

2. Proposed Rules to be Issued, or Recently Issued and Not Finalized.

a. Federal Advisory Committee Management (41 CFR 101-6.—).

(1) *Description:* The regulation will provide additional guidance, procedures, and information to agencies for managing Federal executive branch advisory committees, and will rescind OMB Circular A-63 (3/27/74), 41 CFR 101-11.12, and 41 CFR 101-11.4930-248 through 101-11.4930-250.

(2) *Legal basis:* 5 U.S.C., App. I; Executive Order 12024 (12/1/77).

(3) *Contact point:* John F. Clancy, Jr. (202-357-0019).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* August 21, 1980 (45 FR 55769).

b. Records Management Technical Assistance (41 CFR 101-11.10).

(1) *Description:* The proposed rule revised the description of technical assistance chiefly by adding a provision requiring Federal agencies to document

and provide to the National Archives and Records Service (NARS) on request any savings or other benefits resulting from NARS technical assistance recommendations.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29).

(3) *Contact point:* John H. Gant (202-376-8836).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* January 14, 1981 (46 FR 3239).

c. *Records Equipment and Supplies—Stationary Standards* (41 CFR 101-11.603).

(1) *Description:* The rule provides size and paper specifications for the use of 8.5 by 11 inch paper, delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs, revises design standards for letterheads, and promotes management policies and procedures for economically and efficiently selecting, storing, and using stationary.

(2) *Legal basis:* 44 U.S.C. 509 and 1105.

(3) *Contact point:* Richard P. Stephenson (202-376-8907).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* October 1, 1980 (45 FR 64978).

d. *Forms—Agency Reports Management* (41 CFR 101-11.207).

(1) *Description:* Outlines agency responsibilities in regard to forms management.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29).

(3) *Contact point:* Donald K. Hanson (202-376-8853).

(4) *Major rule:* No.

e. *Forms—Agency Forms Management* (41 CFR 101-11.208).

(1) *Description:* Outlines agency responsibilities in regard to forms management.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29); 82 Stat. 1297 (44 U.S.C. 3101, chapter 31).

(3) *Contact point:* Donald K. Hanson (202-376-8853).

(4) *Major rule:* No.

f. *Interagency Reports Management Program* (41 CFR 101-11.11).

(1) *Description:* Prescribes procedures to be followed by Federal agencies to obtain approval for proposed interagency reporting requirements and for extension of previously approved reports.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2901-2910, Chapter 29); 82 Stat. 1297 (44 U.S.C. 3101-3107, chapter 31); Office of Management and Budget Circular A-40.

(3) *Contact point:* R. Stewart Randall (202-376-8914).

(4) *Major rule:* No.

(5) *Issue date:* January 14, 1981 (46 FR 3240).

g. *Standard and Optional Forms Program* (41 CFR 101-11.8).

(1) *Description:* This proposed rule updates and clarifies GSA/NARS procedures for approving and canceling standard and optional forms, and sets forth agency responsibilities for developing, promulgating, and sponsoring Government-wide forms through the Standard and Optional Forms Program.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, Chapter 29); 82 Stat. 1297 (44 U.S.C. 3101, chapter 31); Agreement with the Office of Management and Budget of 5/29/67 under which GSA/NARS assumed responsibility for this program.

(3) *Contact point:* Ms. Gail Dennis (202-376-2343).

(4) *Major rule:* No.

3. *Regulations to be Reviewed.*

a. *Agency Records Centers* (41 CFR 101-11.412).

(1) *Description:* This regulation prescribes procedures and rules to be followed by Federal agencies in establishing records centers to be operated by the agency creating the records.

(2) *Legal basis:* 44 U.S.C., chapter 31.

(3) *Contact point:* Linda N. Brown (202-724-1592).

(4) *Major rule:* No.

PUBLIC BUILDINGS SERVICE

1. *Final rules expected to be issued, including both permanent and temporary regulations, that will be issued between May and October.*

a. *Management of Buildings and Grounds; Display of the Code of Ethics for Government Service* (41 CFR Part 101-20).

(1) *Description.* This regulation implements Pub. L. 96-303, an Act to provide for the display of the Code of Ethics for Government Service. The Act requires the Administrator to provide for the publication and distribution of the Code; to prescribe regulations by which each agency shall display the Code in appropriate areas of buildings in which at least 20 individuals are regularly employed by an agency as civilian employees; and to accept any unconditional gift made for the purpose of the Act. The regulation also requires that the code be appropriately displayed in public space in Government-owned or fully Government-occupied leased buildings such as lobbies, auditoriums, cafeterias, and other traffic areas.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Virgil Ostrander (202-566-1563).

(4) *Major rule.* No.

b. *Improved Use of Federal Space Facilities* (41 CFR Part 101-17).

(1) *Description.* This regulation provides Federal agencies with guidelines to use in establishing programs to improve their utilization of space and with criteria for developing and implementing programs to achieve economies in space utilization. This regulation is intended to reduce the total space utilization rate, which will result in significant annual cost savings.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202-566-1875).

(4) *Major rule.* No.

c. *Space Requirements Worksheet* (41 CFR Part 101-17).

(1) *Description.* This regulation requires Federal agencies to submit GSA Form 1478, Space Requirements Worksheet, with Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202-566-1875).

(4) *Major rule.* No.

d. *FPMR Temporary Regulation D-65, Federal Employee Parking, Supplement 3* (41 CFR Part 101-20).

(1) *Description.* This supplement suspends paragraphs 11, 12, 13 and 18 of FPMR Temp. Reg. D-65, which provide for the charging for employee parking and the collection and deposit of fees.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202-566-1875).

(4) *Major rule.* No.

e. *FPMR Temporary Regulation D—, Leasing of Space Under GSA-Delegated Authority* (41 CFR Chapter 101).

(1) *Description.* This regulation prescribes policies and procedures for leasing of space by executive agencies under a specific or class delegation of authority by GSA. This regulation is necessary for the purposes of effectively carrying out the functions transferred by the provisions of the Reorganization Plan No. 18 of 1950. The intent of the regulation is to establish uniform policies and procedures for the acquisition of space by lease in the FPMR.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John P. Spock (202-566-0638).

(4) *Major rule.* No.

f. FPMR Temporary Regulation D-66, Accommodations for the physically handicapped, supplement 1, extension of the expiration date. (July 30, 1981) (41 CFR Part 101-19).

(1) *Description.* This temporary regulation establishes a new "GSA Accessibility Standard" to provide minimum accessibility standards for the design of Federal buildings and facilities to accommodate the physically handicapped.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Kathleen Fields (202-566-1348).

(4) *Major rule.* No.

g. Accommodations for the physically handicapped (41 CFR 101-19.6).

(1) *Description.* This regulation will change the semiannual reporting requirement to an annual reporting period. It will also revise the GSA Form 2974, Status Report for Federally Funded Buildings—Accommodation of Physically Handicapped, and GSA Form 2974-A, Accessibility to the Physically Handicapped in Leased Buildings.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Kathleen Fields (202-566-1348).

(4) *Major rule.* No.

2. Proposed rules that will be issued between May and October and proposed rules that have been issued but not yet finalized.

a. Improved Use of Federal Space Facilities (41 CFR Part 101-17).

(1) *Description.* This regulation provides Federal agencies with guidelines to use in establishing programs to improve their utilization of space and with criteria for developing and implementing programs to achieve economies in space utilization.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202-566-1875).

(4) *Major rule.* No.

(5) *Issued date.* August 8, 1980 (45 FR 52842).

b. Display of the Code of Ethics for Government Service (41 CFR Part 101-20).

(1) *Description.* This regulation provides for the display of the Code of Ethics for Government Service.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Virgil Ostrander (202-566-1563).

(4) *Major rule.* No.

(5) *Issued date.* November 3, 1980 (45 FR 72713).

3. Regulations to be reviewed.
None.

FEDERAL SUPPLY SERVICE

1. Final rules expected to be issued.

a. Substitution policy (41 CFR 101-26.304).

(1) *Description.* This regulation contains changes in the GSA policy on issuing substitute items for items ordered from GSA stock. The regulation will specify when prior approval will be obtained from ordering activities before substitute items are issued.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

b. Price comparisons (41 CFR 101-26.401(c)).

(1) *Description.* This regulation eliminates the mandatory requirement that agencies compare prices in Federal Supply Schedules with suitable products available from noncontract sources and advise GSA whenever they encounter lower prices from noncontract sources. The requirement has been in effect since May of 1980 and agencies report that because of limited staffing they are unable to comply. This regulation will provide that agencies notify GSA only when they encounter an instance in which the price of a schedule product is higher than a suitable noncontract product.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

c. GSA self-service stores (41 CFR 101-28.3).

(1) *Description.* This regulation contains new and revised policy on the operation and use of GSA self-service stores. The regulation will clarify the purpose and functions of self-service stores, provide restrictions on the use of the stores, and provide for more effective control over purchases in the stores.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Harold F. Bare (703-557-7970).

(4) *Major rule.* No.

d. Priorities for sources of supply (41 CFR 101-26.107 and 101-26.605).

(1) *Description.* This regulation provides clarification between mandatory and nonmandatory supply sources that are available to Federal agencies. The regulation will enable agencies to better determine the appropriate source to use in obtaining supplies or services.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

e. Procurement of appliances by Federal agencies (41 CFR 101-26.5).

(1) *Description.* This regulation provides an improved method by which Federal agencies are to purchase appliances when they are needed. The regulation will result in agencies being able to obtain appliances more readily and at competitive prices.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

f. Costs of returning stock items to GSA for credit (41 CFR 101-27.507).

(1) *Description.* This regulation requires agencies returning items to GSA for credit to assume the costs of unloading the items. The regulation will eliminate the problems encountered when returned items are delivered to GSA without provisions having been made to unload the items.

(2) *Legal basis.* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* S. C. Medford (703-557-8520).

(4) *Major rule.* No.

g. Nonperishable subsistence items (41 CFR 101-30).

(1) *Description.* This regulation provides revised policy and procedures for the cataloging of nonperishable subsistence items. The regulation will ensure that the cataloging of nonperishable subsistence items is uniform and complete.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

h. Purchase of fuel oils (41 CFR 101-26.602-3).

(1) *Description.* This regulation increases the minimum quantity below which civilian agencies with procurement capability are required to obtain burner fuel oil from the Defense Fuel Supply Center (DFSC). This regulation will reduce the incidence of civilian agencies obtaining small quantities of burner fuel oils from the DFSC. The DFSC is unable to supply small quantities of burner fuel oil at lower prices than civilian agencies can obtain it for on the open market.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

i. Direct payment to GSA contractors (41 CFR 101-26.102-4).

(1) *Description.* This regulation pertains to the billing procedures which are prescribed in Subchapter A of the FPMR which may be revised. The regulation would be issued if the billing procedures in Subchapter A are revised and would align Subchapter E with Subchapter A.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* No.

j. Use standards for executive-type office furniture (41 CFR 101-25.302-1).

(1) *Description.* This regulation provides strict and definitive use standards for executive-type office furniture. The regulation will provide for more effective utilization of Government-owned executive-type office furniture and limit the purchase of new executive-type office furniture to an absolute minimum.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John Allen (703-557-1583).

(4) *Major rule.* No.

k. Systems furniture (41 CFR Chapter 101 appendix at the end of Subchapter F).

(1) *Description.* This regulation provides policies and procedures on the acquisition of systems furniture. The regulation will ensure that systems furniture will be acquired by the Government only when it can be documented as being cost beneficial or otherwise advantageous to the Government.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert Schwaner (703-557-8474).

(4) *Major rule.* No.

l. Procurement data reporting (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation requires that agencies provide GSA with information on certain types of items that they purchase through Federal Supply Schedules. The regulation will allow GSA to gather the necessary data to evaluate and assess what items agencies are buying and thereby develop a requirements oriented supply system.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Warren F. Morris (703-557-2364).

(4) *Major rule.* No.

m. Waivers (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation established a specific dollar value threshold below which ordering agencies will handle requests for waivers from the requirement to obtain items from GSA stock or Federal Supply Schedules. The regulation will eliminate the time consuming process of obtaining waivers from GSA for low dollar value quantities and allow GSA to concentrate on requests for waivers that involve larger dollar value amounts.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Clyde H. Mathews (703-557-7580).

(4) *Major rule.* No.

n. Designation of property management officers (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation formalizes the designation of property management officers by executive agencies. The regulation is an initial step in institutionalizing the property management officer concept which has proven to be an effective means of controlling the acquisition, utilization, and disposal of furniture.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John Allen (703-557-1583).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

a. Use standards (41 CFR 101-25.3).

(1) *Description.* This regulation prescribes minimum use standards for certain Government-owned personal property to be applied by all executive agencies.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* To be determined.

b. Procurement of GSA stock items (41 CFR 101-26.3).

(1) *Description.* This regulation prescribes policy and procedures governing the procurement by agencies of items of supply stocked by GSA.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703-557-7970).

(4) *Major rule.* To be determined.

OFFICE OF HUMAN RESOURCES AND ORGANIZATION

1. Final rules expected to be issued.

a. Nondiscrimination in Federally Assisted Programs (41 CFR Part 101-8).

(1) *Description.* This regulation consolidates and implements all civil rights provisions which prohibit discrimination on the bases of race, color, national origin, sex, age, or handicap, in programs and activities receiving Federal assistance from the General Services Administration. The regulation will explain the Agency's responsibilities, and it will set out requirements for applicants and for recipients of Federal assistance.

(2) *Legal basis.* Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 252, 42 U.S.C. 2000d; Title IX of the Education Amendments of 1972, as amended, Pub. L. 92-318, 86 Stat. 373, Pub. L. 93-568, 88 Stat. 1862, Pub. L. 94-482, 90 Stat. 2234, 20 U.S.C. 1681; Section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112, 87 Stat. 394, 29 U.S.C. 794; and the Age Discrimination Act of 1975, Pub. L. 94-135, 89 Stat. 728, 42 U.S.C. 6101.

(3) *Contact point.* Leslie A. Wilson (202-566-1009).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

None.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF TRANSPORTATION AND TRAVEL MANAGEMENT (TT)

A. New Regulations.

No new major rules are being considered.

B. Changes to Existing Regulations.

1. Federal Travel Regulations (FTR) (41 CFR 101-7); revise chapter 2 to increase certain relocation allowances.

2. Supplement 12 to FPMR Temporary Regulation A-11; revise certain High Rate Geographical Areas and revise rates for reimbursement on use of privately-owned vehicles.

3. Federal Travel Regulations (FRT) (41 CFR 101-7); additional revisions to chapters 1 and 2 for clarification of various travel provisions.

a. Need for changes (listed above): (1) To implement proposed rulemaking published for agency comments on March 20, 1981. (2) To incorporate results of investigation by GSA of the cost of travel and operation of privately-owned vehicles and (3) To incorporate various additional changes in the travel area into the FTR.

b. Legal Basis: Travel Expense Amendments Act of 1971 (Pub. L. 94-22), May 22, 1971; Executive Order 11609 (July 22, 1971).

c. Contact Point: Audrey Rish, Federal Travel Management Division, Office of

Transportation and Travel Management (202-275-0651).

4. Supplement 1 to FPMR Temporary Regulations A-17; revise contract air fares, add new city-pairs and change certain airline reservation telephone numbers.

a. Need for Changes: To incorporate results of additional contract fares and city-pairs available by GSA contracts with certain scheduled airlines.

b. Legal Basis: Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377 et seq.).

c. Contact Point: Ed Hochard, Federal Travel Management Division, Office of Transportation and Travel Management (202-275-0657).

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF TRANSPORTATION AUDITS

Final Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G-43.

Descriptive Caption: Audit of Payments for Transportation Services Furnished for the Account of the United States.

CFR Citation: (41 CFR Part 101-41).

Brief Description: This final rule establishes policies and procedures governing the audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275-0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: Review of this amendment was recently completed and this update provides for revision of certain organizational symbols and legal citations which are no longer current, and other editorial corrections. Revision to be published not later than June 20, 1981, to allow for update of the Code of Federal Regulations scheduled for reprinting on July 1, 1981.

Final Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G-43.

Descriptive Caption: Selective Service System National Emergency Travel Warrant.

CFR Citation: (41 CFR Part 101-41).

Brief Description: This regulation provides for the procurement of passenger transportation service and the

billing and payment for such services in connection with the Selective Service System National Emergency Travel Warrant system.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275-0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: This regulation allows for the use of travel warrants as an exception to U.S. Government Transportation Requests to obtain transportation for registrants who are ordered to report for induction into the military service during periods of national emergency. Target date for publication of this final rule is May 31, 1981.

Proposed Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G-43.

Description Caption: Refunds From Carriers for Unused Transportation Services or Accommodations.

CFR Citation: (41 CFR Part 101-41).

Brief Description: This proposed rule will revise and improve the current procedures regarding voluntary refunds from carriers for unused Transportation services or accommodations to allow for recovery of outstanding refunds due the U.S. Government from the carrier industry.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275-0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: The amended regulation will expedite the recovery of unearned revenue presently being held by passenger carriers in those instances where the carrier has not received a Standard Form 1170, Redemption of Unused Tickets. This proposed rule was published in the Federal Register on March 31, 1981, and invited comments from interested parties, to be received by GSA by April 30, 1981. Target date for the publication of the final rule is May 31, 1981.

Proposed Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G-43.

Description Caption: Proposed Revision of U.S. Government Bills of Lading.

CFR Citation: (41 CFR Part 101-41).

Brief Description: This proposed rule will revise the format of the current editions of the Government bills of lading, Standard Forms 1103, 1109, and 1131 (series).

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275-0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: This regulation publishes proposed changes in GBL format which will make the documents more efficient and more responsive to data information systems. Target date for publication of this proposed rule is June 30, 1981, and it will invite comments from interested parties. Target date for publication of a final rule is September 30, 1981.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF MOTOR EQUIPMENT

A. New Regulations:

1. Federal Property Management Regulations (FPMR) Temporary Regulation in the G-series to provide guidance to civilian Federal agencies concerning the use of gasoline in Federally owned and operated motor vehicles.

a. Need for new regulation: Based on the need for a coordinated policy for gasoline use in the Federal Government.

b. Legal basis: Executive Order 12261 (January 5, 1981) and the Energy Security Act of 1980.

c. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275-1021).

d. Regulatory analysis: Will not be prepared.

e. Additional information: The new regulation listed above will be published in the Federal Register as proposed rulemaking to allow for agency comments before final rule.

B. Changes to existing regulations:

1. FPMR Temporary Regulation A-16 to codify the provisions of this regulation (Federal Facility Ridesharing Program).

a. Need for change: Expiration date of Temporary Regulation is June 30, 1981.

b. Legal basis: Executive Order 12191 (February 1, 1980).

c. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275-1021).

d. Regulatory analysis: Will not be prepared.

e. Additional information: The regulatory changes listed above will be incorporated into the permanent regulation, taking into account agency comments furnished to GSA.

2. FPMR (41 CFR Part 101-39) to clarify grounds for withdrawal of an Interagency Motor Pool System (IMPS) vehicle from a customer agency and to hold customer agencies responsible for all costs of accident damage to IMPS vehicles under their control except where an identifiable third party is at fault or when the damage is caused by the failure of the IMPS vehicle itself.

a. Need for change: Provide specific authority for IMPS motor pool managers to withdraw vehicle support and provide basis to directly charge customer agencies for all accident costs (except as noted above) rather than attempting to recover such costs by increasing overall rental rates charged to all users.

b. Legal basis: Federal Property and Administrative Services Act of 1949, as amended, Section 211(d).

c. Contact point: William Rivers, Interagency-Motor Pools Division, Office of Motor Equipment (202/275-6118).

d. Regulatory analysis: Will not be prepared.

e. Additional information: The regulatory changes listed above were

published in the Federal Register for agency comment. Comments have been received and reconciled. Publication in the Federal Register as a final rule will occur by the end of May 1981.

C. Regulation scheduled for review:

1. FPMR 101-38 and 101-39 to reflect miscellaneous changes which have occurred since the 1st review in 1977. These housekeeping changes will reflect things like new addresses, changes to agency code identifications, revised agency names, etc.

a. Contact point: Lowell A. Stockdale, Director, Federal Fleet Management Division, Office of Motor Equipment (202/275-1021).

2. FPMR 101-38.1306 and .1307 to determine if new procedures are necessary for overall management of the acquisition of fuel efficient vehicles program.

a. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275-1021).

OFFICE OF ACQUISITION POLICY

The Office of Acquisition Policy is responsible for the Federal Procurement Regulations (FPR) (41 CFR Chapter 1). The letter dated April 8, 1981, from the Director of the Office of Management and Budget to Don Sowle, OFPP/James

Miller, IRA, subject: Procurement Regulations, Exemption from Executive Order No. 12291, February 17, 1981; Federal Regulation, exempts procurement regulations, except those pertaining to the acquisition of automated data processing and telecommunications equipment, from the requirements of E.O. 12291. Therefore, proposed FPR actions other than those pertaining to ADP and telecommunications (see the entries for the Automated Data and Telecommunications Service for proposed FPR actions in this area), are not listed in this agenda.

OFFICE OF INSPECTOR GENERAL

No regulatory actions are planned.

GSA BOARD OF CONTRACT APPEALS

No regulatory actions are planned.

OFFICE OF EXTERNAL AFFAIRS

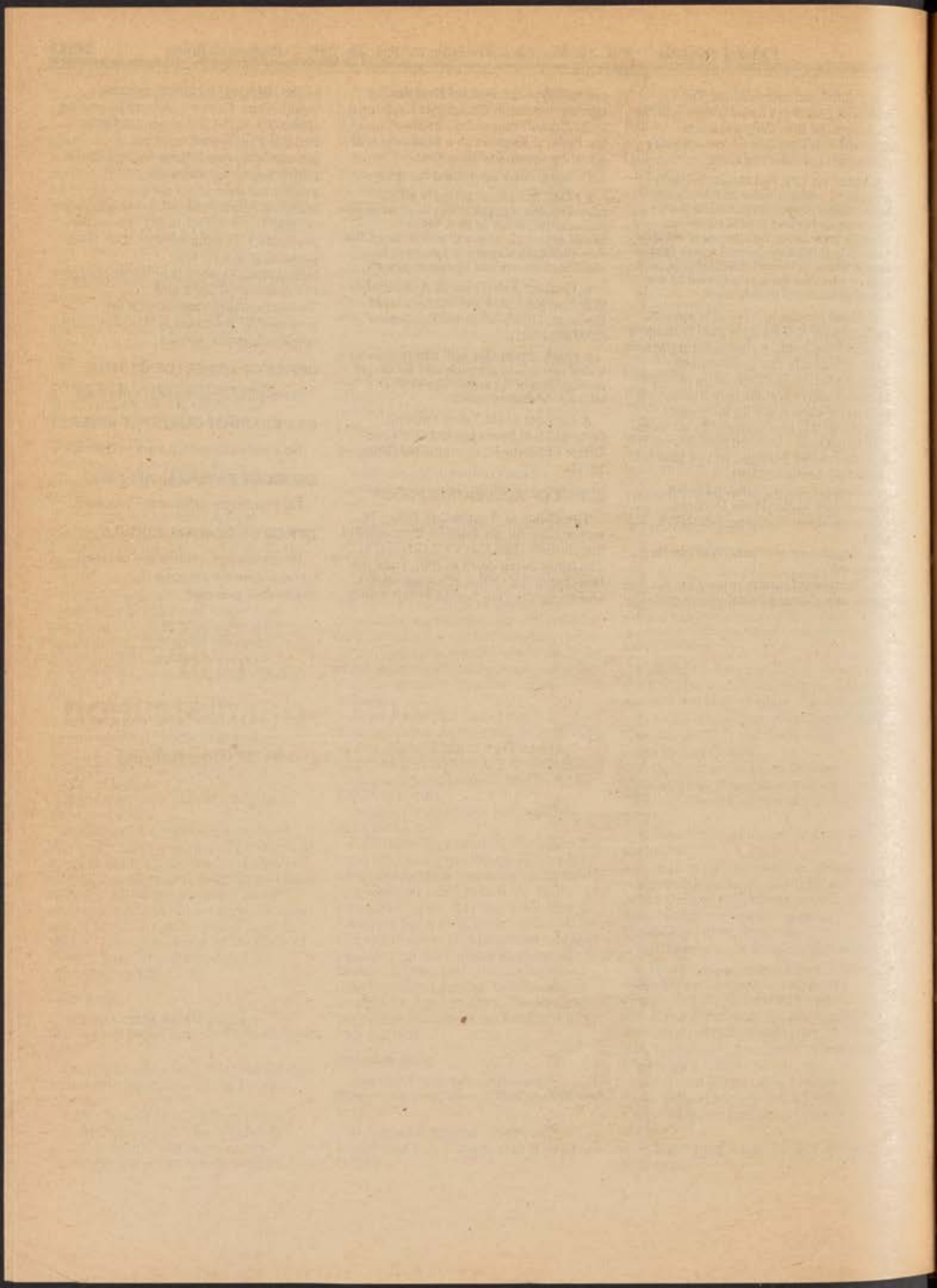
No regulatory actions are planned.

OFFICE OF GENERAL COUNSEL

No regulatory actions are planned.

[FR Doc. 81-13125 Filed 4-29-81; 8:45 am]

BILLING CODE 6820-34-M



Federal Register

Thursday
April 30, 1981

Part IX

National Credit Union Administration

Semi-Annual Agenda of Regulations

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semi-Annual Agenda of Regulations

AGENCY: National Credit Union Administration.

ACTION: Publication of Semi-Annual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of regulations under consideration by NCUA as of April 17, 1980.

DATES: Effective April 17, 1980.

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

FOR FURTHER INFORMATION CONTACT:

(a) On the Regulatory Flexibility Act or the Agenda, Robert Monheit, Senior Attorney/Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration at the above address. Telephone: (202) 357-1030. (b) On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On March 23, 1978, Executive Order No. 12044 was issued, directing each executive agency, among other actions, to publish, twice a year, a list of significant regulations being considered, along with a description of the regulation, its need and legal basis, its status, the name and telephone number of an agency official familiar with the regulation and whether a regulatory analysis is required for that regulation.

NCUA decided to comply voluntarily with this directive and the first Semi-Annual Agenda was published on December 15, 1978 (43 FR 58654). Twelve regulations were listed as being under development from the stage of preliminary review through the issuance of a final regulation. In addition, the first Agenda listed twenty existing regulations to be reviewed in the future. The second Semi-Annual Agenda was published on July 2, 1979 (44 FR 38560). Nineteen regulations were listed as being under development. The list of existing regulations to be reviewed was divided into two categories. The first ("Regulations Reviewed") contained a list of nine regulations where substantial progress had been made in the review process (from preliminary review through the issuance of a final, revised, regulation). The second group ("Regulations to be Reviewed") listed eleven regulations yet to be reviewed. The third Semi-Annual Agenda was

published on December 19, 1979. Seventeen regulations were listed as being under development, four regulations were listed as being under active review, and eleven regulations were listed as to be reviewed in the future. The fourth Semi-Annual Agenda was published on July 16, 1980 (45 FR 47695). Twenty-two regulations were listed as being under development, three regulations were listed as being under active review, and thirty-two regulations were listed as to be reviewed in the future. In addition, target dates were established for the completion of a "preliminary review memo" (setting forth the need for the regulations and alternatives to be considered) for each regulation to be reviewed. The fifth Semi-Annual Agenda was published on December 24, 1980 (45 FR 85052), and listed seventeen regulations under development, fifteen under active review, and twenty-two to be reviewed in the future.

On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) became effective. This law requires, among other things, that each agency publish a regulatory flexibility agenda each April and October (5 U.S.C. 602). This agenda lists regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities. NCUA has defined "small entities" to include credit unions with less than \$1 million in assets. NCUA believes, at this time, that none of the regulations listed in the agenda will have a significant economic impact on a substantial number of these small credit unions.

On February 19, 1981, Executive Order 12291 was issued (46 FR 13193), replacing E.O. 12044 and setting forth new agenda requirements for regulations subject to the Executive Order. NCUA, however, is not subject to E.O. 12291 because NCUA is an independent regulatory agency.

NCUA has decided to continue to publish its agenda as it has been published in the past. This method results in a publication that is broader than that required by the Regulatory Flexibility Act. NCUA believes that the agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

As stated earlier, this Agenda retains the format used in its predecessor. Those regulations listed in the fourth Agenda as having been issued in final have not been included.

Agenda: Regulations Under Development

1.a. Section 701.21-6A, Business Relationship with Mortgage Lender—to permit Federal credit unions to enter into a business relation with a mortgage lender that will grant first mortgage loans to members of the Federal credit union.

b. *Need:* To provide mortgage loans to members of those Federal credit unions that are unable to otherwise provide such loans.

Legal Basis: 12 U.S.C. 1757, 1766(a), and 1789(a)(11).

c. *Status:* Final rule issued April 2, 1981 (46 FR 19927), effective May 1, 1981.

d. For Further Information Contact: Robert M. Fenner, Deputy General Counsel, Todd A. Okun, Assistant General Counsel, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

2.a. Section 701.35(m), Premiums, Finders Fees and the Payment of Dividends in Merchandise—to limit the use of the premiums by Federal credit unions.

b. *Need:* To prohibit practices which may result in returns on savings in excess of rate limitations and to enable consumers to better compare rates of return on savings.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Final rule issued December 30, 1980 (46 FR 85723), effective December 31, 1980.

d. For Further Information Contact: James J. Engel, Assistant General Counsel, or Todd A. Okun, Assistant General Counsel, Office of General Counsel, telephone: (202) 357-1030.

3.a. Section 701.35(e), Withdrawals From Share Certificate Accounts—providing a minimum required penalty for withdrawals prior to maturity.

b. *Need:* To simplify existing rule on early withdrawals and to promote stability in Federal credit unions by deterring early withdrawals, and to allow Federal credit unions flexibility in establishing penalties.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. Final rule issued February 19, 1981 (45 FR 12948), effective February 19, 1981.

d. For Further Information Contact: Robert M. Fenner, Deputy General Counsel, Office of General Counsel, telephone: (202) 357-1030; Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357-1090.

4.a. Section 701.21-6(b), Real Estate Lending—removing requirements of prior NCUA approval for credit unions

under \$2 million in assets and removing restrictions on loan origination fees.

b. *Need:* To reduce the burden of regulations and enable Federal credit unions to provide competitive real estate loan services to their members.

Legal basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Final rule issued March 19, 1981 (46 FR 17537), effective March 12, 1981.

d. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

5.a. Part 760, Flood Insurance—governing FCU lending secured by improved realty, or a mobile home when either is located in a flood plain.

b. *Need:* To provide a plain English version of present NCUA flood insurance regulations.

Legal Basis: 12 U.S.C. 1757, 1789; 42 U.S.C. 4102a, 4106.

c. *Status:* Proposed rule issued October 15, 1980 (45 FR 68398), comment period closes December 15, 1980. Under review by staff.

d. For Further Information Contact: John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030, or Ben R. Henson, Director, Division of Enforcement, Office of Consumer Affairs, telephone: (202) 357-1080.

6.a. Part 701, Adjustable Rate Mortgages—allowing credit unions to grant real estate loans with interest rates that will change during the life of the loan.

b. *Need:* To minimize the effects of volatile financial conditions on both home buyers and Federal credit unions.

Legal Basis: 12 U.S.C. 1757(5)(A)(i) and (ix).

c. *Status:* Advance notice of proposed rule making issued December 1, 1980 (45 FR 79494), comment period closed January 31, 1981. Under review by staff.

d. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065; or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

7.a. Sections, 701.26, 701.27-1, 701.28, Joint Operations and Services, including Credit Union Service Center, Purchase and Sale of Accounting Services.

b. *Need:* To review to update and revise if necessary.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Preliminary review memorandum submitted to NCUA Board in October, 1980; proposed regulation

drafted and scheduled for Board consideration in July, 1981.

d. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357-1065.

8.a. Part 749, Records Preservation Program—requiring credit unions to store duplicates of certain vital records off site.

b. *Need:* Review to update and revise if necessary.

Legal Basis: 12 U.S.C. 1766 and 1789.

Status: Final regulation issued March 18, 1981 (46 FR 17188), effective April 18, 1981.

d. For Further Information Contact: Richard Galik, Office of Examination and Insurance, telephone: (202) 357-1065.

9.a. Sections 701.13 and 741.7, Reporting Policy—to require that all federally insured credit unions file a Financial and Statistical Report on a semi-annual basis.

b. *Need:* To provide a uniform reporting instrument that presents necessary data to NCUA in an efficient and usable format.

Legal Basis: 12 U.S.C. 1758 and 1782.

c. *Status:* Final rule issued April 15, 1981 (46 FR 21987), effective May 15, 1981.

d. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357-1065, Steven Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

10.a. Section 701.30 Safe Deposit Box Service—deregulation of requirements concerning construction, location, leasing, access, and recordkeeping procedures for Federal credit unions in providing this service to their members.

b. *Need:* To eliminate unnecessary restrictions.

Legal Basis: 12 U.S.C. 1757(15) and 1766(a).

c. *Status:* Final rule issued January 26, 1981 (46 FR 7934), effective January 26, 1981.

d. For Further Information Contact: Joseph W. Petrosky, Office of Examination and Insurance, telephone: (202) 357-1055.

11.a. Part 748, Minimum Security Devices and Procedures—eliminating unnecessary reports on security devices.

b. *Need:* To eliminate unnecessary reporting burdens.

Legal Basis: 12 U.S.C. § 1785.

c. *Status:* Final rule issued March 10, 1981 (45 FR 15864), effective March 10, 1981.

d. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of

Examination and Insurance, telephone: (202) 357-1065.

12.a. Section 701.11, Annual Report of Officials—eliminating redundant reporting requirement from the regulations.

b. *Need:* To reduce redundant or overlapping requirements.

Legal Basis: 12 U.S.C. 1761.

c. *Status:* Final rule issued March 10, 1981 (46 FR 17187), effective March 12, 1981.

d. For Further Information Contact: Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance, telephone: (202) 357-1065.

13.a. Section 701.35, Effective Date of Share Certificate Ceiling Rates—permitting Federal credit unions to offer share certificates with ceilings effective on the day after the rate for 26 week U.S. Treasury bills are announced.

b. *Need:* To more closely link ceilings payable on share certificates and money market certificates with current market rates, thereby smoothing deposit flows.

Legal Basis: 12 U.S.C. 1757, 1766, 1789.

c. *Status:* Final rule issued April 3, 1981 (46 FR 20154), effective April 7, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357-1090.

14.a. Section 701.35, Withdrawals from Share Certificate Accounts in the Event of Bankruptcy—permitting penalty free withdrawals.

b. *Need:* To avoid reducing assets available to pay claims against the bankrupt debtor's estate.

Legal Basis: 12 U.S.C. 1757 and 1766.

c. *Status:* Proposed rule issued January 5, 1981 (46 FR 920); withdrawal of proposed rule approved April 13, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357-1091.

15.a. Section 701.35 Retirement Accounts—permitting additions to share certificate accounts representing IRA and Keogh plans and revising the current dividend ceiling payable on these accounts.

b. *Need:* To encourage qualified individuals to use share certificate IRA and Keogh accounts for their own retirement plans.

Legal Basis: 12 U.S.C. 1757 and 1766.

c. *Status:* Proposed rule issued January 5, 1981 (46 FR 920), comment period closed March 20, 1981. Under review by staff.

d. For Further Information Contact: Daniel Gordon, Financial Economist, Office of Policy Analysis, telephone: (202) 357-1090.

16.a. Part 721—Group Purchasing and Insurance Activities—permitting Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans.

b. *Need:* To revise, simplify, and update current regulations and to increase the flexibility of operations of Federal credit unions.

Legal Basis: 12 U.S.C. 1757(15), 1766, and 1789.

c. *Status:* Proposed rule issued April 15, 1981 (46 FR 22003), comment period closes June 1, 1981.

d. For Further Information Contact: Daniel Gordon, Financial Economist, Office of Policy Analysis, telephone: (202) 357-1090.

17.a. Section 701.35, Deregulation of Deposit Rate Ceilings—removing the maximum 12 percent dividend rate ceiling on share certificates or establishing a schedule for deregulating rate ceilings on share certificates starting with longer maturities.

b. *Need:* To permit savers to receive a market rate of return as soon as it is economically feasible for credit unions to pay such rates, to encourage savings and to enhance competition.

Legal Basis: 12 U.S.C. 3105 et seq.

c. *Status:* Proposed rule approved April 13, 1981, comment period closes May 15, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357-1091.

Review of Regulations

The following is a list of regulations to be reviewed in the future. The purpose of the review will be to update, clarify, and simplify existing regulations and to eliminate redundant and unnecessary provisions. These regulations are divided into two groups. The first grouping contains those regulations in which substantial progress has been made (since the last publication of the Agenda) and includes a statement concerning the status of the review. The second grouping contains those regulations yet to be reviewed. Each regulation listed in the second grouping contains a target date for the submission of a "preliminary review memo" by the staff to the NCUA Board. This memo will set forth the need for the regulation, any needed changes, and the alternatives to be considered.

A. Regulations Reviewed

1.a. Sections 701.2 and 701.14, Incorporation by Reference, Accounting manual For FCUs.

b. *Status:* New edition under staff review.

c. For further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357-1065.

2.a. Section 701.21-6(b), Real Estate Lending—review to eliminate prior approval requirement for credit unions under \$2 million and to deregulate loan origination fees.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 4 (above).

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

3.a. Sections 701.26, 701.27-1, 701.28, Joint Operations and Services—review to update, consolidate, and relieve unnecessary restrictions.

b. *Status:* Proposed regulation drafted; see: Regulations Under Development, No. 7 (above).

c. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357-1055.

4.a. Part 703, Investments and Deposits—review to update necessary requirements and to relieve unnecessary restrictions.

b. *Status:* Staff task force formed to begin review.

c. For Further Information Contact: Robert Schafer, Director, Division of Supervision, Policy and Evaluation, Office of Examination and Insurance, telephone: (202) 357-1065.

5.a. Part 721, Incidental Powers—review of restrictions on credit union insurance and group purchasing activities.

b. *Status:* Proposed rule issued, see: Regulations Under Development, No. 16 (above).

c. For Further Information Contact: Daniel Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357-1090.

6.a. Part 735, Employee Responsibility and Conduct—review to update.

b. *Status:* NCUA Board members currently reviewing a memorandum concerning the need to revise this regulation.

c. For Further Information Contact: James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357-1030.

7.a. Part 749, Records Preservation Program—review to simplify and relieve unnecessary burdens.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 8 (above).

c. For Further Information Contact: Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance, telephone: (202) 357-1065.

8.a. Part 760, Flood Insurance—review to simplify.

b. *Status:* Proposed regulation issued, see: Regulations Under Development, No. 5 (above).

c. For Further Information Contact: John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

9.a. Sections 701.13 and 741.1, Reporting Policy—review to revise reporting format.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 9 (above).

c. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357-1065, or Steven Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

10.a. Section 701.30, Safe Deposit Box Service—concerning the construction, location, leasing, access, and recordkeeping procedures in providing this service to Federal credit union members.

b. *Status:* Final regulation issued, see: Regulations Under Development No. 10 (above).

c. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357-1065.

11.a. Section 701.5, Other Applications; § 701.18 Petitions; and Part 720, Description of Office, Disclosure of Official Records, Availability of Information, and Promulgation of Regulations—review to consolidate, update, simplify and revise.

b. *Status:* Preliminary review memo drafted, to be presented to the NCUA Board May 7, 1981.

c. For Further Information Contact: Robert S. Monheit, Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

12.a. Section 701.3 and 701.4, Standard Form of Bylaws and Amendment of Bylaws—review to determine whether regulations on this subject are necessary.

b. *Status*: Revised publication "Federal Credit Union Standard Bylaw Amendments and Guidelines" (NCUA 8001A) issued April 10, 1981.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357-1060.

13.a. Parts 706 and 707, Conversion from Federal to State Credit Union, and Conversion from State to Federal Credit Union—review to determine whether the regulations on this subject are necessary or whether the subject may be covered in a manual.

b. *Status*: Staff review begun.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357-1060.

14.a. Parts 708 and 709, Mergers of Credit Unions, Division of Assets, Liabilities, and Capital—review to determine whether regulations in this subject are necessary or whether they may be covered in a manual.

b. *Status*: Revised manual drafted—review of regulation delayed while agency is seeking significant legislative changes.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357-1060.

15.a. Part 741, Requirements for Insurance—review to update, revise, and simplify.

b. *Status*: Preliminary review presented to NCUA Board December 18, 1980; Interpretive Ruling and Policy Statement (IRPS 80-12) issued January 30, 1981 (46 FR 9919); review continuing.

c. For Further Information Contact: Thomas Diehl, Insurance Analyst, Office of Examination and Insurance, telephone: (202) 357-1060.

16.a. Part 740, Advertisement of Insured Status, review to update, simplify and revise if necessary.

b. *Status*: Staff review begun.

c. For Further Information Contact: Thomas Diehl, Insurance Analyst, Office of Examination and Insurance, telephone: (202) 357-1060.

B. Regulations To Be Reviewed

1.a. Section 700.1, Definitions—review to update and clarify.

b. *Target Date*: September 30, 1981.

c. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of Examination and Insurance, telephone: (202) 357-1065.

2.a. Section 701.2 and 701.14, Incorporation by Reference—to

complete review of these sections by reviewing that status of the *Federal Credit Union Bylaws*.

b. *Target Date*: September 30, 1981.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357-1060.

3.a. Section 701.12, Supervisory Committee Audit—review to determine whether the regulation on this subject is necessary or whether the subject might be covered in a manual.

b. *Target Date*: June 30, 1981.

c. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357-1065.

4.a. Section 701.19, Retirement Benefits for Employees of Federal Credit Unions—review to update and revise if necessary.

b. *Target Date*: September 30, 1981.

c. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of Examination and Insurance, telephone: (202) 357-1065.

5.a. Section 701.20, Surety Bond and Insurance Coverage—review to update and revise if necessary.

b. *Target Date*: December 31, 1981.

c. For Further Information Contact: Thomas A. Straslicka, Chief-Examination Section, Office of Examination and Insurance, telephone: (202) 357-1065.

6.a. Sections 701.21-1 through 701.21-6, Lending Regulations, review to update, simplify, and revise if necessary.

b. *Target Date*: July 31, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Account (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

7.a. Section 701.21-7, Loan Participation—review to update and revise if necessary.

b. *Target Date*: July 31, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Account (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065.

8.a. Section 701.32, Payment on Shares By Public Units—review to update and revise, and to determine whether subject may be covered in a manual rather than a regulation.

b. *Target Date*: August, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Account (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065.

9.a. Section 701.33, Compensation of Officials—review to update and revise if necessary.

b. *Target Date*: March 1, 1982.

c. For Further Information Contact: Ross P. Kendall, Attorney-Advisor, telephone: (202) 357-1030.

10.a. Section 701.36, Federal Credit Union Ownership of Fixed Assets—review to update and revise if necessary.

b. *Target Date*: October 30, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357-1065.

11.a. Part 702, Reserves—review to update and revise if necessary.

b. *Target Date*: June 30, 1981.

c. For Further Information Contact: Randall J. Miller, Director, Regulatory Policy and Research Division, Office of Policy Analysis, telephone: (202) 357-1090.

12.a. Part 745, Clarification and Definition of Account Insurance Coverage—review to update, simplify and revise if necessary.

b. *Target Date*: January 30, 1982.

c. For Further Information Contact: James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357-1030.

13.a. Part 746, Rebate Procedures for Federally Insured Credit Unions—review to update and revise if necessary.

b. *Target Date*: November 30, 1981.

c. For Further Information Contact: Phillip J. Daniels, Director, Division of Financial Management, Office of the Comptroller, telephone: (202) 357-1025.

14.a. Part 748, Minimum Security Devices and Procedures—review to update and simplify.

b. *Target Date*: September 30, 1981.

c. For Further Information Contact: Thomas A. Straslicka, Chief-Examination Section, Office of Examination and Insurance, telephone: (202) 357-1065.

15.a. Part 750, Tort Claims Against the Government—review to update, simplify and revise if necessary.

b. *Target Date*: December 31, 1981.

c. For Further Information Contact: Jay C. Keithley, Senior Attorney, Office of General Counsel, telephone: (202) 357-1030.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

April 27, 1981.

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Federal Register

Vol. 46, No. 83

Thursday, April 30, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation

	523-3517
--	----------

United States Government Manual

	523-5230
--	----------

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, APRIL

19813-19900	1	23405-23736	27
19901-20134	2	23737-23912	28
20135-20532	3	23913-24140	29
20533-20666	6	24141-24518	30
20667-20976	7		
20977-21142	8		
21143-21338	9		
21339-21590	10		
21591-21748	13		
21749-21982	14		
21983-22174	15		
22175-22350	16		
22351-22558	17		
22559-22744	20		
22745-22888	21		
22889-23042	22		
23043-23192	23		
23193-23404	24		

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:	4841	23405
------------------------	------	-------

Presidential Determinations:

No. 81-5 of	4842	23737
-------------	------	-------

April 14, 1981	24141
----------------	-------

Executive Orders:

11888 (Amended by	
EO 12302)	19901
12302	19901
12303	21341

Proclamations:

4611 (Revoked by	
Pub. L. 96-487)	19860
4612 (Revoked by	
Pub. L. 96-487)	19860
4613 (Revoked by	
Pub. L. 96-487)	19860
4614 (Revoked by	
Pub. L. 96-487)	19860
4615 (Revoked by	
Pub. L. 96-487)	19860
4616 (Revoked by	
Pub. L. 96-487)	19860
4617 (Revoked by	
Pub. L. 96-487)	19860
4618 (Revoked by	
Pub. L. 96-487)	19860
4619 (Revoked by	
Pub. L. 96-487)	19860
4620 (Revoked by	
Pub. L. 96-487)	19860
4621 (Revoked by	
Pub. L. 96-487)	19860
4622 (Revoked by	
Pub. L. 96-487)	19860
4623 (Revoked by	
Pub. L. 96-487)	19860
4624 (Revoked by	
Pub. L. 96-487)	19860
4625 (Revoked by	
Pub. L. 96-487)	19860
4626 (Revoked by	
Pub. L. 96-487)	19860
4627 (Revoked by	
Pub. L. 96-487)	19860
4707 (Amended by	
EO 12302)	19901
4768 (Amended by	
EO 12302)	19901
4807 (Amended by	
Proc. 4835)	22175
4830	20135
4831	21339
4832	21591
4833	21593
4834	21983
4835	22175
4836	22351
4837	22889
4838	23193
4839	23195
4840	23197

4 CFR

102	22353
-----	-------

Proposed Rules:

102	23939
-----	-------

5 CFR

Ch XIV	23043
213	20137-20146
531	22745
532	21343
539	22745
870	21355
871	21355
872	21355
873	21355

Proposed Rules:

Ch. I	23751
213	20213
330	20213
890	23262
891	23262

7 CFR

0	22354, 22559
1	23913
2	21985, 23913
46	22745
301	21143, 21148, 23914
354	22354
410	22559
411	23199
420	23200
421	23201
422	23203
423	23204
424	23205
425	23206
427	23207
428	23209
431	23209
432	23213
433	23216
434	23217
435	23219
436	23220
437	23221
438	23222
905, 23916	
907	19927, 21150, 22177, 23043, 24143
908	21150, 22557
910	20148, 21356, 22355, 23222
911	24143
925	24145
944	24143
979	22356
991	20667
1065	19813

1139	21151
1280	22882
1425	20149, 21595
1474	20151
1701	20152, 20153, 20667, 20668
2852	23223
Proposed Rules:	
Ch. I-XII	23872
Ch. XIV-XVII	23872
Ch. XXI	23872
Ch. XXIV-XXIX	23872
0	21016
29	22002, 23263
301	22197
945	23058
958	22382
981	22901
982	19946, 21017
999	21017
1032	21183
1050	21183
1068	19946
1098	23060
1133	23061
1135	21944
1137	24188
1701	21367, 22383
2851	23751
2856	22383

8 CFR

238	20533, 22357
-----	--------------

9 CFR

75	22565
92	24146
94	19817
106	24147
113	23224
313	23225
331	22358
Proposed Rules:	
Ch. I-IV	23872
72	23754
92	23264
313	23265

10 CFR

2	22358
9	21356
50	20153
205	20508
210	20508
211	20508
212	20508
214	20508
220	20508
474	22747
1045, 23920	
1500	22328
1502	22328
1534	22334
Proposed Rules:	
Ch. I	24092
Ch. II	24498
Ch. III	24498
Ch. X	24498
2	20215, 23061
51	19946
71	21619
73	21619
211	23755
376	20502, 23266
1504	22340

12 CFR

204	22177
206	21747
207	20977
213	20949
220	20977
221	20977
224	20977
226	20848
545	24148
701	19927, 20154, 21987, 22178
741	21987, 24153

Proposed Rules:

Ch. I	22112
Ch. II	19824
Ch. VII	24514
217	22600
701	22388, 22762
721	22003
723	22003
724	22003
1204	20155, 20558

13 CFR

Proposed Rules:

Ch. III	24096
Ch. V	24096
122	19829

14 CFR

39	19932, 20533-20535, 21152-21154, 21595-21597, 22566, 23044, 23045, 23407, 23408, 24155-24160
71	23046, 23047, 24161-24172
73	23046, 23048, 24169
75	23047, 24170
97	19933, 22567
125	24409
203	21747

Proposed Rules:

Ch. I	20036, 21184
Ch. II	21367, 24201
Ch. V	20036, 20560
39	24188-24193
71	19947, 20561, 20562, 22202, 22203, 23065-23069, 24194-24196
73	24196-24198
93	24199
241	21185
252	22763
296	20563
385	20563

15 CFR

19	23922
368	21154
370	21154
372	23409
376	21154, 23923
378	21154
385	21154, 23923
386	21154, 23409, 23923
399, 23923	
806	23225
935	23924
936	23924
937	21357
938	21357

Proposed Rules:

Subtitle A	24096
Ch. I	24096

Ch. III	24096
Ch. IV	24096
Ch. VIII	24096
Ch. IX	24096
Ch. X	24096
Ch. XI	24096
Ch. XII	24096
301	23755
970	23070

16 CFR

3	20979
13	19817, 21598, 21599, 22179, 23409, 24173-24174
13	22891
406	20979
460	22179, 22180
1212	20030
Proposed Rules:	
13	23763
453	21784
461	21019
1212	20032
1301	23469

17 CFR

3	23469
32	23469
211	22569
241	22571

Proposed Rules:

Ch. I	23940, 24209
Ch. II	23942
1	23469
3	20679, 23469
32	23469
140	20679
210	21020
240	20218, 22602

18 CFR

46	22180, 23048
131	22180, 23048
271	20669, 20670, 24174
274	20980
362	21155
Proposed Rules:	
157	21189
260	21189
271	20218, 20219, 20683-20686, 21192, 22004
274	21027, 21192
282	23487, 23947, 23950
284, 23952	

19 CFR

4	20536, 21988
101	20538
123	21989
353	22754
355	21155, 21357
Proposed Rules:	
Ch. I	22115
Ch. III	24096
4	23952
177	21194

20 CFR

416	21992
689	20156
Proposed Rules:	
Ch. I	23884
Ch. III	24424
Ch. IV	23884

Ch. V	23884
Ch. VI	23884
Ch. VII	23884
404	22609, 23765
416	22609, 23765

21 CFR

16	22359
20	22359
146	21359
155	21359
177	23227
193	23228
203	23739
314	21360
330	21360
442	21360
444	22359
446	21361
448	22359
449	21361
452	22359
510	20158, 21361, 22359
520	20158, 23230, 23231
522	20158, 20159, 23232
524	22359
555	21361
558	20160, 20161, 21362, 21364, 21748, 22361, 22754, 23232
809	22359
812	21360
861	22359
880	21364
1030	23233
1308	20671
Proposed Rules:	
Ch. I	24424
Ch. II	24129
207	21368
210	21368
225	21368
226	21368
440	22389
501	21368
510	21368
514	21368
539	22389
540	22389
558	21368
610	23765
801	23766
864	20221, 20222, 22764
868	20223-20226
876	20687, 22393
880	20227, 20228
1030	23266
1308	22393, 23953

22 CFR

9	21992
Proposed Rules:	
Ch. I	22394
Ch. II	24212

23 CFR

1	21156
140	21156
160	21156
230	21156
650	21156
652	21156
655	21157
656	21157

659	21156
920	21156
Proposed Rules:	
Ch. I	20036, 21184
Ch. II	20036, 21184
200	21620
230	21620
625	21620
635	21620
770	21620
771	21620
795	21620

24 CFR

203	23049
207	23049
213	23049
220	23049
221	23049
232	23049
234	23049
235	23049
236	23049
241	23049
242	23049
244	23049
868	21932

Proposed Rules:

115	22204
235	22394
868	23955

25 CFR

52	24177
161	22205

Proposed Rules:

Ch. I	24458
-------	-------

26 CFR

1	20162, 23234
7	23234
150	19935

Proposed Rules:

Ch. I	22121
1	22611
31	22395
51	19947

27 CFR

252	21157
-----	-------

Proposed Rules:

Ch. I	22133
9	21195, 21197, 21623
19	21624

28 CFR

0	19935, 22361, 23051
16	20539, 22362
40	19935
59	22362

Proposed Rules:

Ch. I	24129, 24131
16	24213
42	22395

29 CFR

1	23739
4	23739
5	23739
6	23739
1910	21365, 23740, 23741
1952	20162, 20163
2200	22892
2610	23910

Proposed Rules:

Subtitle A	23884
Ch. II	23884
Ch. IV	23884
Ch. V	23884
Ch. XIV	20036, 20228, 23489
Ch. XVII	23884
Ch. XXV	23884
Ch. XXVI	23267
1611	21784
1691	22395
1910	21368, 21785, 22764
1952	20229

30 CFR

250	19935
700	20211, 23924
716	20211, 23924
785	20211, 23924
926	20983

Proposed Rules:

Ch. I	23884
Ch. II	24458
Ch. VII	24458
200	22901
231	22901
271	22901
722	22902
730	22399
731	22399
732	22399
800	22399
843	22902
872	20688

31 CFR

240	22184
-----	-------

Proposed Rules:

Subtitle A	22139
Ch. I	22139
Ch. II	22140, 22141
51	20230

32 CFR

199	19818, 21992
770	22755
775	22892
1285	20541

Proposed Rules:

1293	23070
------	-------

33 CFR

100	22580, 24177
117	23051, 23052
165	20551

Proposed Rules:

Ch. I	21184
Ch. IV	21184
110	21626, 22206
158	24213
161	22207

34 CFR

Proposed Rules:	
Subtitle A	24412
Ch. I	24412
Ch. II	24412
Ch. III	24412
Ch. IV	24412
Ch. V	24412
Ch. VI	24412
Ch. VII	24412
106	23081

36 CFR

7	24178
223	22581

Proposed Rules:

Ch. I	22905, 24458
Ch. II	23872
Ch. IX	23955
Ch. XII	24458
16	23389
1215	22208

37 CFR

1	24179
---	-------

Proposed Rules:

303	20566
-----	-------

38 CFR

3	23925
21	20672

Proposed Rules:

Proposed Rules:	
Ch. I	23081
4	23085
36	21389

39 CFR

10	23235
111	21159
601	21365
776	22366

40 CFR

52	19819, 19936, 20164-20172, 20551, 20996, 21165, 21599, 21749, 21758, 21767, 21994, 22184, 22185, 22368, 22373, 22374, 22581, 22583, 23235, 23410-23412, 23926, 24180
----	--

60	21769
----	-------

65	23417
----	-------

81	21997, 23419
----	--------------

86	23053
----	-------

122	22584
-----	-------

123	19819
-----	-------

180	19820, 20998, 21600, 21770, 23057, 23237, 23238, 23420
-----	--

261	21999
-----	-------

403	19936
-----	-------

429	19936
-----	-------

600	23053
-----	-------

Proposed Rules:

Ch. I	22400, 23692
-------	--------------

33	20567
----	-------

35	20567
----	-------

50	21628
----	-------

51	21628, 22906
----	--------------

52	19829, 20231, 20232, 20690-20696, 21199, 21200, 21390, 21391, 22209, 23768-23772, 23955
----	---

60	21628, 21789, 22005, 22768
----	----------------------------

62	19835
----	-------

65	20573, 21790
----	--------------

80	20698
----	-------

81	20233-20236, 20703, 24214
----	---------------------------

85	21628
----	-------

86	20703, 20705, 21393, 21628, 21629
----	-----------------------------------

122	20706
-----	-------

123	21395
-----	-------

162	23490
-----	-------

173	23086
-----	-------

180	21631, 21632, 22612, 22613, 22615, 22907, 23773
-----	---

260	20706
-----	-------

264	20706
-----	-------

410	22400
-----	-------

420	20707
-----	-------

430	21396
-----	-------

431	21396
-----	-------

720	20574
-----	-------

762	22908
-----	-------

772	20236, 21633, 22210
-----	---------------------

41 CFR

Ch. 51	23490
--------	-------

Ch. 101	23742
---------	-------

5A-3	21772
------	-------

5A-7	21772
------	-------

5A-53	21772
-------	-------

8-1	22895, 24183
-----	--------------

8-3	22756, 22897
-----	--------------

8-7	22756
-----	-------

8-75	22897
------	-------

60-1	23742
------	-------

60-2	23742
------	-------

60-4	23742
------	-------

60-20	23742
-------	-------

60-30	23742
-------	-------

60-50	23742
-------	-------

60-60	23742
-------	-------

60-250	23742
--------	-------

60-741	23742
--------	-------

101-14	21605
--------	-------

Proposed Rules:

Ch. I	24504
-------	-------

Ch. 4	23872
-------	-------

Ch. 12	20036, 21184
--------	--------------

Ch. 14	24458
--------	-------

Ch. 25	24216
--------	-------

Ch. 29	23884
--------	-------

Ch. 34	24412
--------	-------

Ch. 51	19836, 23490
--------	--------------

Ch. 60	23884
--------	-------

101	24504
-----	-------

42 CFR

110	21999
-----	-------

435	21992
-----	-------

Proposed Rules:

Ch. I	24424
-------	-------

Ch. II	24424
--------	-------

Ch. III	24424
---------	-------

Ch. IV	24424
--------	-------

36	22616
----	-------

43 CFR

9	22585
---	-------

2090	22585
------	-------

2200	22585
------	-------

2210	22585
------	-------

2220	22585
------	-------

2230	22585
------	-------

2240	22585
------	-------

2250	22585
------	-------

2260	22585
------	-------

2270	22585
------	-------

2300	22585
------	-------

2310	22585
------	-------

2320	22585
------	-------

2340	22585
------	-------

2350	22585
------	-------

2620	24135
------	-------

2920	22585
------	-------

2090.....	24139
Ch. I.....	24458
Ch. II.....	24458
Public Land Orders:	
5653 (Revoked by	
Pub. L. 96-487).....	19860
5654 (Revoked by	
Pub. L. 96-487).....	19860
5696 (Revoked by	
Pub. L. 96-487).....	19860
5697 (Revoked by	
Pub. L. 96-487).....	19860
5698 (Revoked by	
Pub. L. 96-487).....	19860
5699 (Revoked by	
Pub. L. 96-487).....	19860
5700 (Revoked by	
Pub. L. 96-487).....	19860
5701 (Revoked by	
Pub. L. 96-487).....	19860
5702 (Revoked by	
Pub. L. 96-487).....	19860
5703 (Revoked by	
Pub. L. 96-487).....	19860
5704 (Revoked by	
Pub. L. 96-487).....	19860
5705 (Revoked by	
Pub. L. 96-487).....	19860
5706 (Revoked by	
Pub. L. 96-487).....	19860
5707 (Revoked by	
Pub. L. 96-487).....	19860
5708 (Revoked by	
Pub. L. 96-487).....	19860
5709 (Revoked by	
Pub. L. 96-487).....	19860
5710 (Revoked by	
Pub. L. 96-487).....	19860
5711 (Revoked by	
Pub. L. 96-487).....	19860

44 CFR

64.....	20174, 20999, 21773,
	22376, 22378, 22586, 23743
65.....	20176, 21775
67.....	20177-20193, 20999-
	21011, 21605, 21779
70.....	20194-20197, 22379,
	22380, 23420-23427

Proposed Rules:

Ch. I.....	23271
67.....	20236-20237, 21028-
	21041, 22618, 22623, 23773

45 CFR

Ch. X.....	23491
1396.....	21992
1611.....	19936

Proposed Rules:

Subtitle A.....	24424
Ch. II.....	24424
Ch. III.....	24424
Ch. VI.....	24216
Ch. XII.....	23087
Ch. XIII.....	24424
95.....	23273

46 CFR

Ch. I.....	20036
Ch. III.....	20036
160.....	23428
401.....	20556
521.....	20198
530.....	19821
540.....	20673

549.....	20199
Proposed Rules:	
Ch. I.....	21184
Ch. II.....	24096
Ch. III.....	21184
56.....	22210
58.....	22210
536.....	22214
538.....	22214

47 CFR

0.....	22553, 23745
1.....	22592
2.....	20199, 21012, 22899,
	23240, 23428, 23746
15.....	21780, 23240
21.....	23428
22.....	22586, 22757
73.....	19937-19942, 20200,
	20674, 20677, 22188-22190,
	22194, 22761, 23454, 23455,
	23747, 23749, 23928
83.....	22589
87.....	23428, 23456
90.....	20199, 22590, 23428
95.....	21169, 22592
97.....	21169, 22899

Proposed Rules:

Ch. I.....	21042, 23956
22.....	21042, 22214, 22909
25.....	19947
63.....	20707
68.....	22215
73.....	20708-20711, 21042,
	21633, 21791, 21792, 22006-
	22011, 22400, 22769, 22770,
	22910, 22911, 23087, 23496-
	23498, 23774
83.....	21043
90.....	21397, 22624, 22626,
	23275

48 CFR**Proposed Rules:**

46.....	22243
---------	-------

49 CFR

1.....	22593, 23057
23.....	23457
171.....	22194, 23462, 24183
172.....	24184
173.....	22194, 24183
174.....	24183, 24185
175.....	24184
176.....	24183
177.....	22194
178.....	22194, 23462, 24183
195.....	20556
512.....	21617
525.....	21617
537.....	21617
555.....	21617
571.....	21172, 21180
1033.....	19822, 19940, 20201,
	22000
1034.....	21781
1056.....	22594
1064.....	22899
1080.....	22380
1100.....	20204
1102.....	22594
1109.....	20678
1139.....	21180
1201.....	20209
1206.....	21618

Proposed Rules:

Subtitle A.....	21184
-----------------	-------

Ch. I.....	20036, 21184
Ch. II.....	20036, 21184
Ch. III.....	20036, 21184
Ch. IV.....	20036, 21184
Ch. V.....	21184
Ch. VI.....	21184
Ch. X.....	24217
71.....	23500
172.....	21202
175.....	21202
395.....	21620
396.....	21620
531.....	22243
533.....	22243
571.....	20575, 21203, 21205,
	21634, 22626
575.....	21203
583.....	19947
660.....	23501
1043.....	19948, 23275
1056.....	21634
1063.....	22911
1064.....	22911
1084.....	19948, 23275

50 CFR

17.....	21208, 21209, 23929,
	24186

215.....	20557
651.....	21365
671.....	23462-23466
Proposed Rules:	
Ch. I.....	24458
Ch. II.....	24096
III.....	24096
IV.....	24096, 24458
VI.....	24096
13.....	22243
14.....	22243
15.....	22243
16.....	22243
17.....	22243
18.....	22243
19.....	22243
20.....	22243
21.....	22243
22.....	22243
23.....	20713, 22243
410.....	22913
611.....	20237, 21399, 21793,
	23957
651.....	22011
652.....	23958
653.....	23501
657.....	23957
675.....	21399

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 17, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981